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REGULATIONS

ORDINANCE

ADOPTION OF CHEROKEE COUNTY  
ZONING CLASSIFICATIONS

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**DIVISION 100**

**TITLE, APPLICABILITY AND PURPOSE**

**100.0 Title**

The title is the **2001 Zoning Ordinance of the City of Ball Ground.**

**100.1 Applicability**

These regulations shall apply to all present and future land development located within the incorporated area of Ball Ground, Georgia. The requirements contained herein are declared to be minimum requirements necessary to carry out the purpose of this article. This article shall regulate the height, number of stories, and the size of buildings and other structures; the percentage of lot that may be occupied; the size of yards and other open spaces; the density and distribution of population; the location and use of buildings and other structures; and the use, condition of use or occupancy of land and trade, industry, housing, recreation, transportation, agriculture or for any other purpose; creating districts for said purposes and establishing the boundaries thereof; defining certain terms used herein; providing for the method of administration, enforcement and amendment; creating a Board of Zoning Appeals and defining the powers and duties thereof; providing penalties and resolutions and for other purposes.

**100.2 Purpose**

The purpose shall be to protect the aesthetic values of land and property, public health and the following purposes listed below:

- A. To protect existing development in the city of Ball Ground.
- B. To prevent flooding of improved property.
- C. To prevent overcrowding of schools and other public facilities.
- D. To achieve such timing, density, and distribution of land development and use as will prevent overloading public infrastructure systems for providing water supply, sewage disposal, drainage, sanitation, police and fire protection, and other public services.
- E. To achieve such density, distribution and design of land development and use as will protect the traffic movement capabilities of streets within the city and prevent traffic hazards.
- F. To encourage such distribution of population, land development and use as will facilitate the efficient and adequate provision of public services and facilities.
- G. To achieve such density, design, and distribution of housing as will protect and enhance residential property values and facilitate the provision of adequate housing for every citizen.
- H. To secure such accessibility, design and density of land development and use as will reduce fire hazards and fire losses.
- I. To promote the continued and safe operation of general purpose airports within the general vicinity of Ball Ground.
- J. To promote the health, safety, morals, convenience, order, prosperity, and welfare of the present and future inhabitants of the City of Ball Ground.
- K. To encourage greater efficiency and economy of land development through natural resource conservation.
- L. To preserve the City's natural beauty and encourage architecturally pleasing development.

- M. To improve the quality of life through protection of the City's total environment including the prevention of air, visual, water and noise pollution.

**100.3 Severability**

It is hereby declared to be the intention of the Mayor and Council that the sections, paragraphs, sentences, clauses, and phrases of this article are severable, and if any phrase, clause, sentence, paragraph, or section of this article be declared unconstitutional or invalid, it shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this article.

**100.4 Effective date**

This article shall be effective immediately upon its adoption by the Mayor and Council.

**100.5 Repeal of conflicting ordinances and validity of prior approvals and actions**

- A. This is the Zoning Ordinance of the City of Ball Ground, and all other conflicting ordinances or resolutions are hereby repealed; provided, that nothing herein shall be construed as repealing or modifying the conditions of operation or conditions of site development accompanying those zoning approvals or use permits issued under previous zoning ordinances or resolutions; however, modification or repeal of these past conditions of approval may be accomplished as provided by this ordinance.
- B. All variances and exceptions heretofore granted by the Board of Zoning Appeals shall remain in full force and effect and all terms, conditions and obligations imposed by the Board of Zoning Appeals shall remain in full force and effect and be binding. Prior ordinances shall remain in effect insofar as required for the initiation of any proceedings against violations thereof and for the prosecution of any violations heretofore commenced.
- C. Notwithstanding anything contained herein and notwithstanding any zoning classification change, all previous special stipulations, conditions, restrictions, agreements and terms contained in prior zoning ordinances shall remain in full force and effect and shall not be amended by this document and shall carry forward to any new zoning classification and shall be binding upon said property. Prior ordinances shall remain in effect and shall remain as such special stipulations, conditions, restrictions, agreements and terms, even though the zoning category itself may be changed hereunder.

**100.6 Development projects under construction**

Nothing in this article shall require any change in the development or proposed use of properties which are legally under construction or for which a development plan or preliminary plat has been approved within 5 years of the effective date of this article and the development of which shall be commenced within one year after the effective date of this article. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

**DIVISION 101 ESTABLISHMENT OF DISTRICTS**

**101.1 Official Zoning Map**

- A. The City is hereby divided into zones, or districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and incorporated

herein as though fully set forth herein. A copy of the Official Zoning Map shall be maintained on file with the City Clerk for inspection and review by the public.

- B. The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bearing the seal of the city together with the date of the adoption of this article.
- C. If, in accordance with the provisions of this article and state law, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council, with an entry on the Official Zoning Map signed by the Mayor and attested by the City Clerk.
- D. No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this article. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this article and punishable as provided under this article.
- E. Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the City Clerk shall be the final authority.

#### **101.2 Replacement of Official Zoning Map**

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the City Council may by resolution adopt a new Official Zoning Map which shall supersede all previous such maps. The new Official Zoning Map may correct drafting or other errors of omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

**101.3 District Designations**

For the purpose of this ordinance, City of Ball Ground is hereby divided into zoning districts as shown in Table A.

**TABLE 101.1 - CITY OF BALL GROUND ZONING DISTRICTS**

	<b>RESIDENTIAL</b>
<b>RE</b>	Detached single family residential
<b>R-15</b>	Detached single family residential
<b>R-20</b>	Detached single family residential
<b>R-40</b>	Detached single family residential
<b>RM-4</b>	Attached single family residential, multiple family residential
	<b>COMMERCIAL</b>
<b>NC</b>	Neighborhood Commercial District
<b>CBD</b>	Central Business District
<b>LRO</b>	Low Rise Office District
<b>OIT</b>	Office Institutional Transitional District
	<b>MIXED USE</b>
<b>CBD</b>	Central Business District
<b>TND</b>	Traditional Neighborhood Development District
	<b>INDUSTRIAL</b>
<b>LI</b>	Industrial District
	<b>OVERLAY DISTRICT</b>
<b>HO</b>	Ball Ground Highway Overlay
<b>TND</b>	TND (Traditional Neighborhood Development)

**Zoning Equivalent to 1969 Ordinance Provisions**

<u>2000 Resolution</u>	<u>1969 Ordinance as amended</u>
RE	AG & RE
R-40	R-1A & R-1 (one acre)
R-20	R-1 (one-half-, one-and five-acre)
R-15	R-1 with sewer
RM-4	R-2
OIT	None
LRO	None
NC	CN
LI	M-1
CBD	GC, CN
TND	NONE
HO	NONE

**DIVISION 102            APPLICATION OF DISTRICT REGULATIONS**

**102.1 Rules governing interpretation**

Where uncertainty exists as to boundaries of any district shown on said map, the following rules shall apply:

- A. Where boundaries are indicated as approximately following the center line right-of-way of streets and alleys, land lot lines, militia district lines or lot lines, such lines shall be construed to be such boundaries.
- B. Where a district boundary divides a lot, the location of such boundaries, unless same are indicated by dimensions, shall be determined by use of the scale appearing on such maps. Split zoned properties shall no longer be permitted, however, those existing on the date of adoption of this article shall be allowed to continue as a nonconforming use. Property owners may request the City rezone the entire property to one of the existing zonings or subdivide the property along the district boundary provided all lot standards are achieved for each newly created lot.
- C. Where a district boundary line divides a lot which was in single ownership at the time of passage of this article, the Board of Zoning Appeals may permit the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.

**102.2 Uniformity and compliance**

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

**102.3 Compliance with district regulations**

No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

**102.4 Lots reduced below requirements**

No lot existing at the time of passage of this article shall be reduced in dimension or area below the minimum requirements set forth herein. Lots created after the effective date of this article shall meet at least the minimum requirements established by this article.

**102.5 Annexed territory**

All territory which may hereafter be annexed into the City shall be classified as per the procedures outlined in Division 110 (Amendments).

**102.6 Special land use permit necessary**

Any person requesting a special exception from those permitted uses listed under any zoning district must comply with those regulations set forth in Division 109 (Board of Zoning Appeals).

**DIVISION 103            NONCONFORMING USES**



**103.1 Intent**

Within the districts established by this article or amendments that may later be adopted there may exist; lots, structures, uses of land and structures, and characteristics of use which were lawful before this article was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this article or such amendment. It is the intent of this article to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this article that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

**103.2 Continuance of nonconforming use**

The lawful use of any building or structure or land existing at the time of enactment of this ordinance or amendment thereto may be continued, even though such use does not conform with the provisions of this article, except that the nonconforming use shall not be:

- A. Changed to another nonconforming use;
- B. Reestablished after discontinuance for a continuous period of 3 months (except when government action impedes access to the premises);
- C. Expanded, extended or enlarged in any manner which increase its non-conformity, but such structure may be altered to decrease its non-conformity.

**103.3 Continuance of building occupied by nonconforming use**

A building occupied by a nonconforming use at the time of enactment of this ordinance or amendment thereto may be retained, except that it shall not be:

- A. Expanded, extended or enlarged in any manner which increase its non-conformity.
- B. Rebuilt, altered or repaired if such construction costs would exceed 50% of its replacement cost.

**103.4 Exceptions**

- A. Nothing in this article shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, provided such construction costs do not exceed 50% of its replacement cost.
- B. In any district in which single family dwellings are permitted, a single family dwelling and customary accessory buildings may be erected on any single lot of record existing prior to the adoption of this Ordinance, notwithstanding limitations imposed by other provisions of this article, only so long as it is used for a single family residence. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than these applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Zoning Appeals.

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this article, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purpose of this article, and no portion of said

parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this article, nor shall any division of any parcel be made which creates a lot with width or area below the requirements stated in this article.

**DIVISION 104            DISTRICT STANDARDS AND PERMITTED USES**

**104.1 RE, RESIDENTIAL ESTATE**

A. Purpose

The purpose of this district is to permit residential development in those areas that are expected to become more nearly urban in character. The areas involved are generally in transition from agricultural areas to residential development and are considered appropriate for low density residential development .

B. Permitted Uses

The following uses are permitted in the RE district as provided and subject to other applicable requirements of these regulations:

- 1) Single Family Dwellings.
- 2) Manufactured Dwellings.
- 3) Modular Dwellings.
- 4) Local, State, or Federal government building.
- 5) Garden, crop growing.
- 6) Publicly owned and operated park or recreation area.
- 7) Kennel provided:
  - a) No animal quarters are located closer than 200 feet to any property line.
- 8) Utility substation provided:
  - a) Structures must be placed at least 30 feet from all property lines.
  - b) Structures must be enclosed by a woven wire fence at least 8 feet high with the bottom of fence either flush with the ground or with a masonry footing.
  - c) No vehicles or equipment may be stored on the lot.
  - d) A natural or planted vegetation buffer providing a minimum of 90% opacity to a minimum height of 8 feet along the side and rear property lines.
- 9) Greenhouses.

C. Temporary / Conditional Uses Allowed by the Administrator

- 1) Church, Synagogue, Chapel, or other place of religious worship provided:
  - a) It must be located on an arterial or collector road.
  - b) The lot must have a minimum road frontage of 200 feet.
  - c) All buildings must be located at least 50 feet from any property line.
  - d) A natural or planted vegetation buffer providing a minimum of 90% visual opacity to a minimum height of 8 feet along all side and rear property lines.
- 2) Nursery school or Kindergarten provided:
  - a) At least 200 square feet of outdoor play area must be provided.
  - b) At least 35 square feet on indoor space per child must be provided.
  - c) Outdoor play areas must be enclosed by a fence at least 4 feet high.
- 3) Home Occupations (see standards set forth in Section 106.3)
- 4) Group homes and Halfway houses limited to one (1) bed per 250 gross square feet of heated building space. Operator must obtain all necessary state certifications.
- 5) School – elementary, middle, high – public or private.
- 6) Library.
- 7) Ambulance or Emergency Service.
- 8) Golf Course – public or private provided:
  - a) It must be for daytime use only.
  - b) All buildings, greens and fairways must be set back at least 100 feet from any property line.
- 9) Hospital provided:
  - a) It is located on an arterial or collector road.
  - b) The lot must have a minimum road frontage of 200 feet.
  - c) All buildings must be located at least 50 feet from all property lines.
- 10) Cemetery provided:

- a) It is located on an arterial or collector road.
- b) The lot must have a minimum road frontage of 200 feet.
- c) A natural or planted vegetation buffer providing a minimum of 90% visual opacity to a minimum height of 8 feet all side and rear property lines.

D. Accessory Structures and Uses.

- 1) Private garage or carport not to exceed the storage capacity of 3 automobiles or light duty trucks per dwelling unit.
- 2) Structure for the storage of equipment and supplies used in maintaining the principal building and its grounds.
- 3) Structure for a children's playhouse and the storage of children's play equipment.
- 4) Structure for the storage of equipment and supplies used for agricultural purposes.
- 5) Private swimming pool provided:
  - a) All such swimming pools must be completely enclosed by a fence that is at least 5 feet high with lock-type security latches.
- 6) Private tennis court provided:
  - a) The court must be surrounded by a fence with a minimum height of 10 feet.
  - b) If lighted, lights must be designed so that no light shall be cast upon adjacent property.
- 7) The parking of one (1) unoccupied travel trailer, motor coach or pleasure boat provided:
  - a) It must be parked behind the line projected from the front façade of the primary residence across the property to the side property lines.
- 8) Guest Quarters provided:
  - a) No more than one (1) is permitted on a lot with another dwelling.
  - b) It is permitted only within a rear yard.
  - c) Such a use **shall not** be used as a rental property.

E. Use Limitations.

- 1) All outside storage must be stored in a side or rear yard and screened from all streets and adjacent properties by a non-opaque fence or wall at least 6 feet high. The Administrator may approve the substitution of vegetative plantings for the required fence or wall.
- 2) A satellite dish with a diameter of 24 inches and under may be attached to the side or rear of the principal structure and encroach 3 feet into the required setback. Larger satellite dishes shall be considered accessory structures.

F. Area, Yard and Height Regulations.

Minimum Lot Size:	2.0 acres
Minimum Lot Width:	150 feet
Maximum Building Height:	35 feet
Maximum Impervious Surface:	30%
Front Setback (Arterial):	40 feet
Front Setback (Other):	40 feet
Side Setback:	40 feet
Rear Setback:	40 feet
Accessory Structure Setback	
Side Setback:	20 feet
Rear Setback:	20 feet

**104.2 R-15, Single Family Residential**

A. Purpose

The purpose of this district is to enable residential development of low density single family detached housing and residentially compatible uses requiring large amounts of open space.

B. Permitted Uses

The following uses are permitted in the R-15 district as provided and subject to other applicable requirements of these regulations:

- 1) Single family detached dwellings
- 2) Religious institutions
- 3) Schools, colleges and universities, public and private. Minimum 3 acre lot size.
- 4) Bed and Breakfast Inns, provided:
  - a) The facility is operated by the resident-owner.
  - b) The building and lot meet all applicable city and state code regulations, including minimum lot standards.
  - c) A minimum of one parking space per rental room is provided in addition to those required for the resident.
- 5) Private, noncommercial neighborhood recreation facilities and/or swimming pools providing pools are enclosed by a fence of not less than six feet in height.
- 6) Other uses which are substantially similar in character and impact to those uses enumerated above. Such uses must clearly meet the purpose and intent of this zoning district.

C. Temporary/Conditional Uses Allowed by the Administrator and/or his/her designee.

- 1) Home occupations (see standards set forth in Section 106.3).
- 2) Group homes and halfway houses, limited to one bed per 250 gross square feet of heated building space. Operator must obtain all necessary state certifications.

D. Accessory Structures

- 1) All such structures shall be located upon the same lot and to the side or rear of the principal use at least 5 feet from side or rear lot lines. In cases of corner lots, the accessory structure may not be closer to any right-of-way than the principal building.
- 2) When an accessory building is attached to the principal building in any manner, it shall be deemed part of the principal structure and subject to all bulk and area requirements of same.
- 3) No accessory building shall be constructed upon a lot before the principal building.
- 4) No accessory structure may exceed the mean height of the principal building.
- 5) The area of the accessory building's footprint may not exceed 50% that of the principal structure.
- 6) Swimming pools must be enclosed by a fence not less than 5 feet in height with a self-closing, self-latching gate and must comply with all applicable safety and health ordinances.
- 7) Heating and air conditioning units may encroach 5 feet into the required rear or side setback.

E. Use Limitations

- 1) All outside storage must be stored in a side or rear yard and screened from all streets and adjacent properties by a non-opaque fence or wall at least 6 feet in height. The Mayor and/or his/her designee may approve the substitution of plantings for the required fence. Unenclosed carports and front porches may not be used for storing any materials other than firewood or recyclable materials within a city approved container.
- 2) A satellite dish with a diameter of 24 inches and under may be attached to the side or rear of the principal structure and encroach 3 feet into the required setback. Larger satellite dishes shall be considered accessory structures (and therefore subject to the standards for same) that must be screened by fencing or vegetation in such a manner that they may not be seen from the public right-of-way.
- 3) All front, side and rear yards must be sodded.
- 4) All garages (attached or detached) must be of sufficient size to incorporate the minimum 8'x20' parking stall(s) exclusive of any storage or utility provisions.
- 5) No off-street parking space shall be utilized to park buses, tractor-trailers (attached or otherwise) or semi-trailer.

F. Area, Yard and Height Regulations

Minimum Lot Size:	15,000 sq. ft.
Minimum Lot Width:	75 ft.
Maximum Building Height:	35 ft.
Maximum Impervious Surface:	30%
Front Setback (Arterial):	30 ft.
Front Setback (Other):	15 ft.
Side Setback:	10 ft.
Rear Setback:	25 ft.

**104.3 R-20, Single Family Residential**

A. Purpose

The purpose of this district is to enable residential development of low density single family detached housing and residentially compatible uses requiring large amounts of open space.

B. Permitted Uses

The following uses are permitted in the R-20 district as provided and subject to other applicable requirements of these regulations:

- 1) Single family detached dwellings
- 2) Religious institutions

- 3) Electric transformer station, gas regulator stations, and telephone exchange when necessary to provide service to the district.
- 4) Schools, colleges and universities, public and private. Minimum 3 acre lot size.
- 5) Bed and Breakfast Inns, provided:
  - a) The facility is operated by the resident-owner.
  - b) The building and lot meet all applicable city and state code regulations, including minimum lot standards.
  - c) A minimum of one parking space per rental room is provided in addition to those required for the resident.
- 6) Private, noncommercial neighborhood recreation facilities and/or swimming pools providing pools are enclosed by a fence of not less than six feet in height.
- 7) Other uses which are substantially similar in character and impact to those uses enumerated above. Such uses must clearly meet the purpose and intent of this zoning district.

C. Temporary/Conditional Uses Allowed by the Administrator and/or his/her designee:

- 1) Home occupations (see standards set forth in Section 106.3).
- 2) Group homes and halfway houses, limited to one bed per 250 gross square feet of heated building space. Operator must obtain all necessary state certifications.

D. Accessory Structures

- 1) All such structures shall be located upon the same lot and to the side or rear of the principal use at least 5 feet from side or rear lot lines. In cases of corner lots, the accessory structure may not be closer to any right-of-way than the principal building.
- 2) When an accessory building is attached to the principal building in any manner, it shall be deemed part of the principal structure and subject to all bulk and area requirements of same.
- 3) No accessory building shall be constructed upon a lot before the principal building.
- 4) No accessory structure may exceed the mean height of the principal building.
- 5) The area of the accessory building's footprint may not exceed 50% that of the principal structure.
- 6) Swimming pools must be enclosed by a fence not less than 5 feet in height with a self-closing, self-latching gate and must comply with all applicable safety and health ordinances.
- 7) Heating and air conditioning units may encroach 5 feet into the required rear or side setback.

E. Use Limitations

- 1) All outside storage must be stored in a side or rear yard and screened from all streets and adjacent properties by a non-opaque fence or wall at least 6 feet in height. The Mayor and/or his/her designee may approve the substitution of plantings for the required fence. Unenclosed carports and front porches may not be used for storing any materials other than firewood or recyclable materials within a city approved container.
- 2) A satellite dish with a diameter of 24 inches and under may be attached to the side or rear of the principal structure and encroach 3 feet into the required setback. Larger satellite dishes shall be considered accessory structures (and therefore subject to the standards for same) that must be screened by fencing or vegetation in such a manner that they may not be seen from the public right-of-way.
- 3) All front, side and rear yards must be sodded.
- 4) All garages (attached or detached) must be of sufficient size to incorporate the minimum 8'x20' parking stall(s) exclusive of any storage or utility provisions.
- 5) No off-street parking space shall be utilized to park buses, tractor-trailers (attached or otherwise) or semi-trailer.



F. Area, Yard and Height Regulations

Minimum Lot Size:	20,000 sq. ft.
Minimum Lot Width:	80 ft.
Maximum Building Height:	35 ft.
Maximum Impervious Surface:	30%
Front Setback (Arterial):	30 ft.
Front Setback (Other):	15 ft.
Side Setback:	10 ft.
Rear Setback:	25 ft.

**104.3.1 R-30, Single Family Residential**

**A. Purpose**

The purpose of this district is to enable residential development of low density single family detached housing and residentially compatible uses requiring large amounts of open space.

**B. Permitted Uses**

The following uses are permitted in the R-30 district as provided and subject to other applicable requirements of these regulations:

- 1) Single family detached dwellings
- 2) Religious institutions

- 3) Electric transformer station, gas regulator stations, and telephone exchange when necessary to provide service to the district.
- 4) Schools, colleges and universities, public and private. Minimum 3 acre lot size.
- 5) Bed and Breakfast Inns, provided:
  - a) The facility is operated by the resident-owner
  - b) The building and lot meet all applicable city and state code regulations, including minimum lot standards.
  - c) A minimum of one parking space per rental room is provided in addition to those required for the resident.
- 6) Private, noncommercial neighborhood recreation facilities and/or swimming pools providing pools are enclosed by a fence of not less than six feet in height.
- 7) Other uses which are substantially similar in character and impact to those uses enumerated above. Such uses must clearly meet the purpose and intent of this zoning district.

C. Temporary/Conditional Uses Allowed by the Administrator and/or his/her designee:

- 1) Home occupations (see standards set forth in Section 106.3)
- 2) Group homes and halfway houses, limited to one bed per 250 gross square feet of heated building space. Operator must obtain all necessary state certifications.

D. Accessory Structures:

- 1) All such structures shall be located upon the same lot and to the side or rear of the principal use at least 5 feet from side or rear lot lines. In cases of corner lots, the accessory structure may not be closer to any right of way than the principal building.
- 2) When an accessory building is attached to the principal building in any manner, it shall be deemed part of the principal structure and subject to all bulk and area requirements of same.
- 3) No accessory building shall be constructed upon a lot before the principal building.
- 4) No accessory structure may exceed the mean height of the principal building.
- 5) The area of the accessory building's footprint may not exceed 50% that of the principal structure.
- 6) Swimming pools must be enclosed by a fence not less than 5 feet in height with a self closing self-latching gate and must comply with all applicable safety and health ordinances.
- 7) Heating and air conditioning units may encroach 5 feet into the required rear or side setback.

**E. Use Limitations**

- 1) All outside storage must be stored in a side or rear yard and screened from all streets and adjacent properties by a non-opaque fence or wall at least 6 feet in height. The Mayor and/or his/her designee may approve the substitution of plantings for the required fence. Unenclosed carports and front porches may not be used for storing any materials other than firewood or recyclable materials within a city approved container.
- 2) A satellite dish with a diameter of 24 inches and under may be attached to the side or rear of the principal structure and encroach 3 feet into the required setback. Larger satellite dishes shall be considered accessory structures (and therefore subject to the standards for same) that must be screened by fencing or vegetation in such a manner that they may not be seen from the public right-of-way.
- 3) All front, side and rear yards must be sodded.
- 4) All garages (attached or detached) must be of sufficient size to incorporate the minimum 8' x 20' parking stall(s) exclusive of any storage or utility provisions.

- 5) No off-street parking space shall be utilized to park buses, tractor-trailers (attached or otherwise) or semi-trailer.

**F. Area, yard and Height Regulations**

Minimum Lot Size:	30,000 sq ft
Minimum Lot Width:	100 ft.
Maximum Building Height:	35 ft
Maximum Impervious Surface:	30%
Front Setback (Arterial):	30 ft
Front Setback (other)	15 ft
Side Setback:	10 ft
Rear Setback:	25 ft

**104.4 R-40, Single Family Residential**

A. Purpose

The purpose of this district is to enable residential development of a low density single family detached housing and residentially compatible uses requiring large amounts of open space.

B. Permitted Uses

The following uses are permitted in the R-40 district as provided and subject to other applicable requirements of these regulations:

- 1) Single family detached dwellings
- 2) Forestry
- 3) Livestock, poultry and non-commercial riding stables, provided:
  - a) No livestock shall be kept on a lot containing less than 3 acres.
  - b) All buildings used for animals shall be set back not less than 75 feet from all property lines.

- c) All animals shall be maintained at least 50 feet from any property line and shall have 5,000 square feet of fenced lot area not covered by the principal structure for each animal.
- 4) Farming on tracts of five acres or more including the production of trees, field crops, fruits, nuts and vegetables; buildings, equipment, and animals incidental thereto; but excluding the raising of livestock or poultry for commercial products or sale.
- 5) Electric transformer station, gas regulator stations, and telephone exchange when necessary to provide service to the district.
- 6) Religious institutions
- 7) Day care centers and nursery schools, provided:
- 8) Such use must obtain certification from the Georgia Department of Human Resources
- 9) Any outdoor play area shall be enclosed by a fence not less than four feet in height and located in the rear yard area of the principal building with a self-closing, self-latching gate.
- 10) Noncommercial and nonfraternal clubs and lodges
- 11) Full size, private golf courses and club houses
- 12) Schools, colleges and universities, public and private. Minimum 3 acre lot size.
- 13) Bed and Breakfast Inns, provided:
  - a) The facility is operated by the resident-owner.
  - b) The building and lot meet all applicable city and state code regulations, including minimum lot standards.
  - c) A minimum of one parking space per rental room is provided in addition to those required for the resident.
- 13) Private, noncommercial neighborhood recreation facilities and/or swimming pools providing pools are enclosed by a fence of not less than six feet in height.
- 14) Other uses which are substantially similar in character and impact to those uses enumerated above. Such uses must clearly meet the purpose and intent of this zoning district.

C. Temporary/Conditional Uses Allowed by the Administrator and/or his/her designee.

- 1) Home occupations (see standards set forth in Section 106.3).
- 2) Group homes and halfway houses, limited to one bed per 250 gross square feet of heated building space. Operator must obtain all necessary state certifications.

D. Accessory Structures

- 1) All such structures shall be located upon the same lot and to the side or rear of the principal use at least 5 feet from side or rear lot lines. In cases of corner lots, the accessory structure may not be closer to any right-of-way than the principal building.
- 2) When an accessory building is attached to the principal building in any manner, it shall be deemed part of the principal structure and subject to all bulk and area requirements of same.
- 3) No accessory building shall be constructed upon a lot before the principal building.
- 4) No accessory structure may exceed the mean height of the principal building.
- 5) The area of the accessory building's footprint may not exceed 50% that of the principal structure.
- 6) Swimming pools must be enclosed by a fence not less than 5 feet in height with a self-closing, self-latching gate and must comply with all applicable safety and health ordinances.
- 7) Heating and air conditioning units may encroach 5 feet into the required rear or side setback.

E. Use Limitations

- 1) All outside storage must be stored in a side or rear yard and screened from all streets and adjacent properties by a non-opaque fence or wall at least 6 feet in height. The Mayor and/or his/her designee may approve the substitution of plantings for the required fence. Unenclosed carports and front porches may not be used for storing any materials other than firewood or recyclable materials within a city approved container.
- 2) A satellite dish with a diameter of 24 inches and under may be attached to the side or rear of the principal structure and encroach 3 feet into the required setback. Larger satellite dishes shall be considered accessory structures (and therefore subject to the standards for same) that must be screened by fencing or vegetation in such a manner that they may not be seen from the public right-of-way.
- 3) All front, side and rear yards must be sodded.
- 4) All garages (attached or detached) must be of sufficient size to incorporate the minimum 8'x20' parking stall(s) exclusive of any storage or utility provisions.
- 5) No off-street parking space shall be utilized to park buses, tractor-trailers (attached or otherwise) or semi-trailer.

F. Area, Yard and Height Regulations

Minimum Lot Size:	40,000 sq. ft.
Minimum Lot Width:	130 ft.
Maximum Building Height:	35 ft.
Maximum Impervious Surface:	30%
Front Setback (Arterial):	30 ft.
Front Setback (Other):	20 ft.
Side Setback:	15 ft.
Rear Setback:	25 ft.

**104.5 RM-4, Single Family Residential - Attached**

A. Purpose and Intent.

The RM-4 district is intended to provide suitable areas for single family attached housing at medium densities. These districts may also serve as transitional zones between light commercial/office uses and districts reserved for lower density single family uses.

B. Permitted Uses.

- 1) Duplexes, triplexes and quadplexes.
- 2) Fee simple townhomes.
- 3) Private parks and playgrounds.
- 4) Public buildings and utilities.
- 5) Neighborhood recreation centers or swimming pools, provided:
  - a) Lighting shall be established in such a way that no direct light shall cast over any property line nor adversely affect neighboring properties.

- b) Any building or structure established in connection with such use must be set back no less than 75 feet from any property line.
- c) All pools must adhere to the standards of the Standard Swimming Pool Code, as amended.
- 6) Accessory uses and structures incidental to any legal permitted use.

C. Temporary/Conditional Uses Allowed by the Administrator and/or his/her designee.

- 1) Home occupations (see standards set forth in Section 106.3).
- 2) Group homes and halfway houses, limited to one bed per 250 gross square feet of heated building space. Operator must obtain all necessary state certifications.

