

Appendix A - ZONING^[1]

Footnotes:

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Editor's note— Printed in this appendix is the city zoning ordinance adopted on August 12, 2010. Amendments are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings and catchlines has been used. Additions made for clarity are indicated by brackets.

State Law reference— Zoning procedures, O.C.G.A. § 36-66-1 et seq.

DIVISION 100. - TITLE, APPLICABILITY AND PURPOSE

Sec. 100.0. - Title.

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

Sec. 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.

Sec. 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.

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- 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.

Sec. 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.

Sec. 100.4. - Effective date.

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

Sec. 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.

Sec. 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.

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DIVISION 101. - ESTABLISHMENT OF DISTRICTS

ADOPTED 4/13/23

Sec. 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.

Sec. 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.

Sec. 101.3. - District designations.

For the purpose of this ordinance, City of Ball Ground is hereby divided into zoning districts as shown in Table 101.1.

TABLE 101.1 - CITY OF BALL GROUND ZONING DISTRICTS

AG	General Agriculture; Detached single-family residential, "For Sale"
R-80	Detached single-family residential, "For Sale"
R-40	Detached single-family residential, "For Sale"

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R-30	Detached single-family residential, "For Sale"
R-20	Detached single-family residential, "For Sale"
R-15	Detached single-family residential, "For Sale"
RZL	Detached single-family residential, zero lot line, "For Sale"
RM-4	Detached or attached, single-family or multi-family residential, "For Sale" or "For Rent"
CC-R	City Center-Residential
CC-T	City Center-Transitional
CC-C	City Center-Commercial
NC	Neighborhood Commercial
GC	General Commercial
TND	Traditional Neighborhood Development
BGH	Ball Ground Highway Commercial Gateway
LI	Light Industrial
HI	Heavy Industrial

ZONING EQUIVALENT TO 2000 RESOLUTION

2023 Resolution/Ordinance	2000 Resolution
R-80	RE
R-15	R-15
R-20	R-20
R-30	R-30
R-40	R-40
RM-4	RM-4
RZL	-
NC	NC
GC	-
-	LRO
-	OIT
CC-R	

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CC-T	-
CC-C	CBD
LI	LI
HI	-
BGH	HO
TND	TND
-	Valley Overlay District

ZONING EQUIVALENT TO 1969 ORDINANCE PROVISIONS

2000 Resolution	1969 Ordinance as amended
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

Sec. 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 centerline 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.

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- 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.

Sec. 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.

Sec. 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.

Sec. 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.

Sec. 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).

Sec. 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

Sec. 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.

Sec. 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;

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- 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 nonconformity, but such structure may be altered to decrease its nonconformity.

Sec. 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 nonconformity.
- B. Rebuilt, altered or repaired if such construction costs would exceed 50% of its replacement cost.

Sec. 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.

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DIVISION 104. - DISTRICT STANDARDS AND PERMITTED USES

ADOPTED 4/13/23

Sec. 104.1. - AG, General Agriculture; Detached single-family residential, "For Sale".

A. Purpose and Intent.

- 1) 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. This district is intended for the development of permitted agricultural operations, large lot dwellings, single family "For Sale" detached residential subdivisions and "For Sale Communities."

B. Use limitations.

- 1) Architectural Requirements
 - a) There are no additional requirements
- 2) Site and Landscape Requirements
 - a) There are no additional requirements

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Sec. 104.2. – R-80, Detached single-family residential, “For Sale”.

A. Purpose and Intent.

- 1) The purpose of this district is to permit “For Sale” 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, “For Sale” residential development and “For Sale Communities.” Limited agricultural uses are also compatible with this district.

B. 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.

C. Use limitations.

1) General Requirements

- a) All development plans, excluding those for a single home on an existing lot of record, must be drawn by a professional engineer and must be submitted to the City for review and approval before any work may commence.

2) Architectural Requirements

- a) 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.
- b) Roof-mounted solar panels should be located on the side and rear faces of a roof when possible. If solar panels must be placed on the front face, the arrangement of the individual panels shall be orderly and grouped into squares or rectangles to the greatest extent possible. The scattering of individual panels shall be avoided.
- c) No more than 50% of the front face of a roof may be covered by solar panels.

3) Site and Landscape Requirements

- a) 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.
- b) Ground-mounted solar panels shall not be located between the primary façade of a residence and the street.
- c) Ground-mounted solar panels shall be reasonably screened from view from the public thoroughfare and from neighboring properties, by a 6' tall fence and/or landscape material.

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Sec. 104.3. - R-40, Detached single-family residential, "For Sale".

A. Purpose and Intent.

- 1) The purpose of this district is to enable "For Sale" residential development and "For Sale Communities" of a low density single-family detached housing and residentially compatible uses requiring large amounts of open space.

B. 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.

C. Use limitations.

1) General Requirements

- a) All development plans, excluding those for a single home on an existing lot of record, must be drawn by a professional engineer and must be submitted to the City for review and approval before any work may commence.

2) Architectural Requirements

- a) 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.
- b) 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.
- c) Roof-mounted solar panels should be located on the side and rear faces of a roof when possible. If solar panels must be placed on the front face, the arrangement of the individual panels shall be orderly and grouped into squares or rectangles to the greatest extent possible. The scattering of individual panels shall be avoided.
- d) No more than 50% of the front face of a roof may be covered by solar panels.

3) Site and Landscape Requirements

- a) 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.
- b) All front, side and rear yards must be sodded.
- c) No off-street parking space shall be utilized to park buses, tractor-trailers (attached or otherwise) or semi-trailer.
- d) Ground-mounted solar panels shall not be located between the primary façade of a residence and the street.
- e) Ground-mounted solar panels shall be reasonably screened from view from the public thoroughfare and from neighboring properties, by a 6' tall fence and/or landscape material.

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Sec. 104.4. - R-30, Detached single-family residential, "For Sale".

A. Purpose and Intent.

- 1) The purpose of this district is to enable "For Sale" residential development and "For Sale Communities" of low density single-family detached housing and residentially compatible uses requiring large amounts of open space.

B. 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.

C. Use limitations.

1) General Requirements

- a) All development plans, excluding those for a single home on an existing lot of record, must be drawn by a professional engineer and must be submitted to the City for review and approval before any work may commence.

2) Architectural Requirements

- a) 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.
- b) 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.
- c) Roof-mounted solar panels should be located on the side and rear faces of a roof when possible. If solar panels must be placed on the front face, the arrangement of the individual panels shall be orderly and grouped into squares or rectangles to the greatest extent possible. The scattering of individual panels shall be avoided.
- d) No more than 50% of the front face of a roof may be covered by solar panels.

3) Site and Landscape Requirements

- a) 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.
- b) All front, side and rear yards must be sodded.
- c) No off-street parking space shall be utilized to park buses, tractor-trailers (attached or otherwise) or semi-trailer.
- d) Ground-mounted solar panels shall not be located between the primary façade of a residence and the street.

Ground-mounted solar panels shall be reasonably screened from view from the public thoroughfare and from neighboring properties, by a 6' tall fence and/or landscape material.

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Sec. 104.5. - R-20, Detached single-family residential, "For Sale".

A. Purpose and Intent.

- 1) The purpose of this district is to enable "For Sale" residential development and "For Sale Communities" of low density single-family detached housing and residentially compatible uses requiring large amounts of open space.