D. Accessory Structures.

- 1) All such structures shall be located upon the same lot and to the side or rear of the principal use at least 5 feet from side or rear lot lines. In cases of corner lots, the accessory structure may not be closer to any right-of-way than the principal building.
- 2) When an accessory building is attached to the principal building in any manner, it shall be deemed part of the principal structure and subject to all bulk and area requirements of same.
- 3) No accessory building shall be constructed upon a lot before the principal building.
- 4) No accessory structure may exceed the more restrictive of either 15 feet or the height of the principal building.
- 5) The area of the accessory building's footprint may not exceed 50% that of the principal structure.
- 6) Swimming pools must be enclosed by a fence not less than 5 feet in height with a self-closing, self-latching gate and must comply with all applicable safety and health ordinances.
- 7) Heating and air conditioning units may encroach 5 feet into the required rear or side setback.

E. Use Limitations.

- 1) All outside storage must be stored in a side or rear yard and screened from all streets and adjacent properties by a non-opaque fence or wall at least 6 feet in height. The Mayor and/or his/her designee may approve the substitution of plantings for the required fence. Unenclosed carports and front porches may not be used for storing any materials other than firewood or recyclable materials within a city approved container.
- 2) A satellite dish with a diameter of 24 inches and under may be attached to the side or rear of the principal structure and encroach 3 feet into the required setback. Larger satellite dishes shall be considered accessory structures (and therefore subject to the standards for same) that must be screened by fencing or vegetation in such a manner that they may not be seen from the public right-of-way. Installation of more than one satellite dish per structure requires prior approval from City.
- 3) Each dwelling unit may contain a maximum of 2 domesticated animals weighing 3 lb. or more. This standard shall not apply to animals less than six months of age. No livestock are permitted.
- 4) Minimum parking provided shall be two spaces per dwelling unit. Such space shall be provided not more than 150 feet from the dwelling unit.
- 5) All front, side and rear yards must be sodded.
- 6) All garages (attached or detached) must be of sufficient size to incorporate the minimum 8'x20' parking stall(s) exclusive of any storage or utility provisions.
- 7) No off-street parking space shall be utilized to park buses, tractor-trailers (attached or otherwise) or semi-trailer.

F. Bulk and Area Regulations.

Minimum Lot Size:	20,000 sq. ft. – duplexes and triplexes 40,000 sq. ft. - quadplex 10,000 sq. ft. - fee simple townhomes
Maximum Density:	4 dwelling units per acre
Minimum Lot Width:	40 ft. - townhomes, 80 ft. – duplex, triplex, quadplex
Maximum Building Height:	35 ft.
Minimum Floor Area/unit:	1,200 sq. ft. - fee simple townhomes 850 sq. ft. – duplexes, triplexes and quadplexes
Maximum Lot Coverage:	35%
Maximum Impervious Surface:	40%
Front Setback (arterial):	40 ft.
Front Setback (other):	15 ft.
Side Setback (major):	20 ft. (not applicable with common walls)
Side Setback (minor):	20 ft. spacing between buildings (0 ft. for attached units)
Rear Setback:	25 ft.

G. Landscape and Buffer Requirements.

When a RM-4 district over two acres in size abuts an “R” district, a 30 foot greenbelt buffer shall be established. Such buffer must include a solid fence or wall no less than six feet in height (finished side to the exterior).

**104.6 NC Neighborhood Commercial District**

A. Purpose and Intent.

The NC district is intended to provide suitable areas for limited retail and personal services serving those neighborhoods in the immediate area. Uses located within this district supply those goods and services which require frequent purchasing with a minimum of customer travel. The scope at which properties are developed within the CN district should reflect their relatively small market areas. This zoning district may serve as a step down from more intense commercial uses to residential uses.

B. Permitted Uses.

- 1) Automobile service stations.
  - a) All gasoline pumps, tanks and other service facilities shall be set back at least 20 feet from all property lines unless otherwise approved by the Fire Marshal.
  - b) Canopies over fuel islands shall not encroach within 15 feet of any property line.
  - c) Minor automobile repair shall be allowed in conjunction with such use provided all such activities shall take place within an enclosed building.
  - d) No outside storage or engine/body dismantling is allowed.
- 2) Banks and financial institutions.

- 3) Barber and beauty shops.
- 4) Billiards, pool halls and video arcades.
- 5) Carwashes.
- 6) Coin operated laundries and dry cleaning pickup establishments.
- 7) Convenience stores. Such uses may include self-service fuel sales, provided:
  - a) All gasoline pumps, tanks and other service facilities shall be set back at least 20 feet from all property lines.
  - b) Canopies over fuel islands shall not encroach within 15 feet of any property line.
  - c) No automotive repair is allowed.
- 8) Copy centers.
- 9) Day care centers and nursery schools, provided:
  - a) Such use must obtain certification from the Georgia Department of Human Resources
  - b) Any outdoor play area shall be enclosed by a fence not less than 4 feet in height and located in the rear yard area of the principal building with a self-closing, self-latching gate.
- 10) Eating and drinking establishments, excluding drive-in fast food restaurants. Outdoor dining facilities may encroach into required setbacks only upon approval from the Fire Department, Public Works Department and Planning and Zoning.
- 11) Grocery stores. Limited to 15,000 square feet of gross floor area.
- 12) Neighborhood retail uses with floor areas under 10,000 square feet. Appropriate uses include:
  - a) book and video stores (non-adult)
  - b) camera shops
  - c) florists
  - d) drug stores
  - e) gift shops
  - f) toy stores
  - g) pet grooming and supply shops
  - h) jewelry stores
  - i) pawn shops
  - j) sporting goods and hobbies
  - k) apparel stores
  - l) beverage shops
  - m) other similar and customary uses
- 13) Parking for vehicles. If such use abuts a single family residential district, a 5 foot wide landscaped buffer with a solid fence or wall no less than six feet in height shall be provided.
- 14) Professional offices with floor areas under 10,000 square feet.
- 15) Religious institutions, provided:
- 16) Shopping Centers, neighborhood markets (up to 30,000 square feet in gross floor area).
  - a) No outparcels allowed.
  - b) All businesses and uses within these centers must be permissible within the district in their own right.
  - c) All loading areas shall be located to the rear.
- 17) Other uses which are substantially similar in character and impact to those uses enumerated above. Such uses must clearly meet the purpose and intent of this zoning district.
- 18) Accessory uses and structures incidental to any legal permitted use.

C. Temporary/Conditional Uses Allowed by the Administrator and/or his/her designee.

Certain temporary uses such as tent or sidewalk sales may be permitted within this district, provided:

- 1) Written permission of the property owner is obtained.
- 2) Such use does not last longer than 45 days.
- 3) These uses are not located within 25 feet of any public right-of-way.



- 4) Adequate parking, ingress and egress are provided on site.
- 5) A temporary use permit is applied for and approved by the Administrator.

D. Special Uses Permitted by Board of Zoning Appeals.

Not applicable in this district.

E. Special Uses Permitted by City Council.

Not applicable in this district.

F. Accessory Structures.

- 1) All such structures shall be located upon the same lot and to the side or rear of the principal use at least 10 feet from side or rear lot lines. In cases of corner lots, the accessory structure may not be closer to any right-of-way than the principal building.
- 2) Any accessory building in excess of 1,000 square feet of gross space must meet the setback standards for a principal use and shall be architecturally compatible with the principal structure.
- 3) When an accessory building is attached to the principal building in any manner, it shall be deemed part of the principal structure and subject to all bulk and area requirements of same.
- 4) No accessory building shall be constructed upon a lot before the principal building, nor shall it contain a greater floor area than the principal structure.
- 5) No accessory structure may exceed the more restrictive of either 15 feet or the height of the principal building.
- 6) Heating and air conditioning units may encroach 5 feet into the required rear or side setback.
- 7) Recycling collection/drop off centers.
  - a) No outside storage allowed.
  - b) Location of container bins must be approved by the Mayor and/or his/her designee.

G. Use Limitations.

All outside storage areas must be located in the rear yard and must be screened by a solid fence or wall no less than six feet in height.

- 1) No manufacturing processes are permitted.
- 2) A maximum of 33% of off-street parking may be in the front yard; remaining parking must be within side and/or rear yards.
- 3) Building design and materials may be of the developer's choosing; however, all facades of the building facing a roadway shall be constructed with brick, stone, rock or wood covering.

H. Bulk and Area Regulations.

Minimum Lot Size:	10,000 sq. ft.
Minimum Lot Width:	75 ft.
Maximum Building Height:	35 ft.
Maximum Impervious Surface:	70 %
Minimum landscaped area:	15%
Front Setback (Arterial):	30 ft.
Front Setback (Other):	15 ft.
Side Setback:	15 ft.
Rear Setback:	30 ft.

I. Landscape and Buffer Requirements.

- 1) When a property in this district directly abuts a residential district, a 30 ft. greenbelt buffer shall be established. Such buffer must include a solid fence or wall no less than six feet in height.

- 2) Landscaped areas must contain appropriate materials such as grass, hedges, trees, natural vegetation and the like. Landscaping along right-of-ways and within parking lots (as required in Section 106.5) may be counted within this figure, however, no more than 33% of the required landscaping provided may be within stormwater retention facilities.
- 3) Stormwater retention facilities are not permitted within required buffers.

J. Architectural Guidelines

- 1) All building facades, including those facing a roadway, shall be of architectural treatments of glass and brick, stone, architectural block, stucco and wood with combining these finishes both allowed and encouraged. Exterior building materials shall not be concrete masonry units, aluminum siding, vinyl siding or corrugated steel (exceptions: mechanical penthouses & roof screens)
- 2) Areas of 150 linear feet or more of uninterrupted single finishes for all walls visible from the roadway or parking areas shall be broken up through the use of trellises, arcades, false windows, archways, landscaping, storefront, or recessed panels reminiscent of window, door or colonnade openings.
- 3) Buildings design shall include a minimum three foot high contrasting base extending along the entire front of the building.
- 4) Building design shall include a minimum one (1) foot deep cornice, extending along the entire front of the building and the sides of the building at least ten (10) feet from the front of the building.
- 5) All ground level windows facing streets shall be clear, unpainted glass to allow view of store interiors and display windows. Mirrored glass with a reflection of greater than twenty percent (20%) and glass curtain walls shall be prohibited.
- 6) Windows shall be raised a minimum of three (3) feet above the floor line. Window design will be in keeping with the architectural design of the building.
- 7) Building entry areas of single business buildings and the principal entry of a multi-business building shall be articulated and express greater architectural detail than other portions of the building.
- 8) To the extent any rear or side of any building is directly visible from any public street or residence, architectural treatment shall continue through the rear or side.

### **104.7 CBD, Central Business District**

#### **A. Purpose**

The purpose of this district is to protect and promote suitable areas for commercial and residential land uses which benefit from proximity to each other, to encourage the eventual elimination of uses inappropriate to a central business area, and to encourage the development of a centralized business center for the City of Ball Ground.

#### **B. Permitted Uses**

Buildings or premises shall be used only for the following purposes:

- 1) Ambulance services.
- 2) Amusement centers and arcades, including billiards and pool halls. All activities must take place wholly within a permanently enclosed building.
- 3) Automobile service stations.
  - a) All gasoline pumps, tanks and other service facilities shall be set back at least 20 feet from all property lines.
  - b) Canopies over fuel islands shall not encroach within 15 feet of any property line.
  - c) Minor automobile repair shall be allowed in conjunction with such use provided all such activities shall take place within an enclosed building.
  - d) No outside storage or engine/body dismantling is allowed.
- 4) Animal hospitals, kennels and veterinary clinics.
  - a) All structures shall be located and activities conducted at least 100 feet from any property zoned for residential purposes.
  - b) All animals shall be located within an enclosed building and adequate sound and odor control shall be maintained.
- 5) Animal grooming shops.

- 6) Athletic and health clubs.
- 7) Automobile sales.
  - a) Minimum 20,000 square foot lot size.
  - b) All vehicles shall be set back at least 10 feet from the street right-of-way line.
  - c) When such use abuts residentially zoned properties, a solid fence or wall no less than six feet in height shall be provided for visual screening.
- 8) Banks and financial institutions.
- 9) Barber and beauty shops.
- 10) Bed and Breakfast Inns, provided:
  - a) The facility is operated by the resident-owner.
  - b) The building and lot meet all applicable city and state code regulations, including minimum lot standards.
  - c) A minimum of one parking space per rental room is provided in addition to those required for the resident.
- 11) Car maintenance facilities such as brake repair, installation of tires, tune-up shops, oil change services, emission stations and the like. All activities shall take place within an enclosed building. No outside storage or engine/body dismantling is allowed.
- 12) Clinics and health centers.
- 13) Clubs and lodges, including assembly halls and conference centers. Such use may include office space where incidental to the principal use.
- 14) Coin operated laundries and dry cleaning pickup establishments.
- 15) Convenience stores. Such uses may include self-service fuel sales, provided:
  - a) All gasoline pumps, tanks and other service facilities shall be set back at least 20 feet from all property lines.
  - b) Canopies over fuel islands shall not encroach within 15 feet of any property line.
  - c) No automotive repair is allowed.
- 16) Copy centers and printing, publishing and engraving services.
- 17) Cultural facilities. Art galleries, museums, legitimate theaters, libraries, and other uses similar in character to those listed.
- 18) Day care centers and nursery schools, provided certification from the Georgia Department of Human Resources is obtained and any outdoor play area shall be enclosed by a fence not less than 4 feet in height and located in the rear yard area of the principal building with a self-closing, self-latching gate.
- 19) Eating and drinking establishments, including drive-in fast food restaurants. Outdoor dining facilities may encroach into required setbacks only upon approval from the appropriate city health and safety departments.
- 20) Exterminating facilities.
- 21) Funeral homes. All structures shall be located and activities conducted at least 100 feet from any property zoned for residential purposes.
- 22) Grocery and food stores.
- 23) Hotels and motels.
- 24) Light assembly. Must be conducted in a wholly enclosed building, involving no outdoor storage of materials, equipment or items which generate noise, odors, or fumes which can be detected beyond the walls of the building in which housed.
- 25) Lumber, hardware, paint, glass and wallpaper stores. All outdoor storage shall be screened by a solid or non-opaque fence or wall no less than six feet in height.
- 26) Medical and dental facilities and laboratories, provided chemicals are not manufactured on site.
- 27) Movie theaters.
- 28) Non-automotive repair service centers. No activity which produces liquid effluent, odor, fumes or dust which can be detected beyond the walls of the building is permitted.

- 29) Parking lots and garages. Up to 75% of the gross floor area of a parking garage's ground floor level may be devoted to commercial use oriented towards pedestrian traffic.
- 30) Pharmacies and drug stores.
- 31) Professional and general business offices. No outside storage is permitted.
- 32) Public buildings and facilities, not to include storage yards.
- 33) Radio, recording and television studios.
- 34) Religious institutions, including accessory schools.
- 35) Sanitariums, rest and retirement homes, nursing homes, assisted living and personal care facilities. Operator must attain all required state certifications.
- 36) Residential use. Maximum density of four dwelling units per acre.
- 37) Retail sales of food drugs, clothing, sporting goods, hardware, appliances, books, flowers, toys and similar items.
- 38) Retail services such as laundry, dry cleaning, shoe repair, tailor, barber shop and similar services.
- 39) Taxi stands and dispatching agencies.

C. Area, Yard and Height Regulations

Minimum Lot Size:	Not applicable in this district.
Minimum Lot Width:	Not applicable in this district.
Minimum Lot Depth:	Not applicable in this district.
Maximum Building Height:	40 ft.
Maximum Impervious Surface:	90%
Minimum landscaped area:	5%
Front Setback:	Not applicable in this district.
Side Setback:	Not applicable in this district.
Rear Setback:	Not applicable in this district.

D. Architectural Guidelines

- 1) All building facades, including those facing a roadway, shall be of architectural treatments of glass and brick, stone, architectural block, stucco and wood with combining these finishes both allowed and encouraged. Exterior building materials shall not be concrete masonry units, aluminum siding, vinyl siding or corrugated steel (exceptions: mechanical penthouses & roof screens)
- 2) Areas of 150 linear feet or more of uninterrupted single finishes for all walls visible from the roadway or parking areas shall be broken up through the use of trellises, arcades, false windows, archways, landscaping, storefront, or recessed panels reminiscent of window, door or colonnade openings.
- 3) Buildings design shall include a minimum three foot high contrasting base extending along the entire front of the building.
- 4) Building design shall include a minimum one (1) foot deep cornice, extending along the entire front of the building and the sides of the building at least ten (10) feet from the front of the building.
- 5) All ground level windows facing streets shall be clear, unpainted glass to allow view of store interiors and display windows. Mirrored glass with a reflection of greater than twenty percent (20%) and glass curtain walls shall be prohibited.
- 6) Windows shall be raised a minimum of three (3) feet above the floor line. Window design will be in keeping with the architectural design of the building.
- 7) Building entry areas of single business buildings and the principal entry of a multi-business building shall be articulated and express greater architectural detail than other portions of the building.

- 8) To the extent any rear or side of any building is directly visible from any public street or residence, architectural treatment shall continue through the rear or side.

#### **104.8 OIT, Office Institution Transitional**

##### **A. Purpose and Intent.**

The OIT district is intended to provide protection to the residents of residential areas experiencing transition to other uses, primarily professional offices, by promoting the continued utilization of existing houses, discouraging demolition and permitting office uses which do not generate large volumes of traffic, noise or other harmful effects. The OIT district is differentiated from other commercial zonings in that it is designed to facilitate the reuse of existing structures previously utilized for residential purposes in contrast to new developments.

##### **B. Permitted Uses.**

- 1) Professional offices. Health practitioners are limited to 1500 gross square feet.
- 2) Private parks and playgrounds.
- 3) Single family detached dwellings, but not including mobile homes. Such use shall adhere to R-15 zoning standards.
- 4) Accessory uses and structures incidental to any permitted use.

##### **A. Special Uses Permitted by Board of Zoning Appeals.**

Other uses which are substantially similar in character and impact to those uses enumerated above. Such uses must clearly meet the purpose and intent of this zoning district.

##### **B. Use Limitations.**

- 1) Residential facade, architecturally similar to adjacent buildings.
- 2) The parking area shall be located in the rear yard or side yard at least 5 feet from the all property lines.
- 3) Limitation on signs:
  - a) No sign structure shall exceed 32 square feet or 6 feet in height.

- b) Copy area of the sign is limited to 20 square feet.
  - c) No animated, roof, internally illuminated or flashing/blinking signs.
  - d) Wall signs shall not be permitted higher than 12 feet and are limited to 12 square feet.
- 4) Bulk and area requirements may be waived by the Administrator when an existing structure is converted to OIT use.
  - 5) Only existing structures previously utilized for residential purposes may be rezoned to OIT. A commercial certificate of occupancy must be obtained prior to any business license being issued.
  - 6) Lighting shall be established so that no direct light shall cast over any property line nor adversely affect neighboring properties.

C. Bulk and Area Regulations.

Minimum Lot Size:	15,000 sq. ft.
Minimum Lot Width:	50 ft.
Maximum Building Height:	35 ft.
Maximum Impervious Surface:	50%
Front Setback (Arterial):	30 ft.
Front Setback (Other):	15 ft.
Side Setback:	15 ft.
Rear Setback:	25 ft.

D. Landscape and Buffer Requirements.

When a property in this district abuts a property zoned for residential purposes a solid fence or wall no less than six feet in height shall be provided and maintained between the use and the residential district. The type of fence must be approved by the Director of Planning and Zoning. Plantings may be approved in lieu of the required fence at the discretion of the Director. In no case shall the screening requirement be waived except when the required screening would be in front of the principal structures upon the subject and adjacent properties.

#### **104.9 LRO, Low Rise Office**

##### **A. Purpose and Intent.**

The LRO district is intended to provide suitable areas for small scale professional offices and other nonretail oriented commercial uses such as offices and day care centers. This district provides a step down from more intense uses and is ideally located between residential zonings and more intense uses.

##### **B. Permitted Uses.**

- 1) Banks and financial institutions, including those with drive-in services and automatic tellers.
- 2) Cultural facilities.
- 3) Day care centers and nursery schools, provided:
  - a) Such use must obtain certification from the Georgia Department of Human Resources
  - b) Any outdoor play area shall be enclosed by a fence not less than 4 feet in height and located in the rear yard area of the principal building with a self-closing, self-latching gate.
- 4) Health service clinics.
- 5) Offices, professional and general office. Maximum gross floor area of 15,000 square feet.
- 6) Personal care facilities, provided:
  - a) Such use must obtain all necessary local and state licenses.
  - b) The maximum number of beds permitted shall not exceed one per 200 gross square feet.
- 7) Other uses which are substantially similar in character and impact to those uses enumerated above. Such uses must clearly meet the purpose and intent of this zoning district.
- 8) Accessory uses and structures incidental to any permitted use.

##### **C. Temporary/Conditional Uses Allowed by the Director.**



Not applicable in this district.

D. Special Uses Permitted by Board of Zoning Appeals.

Group homes (see standards set forth in Section 106.2(B)).

E. Special Uses Permitted by City Council.

Not applicable in this district.

F. Accessory Structures.

- 1) All such structures shall be located upon the same lot and to the side or rear of the principal use at least 10 feet from side or rear lot lines. In cases of corner lots, the accessory structure may not be closer to any right-of-way than the principal building.
- 2) Any accessory building in excess of 1,000 square feet of gross space must meet the setback standards for a principal use and shall be architecturally compatible with the principal structure.
- 3) When an accessory building is attached to the principal building in any manner, it shall be deemed part of the principal structure and subject to all bulk and area requirements of same.
- 4) No accessory building shall be constructed upon a lot before the principal building, nor shall it contain a greater floor area than the principal structure.
- 5) No accessory structure may exceed the more restrictive of either 15 feet or the height of the principal building.
- 6) Swimming pools must be enclosed by a fence not less than 5 feet in height with a self-closing, self-latching gate and must comply with all applicable safety and health ordinances.
- 7) Heating and air conditioning units may encroach 5 feet into the required rear or side setback.

G. Use Limitations.

- 1) No outside storage is permitted.
- 2) Commercial vehicles parked on-site may be no larger than a step van.
- 3) No laboratories or clinics are permitted.
- 4) A maximum of 50% of the off-street parking provided may be within the front yard; remaining parking must be in side and/or rear yards.
- 5) Lighting shall be established so that no direct light shall cast over any property line nor adversely affect neighboring properties.

H. Bulk and Area Regulations.

Minimum Lot Size:	15,000 sq. ft.
Minimum Lot Width:	60 ft.
Maximum Building Height:	35 ft.
Maximum Floor Area Ratio:	0.50
Maximum Impervious Surface:	75%
Minimum landscaped area:	15%
Front Setback (Arterial):	30 ft.
Front Setback (Other):	15 ft.
Side Setback:	15 ft.
Rear Setback:	30 ft.

I. Landscape and Buffer Requirements.

- 1) When a property in this district directly abuts a single family residential district, a 20 ft. greenbelt buffer shall be established. Such buffer must include a solid fence or wall no less than six feet in height.

- 2) Landscaped areas must contain appropriate materials such as grass, hedges, trees, natural vegetation and the like. Landscaping along right-of-ways and within parking lots (as required in Section 106.5) may be counted within this figure, however, no more than 25% of the required landscaping provided may be within stormwater retention facilities.
- 3) Stormwater retention facilities are not permitted within required buffers.

J. Architectural Guidelines

- 1) All building facades, including those facing a roadway, shall be of architectural treatments of glass and brick, stone, architectural block, stucco and wood with combining these finishes both allowed and encouraged. Exterior building materials shall not be concrete masonry units, aluminum siding, vinyl siding or corrugated steel (exceptions: mechanical penthouses & roof screens)
- 2) Areas of 150 linear feet or more of uninterrupted single finishes for all walls visible from the roadway or parking areas shall be broken up through the use of trellises, arcades, false windows, archways, landscaping, storefront, or recessed panels reminiscent of window, door or colonnade openings.
- 3) Buildings design shall include a minimum three foot high contrasting base extending along the entire front of the building.
- 4) Building design shall include a minimum one (1) foot deep cornice, extending along the entire front of the building and the sides of the building at least ten (10) feet from the front of the building.
- 5) All ground level windows facing streets shall be clear, unpainted glass to allow view of store interiors and display windows. Mirrored glass with a reflection of greater than twenty percent (20%) and glass curtain walls shall be prohibited.
- 6) Windows shall be raised a minimum of three (3) feet above the floor line. Window design will be in keeping with the architectural design of the building.
- 7) Building entry areas of single business buildings and the principal entry of a multi-business building shall be articulated and express greater architectural detail than other portions of the building.
- 8) To the extent any rear or side of any building is directly visible from any public street or residence, architectural treatment shall continue through the rear or side.

### **104.10 LI, Light Industrial District**

#### **A. Purpose and Intent:**

The LI district is intended to provide suitable areas for business facilities, certain transportation facilities, and manufacturing/assembly process which do not emit noise, vibration, smoke, gas, fumes, or odors from an enclosed building. These districts should have access to arterial roadways and utilities and discourage uses which are incompatible with light manufacturing. When located on the perimeter of an industrial node, the LI district should provide for uses that are low in intensity, and scale to ensure compatibility with adjacent properties.

#### **B. Permitted Uses:**

- 1) Private parks and playgrounds.
- 2) Community fairs
- 3) Farmers markets.
- 4) Administrative offices including contractors' offices.
- 5) Dry cleaning facilities.
- 6) Commercial greenhouse or plant nursery.
- 7) Health service clinics (including accessory pharmacies).
- 8) Assembly halls including union halls, conference centers, fraternal clubs and uses of a similar nature.
- 9) Office service and supply facilities
- 10) Vocational schools.
- 11) Research laboratories including medical and dental labs.
- 12) Public buildings and utilities
- 13) Ambulance services.
- 14) Pest control facilities.
- 15) Farm and garden supply stores, including nurseries and greenhouses. Outdoor storage shall be at least 25 feet from City right-of-way.
- 16) Light manufacturing establishments. Maximum lot size of 5 acres and no activities that produce liquid effluent, odor, fumes, or dust which can be detected beyond the walls of the building.
- 17) Taxi stands and dispatching agencies.

- 18) Funeral homes. All structures shall be located and activities conducted at least 100 feet from any property zone for residential purposes.
- 19) Newspaper publishing facilities.
- 20) Printing services.
- 21) Radio and television studio facilities.
- 22) Light assembly and fabrication. No activity which produces liquid effluent, odor, fumes or dust that can be detected beyond the walls of the building.
- 23) Parking lots and garages.
- 24) Automobile service stations providing;
  - i. All gasoline pumps, tanks and other service facilities shall be set back at least 20 feet from all property lines.
  - ii. Canopies over fuel islands shall not encroach within 15 feet of any property line.
  - iii. Minor automobile repair shall be allowed in conjunction with such use provided all such activities shall take place within an enclosed building.
  - iv. No outside storage or engine/body dismantling is allowed.
- 25) Trade and distribution facilities, including office showrooms and display areas.
- 26) Cultural facilities. Art galleries, museums, legitimate theaters, libraries, and other uses similar in character to those listed.
- 27) Commercial recreation and entertainment facilities. All activities must take place in a wholly enclosed building.
- 28) Golf courses, club houses and golf/baseball driving ranges.
  - i. The facility shall be enclosed by a wall or fence and buffer area of 10 feet in depth to screen adjacent property.
  - ii. Central loudspeakers are prohibited.
  - iii. Any building or structure established in connection with such use shall be set back not less than 100 feet from rear and side property lines.
- 29) Movie theaters.
- 30) Drive-in movie theater.
  - i. The theater screen and all buildings shall be set back at least 50 feet from any property line.
  - ii. Central loudspeakers are prohibited.
  - iii. The theater screen shall not be visible from an interstate or arterial roadway.
- 31) Animal hospitals, kennels and veterinary clinics.
  - i. All structures shall be located and activities conducted at least 100 feet from any property zoned for residential purposes.
  - ii. All animals shall be located within an enclosed building and adequate sound and odor control shall be maintained.
- 32) Animal grooming shops. All structures shall be located and activities conducted at least 100 feet from any property zoned for residential purposes.
- 33) Carwashes.
- 34) Other uses which are substantially similar in character and impact to those uses enumerated above. Such uses must clearly meet the purpose and intent of this Zoning district.
- 35) Accessory uses and structures incidental to any legal permitted use, provided:
  - i. Retail sales and services must be conducted and accessed wholly within the building(s) housing the use to which the activities are accessory and comprise no more than 10% of the gross floor area.
  - ii. No window or other advertising shall be visible from the exterior of the primary use structure.

C. Temporary/Conditional Uses Allowed by the Administrator:

Not applicable to this district.

D. Special Uses Permitted by Board of Zoning Appeals.

Not applicable to this district.

E. Special Uses Permitted by City Council.

- 1) Telecommunications antennas and towers (see standards set forth in Section 106.4).
- 2) Truck terminals: Minimum 5 acres. All structures shall be located and activities conducted (including parking) at least 300 feet from any property zoned for residential purposes.
- 3) Heavy repair services and trade shops, including sheet metal, upholstery, plumbing, carpentry, sign painting and other similar activities.
- 4) Recycling collection centers (see standards set forth in Section 105.7)
- 5) Warehousing, including commercial mini-warehouses.
- 6) Automotive repair shops (including paint and body).
  - i. Such use shall not be permitted within 50 feet of any property used for a school, park, playground or hospital.
  - ii. All activities shall be carried on entirely within an enclosed building.
  - iii. Such use shall not be established on a lot which is adjacent to or directly across the street from any single family residential district.
  - iv. All outdoor storage must be to the rear of the principal structure and enclosed by an opaque fence no less than eight feet in height.
- 7) Industrial/warehouse parks.
- 8) Automobile, trailer and boat sales/service

F. All design plans shall be submitted to the Administrator for approval. The minimum architectural standards are:

- 1) All building facades, including those facing a roadway, shall be of architectural treatments of glass and brick, stone, architectural block, stucco and wood with combining these finishes both allowed and encouraged. Exterior building materials shall not be concrete masonry units, aluminum siding, vinyl siding or corrugated steel (exceptions: mechanical penthouses & roof screens).
- 2) Areas of 150 linear feet or more of uninterrupted single finishes for all walls visible from the roadway or parking areas shall be broken up through the use of trellises, arcades, false windows, archways, landscaping, storefront, or recessed panels reminiscent of window, door, or colonnade openings.
- 3) Buildings design shall include a minimum three-foot high contrasting base extending along the entire front of buildings.
- 4) Building design shall include minimum one (1) foot deep cornices, extending along the entire front of buildings and the sides of buildings at least ten (10) feet from the front of the building.

- 5) All ground level windows facing streets shall be clear, unpainted glass to allow views of store interiors and display windows. Mirrored glass with a reflection of greater than twenty percent (20%) and glass curtain walls shall be prohibited.
- 6) Windows shall be raised a minimum of three (3) feet above the floor line. Window design will be in keeping with the architectural design of the building.
- 7) Building entry areas of single business buildings and the principal entry of a multi-business building shall be articulated and express greater architectural detail than other portions of the building.
- 8) To the extent any rear or side of any building is directly visible from any public street or residence, architectural treatment shall continue through the rear or side.

## **104.11 Ball Ground Highway Overlay District**

### **A. Purpose**

This overlay district provides development standards for a uniform landscape and urban design theme. The district incorporates a mixture of uses as an option for all properties in the corridor which meet minimum development requirements. The specific urban design, transportation and land use policies set forth are an extension of the orderly growth policies developed in the City's Comprehensive Plan.

The Ball Ground Highway Overlay District calls for a pattern of buildings constructed in 18<sup>th</sup> and 19<sup>th</sup> century architectural styles on a minimum of two acres. The regulations recognize the authentic rural landscape of Ball Ground, the realistic prospects for future development, and the potential for commercial intrusions which may sprawl into established residential areas located near this roadway. The incorporation of extensive buffering techniques seeks to assist in the preservation of such adjoining residential areas by providing a unique transition zone rather than traditional descending density theory.

The District is intended to generate quality new development along the Hwy 5 thoroughfare while promoting economic, cultural, open space and safety features to aid the public's general welfare. This orderly planning system imparts a distinct aspect of the City of Ball Ground, is intended to attract single family development, campus style corporate headquarters, discourage sprawl strip commercial development, and provides for mixed use options to encourage development consistent with the Comprehensive Plan. Basic precepts for the District include:

- Respect, preservation and use of existing land forms, trees and other landscape themes;
- Shielding of parking areas through the dispersion of parking, berms, diffused sight lines and landscaping;
- Building with finished front, side and rear elevations;
- Respect, preservation and use of vernacular architecture and its elements; and
- Creation of a pedestrian environment.

The zoning of the corridor will be in the form of an "overlay" zoning. Those properties located within the corridor will retain all of the rights conferred by their existing zoning classifications. Moreover, new property rights will be conferred on those properties which meet the criteria established herein. Nothing in this section precludes the filing for a map amendment to any zoning classification allowed by the Zoning Ordinance of the City. However, it is the express legislative intent of the Mayor and Council that strip or single lot commercial development will undermine the objective sought through the adoption and implementation of this overlay district.

### **B. Boundaries**

The boundaries of this Overlay Zoning District shall be shown on the Official Zoning Map of the City of Ball Ground.

C. Development Regulations for the Corridor

- 1) Streetscape Theme. A streetscape theme shall be approved and adopted by the Mayor and Council. Front landscaping areas shall be 40 feet in depth along the entire property frontage except where driveways or other openings may be required. Landscaping shall utilize fences, berms, walls, connecting sidewalks, trees and such other methods to comply with the City's adopted streetscape theme.
- 2) Underground Utilities. All on-site utilities shall be located underground.
- 3) Architecture and Building Materials. Buildings shall be designed to the appearance of 18<sup>th</sup> and 19<sup>th</sup> century architectural styles with the exception of single family residential developments. Mirrored glass with a reflection greater than 20 percent is prohibited.
- 4) Signage. All freestanding signs shall be monument style and shall match the parent building. Specific dimensional requirements for signage shall be as specified in Ball Ground Sign Ordinance.
- 5) Traffic Access Requirements. Access to Hwy 5 must comply with the traffic access requirements established by the City and Georgia Department of Transportation. Shared use of curbs and driveways by adjacent properties is strongly encouraged.
- 6) Parking. A minimum of 2.5 (not to exceed 6) spaces per 1000 square feet of gross building area for all uses shall be provided, with the exception of residential developments which shall provide 2 spaces per dwelling unit. Commercial developments must limit parking within front yard to no more than 50% of total provided.
- 7) Any lot record, as of March 1, 2001, which is subsequently subdivided into a parcel having a smaller area or less than 100 feet of road frontage shall not qualify to be developed under section 104.11.

D. Permitted Uses

- 1) Corporate headquarters and corporate campus developments.
- 2) Churches and their customary related uses, including day care.
- 3) Horticulture and agriculture.
- 4) Parks, playgrounds, community centers and schools.
- 5) Public buildings such as libraries, museums, and art galleries.
- 6) Single family residential (see R-15 standards).
- 7) Condominiums and townhomes. Maximum density four (4) dwelling units per acre (see RM-4 standards).
- 8) Banks and other financial institutions.
- 9) Business and professional offices, including but not limited to, medical, dental, legal, financial, architectural, engineering, real estate, insurance and manufacturing representatives.
- 10) Service stations provided that all buildings and appurtenances are located at least 400 feet from any residentially zoned property.
- 11) Retail establishments (south of intersection with SR 372 only).
- 12) Restaurants, grill and similar eating and/or drinking establishments.



- 13) Nursery schools, kindergartens and day care centers provided they shall have at least 100 square feet of outdoor play area and at least 35 square feet of indoor play area provided for each child.

E. Non Single Family – Small Tract Development

A non-single family use on a small tract which is less than two acres in size or has less than 100 feet of road frontage may be developed in accordance to the standards set forth in section 104.11(D) as follows.

- 1) A petition by the owner or developer must be filed with the Administrator and presented to the Mayor and Council for consideration as a small tract use. The petitioner shall present sufficient evidence to the Mayor and Council to verify that the property is configured in such a manner that it is not feasible to combine the small tract of land with abutting property so as to result in a tract of land two acres or more than 100 feet of road frontage. Upon a finding by the Mayor and Council that the tract cannot be feasibly combined with abutting property; the tract shall receive approval to develop in accord with the standards set forth in this section.
- 2) The adaptive reuse of existing structures may be administratively approved by the Administrator provided no change occurs to the front exterior building elevation, the structure is not expanded beyond an additional 50% of floor area, all vehicle parking is confined to the rear yard and one side yard, the project is developed in accordance with this section, the use of the property is limited to 104.11 (D)(1),(2),(3),(4),(5),(6),(7),(8) or (9).
- 3) All small tracts shall provide the required streetscape including landscaping and fencing. Berms shall be given reasonable consideration but shall not be required.
- 4) A minimum 40 foot buffer shall be established adjacent to existing residential uses.
- 5) An area consisting of no less than 15% of the tract size (exclusive of required streetscape area) shall be dedicated to the use of buffers.
- 6) Rear buffers shall be no less than 40 feet.

**SINGLE FAMILY RESIDENTIAL DISTRICT STANDARDS**

	<b>Min Lot Size</b> <b>(sq. ft)</b>	<b>Min Lot Width</b> <b>(feet)</b>	<b>Max Bldg Height</b> <b>(feet)</b>	<b>Min Floor Area</b> <b>(sq ft)</b>	<b>Max Bldg Cover</b> <b>(%)</b>	<b>Max Impervious Surface</b> <b>(%)</b>	<b>Front Setback (Arterial)</b> <b>(ft)</b>	<b>Front Setback (Other)</b> <b>(ft)</b>	<b>Side Setback</b> <b>(ft)</b>	<b>Rear Setback</b> <b>(ft)</b>
<b>Distri ct</b>										
<b>RE</b>	2.0 acres	150	35		30%	30%	40	40	40	40
<b>R-15</b>	15,000	75	35		30%	30%	30	15	10	25
<b>R-20</b>	20,000	80	35		30%	30%	30	15	10	25
<b>R-40</b>	40,000	130	35		25%	30%	30	20	15	25
<b>RM-4</b>	20,000	80	35	850	35%	40%	40	15	25	25
	40,000	80	35	850	35%	40%	40	15	25	25
	10,000	40	35	1,200	35%	40%	40	15	25	25

**COMMERCIAL AND INDUSTRIAL DISTRICT STANDARDS**

	<b>Min Lot Size</b> <b>(sq ft)</b>	<b>Min Lot Width</b> <b>(feet)</b>	<b>Max Bldg. Height</b> <b>(feet)</b>	<b>Max Impervious Surface</b> <b>(%)</b>	<b>Min Landscaped Area</b> <b>(%)</b>	<b>Front Setback (Arterial)</b> <b>(feet)</b>	<b>Front Setback (Other)</b> <b>(feet)</b>	<b>Side Setback</b> <b>(feet)</b>	<b>Rear Setback</b> <b>(feet)</b>
<b>RETAIL</b>									
<b>NC</b>	10,000	75	35	70	15	30	15	15	30
<b>MULTI-USE</b>									
<b>CBD<sup>B</sup></b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>OFFICE</b>									
<b>OIT</b>	15,000	50	35	50	N/A	30	15	15	25
<b>LRO</b>	15,000	60	35	75	15	30	15	15	30

<b>INDUSTRIAL</b>									
<b>LI</b>	20,000	75	50	75	N/A	35	15	25	40

**Notes:**

- a. 20,000 – Duplexes and Triplexes    40,000 – Quadplexes    10,000 – Free simple townhomes
- b. Area standards are not applicable because of the location, age and historical development of the CBD

**CITY of BALL GROUND  
BUFFER REQUIREMENTS**

	<b>RE</b>	<b>R-40</b>	<b>R-20</b>	<b>R-15</b>	<b>RM-4</b>	<b>NC</b>	<b>CBD</b>	<b>LRO</b>	<b>OIT</b>	<b>TND</b>	<b>LI</b>	<b>HO</b>
<b>RE</b>	N/A	10	10	10	20	30	30	30	30	30	50	30
<b>R-40</b>	10	N/A	N/A	N/A	20	30	30	30	30	30	50	30
<b>R-20</b>	10	N/A	N/A	N/A	20	30	30	30	30	30	50	30
<b>R-15</b>	10	N/A	N/A	N/A	20	30	30	30	30	30	50	30
<b>RM-4</b>	20	20	20	20	N/A	30	30	30	30	30	50	30
<b>NC</b>	30	30	30	30	30	N/A	N/A	N/A	30	30	50	30
<b>CBD</b>	30	30	30	30	30	N/A	N/A	N/A	30	30	50	30
<b>LRO</b>	30	30	30	30	30	N/A	N/A	N/A	30	30	50	30
<b>OIT</b>	30	30	30	30	30	30	30	30	N/A	30	50	30
<b>TND</b>	30	30	30	30	30	30	30	30	30	N/A	50	30
<b>LI</b>	50	50	50	50	50	50	50	50	50	50	N/A	50
<b>HO</b>	30	30	30	30	30	30	30	30	30	30	50	N/A

## 104.12 TND Overlay District

### A. Purpose

The purpose of this district is to provide suitable areas for to implement the recommendations of the Comprehensive Plan to use traditional “small-town” or neighborhood-type developments for creating attractive living environments within the City of Ball Ground. Specific goals and objectives of the TND Overlay Zoning are:

- 1) To use traditional neighborhood design characteristics for physically recreating the intimate human scale and setting that made “small-town America” a desirable place to live.
- 2) To create compact, identifiable settlements, with visually discernible boundaries.
- 3) To create neighborhoods that are visually coherent.
- 4) To accommodate, in a manner that encourages community interaction and cohesion, a mix of housing densities and types.
- 5) To discourage off-street parking lots; to accommodate parking in a way that does not detract from the neighborhood’s visual attributes and works to complement a pedestrian-friendly environment.
- 6) To accommodate, in compatible fashion, appropriate mixes of residential, employment, and commercial uses in close proximity.
- 7) To offer planned, strategically located open spaces to encourage social interaction, recreation, and sensitive areas protection.
- 8) To create attractive living areas that will reduce pressure and demand for sprawl development.

### B. Effect and Applicability of Zone

The TND Overlay zoning shall control the form and design of development in lieu of the underlying zoning. The underlying zoning shall control as to general type of land use except those specific land uses prohibited within the TND District as noted within this section.

### C. Permitted Uses

Buildings or premises may be used for the following purposes:

- 1) Single-family detached, single-family attached or multi-family dwellings, subject to the provisions of this section.
- 2) Commercial, to include retail and service, business and professional offices consistent in use and scale with the purpose and goals of the TND zone. No drive-in commercial establishments shall be allowed. Commercial uses are subject to these provisions and may include:
  - a) Animal grooming shops.
  - b) Athletic and health clubs.
  - c) Banks and financial institutions.
  - d) Barber and beauty shops.
  - e) Bed and Breakfast Inns.
  - f) Clinics and health centers.
  - g) Clubs and lodges, including assembly halls and conference centers. Such use may include office space where incidental to the principal use.
  - h) Coin operated laundries and dry cleaning pick-up establishments.
  - i) Convenience stores. No automotive services are allowed.
  - j) Copy centers and printing, publishing and engraving services.
  - k) Cultural facilities. Art galleries, museums, legitimate theaters, libraries, and other uses similar in character to those listed.
  - l) Day care centers and nursery schools, provided certification from the Georgia Department of Human Resources is obtained any outdoor play area shall be enclosed by a fence no less than 4 feet in height and located in the rear yard area of the principal building with a self-closing, self-latching gate.

- m) Eating and drinking establishments, excluding drive-in fast food restaurants. Outdoor dining facilities may encroach into required setbacks only upon approval from the appropriate city health and safety departments.
- n) Grocery and food stores.
- o) Hotels and motels.
- p) Light assembly. Must be conducted in a wholly enclosed building, involving no outdoor storage of materials, equipment or items which generate noise, odors, or fumes which can be detected beyond the walls of the building in which housed.
- q) Lumber, hardware, paint, glass and wallpaper stores. All outdoor storage shall be screened by a solid or non-opaque fence or wall no less than six feet in height.
- r) Medical and dental facilities and laboratories, provided chemicals are not manufactured on site.
- s) Movie theaters.
- t) Automotive repair service centers. No activity which produces liquid effluent, odor, fumes, dust or noise which can be detected beyond the walls of the building is permitted. Outdoor storage and parking plans must be approved by the City of Ball Ground. (Changed October 9<sup>th</sup>, 2014)
- u) Parking lots and garages. At least 75% of the gross floor area of a parking garage's ground floor level may be devoted to commercial use oriented towards pedestrian traffic.
- v) Pharmacies and drug stores.
- w) Professional and general business offices. No outside storage is permitted.
- x) Public buildings and facilities, such as a town hall, public parks and village squares but not to include storage yards.
- y) Radio, recording and television studios.
- z) Religious institutions, including accessory schools.
- aa) Retail sales of food drugs, clothing, sporting goods, hardware, appliances, books, flowers, toys and similar items.

D. Density

- 1) Growth areas recommended in the Plan for "low" or "medium" density residential may develop under the TND Zone at a minimum of four units per acre and up to a maximum density of six units per acre.
- 2) Growth areas recommended in the Plan for "high density residential" may develop under the TND Zone at a minimum of six units per acre and up to a maximum density of ten units per acre.
- 3) Maximum permitted densities and total number of dwelling units shall be established during the site-plan review process.

E. Supplemental Provisions

- 1) Provisions governing residential land use, lots and buildings.
  - a) Different types of residential dwellings may be mixed on the same block or lot. A residential building may be mixed with a nonresidential building on the same block or lot. A residential use may be mixed with nonresidential uses in the same building provided the residential use is not on the ground floor.
  - b) A maximum of 60% of the area to be developed shall be low density residential; a minimum of 20% shall be high density residential. Higher densities shall be located to the neighborhood center.
  - c) Building cover shall not exceed 50% of the lot area.
  - d) Multi-family buildings shall not exceed two stories in height. When fronting a street or square, multi-family buildings shall be no less than two stories in height. Single family buildings shall not exceed three stories in height.

- e) Multi-family buildings shall be set back 5 to 15 feet from the front lot line. All other residential buildings shall be set back 15 to 25 feet from the front lot line.
  - f) Multi-family buildings shall have no required setbacks from side lot lines; other residential buildings shall be set back the aggregate of 20 feet, all of which may be allocated to one side.
  - g) All residential and accessory buildings, except as otherwise provided, shall have a setback of no less than 20 feet from the rear lot line. Garages accessed through a rear-alley shall have a zero foot setback.
  - h) Setbacks for single family detached dwellings will consist of a 10 foot front setback, 20 foot rear setback and a 20 foot side setback all of which may be allocated to one side.
- 2) Provisions governing commercial land use, lots and buildings.
- a) A minimum of 5% and a maximum of 15% of the gross land area, shall be reserved for commercial use.
  - b) At least 25% of the net building area shall be designated for residential use.
  - c) Commercial floor area within a building shall not exceed 7,500 square feet.
  - d) Buildings on commercial lots shall have the facades built within five feet of the frontage line along at least 70% of their length. When such buildings are adjacent to existing development, facades shall be built within a distance of the frontage line that equals the average of five feet and the setback distance of adjacent development.
  - e) Buildings shall not exceed two stories in height. When fronting a street or square, buildings shall be no less than two stories in height.
  - f) Building coverage shall not exceed 70% of the lot area.
  - g) Prohibited uses: Any commercial use which encourages patrons to remain in their automobiles while receiving goods or services, except service stations; chemical manufacturing, storage or distribution as a primary use; enameling, outdoor advertising or billboard as a principal use; moving yards and terminals; prisons; scrap yards; mobile homes; kennels.
  - h) All uses shall be conducted within complete enclosed buildings unless otherwise specified.
  - i) Roof pitches and materials shall be consistent with 1890-1930 architecture and material appearance for the North Georgia Area.
- 3) Provisions governing street and transportation
- a) A comprehensive pedestrian and bicycle circulation system must link all uses, with the intent of minimizing walking distances and reducing dependence on the private automobile for internal travel and external access.
  - b) All streets shall terminate at other streets within the neighborhood proper.
  - c) Streets shall provide access to all tracts and lots.
  - d) The average perimeter of all blocks within the TND zone shall not exceed 1300 feet; no block shall have a length greater than 500 feet.
  - e) Utilities shall run along alleys wherever possible.
  - f) All residential streets shall have a maximum right of way of 50 feet, 5 foot street tree planting strips and 4 foot sidewalks on both sides of the street. Curb radii shall be 10 feet. Street tree plantings shall be selected by The City of Ball Ground. In order to vary the appearance and visual impact of the neighborhood, the developer may choose to divide the lanes of traffic and add a 10 foot planted center island in place of the five foot tree planting strips on each side of the street.
  - g) The long axis of the street shall have appropriate termination with either a public monument, specifically designed building façade, or a gateway to the ensuing space.
  - h) Street lights are required. The type and style of street lights shall be approved by the City of Ball Ground before installation. Lights purchased and installed must be eligible for lifetime maintenance through Georgia Power or Amicalola EMC.

4) Parking Provisions

- a) No less than 75% of commercial parking spaces shall be to the rear of the building and shall be screened from the sidewalk by low walls, fences or hedges. The Planning Commission may reduce or waive on-site parking requirements where suitable and adequate parking will be achieved off-site or on-street.
- b) The developer shall demonstrate the provision of adequate parking and the use of shared parking is strongly encouraged.
- c) Parking lots and parking garages shall not abut street intersections or occupy lots which terminate a vista.
- d) All off-street parking for multi-family buildings shall be to the rear of the buildings.
- e) In the case of low and medium density residential buildings, if off-street parking is provided, it shall be to the rear or side of the buildings.
- f) Garages shall be accessed from the rear of the dwelling using alleys to the greatest extent possible. When rear entry garages are not feasible, detached garages to the rear of the dwelling may be constructed. No more than 20% of the dwelling units may be constructed with an attached, front entry garage. When this option is used the garage or carport must be located a minimum of 15 feet behind the façade. The Zoning Administrator may grant exceptions when it is clearly demonstrated that due to topography or natural boundaries this requirement is not feasible.
- g) Parking along the side of residential buildings must be screened.
- h) There shall be one parking space per 300 square feet of building space for commercial uses, and one room of lodging, and per 2 bedrooms of residential use.
- i) Parking requirements may be suspended for select retail uses of 2,000 square feet or less, that portion of restaurant setting which is outdoors and adjacent to the street, for daycare, or for other uses which require encouragement.

5) Design Provisions

- a) The neighborhood shall have an identifiable edge. Accordingly, each TND development shall be surrounded by a buffer comprising no less than 25% of the parcel's gross land area, excluding alleys, street and other public ways, and no less than 150 feet wide at any point. This requirement shall not apply in those cases where the use of the TND involves the continuation or expansion of an existing traditional design neighborhood or other traditional design pattern of development.
- b) A minimum of 5% of the gross area, or two acres, whichever is greater, shall be permanently allocated to squares or parks.
- c) Each neighborhood shall contain as its central focus, at least one square or park no smaller than 1 acre, and no greater than 3 acres and distributed such that no portion of the TND is further than 1000 feet from a park or square. At least one acre of parks or dedicated green space must be set aside per 40 dwelling units permitted.
- d) A consistently high quality of architecture shall be used throughout the development. The mass and spatial relationships should emulate traditional villages and local character.
- e) New buildings shall be of similar design and materials consistent with that found in North Georgia from 1890 thru the 1930s. They shall be compatible in size, scale, mass and roof pitch, with buildings and architectural styles prevalent in the area. The City may require the applicant to involve the services of a certified architect to verify and insure architectural integrity and materials. All materials are subject to review and approval by the City of Ball Ground.
- f) Building frontages shall face the street whenever possible.

- g) Front porches are encouraged on all single-family detached homes. All porches shall be linear in appearance and extend along at least 75% of the building frontage.
- h) The maximum height of walls or fences shall be eight feet. Barbed wire is prohibited.
- i) Exterior materials shall be natural in appearance, with preference given to wood, wood siding, stone, brick or stucco, or to contemporary materials and details closely replicating such traditional materials.
- j) Similar land use categories shall generally face across the streets, dissimilar categories may abut at rear lot lines.
- k) Shade trees and other plant materials shall be provided along street frontages occupied by homes.
- l) All deciduous trees planted shall not be less than eight feet in height and of three and one-half inch caliper.
- m) A varied size of homes will be intermixed throughout the development rather than to arrange streets according to home size.



**Division 104.13 AG General Agriculture District**

- A. Purpose: The purpose of the district is to maintain the integrity of agricultural activities predominate in the rural areas of Cherokee County contiguous to the City of Ball Ground. The regulations of the district are designed to encourage the maintenance of the general rural characteristics of openness, low density residential use, appropriate agri-business, with some agricultural and livestock production. Such uses shall be maintained until appropriate community services and demand from adjacent built up areas warrant a change compatible with the development plans of the City of Ball Ground.
- B. Permitted Uses: The following uses are permitted in the AG district as provided and subject to other applicable requirements of these regulations:
1. General agriculture including the production of field crops, fruits, nuts, and vegetables; the personal and commercial raising of livestock providing any new structures housing livestock are setback a minimum of 400 feet from any property line and any related activities defined herein under the terms farming, forestry, gardening and horticulture.
  2. Commercial greenhouses and nurseries.
  3. Agricultural oriented businesses such as farm equipment sales, dairies, produce packing, farmers' cooperatives and similar uses.
  4. Churches
  5. Non-commercial clubs and lodges
  6. Non-commercial kennels
  7. Riding stables subject to the setback requirements of livestock structures specified above.
  8. Home occupations subject to the following:
    - a. There shall be no exterior evidence of the home occupation other than a nonilluminated identification sign having an area of not more than two (2) square feet which shall be attached wholly to the dwelling structure within which such activity is conducted.
    - b. Such use shall be conducted entirely within the dwelling unit and only persons living in the dwelling unit shall be employed in such occupation.
    - c. No more than 25% of the dwelling unit may be used for the operation.
    - d. There shall be no group instruction, assembly or activity.
    - e. No commodity shall be stocked or sold on the premises.
    - f. No materials, equipment or business vehicles may be stored or parked on the premises except that one business vehicle (the carrying capacity of which shall not exceed one and a half tons) used exclusively by the resident may be parked in a carport, garage or rear or side yard. The off-site employees of the resident shall not congregate on the premises for any purposes concerning the business or home occupation.

9. Campgrounds
10. Public uses and facilities including buildings, structures, and uses of the land by a unit of government such as public schools, parks, playgrounds, recreation, centers, water, and sewer facilities, administrative buildings, and fire stations, subject to the approval of site plans by the County Board of Commissioners.
11. Conventional single family residences.
12. Poultry farms and facilities are not permitted within AG zoned districts.
13. The number of livestock located in this zone district is limited to a maximum of one animal per acre.

C. Lot Size and Setback Requirements:

1. Minimum lot size: 10 acres.
2. Minimum Lot Width: 250 feet
3. Minimum side setback: 100 feet unless otherwise specified in this division.
4. Maximum stories: 3
5. Maximum height: 45 feet

## A. PURPOSE AND INTENT

The purpose of the Valley Overlay District is to implement the community vision expressed in the Ball Ground Master Plan as adopted by the Ball Ground City Council on December 13, 2007 as prepared by Lew Oliver Inc., Whole Town Solutions dated September 28, 2007 and as subsequently updated or amended. The City envisions the development and redevelopment of this area into a community of choice offering diverse choices and activities for the whole community, with the ultimate goal of creating high quality development that offers a superior quality of life to its residents and business owners.

The Valley Overlay District is intended to:

- (1) Establish and define the physical boundaries of the district;
- (2) Establish a set of design guidelines that provide site planning, design and building regulations for the future physical development of the corridor;
- (3) Establish a regulating plan that serves as a framework for regulatory conditions governing the study area to insure development reflects consistent principles of good community design and create an attractive environment encouraging investment in the area.
- (4) Create a sense of place and a unique identity for the community that reflects the City's desire to be a place of diversity and choice.
- (5) Create a strong urban structure that reflects sound urban design principles of creating the public realm; hierarchy of streets, open spaces, creating vistas and public and civic spaces, pedestrian friendly environment and high quality architecture.
- (6) Improve traffic flow and convenient vehicular circulation throughout the area for local traffic via traditional and green friendly means of transportation.
- (7) Provide transportation alternatives and modes for the residents, good street grids, bike, pedestrian and green street pathways that not only offer alternative ways but encourages walking, biking and electrical cart or vehicle movement.
- (8) Provide safe and convenient environment for pedestrian movement and access.
- (9) Encourage diverse lifestyles by promoting mixed use development that offers live / work / play environments
- (10) Encourage appropriate densities that can support retail, entertainment and commercial activity which creates a successful community.
- (11) Provide flexibility in housing to support various product types; ie condos, live/work units, town homes and a range of single family
- (12) Provide adequate open spaces and civic / public spaces

## B. BOUNDARIES

The Valley District shall apply to all properties within the geographic boundaries as shown in the City of Ball Ground Master Plan. The district is intended to supplement existing zoning regulations. The Valley District plan is shown on page F12 of the City of Ball Ground Master Plan dated September 28, 2007 and is hereby incorporated by reference. The Valley District is further divided into Transect Codes T-3, T-4, T-5 and Civic Functions each with varying permitted uses and standards as further defined in the City of Ball Ground Master Plan. It is intended that each of the aforementioned Transect Codes be considered a zoning classification under the Overlay District.

#### C. INCORPORATION BY REFERENCE

The Valley District incorporates by reference, in its entirety, The City of Ball Ground Master Plan dated September 28, 2007 and adopted by the Ball Ground City Council on December 13, 2007 with the following stipulations and modifications:

- 1) Lot sizes within a district may be mixed as permitted in the district but an overall yield shall not be allowed to exceed 10 units per acre.
- 2) As specified in the plan, each dwelling may be permitted to have an ancillary unit for use as a rental apartment – provided that the primary structure shall be owner occupied and not also rental property. Furthermore, that the ancillary unit shall not be counted against the maximum of 10 dwelling units per acre.
- 3) The requirement as published in the plan for a small playground not more than one eighth of a mile from each residence is increased to one quarter mile.
- 4) Division 104.12 (TND Overlay District) Item C. Permitted Uses, is hereby incorporated by reference.

#### D. DISTRICT CONDITIONS

- 1) The development of property within the Valley Overlay District shall comply with the minimum standards set forth herein.
- 2) Any non-residential structure that is built prior to the adoption of this ordinance will not have to adhere to the design guidelines set for within this document.
- 3) Whenever the requirements of the District impose a more or less restrictive standard than the provisions of any other statute or covenant, the requirements of the District shall govern, unless in the view of the administrator the enforcement of the more restrictive standard of another statute is more compatible with the vision of the plan.
- 4) The design guidelines of this document shall not change any of the existing zoning for the lands that lie within the boundaries of this overlay district.
- 5) At no time shall the District regulations preclude a property owner's ability to seek a change in zoning of their property within the district.

#### E. DEVELOPMENT ALTERNATIVES:

- 1) Property within the district boundaries may be developed per a plan approved by the City of Ball Ground Executive Committee without the need to seek a change in zoning. The plan must comply with all requirements of the City of Ball Ground Comprehensive Development Code and the City of Ball Ground Master Plan.
- 2) Alternatively, if the property owner chooses to develop the property under the existing zoning, only the minimum standards must be adhered to in conjunction with the requirements of the Comprehensive Development Code for the appropriate zoning classification. Compliance shall be demonstrated through an approved development plan.
- 3) A property owner who desires to develop under the terms and conditions of the overlay district, but desires to use his/her property under a different Transect Code that is shown on the master plan may apply for a map amendment. The decision on map amendments will be made by the Ball Ground City Council.

**F. MINIMUM STANDARDS:**

- 1) Permitted and Prohibited Uses. As previously identified and incorporated by reference.
- 2) Street Network: The street network to include green streets as identified in the Master Plan shall be constructed as shown unless a viable alternative in location is presented and approved.
- 3) Architectural Controls. The architectural styles as published in the City of Ball Ground Master Plan dated September 28, 2007 and adopted by the Ball Ground City Council on December 13, 2007 shall be adhered to while using exterior materials that are natural in appearance, with preference given to wood, wood siding, stone, brick or stucco or to contemporary materials and details closely replicating such traditional materials. Variations of the styles of architecture published in the master plan must be approved by the Ball Ground City Council.