B. 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.

C. Use limitations.

1) General Requirements

- a) All development plans, excluding those for a single home on an existing lot of record, must be drawn by a professional engineer and must be submitted to the City for review and approval before any work may commence.

2) Architectural Requirements

- a) 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.
- b) 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.
- c) Roof-mounted solar panels should be located on the side and rear faces of a roof when possible. If solar panels must be placed on the front face, the arrangement of the individual panels shall be orderly and grouped into squares or rectangles to the greatest extent possible. The scattering of individual panels shall be avoided.
- d) No more than 50% of the front face of a roof may be covered by solar panels.

3) Site and Landscape Requirements

- a) 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.
- b) All front, side and rear yards must be sodded.
- c) No off-street parking space shall be utilized to park buses, tractor-trailers (attached or otherwise) or semi-trailer.
- d) Ground-mounted solar panels shall not be located between the primary façade of a residence and the street.
- e) Ground-mounted solar panels shall be reasonably screened from view from the public thoroughfare and from neighboring properties, by a 6' tall fence and/or landscape material.

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Sec. 104.6. - R-15, Detached single-family residential, "For Sale".

A. Purpose and Intent.

- 1) The purpose of this district is to enable "For Sale" residential development and "For Sale Communities" of medium density single-family detached housing and residentially compatible uses.

B. 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.

C. Use limitations.

1) General Requirements

- a) All development plans, excluding those for a single home on an existing lot of record, must be drawn by a professional engineer and must be submitted to the City for review and approval before any work may commence.

2) Architectural Requirements

- a) 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.
- b) 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.
- c) Roof-mounted solar panels should be located on the side and rear faces of a roof when possible. If solar panels must be placed on the front face, the arrangement of the individual panels shall be orderly and grouped into squares or rectangles to the greatest extent possible. The scattering of individual panels shall be avoided.
- d) No more than 50% of the front face of a roof may be covered by solar panels.

3) Site and Landscape Requirements

- a) 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.
- b) All front, side and rear yards must be sodded.
- c) No off-street parking space shall be utilized to park buses, tractor-trailers (attached or otherwise) or semi-trailer.
- d) Ground-mounted solar panels shall not be located between the primary façade of a residence and the street.
- e) Ground-mounted solar panels shall be reasonably screened from view from the public thoroughfare and from neighboring properties, by a 6' tall fence and/or landscape material

Sec. 104.7. – RZL, Detached single-family residential, zero lot line, “For Sale”.

A. Purpose and intent.

- 1) The purpose of this residential district is to permit and encourage development of detached high-density, “For Sale” single family residential uses and “For Sale Communities” in a moderately spacious surrounding. These development districts shall be served with an approved community water system and a central sewerage system.

B. Use limitations and conditions.

1) General Requirements

- a) All development plans, excluding those for a single home on an existing lot of record, must be drawn by a professional engineer and must be submitted to the City for review and approval before any work may commence.

2) Architectural Requirements

- a) 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.
- b) 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.
- c) Driveways shall be of sufficient length to accommodate large vehicles without obstructing pedestrians on sidewalks.
- d) Zero-Lot-Line dwellings shall be constructed against the lot line on one side of a lot, and no windows, doors or other openings shall be permitted on this side.
- e) Roof-mounted solar panels should be located on the side and rear faces of a roof when possible. If solar panels must be placed on the front face, the arrangement of the individual panels shall be orderly and grouped into squares or rectangles to the greatest extent possible. The scattering of individual panels shall be avoided.
- f) No more than 50% of the front face of a roof may be covered by solar panels.

3) Site and Landscape Requirements

- a) 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.
- b) All front, side and rear yards must be sodded.
- c) No off-street parking space shall be utilized to park buses, tractor-trailers (attached or otherwise) or semi-trailer.
- d) A lot with a rear garage may reduce the front yard setback to fifteen (15) feet for a yard which faces a street internal to the development.
- e) There shall be a minimum side yard of ten (10) feet on one side and no minimum requirement on the opposite side.
- f) Development shall be served with central sewerage facilities.
- g) Ground-mounted solar panels shall not be located between the primary façade of a residence and the street.
- h) Ground-mounted solar panels shall be reasonably screened from view from the public thoroughfare and from neighboring properties, by a 6' tall fence and/or landscape material.

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Sec. 104.8. - RM-4, Detached/ attached, single-family/multi-family residential, "For Sale"/ "For Rent".

A. Purpose and intent.

- 1) The RM-4 district is intended to provide suitable areas for medium density, single-family or multi-family "For Sale" or "For Rent" uses, and single-family or multi-family "For Rent Communities" or "For Sale Communities." These districts may also serve as transitional zones between commercial/light industrial uses and districts reserved for lower density single-family uses.

B. 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.

C. Use limitations.

1) General Requirements

- a) All development plans, excluding those for a single home on an existing lot of record, must be drawn by a professional engineer and must be submitted to the City for review and approval before any work may commence.

2) Architectural Requirements

- a) 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.
- b) 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.
- c) Driveways shall be of sufficient length to accommodate large vehicles without obstructing pedestrians on sidewalks.
- d) Roof-mounted solar panels should be located on the side and rear faces of a roof when possible. If solar panels must be placed on the front face, the arrangement of the individual panels shall be orderly and grouped into squares or rectangles to the greatest extent possible. The scattering of individual panels shall be avoided.
- e) No more than 50% of the front face of a roof may be covered by solar panels.

3) Site and Landscape Requirements

- a) 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.
- b) All front, side and rear yards must be sodded.
- c) No off-street parking space shall be utilized to park buses, tractor-trailers (attached or otherwise) or semi-trailer.
- d) A lot with a rear garage may reduce the front yard setback to fifteen (15) feet for a yard which faces a street internal to the development.
- e) There shall be a minimum side yard of ten (10) feet on one side and no minimum requirement on the opposite side.
- f) Development shall be served with central sewerage facilities.
- g) Ground-mounted solar panels shall not be located between the primary façade of a residence and the street.
- h) Ground-mounted solar panels shall be reasonably screened from view from the public thoroughfare and from neighboring properties, by a 6' tall fence and/or landscape material.

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Sec. 104. 9. – CC-R, City Center Residential.

B. Purpose and intent.

- 1) The CC-R district is intended to provide suitable areas for residential uses immediately adjacent to the downtown commercial and transitional areas of the City. The district seeks to protect the historical character of this residential area by limiting lots to sizes comparable to those in the original City plan, by promoting the continued utilization of existing houses and discouraging demolition.

C. Use limitations.

1) General Requirements

- a) All development plans, excluding those for a single home on an existing lot of record, must be drawn by a professional engineer and must be submitted to the City for review and approval before any work may commence.

2) Architectural Requirements.