**105.1 Erection of more than one principal structure on a lot**

In all districts other than CBD, no more than one structure housing a permitted principal use may be erected on a single lot unless the Administrator has certified that all lot standards of the zoning district are met for each structure as though it were on an individual lot. The following uses are exempted from this requirement:

- A) Institutional buildings
- B) Public buildings
- C) Multiple-family dwellings
- D) Commercial buildings
- E) Homes for the Aged

**105.2 Temporary buildings**

Temporary buildings and trailers shall not be allowed in any district except when utilized for construction site contracting work. Requests to utilize a temporary building pending completion of a permanent building may be granted by the Board of Zoning Appeals for a period not to exceed one year. Utility hookups to temporary buildings must be screened from view through fencing or landscaping subject to the discretion of the Administrator. Temporary structures associated with seasonal sales at an individual lot may be approved by the Administrator once per calendar year for a period no longer than 45 consecutive days, subject to concurrence by the Fire Marshall and Public Works Director.

**105.3 Requirements for moving a building**

No dwelling unit or other permanent structure shall be moved within or into the City unless it is first approved by the Administrator who shall verify that it meets all the zoning standards of the district in which the structure will be located. The Administrator shall represent the City in all manners pertaining to the actual relocation of the structure.

**105.4 Fences and walls**

In all cases the finished side shall be to the exterior.

- A. No fence or free standing wall in a required yard other than a retaining wall shall be more than 8 feet in height, or be constructed within 2 feet of a public right-of-way. Fences located within the established front setback of residential property shall not exceed 4 feet in height. When this article requires a fence to be constructed, such fence shall be completed prior to occupancy of the primary use structure.
- B. A fence equipped with or having barbed wire, spikes, or similar device, or electric charge shall not contain said devices within 6 feet of the ground level.
- C. All swimming pools shall be enclosed by a fence having a height of not less than 5 feet with a self-closing, self-latching gate unless otherwise approved by the Administrator.

**105.5 Buffers**

Buffer areas required by this article shall be established and maintained by the property owner and must:

- A. Be landscaped and maintained as a planted area with trees, shrubs, flowers, grass, stone, rocks, and other landscaping materials.
- B. Not be used for parking or contain any structure other than a fence or drainage improvement required by the City. Access through a buffer is allowed provided it is perpendicular to the buffer only and is designed so as to cause the least amount of intrusion possible. Bike paths and greenways are excluded from these restrictions.

- C. Utilize and preserve the natural topography and growth of the land except that which is necessary to prevent a nuisance, or to thin such natural growth where too dense for normal growth, or to remove diseased or dangerous vegetation. Up to 20% of the required buffer may be cleared for utilization as a slope easement where required to prevent soil erosion subject to the approval of the Administrator who shall determine the minimum area necessary for said easement and the replanting schedule to be followed upon completion of the improvements.
- D. Consist of a permanent wall or solid fence not less than six feet in height and a screen of evergreen plantings, so designed and developed to provide for visual screening and the diffusion of sound. All required fencing shall be installed prior to issuance of the certificate of occupancy. See 106.5 (Tree protection and Landscaping) for a listing of additional requirements pertaining to species and location requirements.
- E. Any grading, improvements or construction adjacent thereto shall be conducted far enough from the buffer area so as not to disturb or encroach upon the buffer area.
- F. Buffer area shall be counted in addition to the setback requirement.
- G. Buffers need not be established in those instances in which a street separates zoning districts.

#### **105.6 Fire safety requirements**

Accessibility for fire equipment on hard surfaced sub-base (subgrade plus an asphalt first layer or bound crushed stone) shall be maintained through all stages of construction from the time framing begins. Minimum width of private access driveways within a development, excluding parking, shall be 20 feet and the minimum turning radius shall be 35 feet. Fire hydrants and water service shall be installed to within 300 feet of units under construction before proceeding with framing.

#### **105.7 Storage**

Exterior storage yards (excluding vehicles for sale or lease) shall not be permitted in any districts except CD and LI. Exterior storage yards shall be enclosed by an opaque fence not less than 6 feet in height (except where otherwise stated and approved by the administrator) to provide visual screening. Such use shall not be located along an arterial roadway and is subject to the following:

- A. The regulations of the applicable zoning district.
- B. No open storage of wrecked or non-operative automobiles and trucks.
- C. No parts or waste materials shall be stored outside any building.

#### **105.8 Bulk sanitation containers**

Bulk sanitation containers shall not be located within a detached single family district. They are limited to rear or side yards and must be located in such a manner as to be screened from view from the public right of way. No bulk container shall be located within 50 feet of a structure utilized for detached single family residential purposes. The Administrator may provide for an exemption from this requirement when conditions cannot be met. In such cases, the property owner or tenant may submit a plan for the Administrator's approval. Such plan may include provision for an alternative container utilizing appropriate screening such as a nontransparent fence not less than 6 feet in height with a gate which will open in full to allow service.

#### **105.9 Substandard lots of record**

No substandard lot of record may be developed without approval by the Board of Zoning Appeals or, if applicable, permission of the Administrator.

**105.10 Density calculations**

Residential density standards determining the number of families, individuals, dwelling units or housing structures per unit of land shall be calculated from all the land within the boundaries of the area excluding floodplain areas and standing bodies of water.

**105.11 Height requirements exceptions**

In all but single family residential districts, height limitations stated in this article shall not apply to:

- A. Farm structures, belfries, cupolas and domes, monuments, chimneys and smokestacks;
- B. Bulkheads, elevator penthouses, water tanks and heating and air conditioning units, provided that such structures shall not cover more than 25 percent of the total roof area of the building on which such structures are located.

**105.12 Corner lots**

Corner lots which adjoin two or more public streets shall provide the required front setback along that street upon which the structure faces provided said frontage's length is at least 75% that of the longest frontage. The side setback shall be the greater of 20 feet or that required by the zoning district on all other street frontages not deemed the front setback. All corner visibility regulations shall be met.

**105.13 Double frontage lots**

Lots which adjoin a public street in the front and rear shall provide the minimum required front yard on each street, except where such lot adjoins a limited access facility which provides no access to the lot.

**105.14 Projections into yards**

- A. An open unenclosed porch or hard surfaced terrace, steps, stoops, and similar fixtures of a building may project into a required setback no more than 10 feet.
- B. Fences, walls and hedges over 3 feet in height may not be established within 15 feet of a right of way intersection unless approved by the Public Works Director. In residential districts fences in front yards are restricted to 4 feet in height.

**105.15 Junk Vehicles and Yards**

- A. No junk vehicles, as defined in this Ordinance, shall be parked or stand on any property within the corporate limits of Ball Ground unless:
  - 1) It shall be in a completely enclosed building; a vehicle owned by a property owner shall be placed where it is not visible from adjoining property;
  - 2) It shall be on property zoned LI with a land use permit for the operation of an automobile wrecking business or junk yard;
  - 3) It shall be on property occupied and used for the repair, remodeling or reconditioning of vehicles in accordance with other zoning regulations.
- B. Any junk yard operated or maintained within Ball Ground including automobile junk yards, shall be screened from public view by a solid wall, planted screen, or similar opaque partition which shall be no less than 6 feet in height. Such screening shall comply in all aspects with all applicable zoning regulations including setbacks.



**DIVISION 106 SUPPLEMENTARY USE REGULATIONS**

**106.1 Special land use permits**

A. Within each zoning district’s standards, certain property uses may be allowed provided they obtain a Special Land Use Permit (SLUP) from the Board of Zoning Appeals. This additional review is necessary due to the increased possibility that such uses may have a negative impact on surrounding properties and their value. The City retains its right to subject certain uses to greater scrutiny to determine if they are appropriate or if additional safeguards may mitigate potentially harmful effects on neighboring properties. Table 106-1 below denotes those uses which are permitted only after issuance of a Special Land Use Permit and applicable zoning districts.

**TABLE 106.1 - SPECIAL LAND USE PERMITS**

USE	ZONING DISTRICT
Group Home containing more than 6 residents	RE, R-15, R-30, R-40 and TND
Home Occupation	RE, R-15, R-30, R-40 and TND
Telecommunications Infrastructure	NC,CBD, HO and LI

B. All applications for Special Land Use Permits heard by the Board of Zoning Appeals shall be advertised in the same manner as applications for variances and public hearings will be held thereon in the same manner.

C. The Board shall consider, at a minimum, the following in its determination of whether or not to grant a Special Land Use Permit:

- 1) Whether or not there will be a significant adverse effect on the neighborhood or area in which the proposed use will be located.
- 2) Whether or not the use is compatible with the neighborhood.
- 3) Whether or not the proposed use will constitute a nuisance as defined by state law.
- 4) Whether or not property values of surrounding property will be adversely affected.
- 5) Whether or not adequate provisions are made for parking and traffic considerations.
- 6) Whether or not the site or intensity of the use is appropriate.
- 7) Whether or not adequate provisions are made regarding hours of operation.
- 8) The location or proximity of other similar uses (whether conforming or non-conforming).
- 9) Whether or not adequate controls and limits are placed upon commercial deliveries.
- 10) Whether or not adequate landscaping plans are incorporated to ensure appropriate transition.
- 11) Whether or not the public health, safety and welfare of the surrounding neighborhoods will be adversely affected.

**106.2 Community residences**

A. Intent and Purpose.

The Fair Housing Amendment Act (1988) states that local zoning regulations may not prohibit community residences and requires that municipalities provide “reasonable accommodation” of such uses. The City of Ball Ground regulates community residences using criteria based upon the actual use of the facility and the number of individuals utilizing its services. This provides individuals with opportunities for normalization instead of institutionalization thereby reducing social costs and fostering personal growth and responsibility while also allowing the City to maintain viable neighborhoods based primarily upon similar single family or planned multi family dwellings.

B. Group Homes.

Group homes are defined throughout the entirety of this ordinance as dwellings shared by non-related individuals who live together as a single housekeeping unit and in a long-term family-like environment in which staff persons provide care, education and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential. This use shall also apply to homes for the handicapped; however, the term “handicapped” shall not include current illegal use of or addiction to a controlled substance or alcohol, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals. The term “group home for the handicapped” shall not include alcohol or drug treatment centers, work release facilities for convicts or ex-convicts, or other housing serving as an alternative to incarceration.

- 1) Group homes with six or fewer residents, inclusive of resident staff, are permitted uses within the RE, R-15, R-30, R-40, and TND, zoning districts, provided:
  - a) The structure meets all aspects of the Standard Housing Code including minimum dwelling space requirements.
  - b) The operator of the group home obtains certification from the appropriate state licensing body.
  - c) No other such facility or halfway house is located within 1,000 feet as measured from property line to property line.
- 2) Group homes with more than six residents, inclusive of resident staff, may be permitted within the RE, R-15, R-30, R-40, and TND zoning districts only if granted a Special Land Use Permit (SLUP) after a public hearing before the Board of Zoning Appeals.
- 3) Group homes are considered permitted uses by right in OIT zoning districts, subject to those standards set forth therein.

106.3 **Home Occupations**

A. Intent and Purpose.

Certain occupational uses termed “home occupations” are allowed in dwelling units on the basis that such uses are incidental to the use of the premises as a residence. They have special regulations that apply to ensure that home occupations will not be a detriment to the character and livability of the surrounding neighborhood. The regulations ensure that the accessory home occupation remains subordinate to the residential use and the residential viability of the dwelling is maintained. The regulations recognize that many types of jobs can be done in a home with little or no effect on the surrounding neighborhood and, as such, may be permitted provided such uses:

- 1) Are incidental to the use of the premises as a residence;
- 2) Are conducted within the bona fide residence of the principal practitioner;
- 3) Are compatible with residential uses;
- 4) Are limited in extent and do not detract from the residential character of the neighborhood.

B. Definition of Accessory Home Occupations.

Home occupations residents use their home as a place of work, home office or business mailing address. Employees or customers are prohibited from coming to the site. Examples include artists, crafts people, writers and consultants.

C. General Provisions and Prohibited Uses.

All home occupations shall meet the following:

- 1) A home occupation shall be incidental and accessory to the use of a dwelling as a residence. No more than 25% of the floor space of the dwelling unit (including attached garages) may be used for the occupation.
- 2) There shall be no exterior evidence of the home occupation or alteration of the residence and/or accessory buildings to accommodate the home occupation. Internal or external changes which will make the dwelling appear less residential in nature or function are prohibited. Examples of such prohibited alterations include construction of parking lots, paving of required setbacks, or adding commercial-like exterior lighting. Any alteration or addition which expands the floor area of the principal structure dedicated to the home occupation use shall void the existing business license and require a new business license be obtained, subject to property compliance verification by the Administrator. There shall be no outside operations or exterior storage of inventory or materials to be used in conjunction with a home occupation.
- 3) Off-site employees of the resident shall not congregate on the premises for any purpose concerning the home occupation nor park their personal vehicles at the location.
- 4) No article, product or service used or sold in connection with such activity shall be other than those normally found on the premises.
- 5) No more than one vehicle associated with the home occupation may be parked at the site. Such vehicle is limited to 1½ ton carrying capacity and must be used exclusively by the resident and parked on a valid improved surface.
- 6) No use or activity may create noise, dust, glare, vibration, smoke, smell, electrical interference or any fire hazard.
- 7) All home occupations shall be subject to periodic inspections by the Administrator.
- 8) Any type of repair or assembly of vehicles or equipment with internal combustion engines (such as autos, motorcycles, marine engines, lawn mowers, chain saws and other small engines) or of large appliances (such as washing machines, dryers, and refrigerators) or any other work related to automobiles and their parts is prohibited.
- 9) Group instruction, assembly or activity shall be limited to five persons at one time (day care excluded).
- 10) Accessory home occupations may not serve as headquarters or dispatch centers where employees come to the site and are dispatched to other locations.
- 11) The Administrator must approve all business licenses which shall be recertified annually.
- 12) No clients, non-resident employees or customers are allowed on the premises.
- 13) Pickups from and deliveries to the site in regard to the business shall be restricted to vehicles which have no more than two axles and shall be restricted to no more than two pickups or deliveries per day between the hours of 8 a.m. and 6 p.m.
- 14) No advertisement shall be placed in any media (including flyers soliciting business) containing the address of the property.
- 15) Family day care facilities must be certified by Georgia Department of Human Resources prior to the issuance of a business license and must accompany all applications for a Special Land Use Permit. The number of children allowed by this ordinance shall be calculated at one child per 250 gross square feet of the residence with a maximum of eight (excluding those of the proprietor).
- 16) Each home occupation is permitted signage according to the following criteria
  - a) Sign shall be an attached wall sign limited to 6 square feet;
  - b) Signs may not be illuminated in any fashion;
  - c) All signs shall be permitted.

#### **106.4 Telecommunication towers and infrastructure**

Towers may be permitted in any NC, CBD, HO and LI zoning districts pursuant to those additional restrictions listed herein.

A. General Requirements

- 1) A Special Land Use Permit granted by Board of Zoning Appeals shall be required for the construction of all new communications towers within the City limits after the following factors are considered:
  - a) The proposed height of the tower;
  - b) Proximity to residential structures and residential district boundaries;
  - c) Nature of uses on adjacent and nearby properties;
  - d) Surrounding topography, tree coverage and foliage;
  - e) Design of the tower, with particular reference to design characteristics which have the effect of reducing or eliminating visual obtrusiveness.
- 2) All permit applications submitted to the Administrator shall include a complete inventory of the applicant's existing towers and receivers/transmitters located within Cherokee County including each asset's location, height and co-location usage or capabilities so that the City may promote co-location alternatives for other applicants.
- 3) All applicants must demonstrate that no existing tower or structure can accommodate the proposed antenna(s). Evidence of an engineering nature shall be documented by the submission of a certification by a qualified engineer. Such evidence may consist of the following:
  - a) No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.
  - b) No existing structure has sufficient height to meet the applicant's engineering requirements.
  - c) No existing tower or structure has sufficient structural strength to support applicant's proposed antenna(s) and related equipment.
  - d) Applicant's proposed antenna(s) would cause electromagnetic interference with the antenna(s) on the existing tower or structure.
  - e) The fees or costs required to share the existing tower or structure or to adapt the existing tower or structure for shared use are unreasonable. Costs exceeding new tower development are presumed unreasonable.
  - f) Such other limiting factor(s) as may be demonstrated by the applicant.
- 4) At the time of filing the application for a tower, the applicant shall provide a site plan and information regarding tower location, accessory structures, neighboring uses and proposed landscaping. Documentation must be submitted and certified by a qualified engineer delineating coverage and propagation zones, tower design and co-location capabilities.
- 5) In granting a Special Land Use Permit, the Board may impose additional conditions to the extent determined necessary to minimize adverse effects on adjoining properties.

B. Standards

- 1) All towers must be set back a distance of twice (x2) the full height of the tower from any residentially zoned property or structure used for residential purposes.
- 2) All towers shall be separated from each other by a distance of at least 1000 feet.
- 3) All new self-supporting towers which do not incorporate approved alternative design features must be designed and built in a manner that allows at least two other entities to co-locate on the structure.
- 4) All towers and their related structures shall maximize the use of building materials, colors, textures, screening and landscaping that effectively blend the tower facilities within the surrounding natural setting and built environment. Towers shall be painted so as to reduce their visual obtrusiveness, subject to any applicable standards of the Federal Aviation Administration (FAA).
- 5) Any tower which directly abuts a residentially zoned property shall have a minimum 50' landscaped buffer with a solid fence or wall no less than 8 feet in height.

- 6) All landscaping plans shall be prepared by a registered landscape architect. For each 30 linear feet of perimeter fencing, no less than 2 trees and 2 shrubs shall be installed. The remainder of the property shall be landscaped in accordance with City standards (see standards set forth in Section 106.5).
- 7) Towers shall be enclosed by security fencing not less than 8 feet in height and shall be equipped with an appropriate anti-climbing device; provided, however, that such requirements may be waived for alternative design mounting structures.
- 8) All towers shall be monopole designed except those located in LI districts that are greater than 150 feet in height.
- 9) All towers must meet or exceed current standards and regulations of the Federal Communications Commission (FCC) and FAA.
- 10) Subsequent to ZBA approval but prior to the issuance of any building permits, compliance with Section 106 of the Natural Historic Preservation Act, shall be demonstrated.
- 11) Tower heights shall be measured from the existing ground base level to the highest point on the tower or other structure, even if said highest point is an antenna, in accordance with Table 106-2:

**TABLE 106-2 - MAXIMUM TELECOMMUNICATION TOWER HEIGHTS**

Zoning District	Three Users*	Four or more Users*
LI	150'	200'
NC,CBD,HO	125'	150'

\* Refers to the number of separate entities co-locating on the same structure.

C. Administrative Approval.

- 1) The addition of transmitting and/or receiving whip antennas and panels may be approved administratively by the Administrator, so long as any such addition does not add more than 10 feet in height to an existing structure greater than 50 feet in height or more than 5 feet in height to an existing structure less than 50 feet in height but greater than 20 feet in height and all necessary building permits are obtained. Such acceptable structures include buildings, signs, light poles, water towers, and other free standing nonresidential structures. Antennas attached to existing structures, along with supporting electrical and mechanical equipment, shall be of a color identical to, or closely compatible with, that of the supporting structure. Notification shall be given to City Council at least 10 days prior to the granting of said request, and if no objection is lodged, considered valid.
- 2) The Administrator may administratively approve alternative mounting structures such as fake trees, clock towers, bell steeples, light standards, and similar alternative mounting structures, provided such alternative structure is determined by the Administrator to satisfy such factors set forth in subsection A. These structures shall also be exempt from the additional separation and setback requirements pertaining to towers. Notification shall be given to City Council at least 10 days prior to the granting of said request, and if no objection is lodged, considered valid.
- 3) The Administrator may administratively approve the shared use of an existing tower or structure by another provider, including the placement of additional accessory buildings or other supporting equipment. The Administrator may waive district setback requirements by up to 50% to accommodate the placement of such additional buildings or other supporting equipment in order to encourage the shared use of existing infrastructure.
- 4) The addition of antennas to an existing structure are exempted from all setback requirements which pertain to residentially zoned or used properties.

D. Removal of Antennas and/or Towers.

All towers shall be maintained in compliance with standards contained in applicable building and technical codes so as to ensure the structural integrity of such towers. If upon inspection such tower is determined not to comply with the code standards and to constitute a danger to persons or property, then upon written notice by certified mail, return receipt requested, or by personal service being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance. The owner of the tower may appeal the determination by filing a written appeal to the Mayor and Council within 10 days of the receipt of the notice of non-compliance by the owner. The Mayor and Council shall hold a hearing within 5 days of receiving said written appeal. In the event such tower is not brought into compliance within 30 days, the City may petition the municipal court for an order removing such antenna and/or tower and may petition the court for a lien upon the property for the costs of removal.

E. Exceptions.

- 1) Antennas or towers located on publicly owned property or owned by governmental bodies shall be exempt from the requirements of this ordinance, provided a license or lease authorizing such antenna or tower has been approved by the appropriate governing body.
- 2) A tower under seventy (70) feet in height owned and operated by a federally-licensed amateur radio station operator shall be exempted from these requirements. However, the owner or operator of such tower shall be required to comply with all applicable local, state and federal codes.
- 3) Any existing or previously approved tower or antenna shall be considered “grandfathered” and will not be required to meet any additional requirements of this ordinance other than those in place prior.

**106.5 Tree protection and landscaping.**

A. Intent and Purpose.

The purpose of these standards is to facilitate the preservation and/or replacement of trees as part of the land development process within the municipal boundaries of the City of Ball Ground. Benefits derived from tree protection and replanting include: improved control of soil erosion, moderation of storm water runoff and improved water quality, interception of airborne particulate matter and the reduction of some air pollutants, enhanced habitat for desirable wildlife, reduction of noise and glare, climate moderation, increased property values and aesthetic/scenic amenities.

B. Applicability.

These regulations shall apply to all property utilized for commercial uses, industrial uses and/or parking lots in the City now and in the future and to all property on which renovations to an existing building are greater than 51 percent of the building’s appraised value as shown on the current tax records. In accordance with City of Ball Ground Development Regulations, all plats (preliminary and final) and subdivision improvement plans must contain a tree protection plan which meets the standards set forth in this section. Exempt from these standards are:

- 1) Any singular residential lot occupied by not more than one dwelling structure containing (in aggregate) not more than two dwelling units.
- 2) The plantings of public and private plant nurseries, tree farms or botanical gardens which are for sale to the general public.
- 3) Any property undergoing renovation or for which an application for a building permit for renovation has been submitted to the City prior to the adoption of this ordinance.
- 4) Any property zoned Central Business District.

C. Definitions.

- 1) **Buildable Area** - The portion of a lot which is not located within any minimum required yard, landscape strip/area, or buffer; that portion of a lot wherein a building may be located.

- 2) **Buffer** - A natural undisturbed portion of a lot which is set aside to achieve a visual and noise barrier between land uses. A buffer is achieved with natural vegetation, except for approved access and utility crossings, and must be replanted when sparsely vegetated subject to the approval of the Administrator.
- 3) **Caliper** - American Association of Nurseryman standard for trunk measurement of nursery stock. Caliper of the trunk shall be taken 6 inch above the ground for up to and including 4 inch caliper size, and 12 inches above the ground for larger sizes.
- 4) **Crown Dripline** - The vertical line extending from the outer surface of a tree's branch tips down to the ground containing the tree's critical root zone (see Figure A).
- 5) **DBH** - Diameter-at-breast-height is a standard measure of tree size and is a tree trunk diameter measured 4 ½ feet above the ground. If a tree splits into multiple trunks below 4 ½ feet, then the trunk is measured at the point directly beneath the split.
- 6) **EDF** - Existing Density Factor (EDF) is the density of existing trees to be preserved on a site. The EDF is calculated by converting the diameter of individual trees to density factor units.
- 7) **Land Disturbance Permit** - An official authorization issued by the Department of Public Works, allowing defoliation or alteration of the site, or the commencement of any land disturbing activities.
- 8) **Protected Zone** - All lands that fall outside the buildable area of a parcel, all areas of a parcel required to remain in open space, and/or all areas required as landscaping strips and/or buffers according to provisions of the City of Ball Ground Tree Protection Ordinance.
- 9) **RDF** - Replacement Density Factor (RDF) is the density of new trees necessary to meet the minimum Site Density Factor.
- 10) **Revegetation** - The replacement of trees or landscape plant materials into the minimum required landscape areas.
- 11) **SDF** - Site Density Factor (SDF) is the minimum tree density required to be maintained on a developed site.
- 12) **Specimen Tree** - Any tree which has a diameter breast height of forty-two (42) inches or larger [see Subsection (D)(4)(d)].
- 13) **Tree** - Any self-supporting woody plant, usually having a single woody trunk and a potential DBH of at least two inches.
- 14) **Tree Density Factor** - A unit of measurement used to prescribe and calculate required tree coverage on a site. Unit measurements are based upon tree size and are not equal to individual tree counts.

D. Tree Preservation and Replacement.

A tree protection and landscaping plan shall be submitted with all other permit drawings as part of the building permit process on any non-exempt parcel of land. Land disturbing activity includes any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to clearing, dredging, grading, excavating, transporting, and filling of land, excluding agricultural practices. The intent of these standards is to provide the necessary information to facilitate development project design, plan review, and enforcement processes in order that the provisions of the ordinance are administered in the most effective manner.

1. No land disturbance permit shall be issued for projects/lots until the landscaping plan has been reviewed and approved by the Administrator. All tree protection measures shall be installed prior to land disturbance and no land disturbance permit shall be issued for full site development without it being determined that the proposed development is in compliance with the provisions of these regulations. This tree preservation plan may either be a separate drawing or part of the overall landscape plan and shall include the following information:
  - a) The name of the project
  - b) The name of the owner and/or developer, including 24 hour contact
  - c) The location of proposed building(s) and corresponding dimensions

- d) Spatial limits of land disturbance, clearing, grading and trenching
  - e) All required undisturbed buffers, landscape strips and parking islands
  - f) The location of all specimen trees or stands of specimen trees
  - g) The location of all hardwood trees with a DBH > 8" and softwoods with a DBH > 12"
  - h) Areas of tree protection and revegetation and all relevant tree density calculations
  - i) The specific name and location of all materials to be planted or maintained on the site
  - j) Procedures and schedules for the implementation, installation and maintenance of tree protection measures including, but not limited to, detail drawings of protective tree fencing (both active and passive) including signage and erosion control measures
  - k) Planting and staking specifications
2. Grading for future site development shall be considered and regulated as timbering and mining unless site development plans are submitted and approved as per City platting regulations. Applications for tree cutting, clearing or clearing and grubbing shall be in accordance with current land disturbance permit plan review procedures and shall meet the following standards:
- a) The exterior boundary of the site shall have an undisturbed 50 foot buffer area. This buffer area shall remain undisturbed except for improved perpendicular access points, which may be no wider than 24 feet. Sites over 2 acres in size must retain a minimum of 50% of those trees with a DBH greater than 6 inches (inclusive of the required buffer).
  - b) Submitted plans shall include the following information:
    - 1) Owner's name and address
    - 2) Closed property boundary showing bearing and distances of all property lines
    - 3) Limits of land disturbance activity
    - 4) 24 hour emergency contact name and phone number
    - 5) Location of and detail for the truck exit (crushed stone pad)
    - 6) Delineation and labeling of all required buffer zones
    - 7) Documentation of all existing trees with a DBH > 6"
  - c) All timber harvesting activities shall be in accordance with the U.S. Clean Water Act, Section 404 and *Recommended Best Management Practices for Forestry in Georgia*.
3. In the event that any tree on any nonexempt parcel of land shall be determined to be in a hazardous or dangerous condition so as to endanger the public health, safety or welfare, the tree may be removed upon the written authorization of the Administrator.
4. The Site Density Factor (SDF) is the minimum tree density required to be maintained on a developed site based upon the total site area (see Table 106-3). This density requirement must be achieved whether or not a site had trees prior to development. The required unit density may be achieved by counting existing trees to be preserved, planting new trees, or some combination of the two.



**TABLE 106-3 - MINIMUM TREE DENSITY CALCULATIONS**

Total area of developed site (acres)	Minimum density units provided (per acre)
< 1	15
1 – 5	20
> 5	25

- a) Existing Density Factor (EDF) is the density of existing trees to be preserved on a site. The EDF is calculated by converting the diameter of individual trees to density factor units using Table 106-4.

**TABLE 106-4 - DENSITY CREDIT FOR EXISTING TREES**

DBH (inches)	Density Units (pine species)	Density Units (hardwoods)
3-4"	0.2	0.3
5-8"	0.3	0.6
9-12"	0.4	0.9
13-16"	0.6	1.2
17-20"	0.8	1.9
21-24"	1.2	2.8
25-40"	2.0	4.5
41+"	2.5	7.0

- b) Replacement Density Factor (RDF) is the density of new trees to be planted on a site. Calculate the RDF by subtracting the EDF from the SDF. The density factor credit for each caliper size of replacement (new) trees is shown in Table 106-5. Any number or combination of transplantable size trees can be used so long as their total density factor units will equal or exceed the RDF.

**TABLE 106-5 - DENSITY CREDIT FOR PLANTED TREES**

DBH	Density Units
1" or 7 gallon	0.05
2"	0.3
3"	0.5
4-5"	0.8
6-7"	1.2
8-9"	1.5
10+"	2.0

- c) For additions to existing projects, the tree density requirements are calculated as noted above for only those areas in which new land disturbance is taking place.

*Ex: Sample Tree Density Calculation*

*(1) A 2.2 acre site has a Site Density Factor (SDF) of  $2.2 \times 20 = 44$*

(2) The Existing Density Factor (EDF) of trees to be preserved is calculated by converting the diameter of individual trees slated for preservation to density factor units as follows (all existing trees are assumed to be hardwoods):

<u>DBH</u>	<u># of trees</u>	<u>unit value</u>		<u>Totals</u>
24"	2 x	2.8	=	5.6
18"	8 x	1.9	=	15.2
10"	10 x	0.9	=	9.0
<i>Total EDF</i>				29.8

(3) Replacement Density Factor (RDF) calculates the minimum density of new trees to be planted by subtracting the EDF from the SDF:

$$RDF = 44 - 29.8 = 14.2 \text{ units required}$$

(4) Table B is used to determine the RDF as follows:

<u>DBH</u>	<u># of trees</u>	<u>unit value</u>		<u>Totals</u>
2"	20 x	0.3	=	6.0
4"	8 x	0.8	=	6.4
6"	3 x	1.2	=	3.6
<i>Total RDF</i>				16.0

$EDF (29.8) + RDF (16.0) > SDF (44.0)$  therefore **DENSITY SATISFIED**

- d) Specimen trees warrant special consideration and encouragement for preservation. Specimen trees shall be protected from all construction activities by the placement of a tree save barrier fence (minimum 48 inch height orange mesh fence). The tree save barrier fence shall be located a minimum of five (5) feet outside the drip line of said specimen tree.

E. Methods of Tree Protection.

- 1) The protective zone for designated tree save areas shall include no less than the total area beneath the tree(s) canopy, as defined by the farthest canopy dripline of the tree(s).
- 2) Construction site activities such as material storage, concrete washout, burnhole placement, etc., may not encroach into designated tree protective zones.
- 3) No disturbance shall occur within the protective zone of specimen trees or stands of trees without prior approval by the Administrator.
- 4) The use of tree save islands and stands is encouraged over the protection of individual (non-specimen) trees scattered throughout a site. This will facilitate ease in overall site organization, increase the effectiveness of protection measures and prevent pathology.

F. Protective Barriers.

- 1) Prior to any land disturbance, active protective fencing shall be installed so that it surrounds the critical root zones of all protected tree zones.
- 2) Active protective tree fences must be at least 4 feet high and may be either a wood and post construction or orange polyethylene laminar safety fencing.
- 3) Passive forms of tree protection may be utilized to delineate tree save areas which are remote from areas of land disturbance. These area must be completely surrounded with continuous rope or flagging (heavy mill. minimum 4 inches wide).
- 4) All tree protection zones (both active and passive) should be designated as such with "tree save area" signs posted visibly on all sides of the fenced area. These signs are intended to inform subcontractors of the tree protection process. Signs requesting subcontractor cooperation and compliance with tree protection standards are recommended for site entrances although the developer shall be held responsible for any violations found.
- 5) All specimen trees or stands of trees, or otherwise designated tree protective zones must be protected from the sedimentation of erosion control. Silt screening must be placed along the outer

uphill edge of tree protective zones at the land disturbance interface and shall be backed by twelve (12) gauge two (2) inch x four (4) inch wire mesh fencing in areas of steep slope.

- 6) All tree fencing and erosion control barriers must be installed prior to and maintained throughout the land disturbance process and building construction and may not be removed until landscaping is installed.

G. Vehicle Use Areas.

- 1) Interior landscaping: Interior landscaping of parking lots shall contain planter islands located so as to relieve the expanse of parking, provide shading and channel water runoff. A maximum of 12 parking spaces in a row shall be permitted without a planter island. Planter islands shall have a minimum of 125 square feet in area and shall contain at least one non-pine species tree having at installation a minimum DBH of 2 inches and 10 feet in height. This requirement may be waived in those instances in which facing parking rows are separated by a continuous island at least five feet in width containing at least one tree every fifteen feet. The remaining area shall be landscaped with appropriate materials.
- 2) Each area of the site which abuts public right-of-way (or improved accessways providing access to the interior of a development) must provide a planted border not less than 10 feet in width parallel to right-of-way lines (5 feet minimum for accessways). These planted border areas must have at least one tree having a minimum DBH of 2 inches for each 20 lineal feet of border area with a minimum of 2 trees if the strip is greater than 25 feet in length. Pine species are excluded from parking islands and along right-of-ways/accessways. The remainder of the planted area shall be landscaped with appropriate materials.
- 3) Accessways: Landscaped border areas may be interrupted to provide perpendicular vehicular and/or pedestrian ingress and egress, maximum 24 feet wide.
- 4) Encroachment: Landscaped areas shall require protection from vehicular encroachment. Car stops shall be located so as to prevent damage to any trees, fences, shrubs or landscaping by automobiles.

J. Revegetation.

- 1) The replacement of trees must occur if the EDF does not meet the calculated SDF. The quantity of replacement trees must be sufficient so as to produce a total site-tree density factor which meets the requirements established in subsection (D)(4). (Note: the terms 'unit' and 'tree' are NOT interchangeable).
- 2) Species selected for replacement must be quality specimens and ecologically compatible with the site. Table G lists those species of trees generally acceptable for credit in density calculations based upon use or need. The Administrator has information on trees and may accept alternatives to those listed in Table G. Pine species may only be planted in buffer or screening areas to the rear of the principal use and are specifically excluded from parking islands and along right-of-ways. No more than 50% of all new trees may be pine species, regardless of their planting location.
- 3) Any portion of the subject property which is within a utility power easement is required to meet the height standards of the controlling entity. These areas may be required by the City to have additional vegetation installed to compensate for these restrictions, subject to approval from the Mayor and/or his/her designee.
- 4) All trees and landscaping shall be installed in a sound workmanlike manner and according to accepted planting procedures with quality materials as provided in literature from the Georgia Forestry Commission or the Georgia Extension Service. All landscaping shall be completed within 6 months after the date of the issuance of the certificate of occupancy, however any required fencing shall be installed prior to issuance of the certificate of occupancy. Should the landscaping not be completed in this period, it shall be deemed a violation of this section.

- 5) The owner, occupant, tenant or agent, shall be jointly responsible for the maintenance of all landscaping. Landscaping shall be maintained in a good condition so as to present a healthy, neat and orderly appearance at least equal to the original installation. Any dead vegetation and landscaping material or any damaged nonliving landscaping materials shall be promptly replaced.

K. General Landscaping Requirements.

Beyond tree protection and revegetation, the extent of permissible impervious surfaces and required landscaping are regulated through the standards of the controlling zoning district. Landscaping may include grass, hedges and trees as well as natural features. All site plans submitted for new construction or renovations to an existing building in which the construction costs exceed 51 percent of the building's appraised value as shown on the current tax records (subject to those exemptions specified in Subsection B) must contain a separate landscape plan which includes the following information:

- 1) The name of the project
- 2) The name of the owner and/or developer
- 3) The location of proposed building(s) and corresponding dimensions
- 4) Spatial limits of land disturbance, clearing, grading and trenching
- 5) All required undisturbed buffers, landscape strips and parking islands
- 6) The location and listing of all specimen trees or stands of specimen trees
- 7) Areas of tree protection and revegetation and all relevant tree density calculations
- 8) The specific name and location of all materials to be planted or maintained on the site
- 9) Procedures and schedules for the implementation, installation and maintenance of tree protection measures including, but not limited to, detail drawings of protective tree fencing (both active and passive) including signage and erosion control measures
- 10) Planting and staking specifications
- 11) The percentage of the total lot containing impervious surfaces
- 12) The percentage of the total lot which shall remain undisturbed
- 13) The percentage of the total lot devoted to landscaping

L. Residential Development Requirements

Residential developments except RE and R-40 developments shall provide tree cover based upon the following:

- 1) Developments shall provide a total of 15 trees per acre as applied to individual lots based upon the proportional lot size. Example- ½ acre lot would provide 7.5 trees.
- 2) Minimum tree size to be considered for existing trees shall be 5 inch caliper.
- 3) Minimum tree size to be considered for newly planted trees shall be 2.5 inch caliper.

M. Acceptable Tree Species.

Table 106-6 denotes those species of trees which may be incorporated for full credit towards the tree replacement requirements of paragraph (D). Other trees may be approved on a case by case basis provided they are large growing and ecologically compatible with the site. Revegetation plans containing at least ten new trees must incorporate at least three separate tree species with no single tree species accounting for more than 50% of all newly planted trees. Pine trees can be utilized for screening and buffer areas only. All planting and replanting plans are subject to approval through the Administrator.

TABLE 106-6 - TREE SPECIES SELECTION LIST

Use	Common Name	Scientific Name
General	Maples	Acer species
	American Hornbeam, Blue Beech	Carpinus caroliniana
	Hickories	Carya species
	Pecan	Carva illinoinesis
	Hackberry	Celtis occidentalis
	White Mulberry	Morus alba
	American Yellowwood	Cladrastis lutea
	Leyland Cypress	Cupressocyparis leylandii
	American Beech	Fagus gradifolia
	White Ash	Fraxinus americana
	Green Ash	Fraxinus pennsylvanica
	Ginkgo	Ginkgo biloba
	Sweetgum	Liquidambar styraciflua
	Tulip Poplar	Liriodendron tulipifera
	Southern Magnolia	Magnolia grandiflora
	Oaks	Ouercus species
	Blackgum, Black Tupelo	Nyssa sylvatica
	Black locust	Robinia pseudoacacia
	Sycamore	Platanus occidentalis
	Bald Cypress	Taxodium distichum
	Southern Catalpa	Catalpa bignonioides
Buffer/Screening	Leyland Cypress	Cupressocyparis leylandii
	Shortleaf Pine	Pinus echinata
	Loblolly Pine	Pinus taeda
	Japanese Evergreen Oak	Quercus acuta
	Carolina Cherry-Laurel	Prunus caroliniana
	American Holly	Ilex opaca
	Devilwood	Osmanthus americanus
	Washington Hawthorn	Crataegus phaenopyrum
	Eastern Red Cedar	Juniperus virginiana
	Southern Magnolia	Magnolia grandiflora
	Deodar Cedar	Cedrus deodara
	Laurel Oak	Quercus laurifolia
Power Easements	Crape Myrtle	Lagerstroemia indica
	Japanese Maple	Acer palmatum
	Devilwood	Osmanthus americanus
	Nellie Stevens Holly	Ilex 'Nellie R. Stevens'
	Flowering Dogwood	Cornus florida
	Smoketree	Cotinus coggyria
	Loquat	Eriobotrya japonica
Water Retention	River Birch	Betula nigra

Areas		
	Bald Cypress	Taxodium distichum
	White Mulberry	Morus alba

N. Enforcement, Violations and Penalties.

Enforcement of the provisions of this section shall be the responsibility of the Mayor and/or his/her designee. If, after inspection of a project by the mayor or their designee, the plan materials installed on the site do not comply with the approved plan, such deficiencies shall be noted in writing. If the administrator deems the deviations from the approved plan acceptable, they will so note, and the owner, occupant, tenant, and/or representative will be required to submit promptly a revised plan showing the actual plantings. This revised plan will be placed on file with the Mayor and/or his/her designee. If after inspection, the mayor or their designee determines the site does not comply with the approved plan and further determines it to be unacceptable, the owner developer, occupant, tenant and/or respective agent shall be notified in writing by the Mayor or their designee of said violations and given 30 days in which to correct all violations. Failure to make such corrections shall be a violation of this section.

O. Appeal.

The Board of Zoning Appeals shall have the authority and duty to consider and act upon any application submitted for adjustment of standards provided herein.

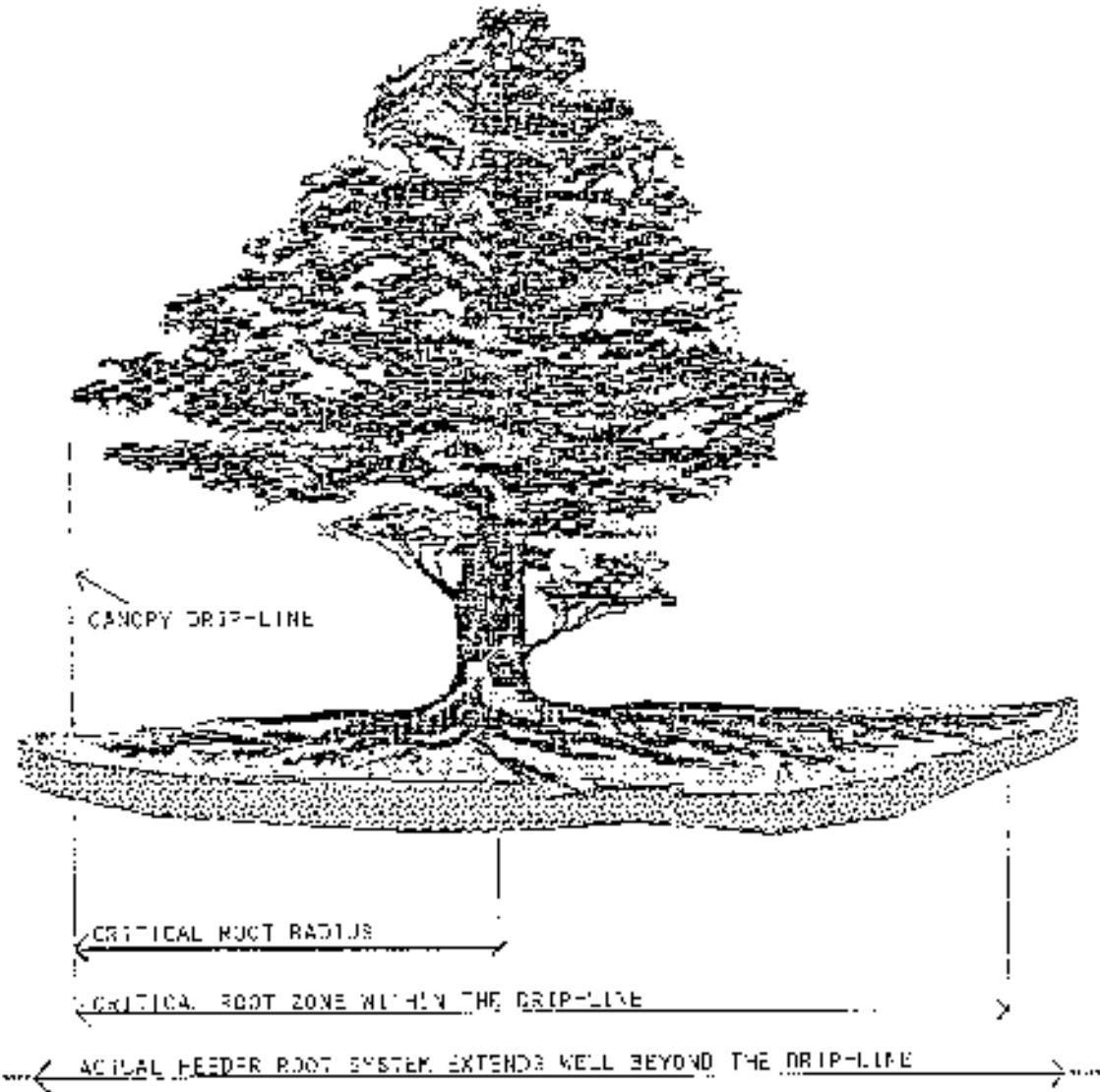


FIGURE 106-1. CRITICAL ROOT ZONE FOR TREE PROTECTION

**DIVISION 107                    TRAFFIC AND PARKING STANDARDS**

**107.1 Purpose**

These standards are intended to provide the reasonable provision of future off-street parking within the City of Ball Ground; to restrict temporary storage of vehicles and recreational vehicles in residential districts; to alleviate any unnecessary traffic congestion which could result from on-street parking; and to encourage development and usage of off-street parking facilities.

**107.2 Street access and curb cuts**

- A. Each building shall be located on a lot or parcel which abuts a public street for at least 40 feet or has access to a public street by means of a recorded access easement if approved by the Administrator and Public Works Director.
- B. Street access and curb cuts for service drives, entrances, exits and other similar facilities on public streets in other than residential districts shall be approved by the Public Works Director. Curb cuts constructed for new driveways to developments on arterial and collector streets shall be aligned directly across from existing curb cuts. The Public Works Director may approve other locations when it is determined that alignment with an existing curb cut is not appropriate. No curb cuts shall be located within 40 feet of any intersection or within 30 feet of another curb cut measured along the curb line. A curb cut shall be no greater than 30 feet in width, and no closer than 20 feet to any property line unless approved by the Public Works Director.
- C. All entrances or exits of any street or drive, public or private, from or to any state highway shall be approved by the state highway department prior to the construction of such street or drive, or the issuance of any development permit for any improvement to be served by such street or drive.
- D. No curb cuts for commercial developments may be placed along residential streets.

**107.3 Street improvements**

- A. The Public Works Director may require improvements such as the widening of streets and/or rights-of-way or the addition of curbs and gutters, in order to accommodate the increased traffic due to proposed developments.
- B. Existing streets shall be connected and extended throughout the limits of proposed developments. If such street is already used primarily for residential access, requested street improvements to provide access to a proposed non-residential use must be approved by the Board of Zoning Appeals before being connected, extended or in any way provided access to the non-residential use.
- C. New developments containing at least four structures and/or ten dwelling units must provide sidewalks.

**107.4 Corner visibility clearance**

In all districts except CBD, no fence, structure, sign, planting or other obstruction (above a height of 3 feet) shall be maintained within 15 feet of the intersection of the right-of-way unless approved by the Public Works Director.

**107.5 Parking spaces required**



The required number of parking spaces shall be provided on the same lot with the use it serves, except:

- A. If vehicular parking or storage space required cannot be reasonably provided on the same lot on which the principal use is conducted, the Board of Zoning Appeals may permit such space to be provided on other off-street property, provided such space lies within 400 feet of the main entrance of such principal use and meets the storage requirements set forth in 105.7. Such vehicular parking space shall be associated with the permitted use and shall not hereafter be reduced or encroached upon in any manner.
- B. The required parking spaces of any number of separated uses may be combined in one (1) lot, but the required spaces assigned to one use may not be assigned to another use at the same time, except that churches, theaters, or assembly halls whose peak attendance will be at night or on Sunday may be assigned to a use which will be closed at night or on Sunday.
- C. No street parking spaces may be allowed as meeting the parking requirement except in the CBD district. There shall be no required parking spaces in the CBD district except as provided in section 104.7.
- D. No parking area may be used for the sale, repair, dismantling, servicing or long term storage of any vehicle or equipment.
- E. Required spaces. Table 107-1 enumerates the maximum off-street parking provision standards for all properties within the City. If a building or development contains multiple uses, the number of spaces required shall be calculated by summing the amount required by each individual use and multiplying the sum by a factor of 0.8. Parking areas are encouraged to be set to the side or rear of the primary building in such a manner as to reduce visibility from the street (see individual zoning districts for density bonuses relating to parking location and/or structures).
- F. If required parking is provided exclusively in the rear yard, then the required front yard setback may be reduced 50%.
- G. Any entity that retrofits an existing site without vehicular or pedestrian interconnection to provide permanent access to adjacent sites' parking and sidewalks shall be allowed a 10% reduction in required parking.

**TABLE 107-1 - MAXIMUM OFF-STREET PARKING ALLOWED**

USE	MAXIMUM SPACES ALLOWED
Automobile repair	4 spaces per 1,000 sq. ft. of gross floor area
Automobile service station	3 spaces per service bay (minimum 6 spaces)
Self-service gasoline station	5 spaces plus one per cash register
Business/professional offices	3 spaces per 1,000 sq. ft. of gross floor area
Boarding and rooming houses	One per bedroom
Churches, theaters, auditoriums, funeral homes, gymnasiums, stadiums and other places of assembly	One space per 4 seats (18 inches per bench seat)
Day care centers (non-residential)	3 spaces per 1,000 sq. ft. of gross floor area
Clinics	3 spaces per 1,000 sq. ft. of gross floor area
Convenience store	5 spaces per 1,000 sq. ft. of gross floor area
Dwellings	2 spaces per dwelling unit
Restaurants/lodges/grocery stores over 10,000 sq. ft.	6 spaces per 1,000 sq. ft. of gross floor area (including unenclosed patio/meeting areas)
General retail or personal service	4 spaces per 1,000 sq. ft. of gross floor area
Shopping centers (< 50,000 sq. ft. GLA)	3.5 spaces per 1,000 sq. ft. of gross floor area
Rest homes and personal care homes	One space per 4 beds
Hospitals, sanitariums, nursing homes and assisting living centers	One space per 2 beds
Motels and hotels	One space per unit plus one space per 200 sq. ft. of accessory uses such as convention halls, banquet rooms, lounges, restaurants and the like
Public and private colleges, universities and trade schools	25 spaces plus 8 spaces per classroom
Public and private elementary schools or day care centers	5 spaces plus 2 spaces per classroom
Public and private secondary schools	15 spaces plus 6 spaces per classroom
Warehouse, distribution and factory output	One space per 2,000 sq. ft. of gross floor area for first 100,000 sq. ft. plus one space per 10,000 sq. ft. thereafter.
Recreational centers including swimming pools and golf courses	20 spaces minimum (40 for 18 hole golf courses)

**107.6 Surface parking standards**

- A. The parking of any vehicle (including, but not limited to trailers and boats) on any lot in any district on other than a surface treated and hardened to accommodate vehicles up to 8,000 pounds gross axle weight is prohibited.
- B. Minimum standards for surfaces treated and hardened to accommodate vehicles up to 8,000 pounds are as follows:
- C. A parking plan for all but individual single family residential uses shall be submitted with the building plans. The Administrator and Public Works Director shall review the proposed parking plan to insure its conformance with all applicable provisions of this article. Occupancy or use of a building shall not be allowed until the parking facilities are completed in accordance with the approved plan. The provisions of the required spaces on a temporary basis on a hard surfaced sub-base (subgrade plus an asphalt first layer or bound crushed stone aggregate) shall satisfy this requirement. All parking facilities including entrances, exits and maneuvering areas shall comply with the following:

- 1) Design of parking areas, including space and driveway arrangement, shall conform to the geometric design standards of the Institute of Traffic Engineers, which is hereby incorporated by reference as though fully set forth herein. Have access to a public street and be graded and paved. Curbing may be required when needed for effective drainage control to prevent damage to abutting property or public streets, subject to approval by the Public Works Director.
- 2) Have all spaces marked with paint lines, curb stones or other similar designations (single family residential uses and lots of fewer than 5 spaces are exempted).
- 3) Provide individual parking spaces with dimensions not less than 9 feet wide and 20 feet deep, exclusive of passageways. In the cases of 25 or more required parking spaces 25% of the required spaces may be of an area not less than 8 feet x 16 feet.
- 4) Provide interior drives with a minimum width of 20 feet which connect each space with a public street.
- 5) Parking areas established within a residential district for a permitted non-residential use shall provide visual screening between vehicle use areas, including all accessways, and the abutting residential property. Such screening may consist of a wall or solid fence no less than five feet in height and/or a vegetative row of hedges and trees sufficient in nature to provide continuous visual screening. Such screening improvements shall be located upon a non-paved surface at least 5 feet in width and are subject to approval by the Administrator. See standards set forth in Section 106.5 (Tree Protection and Landscaping) for landscaping requirements.
- 6) Adequate lighting shall be provided if the facilities are to be used at night. Such lighting shall be arranged and installed so as not to reflect or cause glare on abutting properties.
- 7) No parking or loading area shall be established in the required front yard of any residential district except for a single family residential use; no more than 35 percent of the required front yard may be paved or used for parking in such case.
- 8) The parking areas shall be permanently maintained by the owners or the occupants for their invites or licensees so long as the use(s) exists.

#### **107.7 Parking in residential districts**

- A. Business vehicles under 8,000 pounds axle weight shall be allowed to park in the side or rear yard of the residentially zoned property. Business vehicles weighing or exceeding 8,000 pounds axle weight shall be allowed to park in residentially zoned property during daylight hours, but not overnight or on Saturdays or Sundays. Daylight hours shall mean 30 minutes after dawn to 30 minutes before sunset.
- B. No recreational vehicle shall be allowed to park in the front of the principal structure in a district zoned for residential purposes. If the property is located on a corner lot, no parking of the vehicle may occur within 20 feet of the rear side that abuts a public street.
- C. Vehicle repair may not be conducted on vehicles located on any public street. This prohibition shall not apply to emergency repairs taking less than 24 hours to complete.

#### **107.8 Off-street loading requirements**

Where required, off-street loading spaces shall be provided on the same or adjoining premises with the facility it serves, either inside or outside a building. A loading berth shall have a minimum dimension of 12 feet by 35 feet by 14 feet overhead clearance. Such facilities must be designed so that no truck/vehicle maneuvering occurs on the public right of way nor in areas designated for the parking of vehicles except in the Central Business District in which case designated loading zones may also be utilized. Loading areas must be adequately screened from residentially zoned properties, subject to approval from the Administrator.

#### **TABLE 107-2 - OFF-STREET LOADING REQUIREMENTS**

<b>USE</b>	<b>REQUIRED LOADING SPACES</b>
Retail operations, including accessory uses within hotels or office buildings	One per 20,000 square feet of gross floor area (or fraction thereof)
Office buildings and hotels	One per 75,000 square feet of gross floor area (or fraction thereof)
Industrial, manufacturing, warehouse and distribution uses	One per 40,000 square feet of gross floor area (or fraction thereof)

**DIVISION 108**

**ADMINISTRATION AND ENFORCEMENT**

**108.1 Administration authority**

The Administrator shall administer and enforce this article including departmental approval of all development permits. If the Administrator or his designated representative shall find that any of the provisions of this article are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. The Administrator shall order discontinuance of illegal uses of land, buildings, or structures; removal of illegal buildings or structures including illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this article to ensure compliance with or to prevent violation of its provisions.

**108.2 Administrative variances**

The Administrator is hereby authorized to grant variances (except for density and use) from the development standards of this article, where, in their opinion, the intent of the article can be achieved and equal performance obtained by granting the variance. A fee of \$25 per standard varied shall be charged. The authority to grant such variances shall be limited to 10% of any development standard except as noted below:

- Front or major side setbacks - up to 10 feet.
- Side setback - up to 5 feet per side.
- Rear setback - up to 10 feet.
- Buffer area - up to 10 feet.
- Required parking - 20% of the total required

**108.3 Review of development permit applications**

- A. A review shall be required for any proposed use of land before any building permit is issued or any improvement, grading or alteration of land or building commences to determine compliance with all provisions of this article. Site plans and other development plans required to be submitted under the provisions of this article shall be prepared only by those currently registered for such work in accordance with applicable state laws; plans for structures whose value exceeds \$10,000 shall be prepared by a registered engineer or architect. Development permit applications shall be reviewed by the Administrator and shall be accompanied by complete plans signed by the author. Such plans shall provide:
  - 1) A 24 hour contact,
  - 2) A scale drawing showing the actual shape and dimensions of the lot to be built upon, the exact sizes and locations on the lot of the buildings and accessory buildings then existing, and the lines within which the proposed building or structure shall be erected or altered,
  - 3) The existing or intended use of each building or part of a building,
  - 4) The number of families or housekeeping units the building is designed to accommodate,
  - 5) The location of all bulk sanitation containers, and
  - 6) Such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for enforcement of this article.
- B. Approval of preliminary plat in accordance with all applicable provisions of the subdivision or planned development regulations shall constitute approval of the development permit for such subdivision or development.
- C. All building permits approved by the City shall in no case grant any building permit for the use, construction or alteration of any land or building if the land or building as proposed to be used,

constructed or altered would be in violation of the provisions of this article or any other codes and laws of the city or the state, except as provided herein.

**108.4 Schedule of fees, charges and expenses**

The City Council shall establish a schedule of fees, charges and expenses and a collection procedure for building permits, rezoning and variance applications, special land use permits and other matters pertaining to this article. The schedule of fees shall be posted in the office of the Administrator, and may be altered or amended only by the City Council. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

**108.5 Building inspector**

The duties of the building inspector with respect to this article shall include, but not be limited to:

- A. The issuance of building permits in accordance with all provisions of this article.
- B. Making field inspections to determine that the building or structure being constructed, reconstructed, moved or structurally altered or used is being pursued in accordance with the site plan for which a building permit has been issued. The building inspector shall issue citations when a violation is found to exist so that appropriate legal action may be taken to insure compliance.
- C. Determining, to the best of their ability, that all construction has been completed in accordance with all applicable City code requirements prior to allowing occupancy.

**108.6 Appeals from decisions of the Administrator**

It is the intention of this article that all questions arising in conjunction with the administration, interpretation and enforcement of this article by the Administrator may be appealed to the Board of Zoning Appeals. All appeals of the decision of the Administrator must be submitted in writing to the Administrator within 10 days of the written decision.

**108.7 Remedies**

In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is or is proposed to be in violation of any provision of this article, the Administrator or any other appropriate authority of the city may, in addition to other remedies, and after due notice of the violation to the owner and/or any other person in violation of this article, issue a citation for violation of city code requiring the presence of the violator in the municipal court, institute an injunction or other appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use to correct or abate such violation or to prevent the occupancy of such building, structure or land. The Administrator may, in addition to other remedies, notify that utility service be withheld there from until such time as the structure or premises is no longer in violation of these regulations.

**108.8 Penalties for violation**

Any person who violates this article or fails to comply with any of its requirements shall, upon conviction thereof, be fined up to \$500 for each violation and/or imprisoned for not more than six months, or both, and in addition, shall pay all costs and expenses involved in each separate offense.

Except for a different violation, each day such violation continues shall be considered a separate offense but only after the passage of 30 days from the date of conviction. Nothing herein contained shall prevent the City of Ball Ground from taking such other lawful action as is necessary to prevent or remedy any violation.



**DIVISION 109**

**BOARD OF ZONING APPEALS**

**109.1 Establishment and appointment**

There is hereby established a Board of Zoning Appeals, which shall consist of five (5) members, residents of the City of Ball Ground, appointed by the City Council for overlapping terms of 3 years. Any vacancy in the membership of the Board shall be filled for the unexpired term in the same manner as the initial appointment.

**109.2 Organization**

The Board of Zoning Appeals shall elect one of its members as chairman, who shall serve for one year or until he is re-elected or his successor is elected. Meetings of the Board shall be held at the call of the chairman and at such times as the Board may decide. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be maintained by the Administrator and shall be a public record.