- a) The 2007 Ball Ground Master plan is incorporated herein by reference.
- b) The development of a single dwelling unit is not subject to the architectural requirements found herein.
- c) All building architecture for new developments greater than one unit shall conform to these guidelines.
- d) Where required, Building architecture shall be reviewed by the Administrator or designee to determine conformance to the architectural standards stated herein.
 - (1) Appeals of staff decisions may be heard by the City Council.
- e) The mass and spatial relationships should emulate traditional villages and local character. New buildings shall feature design and materials consistent with those found in North Georgia from 1890 thru the 1930s and must be in keeping with the 2007 Master Plan.
 - (1) They shall be compatible in size, scale, mass and roof pitch, with buildings and architectural styles prevalent in the area.
- f) The City may require the applicant to involve the services of a certified architect to verify and insure architectural integrity and materials. All designs are subject to review and approval by the Administrator.
- g) All building facades, including those facing a roadway, shall be of architectural treatments of glass and brick in keeping with the traditional architecture of downtown Ball Ground.
- h) Buildings may include additional combinations of stone, architectural block, Stucco and wood.
- i) Exterior building materials shall not be concrete masonry units, aluminum siding, vinyl siding or corrugated steel (exceptions: mechanical penthouses & roof screens).
- j) 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.
- k) 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 using trellises, arcades, false windows, archways, landscaping, storefront, or recessed panels reminiscent of window, door or colonnade openings.
- l) 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.
- m) 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.
- n) Buildings design shall include a minimum three-foot-high contrasting base (water table) extending along the entire front of the building.
- o) 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.
- p) 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.
- q) No more than 50% of a window pane may be covered by signage.

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- r) For residential dwellings, Garages, including garage doors and all other, related garage elements, shall not protrude past the primary façade towards the primary street.
 - s) For residential dwellings, Garages shall not account for more than one half of the front façade.
- 3) Site and Landscape Requirements
- a) The 2007 Ball Ground Master plan is incorporated herein by reference. All site and landscape planning shall conform to these guidelines.
 - b) The parking area shall be located in the rear yard or side yard of a building and be at least 5 feet from all property lines.
 - c) No outside storage of any kind is permitted, including commercial vehicles

Sec. 104.10 – CC-T, City Center Transitional.

A. Purpose and intent.

- 1) The CC-T district is intended to provide suitable areas for the coexistence of residential land uses and small-scale commercial uses such as professional offices, limited retail and unobtrusive eating establishments in the downtown core of the City. This central district should act as a transition between the commercially focused CC-C district and the CC-R residential district.

B. Use limitations.

1) General Requirements

- a) A residential building may be mixed with a non-residential building on the same block or lot.
- b) A residential use may be mixed horizontally and/or vertically with non-residential uses in the same building.
- c) All development plans submitted to the City for review and approval must be drawn by a professional engineer.
- d) All development plans, excluding those for a single home on an existing lot of record, must be drawn by a professional engineer and must be submitted to the City for review and approval before any work may commence.

2) Architectural Requirements.

a) General Requirements

- (1) The 2007 Ball Ground Master plan is incorporated herein by reference.
- (2) The development of a single dwelling unit is not subject to the architectural requirements found herein.
- (3) All building architecture for new developments greater than one unit shall conform to these guidelines.
- (4) Where required, Building architecture shall be reviewed by the Administrator or designee to determine conformance to the architectural standards stated herein.
 - (a) Appeals of staff decisions may be heard by the City Council.
- (5) The City may require the applicant to involve the services of a certified architect to verify and insure architectural integrity and materials. All designs are subject to review and approval by the Administrator.
- (6) The mass and spatial relationships should emulate traditional villages and local character.
- (7) New buildings shall feature design and materials consistent with those found in North Georgia from 1890 thru the 1930s and must be in keeping with the 2007 Master Plan.
 - (a) They shall be compatible in size, scale, mass and roof pitch, with buildings and architectural styles prevalent in the area.

b) Materials

- (1) All building facades, including those facing a roadway, shall be of architectural treatments of glass and brick in keeping with the traditional architecture of downtown Ball Ground.
- (2) Buildings may include additional combinations of stone, architectural block, Stucco and wood. Exterior building materials shall not be concrete masonry units, aluminum siding, vinyl siding or corrugated steel (exceptions: mechanical penthouses & roof screens).

c) Windows

- (1) All ground level windows facing streets shall be clear, unpainted glass to allow view of store interiors and display windows.
- (2) Mirrored glass with a reflection of greater than twenty percent (20%) and glass curtain walls shall be prohibited.

d) 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 using trellises, arcades, false windows, archways, landscaping, storefront, or recessed panels reminiscent of window, door or colonnade openings.

e) 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.

f) 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.

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- g) Buildings design shall include a minimum three-foot-high contrasting base (water table) extending along the entire front of the building.
 - h) 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.
 - i) 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.
 - j) No more than 50% of a window pane may be covered by signage.
 - k) For residential dwellings, Garages, including garage doors and all other, related garage elements, shall not protrude past the primary façade towards the primary street.
 - l) For residential dwellings, Garages shall not account for more than one half of the front façade.
 - m)
- 3) Site and Landscape Requirements
- a) The 2007 Ball Ground Master plan is incorporated herein by reference. All site and landscape planning shall conform to these guidelines.
 - b) Vehicular areas such as parking lots, drive aisles and similar shall not be located between the primary façade of a building and the right-of-way. This space shall be dedicated to pedestrian uses and feature landscaping, such as street trees and planters, along with street furniture, such as benches, trash receptacles, and shade structures.
 - c) A minimum of 2 on-site parking spaces are required per dwelling unit, plus an additional number of parking spaces for guests determined by 20% of the total required spaces per dwelling units. Developer installed on-street parking spaces may count towards this requirement.
 - d) No outside storage of any kind is permitted, including commercial vehicles

Sec. 104.11. – CC-C, City Center Commercial.

A. Purpose and Intent.

- 1) The purpose of this district is to protect and promote suitable areas for downtown commercial and mixed uses, to encourage the eventual elimination of uses inappropriate to a central business area, and to encourage the development of a centralized commercial and mixed-use center for the City of Ball Ground.

B. Use limitations.

1) General Requirements

- a) No parcel in the CC-C district may be developed solely for residential purposes.
 - (1) No more than 50% of the overall net enclosed, ground floor space within a development may be dedicated to residential uses.
 - (2) A residential use may be mixed horizontally and/or vertically with non-residential uses in the same building or on the same parcel/lot/block.
 - (a) Commercial buildings shall have prominence on a site, engaging the primary street to the greatest extent possible, with any standalone residential buildings locating to the rear, or sides if permitted.
 - (b) For buildings with frontages on Gilmer Ferry Road/State Route 372/AW Roberts Drive/Old Canton Road/Mound Street/Old Dawsonville Road/Valley Street/Civic Drive, no portion of the ground floor or façade facing the aforementioned streets may be dedicated to residential uses.
 - (i) Upper floors and buildings without frontages on the aforementioned streets may be residential uses.
 - (c) For buildings that front streets other than those previously described, no more than 50% of the ground floor and accompanying façade may be dedicated to residential uses.
 - b) All development plans must be drawn by a professional engineer and must be submitted to the City for review and approval before any work may commence.

2) Architectural Requirements

a) General

- (1) The 2007 Ball Ground Master plan is incorporated herein by reference.
- (2) All building architecture shall conform to these guidelines.
- (3) Building architecture shall be reviewed by the Administrator or designee to determine conformance to the architectural standards stated herein. Appeals of staff decisions may be heard by the City Council.
- (4) Building architecture shall be reviewed by the Administrator or designee to determine conformance to the architectural standards stated herein.
 - (a) Appeals of staff decisions may be heard by the City Council.
- (5) The City may require the applicant to involve the services of a certified architect to verify and insure architectural integrity and materials.
- (6) The mass and spatial relationships should emulate traditional villages and local character.
- (7) New buildings shall feature design and materials consistent with those found in North Georgia from 1890 thru the 1930s and must be in keeping with the 2007 Master Plan.
- (8) They shall be compatible in size, scale, mass and roof pitch, with buildings and architectural styles prevalent in the area.
- (9) 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 using trellises, arcades, false windows, archways, landscaping, storefront, or recessed panels reminiscent of window, door or colonnade openings.
- (10) 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.
- (11) 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.