**109.3 Powers and duties**

- A. The Board of Zoning Appeals shall have the powers to:
- 1) Hear and decide appeals from the decision of the Administrator where it is alleged there is error in any order, requirement, decision or determination.
  - 2) Grant variances from zoning regulations of this article in cases where strict application of such regulations would result in unnecessary hardship; but only in harmony with the spirit and intent of these regulations and is the minimum necessary to grant relief without injury to the public interest. All such variances must be based upon the evidence submitted before the Board of Zoning Appeals and upon its findings, supported by the testimony or by documentary testimony that such variance shall be required by one of the following causes:
    - a) Because of the existence in good faith of a non-conforming use at a time prior to the adoption of the Zoning Ordinance of the City of Ball Ground, or amendments thereto, requires the continuance of such non-conforming use,
    - b) There are extraordinary and exceptional conditions creating a substantial hardship to the applicant which pertain to the particular piece of property or building in question because of its size, shape or topography,
- B. Every such judgment of the Board of Zoning Appeals granting a variance, appeal or special land use permit shall be accompanied by a finding of fact specifying the reasons thereof. In all cases no variance shall be granted unless the Board finds all of the following conditions exist:
- a) That the special circumstances or conditions applying to the building or land in question are peculiar to such premises and do not generally apply to other land or buildings,
  - b) That the condition from which relief is sought did not result from action by the applicant or property owner,
  - c) That the granting of the application is necessary for the preservation and enjoyment of a property right and not merely to serve as a convenience to the applicant.
- C. In granting any variance under the provisions of this section, the Board of Zoning Appeals may designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of these regulations and may designate conditions to be performed or met by the user or property owner, out of regard for the public health, safety, comfort, convenience, and general welfare of the community, including safeguards for, with respect to light, air, areas of occupancy, density of population and conformity to any master land-use traffic plan, the future development of the City.



- D. Approved variances must be implemented within a period of 12 months. After 12 months, Board approval must be obtained again. A building permit must be obtained and the development underway within the 12-month time period.
- E. The Board may in conformity with this article reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and to that end shall have all the duty of the Administrator to carry out the decisions of the Board.
- F. Variances may not be granted by the Board of Zoning Appeals conditioned upon the approval by City Council of an application to amend this article or to amend the Official Zoning Map.
- G. Variances granted by the Board of Zoning Appeals or City Council shall only remain in effect as long as the property to which it applies remains in the same zoning classification such property was in at the time the variance was granted.

#### **109.4 Procedures**

- A. An appeal to the Board of Zoning Appeals may be taken by any person, firm, or corporation aggrieved or by any governmental officer, department, Board or agency affected by any decision of the Administrator with respect to this article. Such appeal shall be made within 10 days following notification of the decision appealed from, by filing with the Administrator a notice of appeal and specifying the grounds thereof. The Administrator shall forthwith transmit to the Board all the papers constituting the record upon which the action was taken. An appeal stays all legal proceedings in furtherance of action appealed from, unless the Administrator certifies to the Board, after the notice of appeal shall have been filed with him, that by reasons of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property.
- B. A copy of the paid in full tax bill or a letter from the Cherokee County Tax Department stating that all taxes have been paid must accompany the application for a variance before it will be processed.
- C. Any applicant to whom a variance is granted shall be given written notice specifying any variances granted.
- D. Time limit on resubmission. An application for a variance affecting the same property shall not be submitted more than once every 12 months; however, an applicant may petition the Board of zoning to waive the 12 month waiting period by demonstrating that the situations or amount of variance requested which led to denial have materially changed or if the request is materially different.

#### **109.5 Public hearings**

The Board shall hold a public hearing on all requests for special exceptions, variances and appeals on which it acts.

- A. Applications for a hearing and decision on requests for variances, appeals, and special exceptions shall be filed with the Administrator on forms he shall provide at least 30 days prior (or less at staff discretion) to the meeting at which they may be heard. Each application shall contain such information as the Administrator may require to enable the Board to make its decision including, but not limited to, a plat drawn to scale showing the following:
  - 1) All property lines, with dimensions on an appropriate scale to allow staff review;
  - 2) A legal description of the tract involved,
  - 3) Location of buildings and other structures, creeks, and easements referenced to the property,
  - 4) North arrow, land district and land lot number; and
  - 5) Location of setback lines or other requirements from which the variance is sought.

- B. Notice of the time and place of the hearing shall be sent to the appellant and all abutting property owners; provided, however, that where any such property is owned by a limited partnership, partnership or joint venture, only the person or entity in whose name said property is returned for taxes, as shown by the city tax records shall be entitled to notice hereunder. The names and addresses of all such abutting property owners who are entitled to notice under this section shall be determined from the city tax records as of the date on which the application is filed. As used in this section, the term "street" shall not include an interstate highway. In addition to the above notice requirements, the Administrator shall post in a conspicuous place on the property a sign or signs which shall contain information as to the date, the time and purpose of the hearing. Public notice shall also be given in the local newspaper at least 15 days before the hearing.
- C. No submitted application may be amended after public notice of the request has been given provided, however, the Board may allow such application to be amended during the public hearing.
- D. The Board shall adopt such rules and regulations for the conduct of the public hearing as are consistent with state laws and the City code and are appropriate to its responsibilities.
- E. Notice of requests before the Board shall be sent to all City Council members.

**109.6 Assistance by staff**

The Administrator shall provide such technical and clerical assistance as the Board may require and shall maintain permanent and complete records of the activities of the Board.

**109.7 By-laws**

The Board shall adopt such rules for its own internal administration and procedure, including, but not limited to, conflict of interest rules, to insure that no member is entitled to rule on or adjudicate a matter in which he has an interest directly or indirectly.

**109.8 Appeals from Actions of the Board**

Any party aggrieved by any final judgement or decision of the Board may within 30 days thereafter appeal therefrom to the Cherokee County Superior Court. The appellant shall furnish the Board a written notice of appeal specifying the judgement or decision from which appeal is taken. In case of such appeal, the Board shall cause a record of the proceedings in the case to be certified to the court to which the appeal is taken and the case shall, in such court, be a new trial.

**DIVISION 110**

**AMENDMENTS**

**110.1 Generally**

- A. This article, including the Official Zoning Map, may be amended by the City Council on its own motion, or on recommendation of the Planning Commission, but no amendment shall become effective unless it shall have been proposed by or been submitted to the Planning Commission for review and recommendation; provided, however, that after any such amendment has been submitted to and reviewed by the Planning Commission and its recommendation made thereon, the City Council shall have the right to modify such amendment or place conditions thereon, and it shall not be necessary to resubmit such amendment, as modified or conditioned, to the Planning Commission. Before enacting an amendment to this article, the City Council shall give public notice and hold a public hearing thereon.
- B. Application to amend this article may be in the form of proposals to amend the text or Official Zoning Map. Unless initiated by the City Council or Planning Commission, all applications for map amendments must be submitted by the owner (as determined by controlling at least a 51% interest in the property) or the authorized agent of such property. An application for an amendment affecting the same property shall not be submitted more than once every twelve (12) months; however, this provision shall not apply to those properties affected by an amendment filed by the City Council or Planning Commission.

**110.2 Application for map amendments**

- A. Each application to amend the Official Zoning Map shall be filed with the Administrator at least 31 days prior to the Planning Commission hearing at which they may be heard. Each application shall include such information as the Administrator may require including, but not limited to:
  - 1) a legal description of the tract(s) proposed to be rezoned;
  - 2) a plat showing the dimensions, acreage and location of the tract(s) prepared by an architect, engineer, landscape architect or land surveyor whose state registration is current and valid (his seal shall be affixed to the plat);
  - 3) the present and proposed zoning classification for the tract(s);
  - 4) the name(s) and address(es) of the owners of the land and their agents, if any;
  - 5) the name(s) and address(es) of abutting properties, including properties across public right-of-way;
  - 6) a copy of the recorded warranty deed (or other instrument of title) which vested title to the property in the applicant,
  - 7) a copy of the paid in full tax bill or a letter from the Cherokee County Tax Department stating that all taxes have been paid, and
  - 8) a site plan showing any and all proposed improvements to be constructed if the application is approved.
- B. This application shall be accompanied by a fee to partially defray the public expense of processing the application. A fee shall not be charged if an official governmental agency files the application or if the rezoning is a result of O.C.G.A. § 36-66-1 et seq., which requires all annexed properties to have a zoning hearing, provided said hearing designates a zoning classification which is the most equivalent to the existing county zoning.
- C. No submitted application may be amended after public notice of the request has been given provided, however, the Planning Commission and/or City Council may allow such application to be amended during the public hearing.

- D. The applicant or agent shall be present at the hearings before the Planning Commission and City Council with regard to said application. In the event that an agent is present, rather than the applicant, such agent must have full authority to act on behalf of the applicant with regard to all matters pertaining to said application.
- E. The applicant shall be allowed to submit renderings, site plans and other exhibits purporting to depict what is to be constructed should a map amendment be approved; however, the applicant may be required to develop according to such plans if approved by the City Council. Any deviation from such approved plans would require another rezoning application be filed. The City Council may also require or attach to any rezoning such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable so as to improve the quality of life through the protection against air, water and noise pollution and promotion of aesthetic considerations.
- F. An application may not be withdrawn by the applicant within 48 hours prior to a hearing on the matter, however, the City Council may, by a majority of the members present, allow an application to be withdrawn without prejudice with respect to the 12-month limitation, or allow an application to be amended. Failure of the applicant or their representative to appear at the scheduled hearing may result in automatic dismissal with prejudice, rejection of the application or continuance of the hearing at the sole discretion of the Planning Commission or City Council.

### **110.3 Supporting Information and Data**

The Administrator upon receiving an application for amendment to the Official Zoning Map shall prepare and transmit a report to the Planning Commission and City Council determining:

- Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;
- Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
- Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;
- Whether the zoning proposal will result in a use that may cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;
- Whether the zoning proposal is in conformity with the policies and intent of the land use plan; and
- Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approved or disapproved zoning proposal.

### **110.4 Planning Commission action**

- A. The Planning Commission shall conduct a public hearing on each rezoning application in accordance with their adopted schedule and procedures. The staff report on each application shall be considered and testimony solicited from the applicant and those interested citizens. The Planning Commission shall review the following factors in making a determination on the application:
  - 1) Existing uses and zoning classifications of nearby property;
  - 2) The extent to which property values are diminished by the particular zoning restrictions;
  - 3) The extent to which the destruction of property values of the plaintiffs promotes the health, safety, morals or general welfare of the public;
  - 4) The relative gain to the public, as compared to the hardship imposed upon the individual property owner;
  - 5) The suitability of the subject property for the zoned purposes;

- 6) The length of time the property has been vacant as zoned, considered in the context of land development in the area in the vicinity of the property;
  - 7) Whether the subject property has a reasonable economic use as currently zoned;
  - 8) Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property;
  - 9) Whether the zoning proposal is in conformity with the policies and intent of the comprehensive land use plan;
  - 10) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;
  - 11) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.
- B. As to each application, the Planning Commission shall make a recommendation for APPROVAL, APPROVAL WITH MODIFICATIONS, DENIAL, OR APPROVAL TO ANOTHER ZONING DISTRICT OR TABLING of the request. A copy of the Planning Commission's recommendations shall be prepared and submitted to the City Council. If the Planning Commission fails to recommend action on the application within 45 days of the public hearing and the applicant does not agree in writing to a waiver of this time limit, the applicant may take it to the City Council without a Planning Commission recommendation.
- C. The Planning Commission shall adopt such rules and regulations for the conduct of hearings and meetings as are consistent with state law and the City code and are appropriate to its responsibilities which shall be published and available to the public, as well as conflict of interest rules, to insure that no member is entitled to rule on a matter in which he has an direct or indirect interest.

#### **110.5 City Council action**

- A. The City Council shall hold a hearing on all requests to amend this article and the Official Zoning Map contained therein. Prior to such hearing the City Council shall review the staff report and recommendation from the Planning Commission.
- B. So that the purpose of this article will be served and the health, public safety and general welfare secured, the City Council may APPROVE, APPROVE WITH STIPULATIONS (which may be site-specific), DENY, REDUCE THE LAND AREA FOR WHICH THE APPLICATION IS MADE, CHANGE THE ZONING CLASSIFICATION REQUESTED, TABLE UNTIL THE NEXT MEETING OR ALLOW AN APPLICATION TO BE WITHDRAWN (with or without prejudice at the discretion of the Council).
- C. The decision by City Council to approve in whole or part, reject, condition or delete an application for rezoning shall be based on, but not limited to, a consideration of the following:
- 1) Existing uses and zoning classifications of nearby property;
  - 2) The extent to which property values are diminished by the particular zoning restrictions;
  - 3) The extent to which the destruction of property values of the plaintiffs promotes the health, safety, morals or general welfare of the public;
  - 4) The relative gain to the public, as compared to the hardship imposed upon the individual property owner;
  - 5) The suitability of the subject property for the zoned purposes;
  - 6) The length of time the property has been vacant as zoned, considered in the context of land development in the area in the vicinity of the property;
  - 7) Whether the subject property has a reasonable economic use as currently zoned;
  - 8) Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property;

- 9) Whether the zoning proposal is in conformity with the policies and intent of the comprehensive land use plan;
  - 10) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;
  - 11) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.
- D. In acting on such application, the City Council shall have the authority to grant the applicant variances from the regulations and provisions of this article in accordance with the standards set forth in Section 109.3.

#### **110.6 Reversionary clause**

If at the time of 12 months from the date of rezoning of property the owner has not obtained a building permit, and presented the necessary development plans as determined by the Administrator on at least a portion of said property, the Administrator may propose a map amendment to rezone the property back to the previous zoning district classification. The owner of the property will be notified of the reversionary action to take place and afforded an opportunity to appear before the Planning Commission and City Council to show cause why the reversionary action should not be taken.

#### **110.7 Public notification**

- A. Due notice of all public hearings on an application for text or map amendment shall be published at least 15 but no more than 45 days prior to the public hearing in the newspaper denoted as the legal organ of the City and shall include the date, time and place of said public hearings.
- B. At least 15 days prior to the Planning Commission public hearing, the applicant shall post on a conspicuous place on the property for which an application has been submitted, an official sign or signs containing information as to the application and date, time and place of public hearings as specified by the Administrator.
- C. The Administrator shall notify by regular mail all abutting Cherokee County property owners as shown by the most recent City tax records at the addresses shown on said records. Such notification shall be mailed at least seven (7) days prior to the public hearings and must include the proposed zoning change, as well as the date, time and place of the scheduled public hearings.
- D. If an application for map amendment is postponed at the request of the applicant, due notice of the new public hearings on the application must be republished and reposted as per the requirements above. The costs of said advertisements shall be the responsibility of the applicant.

#### **110.8 Home rule annexation**

- A. The Administrator, upon receiving a request for annexation, shall determine whether such application complies with legal and procedural requirements. If it does not comply with requirements, the City shall notify in writing the persons presenting the application, stating wherein the application is deficient. If it is determined that the application does comply with this article, the City shall proceed to act on the application in accordance with O.C.G.A. § 36-36-36.
- B. Within seven days of accepting an application for annexation, the Administrator shall give written notice to Cherokee County by certified mail and include a map or other description of the site proposed to be annexed sufficient to identify the area.

- C. The City shall hold separate public hearings on the proposed annexation and zoning of the property, not less than 15 days nor more than 45 days from the time a determination is made that the petition is valid. Notice of the time and place of the hearing shall be given in writing to the persons presenting the application and shall be advertised in the local newspaper once a week for two consecutive weeks immediately preceding the hearing. If, after the public hearing, the governing body determines that the annexation would be in the best interests of the area's residents and property owners and of the citizens of the City, an annexing ordinance shall be adopted within 60 days following validation of the signature of the applicants.
  
- D. All annexation proposals shall be zoned similar to the previous zoning district designation by Cherokee County.

**110.9 Legislative annexation**

Annexation into the corporate limits of the City by action of the Georgia State Legislature will conform to the requirements of section 110.08 above, except that the City Council will not pass the ordinance zoning the annexed tract until after action by the legislature.





**Automobile service station (gas, filling station):** A building or structure used for the retail sale and dispensing of fuel, lubricants, tires, batteries, accessories, and supplies, including installation or minor services, customarily incidental thereto; facilities for washing and for chassis and gear lubrication of vehicles are permitted if enclosed in a building.

**Automobile wrecking yard:** Any place where two or more vehicles not in running condition, or parts thereof, are stored in the open and are not being restored to operating condition, or any land, building or structure used for wrecking or storing of such motor vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating condition; and including the commercial salvaging of any goods, articles or merchandise.

**Basement:** That portion of a building built partly underground having one-half or more of its height below the average level of the lot grade.

**Bedroom:** A private room planned and intended for sleeping, separable from other rooms by a door, and accessible to a bathroom without crossing another bedroom or living room.

**Block:** A unit of land bounded by streets or by a combination of streets and public land, railroad right-of-way, waterways or any other barrier to the continuity of development.

**Boarding house:** A building, or portion thereof, where meals and lodging are provided for compensation for at least three persons and not more than ten persons exclusive of the proprietor, members of the proprietor's family and servants of the establishment.

**Buffer area:** A strip of land established to protect one type of land use from another with which it is incompatible containing a continuous visual screening of vegetation and fencing.

**Building:** Any structure designed or built for the support, enclosure, shelter, or protection of persons, animals or property of any kind.

**Building coverage:** The horizontal area measured from the outside of the exterior walls of the ground floor of all principal and accessory buildings on a lot.

**Building facade:** The portion of any exterior elevation of a building extended from grade to the top of the parapet wall or eaves and the entire width of the building elevation fronting a public street, excluding alleys and lanes, and which may also be referred to as the building face.

**Building permit:** Written permission issued by the proper municipal authority for the construction, repair, alteration or addition to a structure.

**Building setback line:** A line, usually fixed parallel to the lot line, beyond which a building, or any projection thereof, cannot extend, excluding uncovered steps terraces, stoops or similar fixtures.

**Bulk storage:** The storage of chemicals, petroleum products and other materials in aboveground containers for subsequent resale to distributors or retail dealers or outlets.

**Business park:** A large tract of land that has been planned, developed and operated as an integrated facility for a number of individual office uses, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.

**Cellar:** A level within a building having more than one-half of its height on all sides below grade.

**Central business district (CBD):** The major shopping area within a city usually containing, in addition to retail uses, governmental offices, service uses, professional, cultural, recreational and entertainment establishments and uses, hotels, appropriate industrial activities, and transportation facilities.

**Certificate of occupancy (CO):** A document issued by the proper authority allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with all the applicable municipal codes and ordinances.

**Child care center:** A private establishment enrolling five or more children and where tuition, fees, or other forms of compensation for the care of the children is charged. The term includes day nurseries and kindergartens.

**Church:** A building wherein persons regularly assemble for religious worship, and which is maintained and controlled by a religious body organized to sustain public worship.

**City:** The City of Ball Ground.

**Clerk of superior court:** shall mean the Clerk of the Superior Court of Cherokee County, Georgia.

**Clinic:** A building or part of a building used for medical, dental, chiropractic, surgical or therapeutic treatment of human beings, excluding hospitals or professional offices of a doctor located in their residence wherein there is no overnight lodging of patients.

**Club or lodge, private:** Buildings or facilities owned or operated by a corporation, association, person or persons for social, educational or recreational purposes, but primarily for profit or to render a service which is customarily carried on as a business.

**Conditional use:** A use permitted in a particular zoning district only upon showing that such use would not be detrimental to public health, safety or general welfare. Such uses may be required to meet additional standards and may be controlled as to the number, area and spacing from other uses and each other.

**Condominium:** A building, or group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

**Condominium, commercial:** A building or buildings used for offices, businesses, professional services and other commercial enterprise organized, owned and maintained as a condominium.

**Construction vehicle:** Any vehicle (other than passenger vehicle, pick-up or panel truck) whose primary purpose is use in land development and construction including, but not limited to, earth moving equipment and dump trucks.

**Covenant:** A private legal restriction on the use of land, contained in the deed to the property or otherwise formally recorded.

**Cul-de-sac:** A minor street with only one outlet, sometimes called a “dead end” street.

**Curb cut:** The opening along the curb line at which point vehicles may enter or leave the roadway.

**Density:** The number of families, individuals, dwelling units, or housing structures per unit of land. The standard for density shall be the gross density which includes all the land within the boundaries of the area excluding floodplains, wetlands and standing bodies of water.

**Detention facility:** A municipal, county, or state jail used for the detention of prisoners; including; penal institutions, penitentiaries, prisons and prison institutions; detention and correctional institutions; rehabilitation institutions and work camps.

**Development:** The division of an existing parcel of land; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or land disturbance, and any use or extension of the use of land.

**Display case:** A case, cabinet, or other device having a window of glass or other transparent material, or other opening, access to which is made from other than within the structure or building of which it is a part or attached to.

**District:** A part, zone or geographic area within the municipality within which certain zoning or development regulations apply.

**Domesticated animals:** Small animals including fish or fowl permitted in the house or yard and kept for company or pleasure, such as dogs, cats, rabbits, rodents, birds and fish but excluding swine, livestock and exotic animals.

**Drive-in establishment:** An establishment which is designated to provide, either wholly or in part, service to customers while in their automobile parked on the premises.

**Drive-in restaurant:** A building or portion thereof where food and/or beverages are sold in a form ready for consumption and where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the building.

**Driveway:** A private roadway providing access for vehicles to a parking space, garage, dwelling or other structure.

**Drug store:** A store where the primary business is the filling of medical prescriptions and the sale of drugs, medical devices and supplies, and nonprescription medicines, but where nonmedical products are sold as well.

**Dwelling, duplex:** A building that is divided horizontally into two dwelling units each of which has an independent entrance either directly or through a common vestibule and used by not more than two families.

**multi-family Dwelling, multiple or:** A building designed for and containing three or more dwelling units.

**Dwelling, quadruplex:** Four attached dwellings in one structure in which each unit has two open space exposures and shares one or two walls with adjoining unit or units.

**Dwelling, single family:** A building designed for and containing one dwelling unit occupied by one family unit.

**Dwelling, single family attached:** A one-family dwelling attached to two or more one-family dwellings by common vertical walls. This term includes duplexes and triplexes.

**Dwelling, triplex:** A building divided into only three dwelling units each of which has an independent entrance either directly or through a common vestibule and used by not more than three families

**Dwelling unit:** Consists of one or more rooms which are arranged, designed, or used as living quarters for one family only. Individual bathrooms and complete kitchen facilities, permanently installed, shall always be included in each “dwelling unit.”

**Easement:** A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

**Erosion:** The detachment and movement of soil or rock fragments, or the wearing away of the land surface by water, wind, ice and gravity.

**Family:** One or more related persons or four or less unrelated persons occupying a dwelling and living as a single housekeeping unit provided that all related persons are related by blood, marriage or adoption. All related persons are limited to the spouse, parents, grandparents, grandchildren, stepchildren, sons, daughters, brothers or sisters of the owner or the tenant or of the owner's or the tenant's spouse. Domestic servants employed on premises may be housed on the premises without being counted as a family. The term “family” shall not be construed to mean fraternity, sorority, club, student center, group care homes, foster homes and is to be distinguished from persons occupying a boarding house, rooming house, hotel, or apartment unit as herein defined.

**Fence:** An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

**Flag lot:** A lot or parcels approved by the City with less frontage on a public street than is normally required. The panhandle is an access corridor to lots or parcels located behind lots or parcels with normally required street frontages.

**Floodplain:** That area within the 100 year regional flood contour elevation subject to periodic flooding as designated by the public works director based upon the U.S. Corp. of Engineers Flood Plain Information Reports and other federal, state and county hydraulic studies.

**Floor area:** The total area of all floors of a building as measured to the outside surfaces of exterior walls and including halls, stairways, elevator shafts, excluding attached garages, porches, balconies, cellars and unfinished basements.

**Frontage:** The length of any property line of a premises which abuts public right-of-way.

**Fraternity or sorority house:** A dwelling maintained exclusively for members affiliated with an academic college or university or other professional recognized institutions of higher learning.

**Funeral home:** A building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

**Garage, commercial:** A commercial structure or any portion thereof in which one or more automobiles are housed, or kept or repaired; not including exhibition or showrooms or storage of cars for sale nor storage of junked or wrecked vehicles.

**Garage, private residential:** A structure which is accessory to a residential building and which is used for the parking and storage of vehicles owned and operated by the residents thereof, and which is not a separate commercial enterprise available to the general public.

**Grade:** An average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

**Group home:** A dwelling shared by non-related individuals who live together as a single housekeeping unit and in a long-term family-like environment in which staff persons provide care, education and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach their maximum potential. This use shall also apply to homes for the handicapped; however, the term “handicapped” shall not include current illegal use of or addiction to a controlled substance or alcohol, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals. The term “group home for the handicapped” shall not include alcohol or drug treatment centers, work release facilities for convicts or ex-convicts, or other housing serving as an alternative to incarceration.

**Halfway House:** A temporary residential living arrangement for persons leaving an institutional setting and in need of a supportive living arrangement in order to readjust to living outside the institution. These are persons who are receiving therapy and counseling from support staff who are present when residents are present, for the following purposes: 1) to help them recuperate from the effects of drug or alcohol addiction; 2) to help them reenter society while housed under supervision while under the constraints of alternatives to imprisonment including, but not limited to, prerelease, work release, or probationary programs; or 3) to help persons with family or school adjustment problems that require specialized attention and care in order to achieve personal independence.

**Health department:** shall mean the Cherokee County Health Department.

**Health practitioner:** A doctor, dentist, chiropractor but not including a veterinarian

**Height:** The vertical distance between the highest part of a structure, sign or its supporting structure, whichever is higher, and the ground. The vertical distance from the grade, or its equivalent, to the highest point of the under side of the ceiling beams, in the case of a flat roof; to the deck line of a mansard roof, and to the mean level of the under side of the rafters between the eaves and the ridge of the gable, hip or gambrel roof.

**Hobby:** A pursuit outside ones regular occupation engaged in for relaxation and nonprofit making.

**Home for the aged:** Any multifamily residential use limited to occupation by persons age 62 or older, with exception of managerial personnel. HUD elderly housing and handicapped housing; provided no health care services are furnished other than communication systems.

**Hospital:** A building or portion thereof designed or used for therapeutic treatment of bed patients who are physically or mentally ill.

**Hotel:** A building in which lodging or board and lodging are provided for transient guests, and offered to the public for compensation and which ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all hours.

**Improvement:** Any man-made item which becomes part of, placed upon, or is affixed to, real estate.

**Impervious surface:** A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water including streets, roofs, sidewalks, parking lots and other similar structures.

**Industrial park:** A large tract of land that has been planned, developed and operated as an integrated facility for a number of individual industrial uses, including warehousing and distribution, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.

**Junk:** Any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal or other use or disposition.

**Junk vehicles:** Any wrecked or non-operable automobile, truck or other vehicle by reason of its being wrecked, dismantled, partially dismantled, abandoned, discarded, or which does not have a valid license plate attached thereto.

**Junk yard:** Any land or building or other structure used for the storage, collection, processing or conversion of any worn out, cast off, or discarded metal, paper, glass or other materials which is ready for destruction, or has been collected or stored for salvage or conversion to some use. Also, any land on which two or more junk vehicles are parked, standing, or allowed to remain.

**kennel:** Any location where boarding, caring for and keeping of more than a total of four dogs or cats or other animals or combination thereof (except litter of animals of not more than six months of age) is carried on, and also raising of show and hunting dogs.

**Livestock:** Poultry, cattle, swine, horses, mink, rabbits, sheep, goats or any other domestic animal used for consumption.

**Lot:** The basic development unit, an area with fixed boundaries, used or intended to be used by one building and its accessory building and not divided by any public highway or alley.

**Lot, corner:** A lot fronting on two streets at their intersection.

**Lot, substandard:** A lot not meeting the required minimum lot dimensions of the zoning district it is in.

**Lot coverage:** That amount of land covered or permitted to be covered by a building(s) excluding parking areas, driveways and walkways but including accessory structures measured in terms of a percentage of the total lot area.

**Lot depth:** The mean horizontal distance between the front lot line and the rear lot line, or the distance between the midpoint of the front lot line and midpoint of the rear lot line.

**Lot line:** A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.

**Lot width:** The distance between the side lot line measured along the front building line of the lot as determined by the prescribed minimum front setback requirement.

**Lot of record:** A lot which is part of an approved subdivision, a plat of which has been recorded in the office of the Clerk of the Superior Court of Cherokee County; or a parcel of land, the deed to which has been recorded in the office of the Clerk of the Superior Court of Cherokee County.

**Materials recovery facility:** A solid waste handling facility that provides for the extraction from solid waste of recoverable materials, materials suitable for use as a fuel or soil amendment, or any combination of such materials.

**Mini-warehouse:** A structure containing separate storage spaces of varying sizes leased or rented on a individual basis.

**Mobile (Manufactured) home:** A structure transportable in one or more sections and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. This unit must bear a HUD certificate.

**Mobile Home Park:** An area containing one or more mobile homes or spaces for mobile homes and the necessary community and utility areas for extended occupancy or residence.

**Modular home:** A factory fabricated transportable building consisting of units designed to be incorporated at a building site on a permanent foundation into a permanent structure to be used for residential purposes having been built to state construction codes.

**Motel:** A building in which lodging or board and lodging is provided for transient guests and offered to the public for compensation with access to each unit directly from the outside.

**Nonconforming use, building, lot, parcel of land:** A legally existing use or building which fails to comply with any provision of this article either at the effective date of this article or as the result of subsequent amendments.

**Nursing home:** A home for aged or ill persons licensed by the State of Georgia as such in which persons are provided with food, shelter and medical care for compensation; but not including hospitals, clinics or similar institutions devoted primarily to diagnosis and treatment.

**Occupant:** The individual or individuals in actual possession of a premises.

**Office, general:** Any building or part of a building in which one or more persons are employed in the management or direction of an agency, business, organization, but excludes such uses as retail sales, manufacture, assembly or storage of goods, or places of assembly and amusement.

**Office, professional:** Any building or part of a building in which one or more persons are employed in the management or direction of an agency, business, organization staffed by professionally qualified persons and their staff. Examples of qualified professions typically are licensed by the State of Georgia and include, but are not limited to, architects, real estate brokers, health service practitioners, accountants, engineers and attorneys.

**Official zoning map:** A legally adopted map that conclusively shows the location and boundaries of zoned districts.

**Off-street parking space:** A temporary storage area for a motor vehicle that is directly accessible to an access aisle, and which is not located on a dedicated street right-of-way.

**Open space:** Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment.

**Outdoor storage:** The keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than 24 hours.

**Parking area:** Any public or private land area used for parking vehicles including parking lots, garages, private driveways and legally designated areas of public streets.

**Parking lot:** Any designated area designed for temporary accommodation of motor vehicles in normal operating condition.

**Parking space:** Any area for the exclusive parking of a single vehicle having an area of not less than 200 square feet.

**Permanent sign:** Any sign attached securely to a building, roof, wall, or canopy or the ground by means of concrete, bolts, metal braces or treated wood or cedar, and continuing in the same state or without essential change to the sign structure.

**Permit:** Written governmental permission issued by an authorized official, empowering the holder thereof to do some act not forbidden by law, but not allowed without such authorization.

**Permitted use:** Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

**Personal care home:** A facility licensed by the State of Georgia for the transitional residency of persons incapable of independent living, within which are provided living and sleeping facilities, meal preparation, laundry services, transportation services and routine social and medical appointments and counseling.

**Pharmacy:** A place where medicines are compounded or dispensed.

**Planned development:** A tract of land developed based on a plan which allows for flexibility of design not available under normal zoning district requirements.

**Planning commission:** shall mean the Ball Ground Planning Commission or Planning Commission designated to act on behalf of the City of Ball Ground.

**Plat:** A map representing a tract of land, showing the boundaries and location of individual properties and streets.

**Plat, final:** The final map of all or a portion of a subdivision or site plan which is presented to the planning commission for final approval.

**Plat, preliminary:** A map indicating the proposed layout of the subdivision or site plan which is submitted to the proper review authority for consideration and approval.

**Recovered materials:** Those materials which have known use, reuse, or recycling potential; can be feasibly used, reused, or recycled; and have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not requiring subsequent separation and processing.

**Recovered materials processing facility:** A facility engaged solely in the storage, processing, and resale or reuse of recovered materials. Such term shall not include a solid waste handling facility; provided, however, any solid waste generated by such facility shall be subject to all applicable laws and regulations relating to such solid waste.

**Recreational vehicles:** Boat trailers and any type of portable structure without permanent foundations, which can be towed, hauled or driven and may be designed as temporary living accommodation for recreational, camping, and travel use, and including travel trailers, truck campers on or off the truck, camping trailers and self-propelled motor homes.

**Recycling collection point:** A primary or accessory use that serves as a neighborhood drop-off point for temporary storage of recoverable resources with no processing of such items taking place.

**Residence:** A home or dwelling utilized as living quarters.

**Rest home:** See **Home for the aged**.

**Retail services:** Establishments providing services or entertainment, as opposed to products, to the general public, including eating and drinking places, hotels and motels, finance, real estate and insurance, personal services, motion pictures, amusement and recreation services, health, educational and social services, museums and galleries.

**Retail trade:** Establishments engaged in selling goods or merchandise to the general public and for personal or household consumption and rendering services incidental to the sale of such goods.

**Right-of-way:** A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer and other similar uses.

**Rooming house:** See boarding house.

**School:** State, county, city church or other schools, public or private, as teach the subjects commonly taught in the common schools of this state, and vocational schools, colleges, post-high school learning centers.

**Setbacks:** The required space between a property line and a building or specified structure.

**Shopping center:** A group of commercial establishments constructed as a singular entity with customer and employee parking provided on-site.

**Sidewalk:** A paved, surfaced or leveled area, paralleling and usually separated from the street, used as a pedestrian walkway.

**Sign:** Any structure, part thereof, or device attached thereto or painted or represented thereon or any material or thing, illuminated or otherwise, which displays or includes any numeral, letter, word, model, banner, emblem, insignia, device, trademark or other representation used as or in the nature of an announcement, advertisement, direction or designation of any person, group, organization, place, commodity, product, service, business, profession, enterprise or industry which is located upon any land or any building or upon a window. The flag, emblem or other insignia of a nation, government unit, educational, charitable or religious group shall not be included.

**Sign, animated:** A sign with action or motion with moving characters or flashing colors which require electrical energy, including wind actuated elements, such as flags or banners. This term does not include time and temperature or revolving signs.

**Sign, announcement:** A single face nonilluminated professional or announcement sign, not exceeding two square feet in area, and attached wholly to a building, window or door. Where such sign only includes emergency information, business hours, credit cards honored and other accessory information it shall be known as an “incidental use” sign not requiring a permit.

**Sign, building identification:** A wall sign used to identify or indicate the name of a building.

**Sign, canopy:** A sign imposed upon or painted on any roof-like structure either permanently or temporarily extended over a sidewalk or walkway, which can be mounted flush or suspended.

**Sign, changeable copy:** A sign that is designed so that characters, letters, or illustrations can be changed or rearranged without altering the face or surface of the sign.

**Sign, construction:** A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

**Sign, detached:** A permanent sign affixed to the ground which is wholly independent of any building for support. This term includes portable display signs.

**Sign, directory:** A sign containing information relative to the location, distance to, entrance to, and exit from structures, or convenient for visitors coming on the property, including signs marking entrances and exits, parking areas, circulation direction, rest rooms, and pick up and delivery areas, or land use activities.

**Sign, event:** A temporary sign advertising private sales of personal property such as “house sales,” “garage sales,” “rummage sales” and the like or private not-for-profit events such as picnics, carnivals, game nights, art and craft shows and Christmas tree sales.

**Sign, flashing:** A sign, the illumination of which is not kept constant in intensity at all times when in use, and which exhibits sudden or marked changes in lighting effects.

**Sign, general advertising:** A detached sign which has a sign area greater than 250 square feet.

**Sign, illuminated:** A sign illuminated directly or indirectly by gas, electricity or other artificial light including reflective or fluorescent light.

**Sign, marquee:** A projection sign attached to a roofed structure of a building which may project over public or private sidewalk or rights-of-way.

**Sign, monument:** A free standing, detached sign in which the width of the support structure (base) is no less than  $\frac{1}{4}$  the overall height of the sign. The base shall not count toward the area of the sign.

**Sign, on-premise:** Any sign the content of which relates to the premises on which it is located, referring to the name, location, products, persons, accommodations, services or activities of or on those premises, or the sale, lease, or construction of those premises, or conveying any other message regardless of whether said message relates to the premises where the sign is located.

**Sign, personal expression:** A detached sign located on private property containing non-commercial messages of the property owner. Obscene messages are prohibited.

**Sign, political:** Any sign used in connection with political campaigns or civic non-commercial health, safety and welfare campaigns.

**Sign, portable display:** A mobile/temporary, electrical or non-electrical changeable copy sign that is mounted on a trailer type frame with or without wheels or skids or portable wood or metal frame and not permanently attached to the ground.

**Sign, projection:** A sign which is attached to the building wall and which extends more than 18 inches from the face of such wall.

**Sign, real estate:** A temporary sign advertising the sale, or lease of the property on which it is located.

**Sign, real estate directional:** A sign which conveys directions to a specific property for sale or lease, such as a real estate development, residential subdivision, apartment or condominium, home for sale, apartment for rent, or any other property for sale or lease.

**Sign, roof:** A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof, the eave line of a building with a gambrel, gable or hip roof or the deck line of a building with a mansard roof.

**Sign, temporary:** A display, informational sign, banner, or other advertisement device with or without a structural frame, not permanently attached to a building, structure or the ground and intended for a limited period of display, including real estate signs, accessory temporary window or display case signs, and decorative displays for holidays, or public demonstrations. This definition does not include portable display signs.

**Sign, vehicular:** Any sign on an operable vehicle or any vehicle parked temporarily, incidental to its principal use for transportation. This definition shall not include signs which are being transported to a site for erection.

**Sign, wall:** Any sign attached to or erected against a wall which is an integral part of the building, and projects no more than 18 inches from the wall of the building. Such a sign may be constructed without constituting an encroachment into a required side or front yard setback line. A single face sign which is in any manner attached or fixed flat to an exterior wall of a building or structure. Individual letters in addition to the “box type” (i.e., letters and symbols on an attached backing) sign may also be installed.



**Sign, window:** A sign affixed to or displayed within 1 foot of a window in any manner so as to be visible from a public right-of-way.

**Sign area:** The entire face of a sign, its supporting structure and all wall work including illuminated tubing incidental to its decoration. In the case of an open sign made up of individual letters, figures, or designs attached directly to the building or standard the space between such letters, figures or designs shall be included as part of the sign area. When a sign has parallel sides or where the interior angle formed by the faces is less than 45°, the sign shall be considered double-faced. The calculation for a double-faced sign shall be the area of one face only. The copy area of all “V” or “L” shaped signs with an internal angle of greater than 45° shall be considered as a single face. If the faces of a double-face sign are of unequal area, the area of the sign shall be taken as the area of the larger face.

**Sign clearance:** The vertical distance from the established finished grade of the sidewalk or ground to the lower edge of a sign.

**Site plan:** The development plan for one or more lots on which is shown the existing and proposed conditions of the lot including: topography, vegetation, drainage, flood plains, marshes and waterways; open spaces, walkways, means of ingress and egress, utility services, landscaping, structures and signs, lighting, and screening devices; any other information that reasonably may be required in order that an informed decision can be made by the approving authority.

**Solid waste handling facility:** Any facility the primary purpose of which is the storage, collection, transportation, treatment, utilization, processing, or disposal, or any combination thereof, of solid waste.

**Story:** That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it and including those finished basements used for the principal use with a floor area greater than 50% of the story above.

**Street:** A way for vehicular traffic, whether designated as an avenue, boulevard, road, highway, expressway, lane, alley, or other way.

**Street, private:** Any right-of-way or area set aside to provide vehicular access within a development which has not been dedicated to, nor accepted by the city, and which is not maintained by the city.

**Structure:** Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground.

**Subdivider:** A person, firm or corporation having such a proprietary interest in the land to be subdivided as will authorize the maintenance or proceedings to subdivide such land under this article, or the authorized agent of such person, firm or corporation for the purpose of proceeding under these regulations.

**Subdivision:** All divisions of a tract or parcel of for the purpose (whether immediate or future) of sale, lease, legacy or building development; it includes all divisions of land involving a new street to which the public has access (whether private or public) or change in an existing street, and includes re-subdivision, and where appropriate to the context, related to the process of subdividing or to the land or area subdivided.

**Swale:** A depression in the ground which channels runoff.

**Tavern:** An establishment used primarily for the serving of liquor by the drink to the general public and where food or packaged liquors may be served or sold only as accessory to the primary use.

**Tract:** An area, parcel, piece of land, or property which is the subject of a development application.

**Trailer:** Any vehicle or structure constructed so as to permit occupancy thereof as sleeping or living quarters, or the conduct of any business, trade or occupation, or use as selling or advertising device, or use of storage or conveyance for chattel, tools, equipment or machinery, and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets propelled or drawn by its own or other motive power. This term shall include, but not be limited to: automobiles, motorcycles, boat utility trailers, trailer coaches and manufactured homes.

**Trailer, camping:** Shall mean any portable structure or vehicle designed for highway travel at legal speed limits without special permit which is intended for temporary living.

**Townhouses:** Attached houses in a row or group, each house separated from adjoining houses in the same row or group by fire walls and having fee simple title.

**Variance:** A device which grants a property owner relief from certain provisions of a zoning ordinance when, because of the particular physical surroundings, shape or topographical condition of the property, compliance would result in a particular hardship as distinguished from a mere inconvenience or a desire to make more money.

**Waste transfer station:** A facility used for the temporary storage and collection of waste materials.

**Yard:** An open space on the same lot with a building or building group lying to the front, rear, or side of a building extending to the nearest lot line.

**Zone:** A specifically delineated area or district in a municipality within which regulations and requirements uniformly govern the use, placement, spacing and size of land and buildings.

**Zoning ordinance:** The Zoning Ordinance of the City of Ball Ground, Georgia as adopted and amended.

## **DIVISION 112 Sign Regulations**

### **112.1 Objectives and Purpose**

This article is to establish requirements for the placement, installation, and maintenance of signs in order to protect and promote the health, safety, welfare, and general well being of the citizens of the City of Ball Ground. The zoning regulations of the placement, construction, maintenance of buildings and structures is a valid use of the police power, including the regulation of the placement, installation, and maintenance of signs. Signs must ordinarily be considered structures, and are capable of producing many of the same nuisances as are produced by buildings. The intent of this article to regulate the size, height and number of signs in such a manner as to protect and preserve the aesthetic qualities of the county while promoting traffic safety without causing unsafe conditions.

The City of Ball Ground will only oversee the number of signs, height, size and placement of signs with one freestanding sign per parcel of land. The City of Ball Ground makes no determination or permits signs in regard to on-site or off-site locations. With these objectives and purposes in mind, the intention of this article is to authorize the use of signs that:

1. Are compatible with their surroundings in terms of zoning, existing land use, and architectural characteristics.
2. Are legible and compatible with the type of lawful activities to which the signs pertain in such a manner as to express the identity of the individual properties and/or of the city as a whole.

In addition, the regulation of signs within the city is necessary and in the public interest:

1. To protect property values within the city.
2. To protect the motoring public from damage or injury caused or partially attributable to distractions or obstructions from improperly designed or situated signs.
3. To promote the economic well being of Ball Ground by creating a favorable physical image.
4. To improve the legibility and effectiveness of all permitted signs.
5. To allow individuals equal and fair opportunity to advertise and promote their products and services without discrimination.
6. To eliminate excessive signage.
7. To protect the right of citizens to enjoy Ball Ground's natural scenic beauty.
8. To encourage the economic development within the city.
9. To regulate the construction, erection, maintenance and size of signs that may constitute a direct danger to pedestrians and property.
10. To preserve and promote the public health, safety and welfare in Ball Ground.

## 112.2 Jurisdiction and Applicability of Code Requirements

- A. This article shall apply to all properties within the incorporated areas of Ball Ground, Georgia. This article shall not relate to the copy or message on a sign within the incorporated areas of Ball Ground.
- B. All signs and other advertising structures shall be constructed and maintained in conformance with the building and electrical codes adopted by the city of Ball Ground.
- A. If any provisions or requirements of this article are in conflict with any other provision or requirement of this ordinance or any other applicable governmental law, ordinance, resolution, rule or other governmental regulation of any kind, the more restrictive rule or standard takes precedence.

## 112.3 Variances

Variances from the provisions of this article may be requested. All such variances shall be considered and decided by the Ball Ground Zoning Board of Appeals in accordance with officially adopted procedures and standards contained in the Ball Ground Zoning Ordinance.

## 112.4 Definitions

Words and phrases used in this ordinance have the meanings defined in this section. In addition, words and phrases not defined in this section, but defined in the Zoning Ordinance of the county shall be given the meanings as set forth in such ordinance.

*ABANDONED SIGN* - A sign and/or sign structure which no longer correctly directs or exhorts any person, or advertises a bona-fide business, lessor, owner, product or service where such sign and/or sign structure is located.

*ADVERTISE* – To call the attention of the public to a product, business and/or event.

*ADVERTISING DEVICE* - Any structure or device situated on or attached to real property that is erected or intended for the purpose of advertising.

*AIR AND GAS FILLED DEVICE* - Any sign using, either wholly or in part, forced air or other gas as a means of supporting its structure.

*ANIMATED SIGN* - Any sign that all or any part thereof visibly moves or imitates movement in any fashion whatsoever. Any sign that contains or uses for illumination any light(s) or lighting device(s) that change color, flash or alternate, show movement or motion, or change the appearance of said sign or any part automatically.

*AREA OF SIGN (COPY AREA)* - The area within a continuous perimeter enclosing the limits of writing, representation, emblem, or any figure of similar character together with any frame, other material, open space, or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed.

*BANNER* - A sign hung either with or without a frame, possessing characters, letters, illustrations, or ornamentation applied to paper, plastic, or fabric of any kind. This excludes flags, emblems, and insignia of political, professional, religious, educational, or corporate organizations providing that such flags, emblems and insignia are displayed for non-commercial purposes.

*BEACON* - Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

*BENCH SIGN* - A sign located on any part of the surface of a bench or seat placed on or adjacent to a public right-of-way.

*BILLBOARDS* – Freestanding signs or structures for the display of advertisements in public places or highways. All regulations relating to freestanding signs should apply.

*BUILDING MARKER* - Any sign indicating the name of a building, the date and incidental information about its construction and is cut into a masonry surface or made of bronze or other permanent material.

*BUILDING SIGN* - Any sign attached to any part of a building other than a freestanding sign.

*CANOPY* - Any permanent roof-like structure, including awnings and marquees, projecting beyond a building or extending along and projecting beyond the wall of a building, generally designed and constructed to provide protection from the weather.

*CANOPY SIGN* - Any sign attached to, or made a part of the front, side, or top of a canopy.

*COMMEMORATIVE SIGNS* – Any sign that honors the memory of or serves as a memorial to commemorate.

*COMMERCIAL MESSAGE* - Any wording, logo, or other representation that directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

*COMMERCIAL OFFICE CENTER* - A single parcel of land containing two (2) or more businesses or establishments, including all forms of retail, wholesale and services.

*CONSTRUCTION SIGN* – A sign announcing the proposed or existing construction of a building or project.

*COPY* - The wording or graphics on a sign surface in either permanent or removable form.

*DIRECTIONAL SIGN* - An unofficial or non-standard traffic control sign, containing no commercial message except logos, intended to direct or regulate the movement of traffic and/or pedestrians. This includes, but is not limited to, 'enter', 'exit', 'drive through', and directional arrow signs. These signs may be freestanding or mounted on a building.

*DIRECTORY SIGN* - A sign, which gives the name and/or occupation of the occupants of a building or identifies the particular use of a building.

*ERECT* - To build, construct, attach, hang, place, suspend, paint or affix.

*ESTABLISHMENT* - A commercial, industrial, institutional, educational, office, business or financial entity.

*FLAG* - Any fabric, banner, or bunting containing distinctive colors, patterns or symbols, used as a symbol of a government, political subdivision or other entity.

*FLASHING SIGN* - (See Animated Sign)

*FREESTANDING SIGN* – Monument sign.

*FRONTAGE, BUILDING* - The length of an outside building wall facing a street.

*FRONTAGE, STREET* - The length of the property line of any one parcel along a street on which it borders.

*GROUND SIGN* - A freestanding sign which has no space between the signage copy area and the ground surface.

*HISTORIC SIGN* - Any animated neon sign over thirty (30) years old, any existing barber pole or any other sign so designated by the Historic Preservation Commission. Extensions, additions and embellishments are not considered part of a historic sign.

*HOME OCCUPATION SIGN* - A sign for a legally permitted home occupation on a residential parcel of land, with advertising for services legally offered on the premises where the sign is located.

*IDENTIFICATION SIGN* - A sign depicting the name of a building and/or the address of an establishment on the premises where the sign is located. The name and/or address may be included as part of another signage type.

*ILLUMINATED SIGN* - A sign which contains an internal source of light or which is designed or arranged to reflect light from an artificial source.

*INCIDENTAL SIGN* - A general information sign that is secondary to the use of the parcel on which it is located. This includes credit cards accepted, official notice of services as required by law, trade affiliations, business hours, "telephone", "self-service" and other related information. These signs are typically located on doors, windows or building walls.

*INSTRUCTIONAL SIGN* - A sign that has the purpose of giving instruction, direction or an order.

*MANSARD SIGN* - Any sign attached to or erected within 12 inches of an actual or simulated mansard of a building, with the sign face parallel to and within the limits of the building, not deemed to be a roof sign.

*MONUMENT SIGN* - A permanent sign placed upon or supported by the ground independent of any other structure and constructed of stone, concrete, masonry, stucco or equal architectural material.

*MOVING SIGN* - (See Animated Sign)

*NONCONFORMING SIGN (LEGAL)* - Any advertising device or sign, including billboards, which were legally erected and maintained prior to the adoption or amendment of this ordinance, but no longer comply. Legal nonconforming signs require just compensation under the Highway Beautification Act for removal.

*NON-PROFIT ACTIVITY* - An activity, project, operation or enterprise of a temporary nature carried on by a corporation or an organization qualified as an exempt organization under applicable provisions of the Internal Revenue Code.

*PAINTED WALL SIGN* - Any sign that is applied with paint or similar substance on the face of a wall.

*PARCEL (LOT) - (BUSINESS LOT)* - Any standard lot or parcel of land, the boundaries of which, have been established by a recorded legal instrument and is recognized and intended as a unit for the purpose of transfer of ownership. The said parcel being duly recorded with the Clerk of Superior Court, Cherokee County.

*PERMANENT SIGN* - A sign permanently affixed to a building or the ground.

*PERSON* - Any association, company, corporation, firm, organization, or partnership, singular or plural, of any kind.

*POLITICAL SIGN* - A sign identifying and urging voter support for or in opposition to a particular issue, political party, or candidate for public office.

*PORTABLE SIGN* - Any sign supported by its own frame or trailer, with or without wheels, that is designed to move from one place to another.

*PREMISES* - An area of land with appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

*PRINCIPLE BUILDING* - The building with the principal use of the parcel on which it is located. Parcels with multiple principal uses may have multiple principal buildings. However, storage buildings, garages, and other clearly accessory are not considered principal buildings.

*PROJECTING SIGN* - Any sign affixed to a building or wall, which horizontally extends more than twelve inches beyond the surface of a building or wall.

*PUBLIC SERVICE SIGN* - A sign designed to render a public service such as 'time and temperature' and 'flashing news' signs.

*REAL ESTATE SIGN* - A temporary sign erected by the owner, or agent, advertising the real property upon which the sign is located for rent, lease, or sale.

*RESIDENTIAL DISTRICT* - Includes all land zoned R-12, R-15, R-20, R-40, RM-4, CBD and TND.

*REVOLVING SIGN* - (See Animated Sign)

*ROOF SIGN* - Any sign erected, constructed, and maintained upon or over the roof of any building and projecting above the roof line.

*ROOF SIGN (INTEGRAL)* - Any sign erected or constructed as an integral part of a normal roof structure of any design. No part of the sign can extend vertically above the highest portion of the roof and no part of the sign can be separated from the rest of the roof by a space of more than six inches.

*SETBACK* - The distance from the property line to the nearest part of the applicable building, structure, or sign, measured perpendicularly to the property line.

*SIDEWALK, SANDWICH OR A-FRAME SIGN* - A sign which is normally in the shape of an 'A' or some variation, which is usually two-sided.

*SIGN* - Any identification, description, illustration or device, illuminated or non-illuminated, which is visible to the general public and directs attention to a product, service, place, activity, person, institution, business or any emblem, painting, flag, banner, pennant, balloon, or placard designed to advertise, identify, or convey information.

*SIGN FACE* - The portion of a sign on which the copy is placed.

*SIGN NUMBER* - For the purpose of determining the number of signs, a sign shall be construed to be a single display surface or device containing elements organized, related and composed, to form a single unit. In cases where material is displayed in a random or unconnected manner or where there is reasonable doubt as to the intended relationship of such components, each component is considered to be a single sign. A projecting sign and both sign faces being less than 42 inches apart shall be construed as a single sign.

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

*SNIPE SIGN* - A sign of any material that is attached in anyway to a utility pole, tree, fence, rock, or any other similar object located on public or private property. Snipe signs do not include 'keep out', 'posted' or 'no trespassing' signs.

*STREET* - Any public or private right-of-way for automobile use. This excludes alleyways, parking lots and driveways.

*STREET FRONTAGE* - The width in linear feet of a lot or parcel where it abuts the right-of-way of any public street.

*SUBDIVISION SIGN* - Any sign designed to identify a subdivision, neighborhood, or residential complex.

*TRAFFIC CONTROL SIGN* - A standard sign or electronic device (such as a traffic signal, stop sign, one way, handicap, no parking, fire lane, etc. For the purpose of directing or regulating traffic and/or pedestrians.

*UNDER CANOPY SIGN* - A sign that is suspended from the underside of a canopy (including awnings and marquees), is perpendicular to the wall surface of a building, and whose copy is not clearly visible from a public right-of-way.



*UNLAWFUL SIGN (ILLEGAL SIGN)* - Any sign erected without a permit when a permit for the sign was otherwise required by this ordinance or previously adopted ordinance or code. A permitted sign which has not been properly erected in accordance with the permit application and approved sign permit or an otherwise lawful and permitted sign that has become hazardous or a nuisance to the public due to poor maintenance, dilapidation, or abandonment and so declared by the building official.

*WALL FACE* - A measurement of area equal to the height of the structure from the ground to the coping or eave of the roof multiplied by the width of the wall associated with the individual business. The wall face is to be measured for each wall independently.

*WALL SIGN* - Any sign affixed or attached to a wall of a building, extending no more than 12" beyond the wall and which displays only one sign surface.

*WINDOW SIGN* - Any sign, excluding identification and incidental signs, placed inside or upon a window, containing a commercial message, and intended to be seen from the exterior.

## **112.5 General Provisions**

### *112.5-1 Permitting Requirements*

A. Except as specifically exempted from the provisions of this article, a person or firm may not legally post, display, enlarge, erect, move or substantially change a sign without first obtaining a sign permit from the Administrator or his designee. A change in the copy only of a sign or advertising device does not constitute a substantial change.

B. Permit Application. Applications for sign permits shall be filed by the sign owner or his agent with the Administrator or his designee upon forms furnished by the city. Applications shall describe and justify the following:

1. The type and purpose of the sign as defined in this ordinance.
2. The value of the sign.
3. The street address and zoning designation of the property where the sign is to be located and the proposed location of the sign on the property.
4. The square foot area per sign and the aggregate square foot area if there is more than one sign face.
5. The name(s) and address(es) of the owner(s) of the real property upon which the subject sign is to be located.
6. Written consent of the owner, or his agent, granting permission for the placement of the sign.
7. A sketch or print drawn to scale showing all dimensions with pertinent information such as wind pressure requirements and display materials in accordance with the Standard Building Code as adopted by the city of Ball Ground. The Administrator or his designee may require additional information on such sketch or print to insure compliance with this ordinance.
8. Name, address, phone number and business license number of the sign contractor.

9. All applicants for electrical signs must obtain an electrical permit.
10. A written agreement to indemnify and hold the county harmless of all damages, demands or expenses of every type which may in any manner be caused by the sign or sign structure.
- C. Fees. No permit shall be issued until the appropriate application has been filed with the Administrator or his designee and permit fees have been paid as adopted by the Mayor and City Council and as amended from time to time.
- D. Permit Expiration. A sign permit shall become null and void if construction of the sign has not begun within a period of two (2) months from the date of issuance and completed within six (6) months from the date of issuance. Issuance of a sign permit shall in no way prevent the county from later declaring the sign to be nonconforming or unlawful with further review of available information, the sign is found not to comply with the requirements of this ordinance.
- E. Identification Label. With each sign permit, the Administrator or his designee shall issue a label bearing the same number as the sign permit with which it is issued. The duty of the permittee or his agent is to affix such to the sign or its supporting structure in such a manner as to be visible from a street right-of-way.

*112.5-2 Construction, Maintenance Requirements*

- A. Erecting or placing any sign that does not conform to the requirements of this ordinance is unlawful.
- B. All signs for which a permit is required, together with all their supports, braces, guys and anchors shall be kept in constant repair. Signs shall be kept clean, neatly painted and maintained at all times so as not to be detrimental to public health and safety.
- C. No trash shall be allowed to accumulate in the area around a sign and all weeds shall be kept out.
- D. Removal of abandoned signs. Any structure formerly used as a sign, but not in use for any other purpose, must be removed by the owner of the property within thirty (30) days after written notification from a designated official of the city of Ball Ground or sixty (60) days after its use as a valid sign has ceased. After which time, the city may cause the removal of the sign at the property owner's expense.

*112.5-3 Lighting Requirements*

- A. Lighted, neon or luminous signs giving off light resulting in glare, blinding or any other such adverse effect on traffic shall not be erected or maintained.
- B. The light from illuminated signs shall be established in such a way that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways. Lighting shall not be directed skyward.
- C. No illuminated signs shall be constructed or maintained within fifty (50) feet of any residential district or dwelling.

D. Signs with flashing, intermittent or animated illumination or effect shall be excluded from all districts provided, however, time and weather informational signs, official warning or regulatory signs shall be exempt from this requirement.

E. No sign shall be erected which simulates an official traffic control or warning sign in such a manner as to confuse or mislead the motoring public or hide from view any traffic or street sign or signal.

*112.5-4 Height Requirements*

The height requirements of a sign shall be computed as the distance from the base of the sign at normal grade to the highest attached component of the sign or sign structure, whichever is higher. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, beaming, mounding or excavating solely for the purpose of locating the sign. Cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade, at the base of the sign, is equal to the elevation of the nearest point of the crown of a public road. In addition, the grade of the land at the principal entrance to the principal structure on the lot, whichever is lower. Refer to table 11.1 for specific height limits and requirements.

*112.5-5 Additional Requirements*

A. The owner shall remove any sign relating to a business or other use located on the same lot within 30 days after vacating the premises.

B. Real estate signs shall be removed within ten days of the sale, rental or lease of the property advertised; however, the use of a 'SOLD' attachment to a sign pending the completion of a sales transaction shall not be construed as a sale.

C. No sign shall be erected or maintained which obstructs any fire escape, any means of escape or ventilation, or which prevents free passage from one part of a roof to any other part thereof; nor shall any sign be attached in any form, shape or manner to a fire escape.

D. No sign shall be erected, maintained, painted, drawn or attached to any utility pole, fence, rock, tree or any other natural feature.

E. It shall be unlawful to post any signs or advertisements on any building, fence or other property belonging to another person without the written consent of the owner thereof. Such consent shall be included with the sign permit application.

F. Signs erected for the purpose of identifying a premise shall not also contain advertising except that of the use identified.

G. All signs shall be located on or over private property only, except those specifically permitted by this article.

H. All signs shall be erected in such a manner as to not interfere with or obstruct the view of any authorized traffic sign, signal or device.

I. All signs shall be located in such a way that they maintain horizontal and vertical clearance from all overhead utilities in accordance with National Electrical Code specification. In no case shall any sign be installed within five (5) feet horizontally or vertically from an overhead utility line or utility guy wire.