- (12) Buildings design shall include a minimum three-foot-high contrasting base (water table) extending along the entire front of the building.
- (13) Any rear or side face of a building that is directly visible from any public street or residence, architectural treatment shall continue from the primary façade through to the rear or side.
- (14) All building frontages shall face the street and be designed as a front entry with operable front doors.
- b) Materials
 - (1) All building facades, including those facing a roadway, shall be of architectural treatments of glass and brick in keeping with the traditional architecture of downtown Ball Ground. Buildings may include additional combinations of stone, architectural block, Stucco and wood. Exterior building materials shall not be concrete masonry units, aluminum siding, vinyl siding or corrugated steel (exceptions: mechanical penthouses & roof screens).
- c) Windows
 - (1) All ground level windows facing streets shall be clear, unpainted glass to allow view of store interiors and display windows.
 - (2) Mirrored glass with a reflection of greater than twenty percent (20%) and glass curtain walls shall be prohibited.
 - (3) Window design will be in keeping with the architectural design of the building.
 - (4) Windows shall be raised a minimum of three (3) feet above the floor line.
 - (5) No more than 50% of a windowpane may be covered by signage.
- d) Solar
 - (1) No more than 50% of the front face of a roof may be covered by solar panels.
 - (2) Roof-mounted solar panels should be located on the side and rear faces of a roof when possible. If solar panels must be placed on the front face, the arrangement of the individual panels shall be orderly and grouped into squares or rectangles to the greatest extent possible. The scattering of individual panels shall be avoided.
- e) Accessory Buildings
 - (1) Accessory buildings shall have side and rear setbacks of 5 feet except for garages accessed through a rear-alley which shall have a zero-foot rear setback.
- f) Parking Garages
 - (1) At least 75% of the gross floor area of a parking garage's ground floor level must be devoted to commercial use oriented towards pedestrian traffic.
- g) Residential Dwellings
 - (1) Front porches are encouraged on all residential dwellings.
- 3) Site and Landscape Requirements
 - a) The 2007 Ball Ground Master plan is incorporated herein by reference. All site and landscape planning shall conform to these guidelines.
 - b) Vehicular areas such as parking lots, drive aisles and similar shall not be located between the primary façade of a building and the right-of-way. This space shall be dedicated to pedestrian uses and feature landscaping, such as street trees and planters, along with street furniture, such as benches, trash receptacles, and shade structures.
 - c) A minimum of 2 on-site parking spaces are required per dwelling unit, plus an additional number of parking spaces for guests determined by 20% of the total required spaces per dwelling units.
 - (1) Developer installed on-street parking spaces may count towards this requirement.
 - (2) At the discretion of the Administrator, nearby downtown parking may be counted towards these on-site parking requirements.
 - d) No outside storage of any kind is permitted, including commercial vehicles

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Sec. 104.12. - NC, Neighborhood Commercial.

A. Purpose and intent.

- 1) 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 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. 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.

C. Use limitations.

1) General Requirements

- a) All development plans, excluding those for a single home on an existing lot of record, must be drawn by a professional engineer and must be submitted to the City for review and approval before any work may commence.

2) Architectural Requirements

- a) The mass and spatial relationships should emulate traditional villages and local character. New buildings shall feature design and materials consistent with those found in North Georgia from 1890 thru the 1930s and must be in keeping with the 2007 Master Plan. 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 designs are subject to review and approval by the Administrator.
- b) All building facades, including those facing a roadway, shall be of architectural treatments of glass and brick in keeping with the traditional architecture of downtown Ball Ground. Buildings may include additional combinations of stone, architectural block, Stucco and wood. Exterior building materials shall not be concrete masonry units, aluminum siding, vinyl siding or corrugated steel (exceptions: mechanical penthouses & roof screens).
- c) 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.
- d) 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 using trellises, arcades, false windows, archways, landscaping, storefront, or recessed panels reminiscent of window, door or colonnade openings.
- e) 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.
- f) 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.

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- g) Buildings design shall include a minimum three-foot-high contrasting base (water table) extending along the entire front of the building.
 - h) 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.
 - i) 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.
 - j) No more than 50% of a window pane may be covered by signage.
- 3) Site and Landscape Requirements
- a) A single building may be no larger than 10,000 square feet
 - b) A maximum of 33% of off-street parking may be in the front yard; remaining parking must be within side and/or rear yards.
 - c) All outside storage areas must be in the rear yard
 - d) All outside storage areas must be screened by a solid fence or wall no less than six feet in height.

Sec. 104.13. – GC, General Commercial.

A. Purpose and intent.

- 1) The purpose of this district is to provide sufficient space in appropriate locations for a wide variety of commercial sales and service activities which generally serve a wide area. The permitted uses are generally located along the major thoroughfares of the City. Activities with limited storage may be permitted. Districts are located to create centers or concentrations of commercial activities and to discourage commercial strip development.

B. Use limitations and conditions.

1) General Requirements

- a) All development plans, excluding those for a single home on an existing lot of record, must be drawn by a professional engineer and must be submitted to the City for review and approval before any work may commence.

2) Architectural Requirements

- a) The mass and spatial relationships should emulate traditional villages and local character. New buildings shall feature design and materials consistent with those found in North Georgia from 1890 thru the 1930s and must be in keeping with the 2007 Master Plan. 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 designs are subject to review and approval by the Administrator.
- b) All building facades, including those facing a roadway, shall be of architectural treatments of glass and brick in keeping with the traditional architecture of downtown Ball Ground. Buildings may include additional combinations of stone, architectural block, Stucco and wood. Exterior building materials shall not be concrete masonry units, aluminum siding, vinyl siding or corrugated steel (exceptions: mechanical penthouses & roof screens).
- c) 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.
- d) 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 using trellises, arcades, false windows, archways, landscaping, storefront, or recessed panels reminiscent of window, door or colonnade openings.
- e) 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.
- f) 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.
- g) Buildings design shall include a minimum three-foot-high contrasting base (water table) extending along the entire front of the building.
- h) 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.
- i) 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.
- j) No more than 50% of a window pane may be covered by signage.

3) Site and Landscape Requirements

- a) There are no additional requirements

Sec. 104.14. – TND, Traditional Neighborhood Development

A. Purpose and intent.

- 1) The purpose of this mixed-use district is to provide suitable areas for implementing the recommendations of the Comprehensive Plan. The Comprehensive Plan focuses on the expansion and protection of the traditional "small-town" characteristics of the City. In addition to the allowed commercial and light industrial uses, this district is also intended to enable "For Sale" residential development and "For Sale Communities" of a medium density single-family detached housing and residentially compatible uses. Specific goals and objectives of the TND Zoning are:
 - a) 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.
 - b) To create compact, identifiable settlements.
 - c) To create neighborhoods that are visually coherent.
 - d) To accommodate, in a manner that encourages community interaction and cohesion, a mix of housing densities and types.
 - e) To discourage and minimize 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.
 - f) To accommodate, in compatible fashion, appropriate mixes of residential, employment, and commercial uses in close proximity.
 - g) To offer planned, strategically located open spaces to encourage social interaction, recreation, and sensitive areas protection.
 - h) To create attractive living areas that will reduce pressure and demand for sprawl development.
 - i) A mixture of housing types within a single development is highly encouraged.
 - j) Different types of residential dwellings may be mixed on the same block or lot.
 - k) A residential building may be mixed with a non-residential building on the same block or lot.
 - l) A residential use may be mixed with non-residential uses in the same building provided the residential use is not on the ground floor.
 - m) Lot sizes across a development may vary