J. Corner Visibility Clearance: In any distance, no sign or sign structure (above the height of three feet) shall be maintained within fifteen (15) feet of the intersection of the right-of-way lines extending of two streets, or of a street intersection with a railroad right-of-way. However, a sign structure, if not more than ten (10) inches in diameter located on a corner lot where services are provided to the motoring public, may be located within the required corner visibility area. This is provided if all other requirements of this article are met and the lowest elevation of the sign surface is at least ten (10) feet above the ground level.

K. All signs erected and permitted in the City of Ball Ground shall contain within the copy area of said sign the following:  
in the City of Ball Ground

### **112.6 Prohibited Signs**

The following signs and advertising devices are prohibited within the incorporated portions of the city of Ball Ground.

1. Signs, which advertise or encourage an illegal activity as defined by local, state or federal laws.
2. Swinging or projecting signs that exceed 8 square feet in size – must clear the sidewalk by 9 feet with a max height above sidewalk not to exceed 13 feet. Sign cannot extend beyond the curb of the road.
3. Rotating or animated signs involving motion or sound including those that flash, blink, change image, or show any form of movement, excluding historic signs and those officially designated for public service.
5. Signs that resemble any official traffic control device or emergency vehicle markings.
5. Portable signs. (mobile, trailer)
7. Flags, banners, streamers, tethered balloons or other inflatable signs or figures, except as authorized by this regulation. (Section 112.8.(6))
7. Signs that make use of the words 'stop', 'go', 'slow', 'caution', 'danger', 'warning' or similar words, phrases, symbols or character in such a manner as to interfere with, mislead or confuse automobile traffic except construction signs or barricades and except when the words are incorporated in the permanent name of a business.
8. Snipe signs.
9. Search lights and beacons.
10. Signs attached to or painted on vehicles of any type, which are conspicuously parked in proximity to a right-of-way and obviously parked in such a way as to advertise any business or service to motorists or pedestrians.

11. Signs that emit visible smoke vapor particles or odor.

14. Except as otherwise provided for in this ordinance, any sign which advertises or otherwise directs attention to a product, service or other activity, event, person, institution or business, which may or may not be identified by a "brand" name is not permitted.

### **112.7 Exempt Signs**

Except as otherwise provided, the following on-premise signs may be erected without securing a permit. Such exempt signs shall not be considered in determining the allowable number or size of signs on a zoning lot. However, the signs must comply with all other applicable sections of this article and applicable codes and regulations. The erection of any sign not listed in this section shall require a permit.

1. One (1) professional name plate for each establishment. Each professional nameplate shall not exceed two (2) square feet in area.

2. One (1) separate identification sign for each establishment when affixed to a building wall or window and limited to a maximum size of two (2) square feet. The purpose of this sign is to identify the establishment's property number (address), suite or unit number, post office number, etc.

3. One (1) informational bulletin board for public, charitable, educational or religious institutions when located on the premises of said institution and affixed to a building wall. Bulletin boards may not exceed thirty-two (32) square feet in area and shall be located in such a manner that said bulletin board will satisfy the required setback requirements for the zoning district in which the bulletin board is located.

4. Traffic, directional, warning or official notices or signs owned by any public agency or office, no hunting, no trespassing and no public access signs.

5. One (1) non-illuminated temporary real estate sign per street frontage and provided as follows:

(a) Maximum sign area shall be limited to five (5) square feet with a maximum height of six (6) feet in all residential districts.

(b) Multiple listing strips, sale pending and sold signs may be allowed when attached to a real estate sign and are subject to the same maximum area and maximum height requirements.

(c) One (1) on-premise open house or open for inspection sign, not exceeding five (5) square feet in area with a maximum height of six (6) feet, may be allowed in addition to the above requirements.

(d) All the temporary real estate signs shall be removed within ten (10) days after ownership or occupancy has changed.

(e) In agricultural zoned districts with parcels greater than 10 acres, the maximum sign area is 32 sq. ft. with a maximum height of 8 ft. Parcels in agricultural zoned districts with less than 10 acres are allowed a maximum sign area of 5 sq. ft. and a maximum height of 5 ft.

(f) Real Estate brochures/information boxes may be allowed with a maximum of 1 brochure/information box per parcel of land.

6. Flags and insignia subject to the following provisions:

(a) Limited to official flags of the United States, State of Georgia, Cherokee County or the City of Ball Ground.

(b) Flagpoles shall not exceed forty (40) feet in height and flags must be flown in accordance with standard protocol.

7. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.

8. Non-advertising directional signs or symbols not exceeding two (2) square feet designed to direct and inform the public as to location or direction to a parcel of private property (e.g., entrance, exit, caution, slow, no trespassing, service areas or loading and unloading areas).

9. Signs appearing on vending machines are limited to signs referring to the product contained within or on the device.

10. Gasoline pump signs shall be allowed on gasoline pumps so as to provide required information, such as gallons, price, octane rating, and type of fuel. As the trade name of the business is often incorporated into the name of the different types of fuel, said trade name and any associated symbols shall be allowed on the pumps as flat signs not to exceed three (3) square feet in area per sign face, or a total of six (6) square feet per pump.

11. Political signs as follows:

(A) The sign shall not be displayed more than thirty (30) days prior to the primary election; general election or referendum it concerns and shall be removed within seven (7) days after the election has been held. The owner of the property on which the sign is located and the candidate will be responsible for removing the sign.

(B) The sign shall be located entirely on private property and are prohibited, in whole or in part, on any public lands or public right-of-way and must not be attached to any other sign, utility pole, tree, rock, or other form of vegetation or natural feature.

(C) The number of signs displayed shall be restricted to one (1) sign per parcel of property per candidate.

(D) Signs shall not exceed sixteen (16) square feet in area.

12. Signs for temporary garage sales, yard sales, and the like, located in residential districts and subject to the following provisions:

(A) On-premise signs shall be limited to one (1) sign per parcel of property.

(B) The maximum area of the sign shall be six (6) square feet and the maximum height shall be four (4) feet.

(C) Signs must be removed at the close of the sale.

(D) Weekend Directional Signs (WEDS):

Definition: WEDS shall convey directions to a specific, noncommercial place or event. For example: Premises that are for sale or lease, a church or community gathering, yard sales, moving sales, estate sales, etc.

Zoning Districts: WEDS shall be allowed in all zoning districts.

Time Allowed: WEDS shall be allowed from 3:00 p.m. on Friday to 7:00 a.m. on Monday. The responsibility to remove all WEDS prior to 7:00 a.m. Monday is of the sign owner.

No Permit Req. WEDS do not require a permit or a permit fee.

Identification on Sign: Each WEDS shall be legibly marked with the name of the owner. If a party other than the owner agrees to be responsible for the removal of the sign, then the responsible party's name may be substituted. This information must be written in weatherproof ink or paint upon at least one face of the WEDS and in letters of at least one-half (1/2) inch in height.

Construction: WEDS shall not exceed four (4) square feet of sign area and three (3) feet in height and may be double-faced. WEDS shall be mounted on an independent single or double pole device. WEDS shall not be affixed in any manner to trees, natural objects, street light poles, utility poles, other signs or other sign structures. WEDS shall be made of metal, plastic, laminated cardboard or some other durable and waterproof material. No sign shall be made of paper.

Location: There shall be only one WEDS for any given place, activity, or event per three hundred (300) feet of road frontage. No WEDS shall be located closer than one (1) foot from the right-of-way. All WEDS must be placed on private property with the owner's permission.

13. Signs located on the inside of windows intended for the purpose of disseminating information about special sales or promotional campaigns, provided that such signs are temporary in nature and are constructed of such materials that clearly indicates that they are temporary.

14. Works of art which do not contain a commercial message.

15. Historic signs.

16. Municipal signs.

17. Signs on public transportation vehicles.

18. Signs painted on or otherwise attached to motor vehicles which are not conspicuously parked in proximity to a right-of-way, and obviously not parked in such a way as to advertise any business or service to motorists or pedestrians. This may include signs for realtors, surveyors, engineers, plumbers, electricians, delivery trucks, lawn service, etc.

19. Holiday lights, flags for decorative purposes, including small flagpoles, and other decorations, which do not require a permit and must not exceed sixteen (16) square feet.

### 112.8 Permitted Signs by Type and Zoning District

1. Freestanding businesses are allowed three (3) signs. Only one of the three can be a freestanding sign. A business within a shopping center can have a maximum of two (2) signs. The shopping center is allowed the freestanding sign.
2. Churches – In residential districts, freestanding signs will be limited to thirty-two (32) square feet with a maximum of eight (8) feet in height. In non-residential districts, (AG, Commercial/Industrial) freestanding signs will be limited to fifty (50) square feet with a maximum height of ten (10) feet.
3. Residential Districts – In residential districts, freestanding signs will be limited to four (4) square feet with a maximum height of four (4) feet. In agricultural districts (AG), freestanding signs are limited to thirty-two (32) square feet with a maximum height of eight (8) feet.
4. Subdivisions – Signs for the identification of a subdivision must be monumental (brick, stone, stucco or masonry). Two signs are allowed on either side of the entrance with the height a maximum of ten feet. The copy area has a total maximum of 64 feet for both or a maximum of 32 sq. ft. per side entrance. There are to be no signs on islands. However, one double-faced sign is allowed with a maximum of 50 sq. ft.
5. In non-residential districts, (Commercial/Industrial), freestanding signs will be limited to a hundred twenty (120) square feet with a maximum height of thirty-five (35) square feet.
6. Temporary On-Premise Signs – Decorative flags, banners, balloons, bunting or stick in type signs for celebrations, conventions, commemorations, grand-opening events or other special events or sales when specifically recognized by the City of Ball Ground for a prescribed period of two weeks, not to exceed 2 weeks in any 4 week period or a total of 8 weeks in any calendar year.
  - (a) A temporary sign must not have flashing lights or copy, moveable parts or colored lights that may closely resemble those of traffic signals, emergency vehicles or airport beacons.
  - (b) A temporary sign with copy must not be confused with authorized traffic signs or which may use words, phrases, symbols or characters that may interfere with, mislead or confuse motorists.
  - (c) Permits must be obtained from the City of Ball Ground for all temporary signs.
  - (d) No more than two temporary signs per business per parcel of property are permitted at any given time.
7. If the parcel has two street frontages, two freestanding signs are allowed in any zoning district.
8. If courtesy benches or waste containers are donated by a business, advertisement is allowed only for that particular business provided no more than 15% of the total surface area is covered by advertising.



<b>Zoning Districts</b>	<b>Signs Allowed</b>	<b>Per Residence</b>	<b>Per Subdivision</b>	<b>Per Business (Total of 3)</b>	<b>Allowable Sign Area</b>	<b>Max Height</b>	<b>Required Setback</b>
<b>RE R-40 R-20 R-15 TND-Res</b>	<b>Flags</b>	<b>1</b>	<b>1 Per Entrance</b>	<b>1</b>	<b>50 Max per side</b>	<b>8</b>	<b>See Below</b>
	<b>Commemorative</b>	<b>1</b>	<b>Allowed</b>	<b>Allowed</b>	<b>4</b>	<b>8</b>	<b>See Below</b>
	<b>Identification Sub-division</b>		<b>2</b>	<b>1</b>	<b>32 for ea. If 2 per subdivision, 50 if one per s/d</b>	<b>8</b>	<b>See Below</b>
	<b>Identification Other</b>	<b>1</b>	<b>Allowed, See 11.7</b>	<b>1</b>	<b>2</b>	<b>N/A</b>	<b>See Below</b>
	<b>WEDS</b>	<b>1</b>	<b>Allowed, See 11.7</b>	<b>1</b>	<b>4</b>	<b>3</b>	<b>See Below</b>

<b>Church</b>	<b>1</b>	<b>Allowed, See 11.7</b>	<b>1</b>	<b>32</b>	<b>8</b>	<b>See Below</b>
<b>Political</b>	<b>1</b>	<b>Allowed, See 11.7</b>	<b>1</b>	<b>6</b>	<b>8</b>	<b>See Below</b>
<b>Freestanding</b>	<b>1</b>	<b>1 Per Entrance</b>	<b>1</b>	<b>4</b>	<b>4</b>	<b>See Below</b>
<b>Real Estate</b>	<b>1</b>	<b>1 Per Entrance</b>	<b>1 Per Entrance</b>	<b>5</b>	<b>6</b>	<b>See Below</b>

**Setbacks: Arterial 10 ft. Collector St. 5 ft. Local St. 5 Ft.**

<b>Zoning Districts</b>	<b>Signs Allowed</b>	<b>Per Residence</b>	<b>Per Subdivision</b>	<b>Per Business (Total of 3)</b>	<b>Allowable Sign Area</b>	<b>Max Height</b>	<b>Required Setback</b>
<b>Commercial Industrial</b>	<b>Roof</b>	<b>None</b>	<b>None</b>	<b>1</b>	<b>50 Max per side</b>	<b>50</b>	<b>Bldg Mtd</b>
	<b>Wall</b>	<b>None</b>	<b>None</b>	<b>Permitted</b>	<b>1 sf copy area per 1 lineal ft of wall</b>	<b>N/A</b>	<b>Bldg Mtd</b>
	<b>Canopy</b>	<b>None</b>	<b>None</b>	<b>Permitted</b>	<b>Flush 50, Hanging 60</b>	<b>Not less than 8 ft above ground at low point</b>	<b>Bldg Mtd</b>
	<b>Window</b>	<b>None</b>	<b>Permitted</b>	<b>Permitted</b>	<b>Max 20% window area</b>	<b>N/A</b>	<b>Building Mtd</b>
	<b>Commemorative</b>	<b>1</b>	<b>Allowed</b>	<b>Allowed</b>	<b>4</b>		<b>Art.: 10ft Other 5ft</b>
	<b>Real Estate</b>	<b>1 Per entrance</b>	<b>1-Allowed</b>	<b>1-Allowed</b>	<b>32</b>	<b>8</b>	<b>Art: 10 ft Other 5 ft</b>
	<b>Identification</b>	<b>1</b>	<b>Allowed</b>	<b>Allowed</b>	<b>2</b>	<b>N/A</b>	<b>Bldg Mtd</b>
	<b>Instructional</b>	<b>1</b>	<b>Allowed</b>	<b>Allowed</b>	<b>2</b>	<b>8</b>	<b>0' Private Property</b>

	<b>Official</b>	<b>1</b>	<b>Allowed</b>	<b>Allowed</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>
	<b>Freestanding</b>	<b>1 per st front if shopping cntr</b>	<b>1</b>	<b>1 if alone 0 if part of shopping cntr</b>	<b>50</b>	<b>10</b>	<b>Art 10' other 5 ft</b>

**Section 113.0 Conservation Neighborhood Regulation**

**Table of Contents**

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Description:

This ordinance provides for conservation subdivisions in residential zones. This type of development can provide for the preservation of open space and greenspace for watershed protection and the nonstructural management of stormwater runoff.

**113.1 Purposes**

- A. To provide for the preservation of greenspace as a nonstructural stormwater runoff and watershed protection measure.
- B. To provide a residential zoning district that permits flexibility of design in order to promote environmentally sensitive and efficient uses of the land.
- C. To preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands and wildlife habitat.
- D. To permit clustering of houses and structures on less environmentally sensitive soils which will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development.

- E. To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development.
- F. To promote interconnected greenways and corridors throughout the community.
- G. To promote contiguous greenspace with adjacent jurisdictions.
- H. To encourage interaction in the community by clustering houses and orienting them closer to the street, providing public gathering places and encouraging use of parks and community facilities as focal points in the neighborhood.
- I. To encourage street designs that reduce traffic speeds and reliance on main arteries.
- J. To promote construction of convenient landscaped walking trails and bike paths both within the subdivision and connected to neighboring communities, businesses, and facilities to reduce reliance on automobiles.
- K. To conserve scenic views and reduce perceived density by maximizing the number of houses with direct access to and views of open space.
- L. To preserve important historic and archaeological sites.

**113.2 General Regulations.**

- A. Applicability of Regulations. This Conservation Subdivision option is available in the following RE, R-40, R-30 and R-20 as a use by right. Applicant shall comply with all other provisions of the zoning code and all other applicable laws, except those that are incompatible with the provisions contained herein.
- B. Ownership of Development Site. The tract of land to be subdivided may be held in single and separate ownership or in multiple ownership. If held in multiple ownership, however, the site shall be developed according to a single plan with common authority and common responsibility.
- C. Housing Determination. The maximum number of lots in the Conservation Subdivision shall be determined by either of the following two methods, at the discretion of the City of Ball Ground:
  - (1) Calculation: The maximum number of lots is determined by dividing the area of the tract of land by the minimum lot size specified in the underlying zoning. In making this calculation, the following shall not be included in the total area of the parcel:
    - (a) Slopes over 25 percent of at least 5,000 square feet of contiguous area;
    - (b) The 100 year floodplain;
    - (c) Bodies of open water over 5,000 square feet contiguous area;
    - (d) Wetlands that meet the definition of the Army Corps of Engineers pursuant of the Clean Water Act; or,
    - (e) Anticipated right of way needs for roads and utilities
  - (2) Yield Plan: The maximum number of lots is based on a conventional subdivision design plan, prepared by the applicant, in which the tract of land is subdivided in a manner intended to yield the highest number of lots possible. The plan does not have to meet

formal requirements for a site design plan, but the design must be capable of being constructed given site features and all applicable regulations.

**113.3 Application Requirements**

- A. **Site Analysis Map Required.** Concurrent with the submission of a site concept plan, applicant shall prepare and submit a site analysis map. The purpose of the site analysis map is to ensure that the important site features have been adequately identified prior to the creation of the site design, and that the proposed Open Space will meet the requirements of this article. The preliminary site plan shall include the following features:
  - (1) Property boundaries;
  - (2) All streams, rivers, lakes, wetlands and other hydrologic features;
  - (3) Topographic contours of no less than 10 foot intervals;
  - (4) All primary and secondary conservation areas labeled by type, as described in Section 4 of this article;
  - (5) General vegetation characteristics;
  - (6) General soil types
  - (7) The planned location of protected open space;
  - (8) Existing roads and structures; and,
  - (9) Potential connections with existing greenspace and trails.
- B. **Open Space Management Plan Required.** An open space management plan, as described in Section 4, shall be prepared and submitted prior to the issuance of a land disturbance permit.
- C. **Instrument of Permanent Protection Required.** An instrument of permanent protection, such as a conservation easement or permanent restrictive covenant and as described in Section 4, shall be placed on the Open Space concurrent with the issuance of a land disturbance permit.
- D. **Other Requirements.** The applicant shall adhere to all other applicable requirements of the underlying zoning and the Development Code and Zoning Ordinance of the City of Ball Ground.

**113.4 Open Space**

- A. **Definition.** Open Space is the portion of the conservation subdivision that has been set aside for permanent protection. Activities within the open Space are restricted in perpetuity through the use of an approved legal instrument.
- B. **Standards to Determine Open Space.**
  - (1) The minimum restricted Open Space shall comprise at least 40% of the gross tract area.

- (2) The following are considered Primary Conservation Areas and are required to be included within the Open Space, unless the Applicant demonstrates that this provision would constitute an unusual hardship and be counter to the purposes of this article:
  - (a) The regulatory 100 year floodplain;
  - (b) Buffer zones of at least 75 feet wide along all perennial and intermittent streams;
  - (c) Slopes above 25 percent of at least 5,000 square feet contiguous area;
  - (d) Wetlands that meet the definition used by the Army Corps of Engineers pursuant to the Clean Water Act;
  - (e) Populations of endangered or threatened species, or habitat for such species; and,
  - (f) Archaeological sites, cemeteries and burial grounds.
  
- (3) The following are considered Secondary Conservation Areas and should be included within the Open Space to the maximum extent feasible.
  - (a) Important historic sites;
  - (b) Existing healthy, native forests of at least one acre contiguous area;
  - (c) Individual existing healthy trees greater than 8 inches caliper, as measured from their outermost drip line;
  - (d) Other significant natural features and scenic view sheds such as ridge lines, peaks and rock outcroppings, particularly those that can be seen from public roads.
  - (e) Prime agricultural lands of at least five acres, contiguous area; and,
  - (f) Existing trails that connect the tract to neighboring areas.
  
- (4) Above ground utility rights of way and small areas of impervious surface may be included within the protected Open Space but cannot be counted towards the 40 percent minimum area requirement (exception: historic structures and existing trails may be counted). Large areas of impervious surface shall be excluded from the Open Space.
  
- (5) At least 75 percent of the open Space shall be in a contiguous tract. The open space should adjoin any neighboring areas of Open Space, other protected areas, and non protected natural areas that would be candidates for the inclusion as part of a future area of protected Open Space.
  
- (6) The Open Space shall be directly accessible to the largest practicable number of lots within the subdivision. Non adjoining lots shall be provided with safe, convenient access to the Open Space.

C. Permitted Uses of Open Space. Uses of Open Space may include the following:

- (1) Conservation of natural, archeological or historical resources;
- (2) Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation oriented areas;
- (3) Walking or bicycle trails, provided they are constructed of porous paving materials;
- (4) Passive recreation areas;

- (5) Active recreation areas, provided that they are limited to no more than 10 percent of the total Open Space and are not located within Primary Conservation Areas. Active recreation areas may include impervious surfaces. Active recreation areas in excess of this limit must be located outside of the protected Open Space;
- (6) Agriculture, horticulture, silviculture or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts and such activities are not conducted within Primary Conservation Areas;
- (7) Nonstructural stormwater management practices;
- (8) Easements for drainage, access, and underground utility lines; or
- (9) Other conservation oriented uses compatible with the purposes of this ordinance.

D. Prohibited uses of Open Space

- (1) Golf courses;
- (2) Roads, parking lots and impervious surfaces, except as specifically authorized in the previous sections.
- (3) Agricultural and forestry activities not conducted according to accepted Best Management Practices; and,
- (4) Other activities as determined by the applicant and recorded on the legal instrument providing for permanent protection.

E. Ownership and Management of Open Space.

- (1) Ownership of Open Space. The applicant must identify the owner of the Open Space who is responsible for maintaining the Open Space and facilities located thereon. If a Homeowners Association is the owner, membership in the association shall be mandatory and automatic for all homeowners of the subdivision and their successors. If a Homeowners Association is the owner, the Homeowners Association shall have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the Open Space and any facilities located thereon shall be borne by the owner.
- (2) Management Plan. Applicant shall submit a Plan for Management of Open Space and Common Facilities (“plan”) that:
  - (a) allocates responsibility and guidelines for the maintenance and operation of the open space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements;
  - (b) estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the open space and outlines the means by which such funding will be obtained or provided;

- (c) provides that any changes to the plan be approved by the Ball Ground City Council; and,
  - (d) provides for enforcement of the plan.
- (3) In the event the party responsible for maintenance of the Open Space fails to maintain all or any portion in reasonable order and condition, the City of Ball Ground may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the owner, Homeowner's Association, or to the individual property owners that make up the Homeowner's Association, and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties.

F. Legal Instrument for Permanent Protection.

- (1) The open space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument shall be one of the following;
  - (a) A permanent conservation easement in favor of either (i) a land trust or similar conservation oriented non profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or (ii) a governmental entity with an interest in pursuing goals compatible with the purposes of this ordinance. If the entity accepting the easement is not the City of Ball Ground, then a third right of enforcement favoring the City of Ball Ground shall be included in the easement.
  - (b) A permanent restrictive covenant for conservation purposes in favor of a government entity; or,
  - (c) An equivalent legal tool that provides permanent protection, if approved by the City of Ball Ground.
- (2) The instrument for permanent protection shall include clear restrictions on the use of the Open Space. These restrictions shall include all restrictions contained in this article, as well as any further restrictions the Applicant chooses to place on the use of the Open Space.



**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF BALL GROUND, GEORGIA, AS AMENDED, TO AMEND DIVISION 104, DISTRICT STANDARDS AND PERMITTED USES OF THE CITY OF BALL GROUND COMPREHENSIVE DEVELOPMENT CODE, TO INCREASE THE PROVISION OF ZONING DISTRICTS; TO ENHANCE THE FLEXIBILITY OF ZONING AND USES; TO PROVIDE FOR THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE CITY OF BALL GROUND, GEORGIA; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**BE IT AND IT IS HEREBY ORDAINED** by the Mayor and Council of the City of Ball Ground, Georgia, and by the authority thereof:

**Section 1.** That Division 104 of the Comprehensive Development Code of the City of Ball Ground, Georgia, as amended, is hereby further amended by inserting the following zoning district uses and regulations of the Cherokee County Zoning Ordinance, Article 7, adopted by the Cherokee County Board of Commissioners, as now written and as may be amended in later editions, are adopted and incorporated by reference:

“General Agricultural District (AG). The purpose of this district is to maintain the integrity of agricultural activities predominate in the rural area of Cherokee County. The regulations are to discourage the subdivision of land for urban development and to encourage the maintenance of the general rural characteristics of openness, low density residential use, appropriate agribusiness and extensive agricultural and livestock production (REF: Cherokee County Zoning Ordinance, Article 7, 7.1-1).

Estate Residential District (R-80, R-60). The purpose of this district is to permit residential development in those areas that are expected to become more nearly urban in character. The areas involved are generally in transition from agricultural to residential development and are considered appropriate for low density residential development (REF: Cherokee County Zoning Ordinance, Article 7, 7.1-2).

Single-Family Residential Districts (R-30). The purpose of these residential districts is to enable residential development of a low density urban character. The regulations are designed to permit and

encourage residential development in areas where urbanization is taking place (REF: Cherokee County Zoning Ordinance, Article 7, 7.1-3).

Single-Family Residential (R-15, RD-3, RZL- Zero-Lot Line Residential). The purpose of these residential districts is to permit and encourage development of high density single family residential uses in a moderately spacious surrounding. These development districts shall be served with an approved community water system and a central sewerage system (REF: Cherokee County Zoning Ordinance, Article 7, 7.1-5).

Single-Family Attached Residential Districts (RA, RTH). The purpose of this district is to provide for intermediate housing types and densities between single-family detached and multifamily dwellings. Such development may include duplexes, triplexes, quadruplexes or townhouses to be located in the urban portion or suburban portion of the county where apartment buildings would not be compatible. Innovative design with cluster development is encouraged. Such development districts are intended to be served with central sewerage system except for lot sizes exceeding 20,000 square feet (REF: Cherokee County Zoning Ordinance, Article 7, 7.1-6).

Multi-Family Residential District (RM-10, RM-16). The purpose of the residential districts is to permit development of high density multi-family residential dwellings. These zoning districts are to be located where public water supply and sewerage facilities are available or can be obtained and where there is convenient access to collector streets or major thoroughfares. The use of these districts can be developed as a transition zone between residential districts and commercial districts (REF: Cherokee County Zoning Ordinance, Article 7, 7.1-7).

Highway Commercial District (HC). The purpose of this district is to provide an area for commercial uses, which require a location to be accessible to major highways and arterial roadways. Districts are located at major intersections of these highways. Development should be limited to the needs of the traveling public (REF: Cherokee County Zoning Ordinance, Article 7, 7.1-12).

Office Distribution District (OD). The purpose of this district is to provide appropriate locations for offices with related warehouse operations and distribution facilities, but not involving the manufacturing, fabrication, repair or servicing of any commodity or product. Light appliance and electronic equipment repair and assembly is allowed. Limited retail sales may be permitted if accessory to a major use. This district should be accessible to principal or major arterial. Buffer zones with landscaping are required to ensure the compatibility of operating activities with the surrounding area (REF: Cherokee County Zoning Ordinance, Article 7, 7.1-13).

Heavy Industrial District (HI). The purpose of this district is to provide suitable areas for industrial operations of all types. This district should be accessible to railroads and major highways. Residential and retail uses are prohibited. The district is separated from residential districts by natural barriers wherever possible and buffer zones in other cases (REF: Cherokee County Zoning Ordinance, Article 7, 7.1-15).

Planned Industrial Development (PID). The Planned Industrial District is a floating district which may be located in any light industrial area if it meets all the standards for planned industrial activities. The purpose of this district is to provide flexible use and coordinated development of light industries, warehouse processing, sales, offices and limited service activities within a well planned environment. This district should be accessible to a major arterial. A concept plan is required before a development permit is granted to ensure compatibility of the proposed development with the surrounding area. Districts

are located in areas which do not create public nuisances or endanger public health, safety or the general welfare (REF: Cherokee County Zoning Ordinance, Article 7, 7.1-16).

For the additional regulations, standards, and dimensional requirements that exclusively govern the AG, R-80, R-60, R-30, R-15, RD-3, RZL, RA, RTH, RM-10, RM-16, HC, OD, HI, and PID Zoning Districts, please see Appendix A; and the Cherokee County Zoning Ordinance, adopted by reference, now and as amended.

Permitted uses in the AG, R-30 and R-15 Zoning Districts shall also be governed by Division 104 of the City of Ball Ground Comprehensive Development Code, where applicable with the more restrictive description taking authority.

**Section 3.** That the Comprehensive Development Code of the City of Ball Ground, Georgia, as amended, is hereby further amended by creating, “Appendix A” which incorporates by reference, Articles 6 & 7 of the Cherokee County Zoning Ordinance in its entirety, adopted by the Cherokee County Board of Commissioners, as now written and as may be amended in later editions, for the exclusive and sole purpose of regulating the standards, uses, and dimensional requirements of the AG, R-80, R-60, R-30, R-15, RD-3, RZL, RA, RTH, RM-10, RM-16, HC, OD, HI, and PID Zoning Districts.

**Section 4.** The Cherokee County Zoning Ordinance is hereby adopted by reference, in its entirety, as now written and as may be amended in later editions by the Cherokee County Board of Commissioners, for the exclusive and sole purpose of regulating the following zoning districts: AG, R-80, R-60, R-30, R-15, RD-3, RZL, RA, RTH, RM-10, RM-16, HC, OD, HI, and PID Zoning Districts.

**Section 5.** If any Section, sub-section, sentence, clause, phrase or any portion of this Ordinance be declared invalid or unconstitutional by any court or competent jurisdiction or if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid. It is hereby declared to be the intent of the City Council to provide for separable and divisible parts and he does hereby adopt any and all parts hereof as may not be held invalid for any reason.

**Section 6.** This Ordinance shall become effective immediately upon approval by the Mayor and Council.