B. Use Limitations.

- 1) General Requirements
 - a) All development plans, excluding those for a single home on an existing lot of record, must be drawn by a professional engineer and must be submitted to the City for review and approval before any work may commence.
- 2) Architectural Requirements
 - a) General
 - (1) The 2007 Ball Ground Master plan is incorporated herein by reference.
 - (2) The development of a single dwelling unit is not subject to the architectural requirements found herein.
 - (3) All building architecture for new developments greater than one unit shall conform to these guidelines.
 - (4) Building architecture shall be reviewed by the Administrator or designee to determine conformance to the architectural standards stated herein. Appeals of staff decisions may be heard by the City Council.
 - (5) The City may require the applicant to involve the services of a certified architect to verify and ensure architectural integrity and materials.
 - (6) The mass and spatial relationships should emulate traditional villages and local character.
 - (7) New buildings shall feature design and materials consistent with those found in North Georgia from 1890 thru the 1930s and must be in keeping with the 2007 Master Plan.
 - (8) They shall be compatible in size, scale, mass and roof pitch, with buildings and architectural styles prevalent in the area.
 - (9) 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 using trellises, arcades, false windows, archways, landscaping, storefront, or recessed panels reminiscent of window, door or colonnade openings.

- (10) 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.
- (11) 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.
- (12) Buildings design shall include a minimum three-foot-high contrasting base (water table) extending along the entire front of the building.
- (13) Any rear or side face of a building that is directly visible from any public street or residence, architectural treatment shall continue from the primary façade through to the rear or side.
- (14) All building frontages shall face the street and be designed as a front entry with operable front doors.
- b) Materials
 - (1) All building facades, including those facing a roadway, shall be of architectural treatments of glass and brick in keeping with the traditional architecture of downtown Ball Ground. Buildings may include additional combinations of stone, architectural block, Stucco and wood. Exterior building materials shall not be concrete masonry units, aluminum siding, vinyl siding or corrugated steel (exceptions: mechanical penthouses & roof screens).
- c) Windows
 - (1) All ground level windows facing streets shall be clear, unpainted glass to allow view of store interiors and display windows.
 - (2) Mirrored glass with a reflection of greater than twenty percent (20%) and glass curtain walls shall be prohibited.
 - (3) Window design will be in keeping with the architectural design of the building.
 - (4) Windows shall be raised a minimum of three (3) feet above the floor line.
 - (5) No more than 50% of a windowpane may be covered by signage.
- d) Solar
 - (1) No more than 50% of the front face of a roof may be covered by solar panels.
 - (2) Roof-mounted solar panels should be located on the side and rear faces of a roof when possible. If solar panels must be placed on the front face, the arrangement of the individual panels shall be orderly and grouped into squares or rectangles to the greatest extent possible. The scattering of individual panels shall be avoided.
- e) Accessory Buildings
 - (1) Accessory buildings shall have side and rear setbacks of 5 feet except for garages accessed through a rear-alley which shall have a zero-foot rear setback.
- f) Parking Garages
 - (1) At least 75% of the gross floor area of a parking garage's ground floor level must be devoted to commercial use oriented towards pedestrian traffic.
- g) Residential Dwellings
 - (1) Front porches are encouraged on all residential dwellings.
 - (2) Garages, including garage doors and all other, related garage elements, shall not protrude past the primary façade towards the primary street.
 - (3) Garages shall not account for more than one half of the front façade.
- 3) Site and Landscape Requirements
 - a) The 2007 Ball Ground Master plan is incorporated herein by reference. All site and landscape planning shall conform to these guidelines.
 - b) Outdoor dining facilities may encroach into required building setbacks but not into a required buffer
 - c) All commercial establishments with drive thru lanes, pickup windows and similar are to locate menu boards, pickup window, attendant shade canopies and other similar features associated with drive through's, to the side and/or rear of the building. Pickup lanes shall not encircle the primary building and may not be located between the primary building and primary street.
 - d) All outdoor storage yards of any vehicles, materials or similar, must be fully enclosed by a non-opaque fence or screen wall at least six feet in height.

- e) In addition to the architectural requirements, the areas between these primary facades and the public right of way shall be designed as seen in traditional main-street-America commercial districts. Spaces shall be designed for pedestrians to both pass freely and congregate together in areas marked by hardscapes, porches, patios, street furniture, landscaping, pedestrian scaled signage and similar. These areas are not intended to be used for parking, stormwater, and similar and shall not simply be open areas of turf.
- f) Developments shall feature a comprehensive internal pedestrian and bicycle circulation system linking all uses, with the intent of minimizing walking distances and reducing dependence on the private automobile for internal travel and external Access. Bicycle and pedestrian networks shall connect to the larger, city-wide pedestrian network
- g) All streets shall terminate at other streets within the development and vehicular interconnection must be provided with adjacent parcels. Where topography or other constraints do not reasonably allow for interconnection to adjacent parcels, cul-de-sacs may be permitted. However, cul-de-sacs shall be the exception and not a dominant feature of a development. For instances where vehicular interconnection cannot be accomplished due to the aforementioned reasons, pedestrian connections shall be provided if possible.
- h) Block sizes shall not exceed five acres in area.
- i) Utilities shall run along alleys wherever possible.
- j) All streets shall have a maximum right of way of 50 feet
- k) Street tree planting strips measured 5 feet from the back of curb to the sidewalk shall be provided and be free of all utility lines
- l) 4-foot sidewalks are required on both sides of internal streets.
- m) Curb radii shall be 10 feet.
- n) Street tree plantings shall be selected from TABLE 106-6 – TREE SPECIES SELECTION LIST.
- o) 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.
- p) Streetlights are required with types and styles to be approved by the Administrator before installation. Lights purchased and installed must be eligible for lifetime maintenance through Georgia Power or Amicalola EMC.
- q) Developments shall provide on-street parking, wide walkways, street trees and furniture, similar to the streetscapes found in traditional neighborhoods and villages
- r) The City Council may reduce or waive on-site parking requirements where suitable and adequate parking will be achieved off-site or on-street.
- s) Parking lots and parking garages shall not abut street intersections or occupy lots which terminate a vista.
- t) All off-street parking shall be to the side and/or rear of the buildings and properly screened from public view by low walls, fences, landscaping or a combination thereof. This requirement does not apply to ADA parking.
- u) Residential, private garages shall be accessed from the rear of the dwelling using alleys to the greatest extent possible.
- v) When rear entry garages are not feasible, detached front entry garages entirely behind the rear façade line of the dwelling may utilized.
- w) No more than 20% of the dwelling units may be constructed with an attached front entry garage. When this option is used the garage must be located a minimum of 15 feet behind the front façade line. The Administrator may grant exceptions when it is clearly demonstrated that due to topography or natural boundaries this requirement is not feasible.
- x) On-street parking, garages and driveway space may count towards parking requirements. Additionally, a mixture of uses may allow for reductions in parking requirements using shared parking. Shared parking requirements are to be calculated utilizing the shared parking standards established by the Urban Land Institute and are subject to approval by the Administrator.
- y) The neighborhood shall have identifiable features such as entry monumentation, amenities, and landscaping to distinguish it from other parts of the City.
- z) A minimum of 5% of the gross land area of a development must be permanently allocated to usable public space such as squares or parks. Required buffers may not count towards this

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requirement unless they have been activated with passive recreation opportunities as described in the buffer requirements. For developments 15 acres or less, the size requirements shall be left to the discretion of the Administrator, but all TND developments must have a form of usable public space.

- aa) All occupiable buildings in the TND shall be no further than 1000 feet from a park, square or other form of usable public space.
- bb) The maximum height of walls or fences shall be eight feet. Barbed wire is prohibited.
- cc) Ground-mounted solar panels shall not be located between the primary façade of a residence and the street.
- dd) Ground-mounted solar panels shall be reasonably screened from view from the public thoroughfare and from neighboring properties, by a 6' tall fence and/or landscape material.

Sec. 104.15. – BGH, Ball Ground Highway Commercial Gateway.

A. Purpose and intent.

- 1) This district provides development standards for a uniform landscape and urban design theme to enhance the gateway to downtown Ball Ground. The specific urban design, transportation and land use requirements set forth are an extension of the orderly growth guidelines developed in the City's Comprehensive Plan.
- 2) 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.
- 3) The District is intended to generate quality new development along Ball Ground/Canton Highway while promoting economic, cultural, open space and safety features to aid the public's general welfare. This orderly planning system is intended to attract commercial and mixed-use development and discourage strip commercial development, which is consistent with the Comprehensive Plan.
- 4) Basic precepts for the District include:
 - a) Respect, preservation and use of existing landforms, trees and other landscape themes.
 - b) Shielding of parking areas through the dispersion of parking, berms, diffused sight lines and landscaping.
 - c) Building with finished front, side and rear elevations.
 - d) Respect, preservation and use of vernacular architecture and its elements; and
 - e) Creation of a pedestrian environment.

B. Use limitations and conditions.

- 1) General Requirements
 - a) All development plans, excluding those for a single home on an existing lot of record, must be drawn by a professional engineer and must be submitted to the City for review and approval before any work may commence.
- 2) Architectural Requirements
 - a) The mass and spatial relationships should emulate traditional villages and local character. New buildings shall feature design and materials consistent with those found in North Georgia from 1890 thru the 1930s and must be in keeping with the 2007 Master Plan. 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 designs are subject to review and approval by the Administrator.
 - b) All building facades, including those facing a roadway, shall be of architectural treatments of glass and brick in keeping with the traditional architecture of downtown Ball Ground. Buildings may include additional combinations of stone, architectural block, Stucco and wood. Exterior building materials shall not be concrete masonry units, aluminum siding, vinyl siding or corrugated steel (exceptions: mechanical penthouses & roof screens).
 - c) 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.
 - d) 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 using trellises, arcades, false windows, archways, landscaping, storefront, or recessed panels reminiscent of window, door or colonnade openings.
 - e) 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.
 - f) 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.
 - g) Buildings design shall include a minimum three-foot-high contrasting base (water table) extending along the entire front of the building.
 - h) 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.

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- i) 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.
- j) No more than 50% of a window pane may be covered by signage.
- 3) Site and Landscape Requirements
 - a) All on-site utilities shall be located underground.
 - b) No more than 50% of the total on-premises parking area may be located within the front yard.
 - c) All free-standing signage must be monument style, with a distinctive base, middle and top. The sign shall be of compatible design with building architecture.
 - d) In addition to the requirements of the buffer ordinance, property frontages along all public rights-of-way shall feature an additional 10 shrubs per 100 lineal feet of roadway
 - e) Vehicular areas visible from Ball Ground/Canton Highway shall provide low screen walls with complimentary landscaping to help shield views.
 - f) Shared driveways, rear Access and inter-parcel Access are highly encouraged to limit curb cuts along the highway.

Sec. 104.16. - LI, Light Industrial.

A. Purpose and intent.

- 1) The purpose of this district is to provide suitable areas for industrial development but whose proximity to residential or commercial districts makes it desirable to limit the intensity of industrial operations and processes. This district limits industrial, manufacturing and warehousing uses to those which are wholly conducted indoors, except for limited amounts of outdoor storage which shall be screened and situated in a side or rear yard. The district should be Accessible to a major arterial or State Highway. Permitted uses are restricted to those which are not characterized by smoke, dust, fumes, gas, heat, glare, fire hazards, noise, vibrations and other nuisances.

B. Use limitations and conditions

1) General Requirements

- a) All development plans, excluding those for a single home on an existing lot of record, must be drawn by a professional engineer and must be submitted to the City for review and approval before any work may commence.

2) Architectural Requirements

- a) The mass and spatial relationships should emulate traditional villages and local character. New buildings shall feature design and materials consistent with those found in North Georgia from 1890 thru the 1930s and must be in keeping with the 2007 Master Plan. 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 designs are subject to review and approval by the Administrator.
- b) All building facades, including those facing a roadway, shall be of architectural treatments of glass and brick in keeping with the traditional architecture of downtown Ball Ground. Buildings may include additional combinations of stone, architectural block, Stucco and wood. Exterior building materials shall not be concrete masonry units, aluminum siding, vinyl siding or corrugated steel (exceptions: mechanical penthouses & roof screens).
- c) 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.
- d) 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 using trellises, arcades, false windows, archways, landscaping, storefront, or recessed panels reminiscent of window, door or colonnade openings.
- e) 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.
- f) 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.
- g) Buildings design shall include a minimum three-foot-high contrasting base (water table) extending along the entire front of the building.
- h) 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.
- i) 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.

3) Site and Landscape Requirements

- a) All outside storage areas must be fenced and screened by opaque fencing and/or landscape material, as determined by the Administrator or designee.

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Sec. 104.17-HI, Heavy Industrial.

A. Purpose and intent.

- 1) The purpose of this district is to provide suitable areas for industrial operations and processes conducted both indoors and outdoors. Due to the intensity of these uses, the district should be located on or have ready Access to a major arterial or State Highway and separated from residential areas by significant natural barriers and/or buffers.

B. Use limitations and conditions.

1) General Requirements

- a) All development plans, excluding those for a single home on an existing lot of record, must be drawn by a professional engineer and must be submitted to the City for review and approval before any work may commence.

2) Architectural Requirements

- a) The mass and spatial relationships should emulate traditional villages and local character. New buildings shall feature design and materials consistent with those found in North Georgia from 1890 thru the 1930s and must be in keeping with the 2007 Master Plan. 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 designs are subject to review and approval by the Administrator.
- b) All building facades, including those facing a roadway, shall be of architectural treatments of glass and brick in keeping with the traditional architecture of downtown Ball Ground. Buildings may include additional combinations of stone, architectural block, Stucco and wood. Exterior building materials shall not be concrete masonry units, aluminum siding, vinyl siding or corrugated steel (exceptions: mechanical penthouses & roof screens).
- c) 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.
- d) 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 using trellises, arcades, false windows, archways, landscaping, storefront, or recessed panels reminiscent of window, door or colonnade openings.
- e) 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.
- f) 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.
- g) Buildings design shall include a minimum three-foot-high contrasting base (water table) extending along the entire front of the building.
- h) 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.
- i) 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.

3) Site and Landscape Requirements

- a) All outside storage areas must be fenced and screened by opaque fencing and/or landscape material, as determined by the Administrator or designee.

EXHIBIT A – Part 2

Sec. 104.18. – Permitted Land Uses and Conditions (AMENDED 8/8/2024)

A. Permitted Land Use Table

Legend:																				
P : Permitted Use. A land use that is allowed by right in a specific zoning district																				
C : Conditional Use. A land use that is allowed by right in a specific zoning district but must adhere to additional conditions as found herein																				
S : Special use. A land use that is only allowed in a specific zoning district when a special use permit has been granted by the City Council																				
LBCS CODE	LBCS DESCRIPTION	NAICS DESCRIPTION	NAICS CODE	AG	R80	R40	R30	R20	R15	RZL	RM4	CC-R	CC-T	CC-C	TND	NC	GC	BGH	LI	HI
1000	Residence or Accommodation Functions																			
1100	Private households, Single-Family																			
1101	Single Family - For Sale Residence		N/A	P	P	P	P	P	P	P	P	P	P	C	P	C				
1101	Single Family - For Sale Communities		N/A	P	P	P	P	P	P	P	P	P	P	C	P	C				
1101	Single Family - For Rent Residence		N/A	P	P	P	P	P	P	P	P	P	P	C	P	C				
1101	Single Family - For Rent Communities		N/A																	
1100	Private households, Multi-Family																			
1101	Multi-Family – For Sale Communities		N/A												S	S				
1101	Multi-Family – For Rent Communities		N/A												S	S				
1200	Housing services for the elderly																			
1210	Retirement housing services	Homes for the elderly without nursing care	623312	S	S	S	S	S	S	S	S				S					
1230	Assisted-living services	Assisted-living facilities without on-site nursing care facilities	623312												P		P	P		
1240	Life care or continuing care services	Continuing care retirement communities	623311												P		P	P		
1250	Skilled-nursing services	Assisted-living facilities with on-site nursing facilities	623311												P		P	P		
1300	Hotels, motels or other accommodation services																			
1310	Bed and breakfast inn	Bed and breakfast inns	721191	S	S	S	S	S	S	S	S	S	S	C	C	C				
1320	Rooming and boarding	Dormitories, Fraternities & Sororities	721310											P	P		P	P		
1330	Hotel, motel, or tourist court	Health spas (i.e., physical fitness facilities) with accommodations	721110											P	P	C	P	P		
1330	Hotel, motel, or tourist court	Hotels (except casino hotels)	721110											P	P	C	P	P		
1330	Hotel, motel, or tourist court	Motels	721110											P	P	C	P	P		
1330	Hotel, motel, or tourist court	Motor courts, hotels, inns & lodges	721110											P	P	C	P	P		
1330	Hotel, motel, or tourist court	Resort hotels without casinos	721110											P	P	C	P	P		
1330	Hotel, motel, or tourist court	Seasonal hotels without casinos	721110											P	P	C	P	P		
2000	General Sales or Service																			
2100	Retail sales or service																			
2110	Automobile sales or service establishment	General Automotive Repair	811111												C		P		P	
2110	Automobile sales or service establishment	Automotive exhaust system repair and replacement shops	811112												C		P		P	
2110	Automobile sales or service establishment	Other Automotive Mechanical and Electrical Repair and Maintenance	811113												C		P		P	
2110	Automobile sales or service establishment	Automotive Body, Paint, and Interior Repair and Maintenance	811121												C		P		P	
2110	Automobile sales or service establishment	Automotive Glass Replacement Shops	811122												C		P		P	
2110	Automobile sales or service establishment	Automotive oil change and lubrication shops	811191												C		P		P	
2110	Automobile sales or service establishment	Automotive detailing services (i.e., cleaning, polishing)	811192												C		P		P	
2110	Automobile sales or service establishment	Car washes (including self service and automatic)	811192														P		P	
2110	Automobile sales or service establishment	Truck and bus washes	811192														P		P	
2110	Automobile sales or service establishment	All Other Automotive Repair and Maintenance	811198												C		P		P	
2111	Car dealer	New Car & Light Truck Dealers	441110														P		P	
2111	Car dealer	Used Car & Light Truck Dealers	441120														S		S	
2112	Bus, truck, mobile homes, or large vehicles	Recreational Vehicle Dealers	441210														P		P	
2112	Bus, truck, mobile homes, or large vehicles	Manufactured (Mobile) Home Dealers	453930														P		P	
2113	Bicycle (motorized), motorcycle, ATV, etc.	Motorcycle, ATV, and All Other Motor Vehicle Dealers	441228														P		P	
2114	Boat or marine craft dealer	Boat dealers, new and used	441222														P		P	
2115	Parts, accessories, or tires	Automotive Parts and Accessories Stores	441310														P		P	
2116	Gasoline service	Gasoline stations with convenience stores	447110												S		S	S	S	
2116	Gasoline service	Gasoline service stations	447190												S		S	S	S	
2116	Gasoline service	Gasoline stations without convenience stores	447190												S		S	S	S	
2116	Gasoline service	Marine service stations	447190														P		P	P
2116	Gasoline service	Truck stops	447190														S		S	S
2120	Heavy consumer goods sales or service	Consumer Electronics Repair and Maintenance	811211												P		P		P	
2120	Heavy consumer goods sales or service	Computer and Office Machine Repair and Maintenance	811212												P		P		P	
2120	Heavy consumer goods sales or service	Communication Equipment Repair and Maintenance	811213												P		P		P	
2120	Heavy consumer goods sales or service	Other Electronic and Precision Equipment Repair and Maintenance	811219												P		P		P	
2120	Heavy consumer goods sales or service	Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance	811310												P		P		P	

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Legend:

- P : Permitted Use. A land use that is allowed by right in a specific zoning district
- C : Conditional Use. A land use that is allowed by right in a specific zoning district but must adhere to additional conditions as found herein
- S : Special use. A land use that is only allowed in a specific zoning district when a special use permit has been granted by the City Council

LBCS CODE	LBCS DESCRIPTION	NAICS DESCRIPTION	NAICS CODE	AG	R80	R40	R30	R20	R15	RZL	RM4	CC-R	CC-T	CC-C	TND	NC	GC	BGH	LI	HI
2120	Heavy consumer goods sales or service	Home and Garden Equipment Repair and Maintenance	811411												P		P		P	
2120	Heavy consumer goods sales or service	Appliance Repair and Maintenance	811412												P		P		P	
2120	Heavy consumer goods sales or service	Reupholstery and Furniture Repair	811420												P		P		P	
2120	Heavy consumer goods sales or service	Footwear and Leather Goods Repair	811430												P		P		P	
2120	Heavy consumer goods sales or service	Other Personal and Household Goods Repair and Maintenance	811490												P		P		P	
2120	Heavy consumer goods sales or service	Gunsmith shops without retailing new guns	811490												P		P		P	
2120	Heavy consumer goods sales or service	Motorcycle repair shops without retailing new motorcycles	811490												P		P		P	
2120	Heavy consumer goods sales or service	Pleasure boat repair and maintenance services without retailing new boats	811490												P		P		P	
2121	Furniture or home furnishings	Furniture Stores	442110										P		P	P	P	P	P	
2121	Furniture or home furnishings	Floor covering stores (except wood or ceramic tile only)	442210										P		P	P	P	P	P	
2121	Furniture or home furnishings	Window treatment stores	442291										P		P	P	P	P	P	
2121	Furniture or home furnishings	All Other Home Furnishings Stores	442299										P		P	P	P	P	P	
2121	Furniture or home furnishings	Wood-burning stove stores	442299										P		P	P	P	P	P	
2122	Hardware, home centers, etc.	Home improvement centers	444110										P		P	P	P	P	P	
2122	Hardware, home centers, etc.	Paint and Wallpaper Stores	444120										P		P	P	P	P	P	
2122	Hardware, home centers, etc.	Hardware & Tool stores	444130										P		P	P	P	P	P	
2123	Lawn and garden supplies	Outdoor power equipment stores	444210												P	P	P	P	P	
2123	Lawn and garden supplies	Feed stores (except pet)	444220												P	P	P	P	P	
2123	Lawn and garden supplies	Lawn and garden centers	444220												P	P	P	P	P	
2124	Department store, warehouse club or superstore	Department Stores (except Discount Department Stores)	452111												P	P	P	P	P	
2124	Department store, warehouse club or superstore	Discount Department Stores	452111												P	P	P	P	P	
2124	Department store, warehouse club or superstore	Warehouse Clubs and Supercenters	452910												P	P	P	P	P	
2124	Department store, warehouse club or superstore	All Other General Merchandise Stores	452990											P	P	P	P	P	P	
2125	Electronics and Appliances	Household Appliance Stores	443141												P	P	P	P	P	
2125	Electronics and Appliances	Electronics Stores	443142												P	P	P	P	P	
2126	Lumber yard and building materials	Other Building Material Dealers	444190												P	P	P	P	P	
2133	Clothing, jewelry, luggage, shoes, etc.	Mens Clothing Stores	448110										P	P	P	P	P	P	P	
2133	Clothing, jewelry, luggage, shoes, etc.	Womens Clothing Stores	448120										P	P	P	P	P	P	P	
2133	Clothing, jewelry, luggage, shoes, etc.	Childrens and Infants' Clothing Stores	448130										P	P	P	P	P	P	P	
2133	Clothing, jewelry, luggage, shoes, etc.	Family Clothing Stores	448140										P	P	P	P	P	P	P	
2133	Clothing, jewelry, luggage, shoes, etc.	Clothing Accessories Stores	448150										P	P	P	P	P	P	P	
2133	Clothing, jewelry, luggage, shoes, etc.	Other Clothing Stores	448190										P	P	P	P	P	P	P	
2133	Clothing, jewelry, luggage, shoes, etc.	Shoe Stores	448210										P	P	P	P	P	P	P	
2133	Clothing, jewelry, luggage, shoes, etc.	Jewelry & Watch Stores	448310										P	P	P	P	P	P	P	
2133	Clothing, jewelry, luggage, shoes, etc.	Luggage and Leather Goods Stores	448320										P	P	P	P	P	P	P	
2133	Clothing, jewelry, luggage, shoes, etc.	Sewing, Needlework, and Piece Goods Stores	451130										P	P	P	P	P	P	P	
2134	Sporting goods, toy and hobby, and musical instruments	Sporting Goods Stores	451110												P	P	P	P	P	
2134	Sporting goods, toy and hobby, and musical instruments	Hobby, Toy, and Game Stores	451120												P	P	P	P	P	
2135	Books, magazines, music, stationery	Musical Instrument and Supplies Stores	451140												P	P	P	P	P	
2135	Books, magazines, music, stationery	Book Stores	451211												P	P	P	P	P	
2135	Books, magazines, music, stationery	News Dealers and Newsstands	451212												P	P	P	P	P	
2135	Books, magazines, music, stationery	Office Supplies and Stationery Stores	453210												P	P	P	P	P	
2135	Books, magazines, music, stationery	Gift, Novelty, and Souvenir Stores	453220												P	P	P	P	P	
2140	Consumer goods, other	All Other Miscellaneous Store Retailers (except Tobacco Stores)	453998												P	P	P	P	P	
2141	Florist	Florists	453110												P	P	P	P	P	
2142	Art dealers, supplies, sales and service	Art Dealers	453920												P	P	P	P	P	P
2143	Tobacco or tobacconist establishment	Tobacco Stores	453991												S	S	S	S		
2144	Mail order or direct selling establishment	Electronic Shopping	454111												P	P	P	P	P	
2144	Mail order or direct selling establishment	Electronic Auctions	454112												P	P	P	P	P	
2144	Mail order or direct selling establishment	Mail-Order Houses	454113												P	P	P	P	P	
2144	Mail order or direct selling establishment	Heating Oil Dealers	454311														C		C	
2144	Mail order or direct selling establishment	Liquefied Petroleum Gas (Bottled Gas) Dealers	454312														C		C	
2144	Mail order or direct selling establishment	Other Fuel Dealers	454319														P			
2144	Mail order or direct selling establishment	Other Direct Selling Establishments	454390												P	P	P	P	P	
2145	Antique shops, flea markets, etc.	Used Merchandise Stores	453310												P	P	P	P	P	
2151	Grocery store, supermarket, or bakery	Supermarkets and Other Grocery (except Convenience) Stores	445110												P	P	P	P	P	
2151	Grocery store, supermarket, or bakery	Meat Markets	445210		P										P	P	P	P	P	P
2151	Grocery store, supermarket, or bakery	Fish and Seafood Markets	445220		P										P	P	P	P	P	P

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2415	Consulting services (management, environmental, etc.)	Agrology consulting services	541690	P									P	P	P	P	P	P	P	
2415	Consulting services (management, environmental, etc.)	Agronomy consulting services	541690	P									P	P	P	P	P	P	P	
2415	Consulting services (management, environmental, etc.)	Dairy herd consulting services	541690	P									P	P	P	P	P	P	P	
2415	Consulting services (management, environmental, etc.)	Horticultural consulting services	541690	P									P	P	P	P	P	P	P	
2415	Consulting services (management, environmental, etc.)	Livestock breeding consulting services	541690	P									P	P	P	P	P	P	P	
2416	Research and development services (scientific, etc.)	Research and Development in Biotechnology	541711	P									P	P	P	P	P	P	P	
2416	Research and development services (scientific, etc.)	Agriculture research and development laboratories or services	541711	P														P	P	
2416	Research and development services (scientific, etc.)	Experimental farms	541711	P														P	P	
2416	Research and development services (scientific, etc.)	Fisheries research and development laboratories or services	541711	P														P	P	
2416	Research and development services (scientific, etc.)	Food research and development laboratories or services	541711	P														P	P	
2416	Research and development services (scientific, etc.)	Forestry research and development laboratories or services	541711	P														P	P	
2416	Research and development services (scientific, etc.)	Geological research and development laboratories or services	541711															P	P	
2416	Research and development services (scientific, etc.)	Health & medical research and development laboratories or services	541711															P	P	
2416	Research and development services (scientific, etc.)	Research and Development in the Physical, Engineering, and Life Sciences (except Biotechnology)	541712															P	P	P
2416	Research and development services (scientific, etc.)	Guided missile and space vehicle engine research and development	541712																P	P
2416	Research and development services (scientific, etc.)	Guided missile and space vehicle parts (except engines) research and development	541712																P	P
2417	Advertising, media, and photography services	Advertising Agencies	541810										P	P	P	P	P	P		
2417	Advertising, media, and photography services	Public Relations Agencies	541820										P	P	P	P	P	P		
2417	Advertising, media, and photography services	Media Buying Agencies	541830										P	P	P	P	P	P		
2417	Advertising, media, and photography services	Media Representatives	541840										P	P	P	P	P	P		
2417	Advertising, media, and photography services	Display Advertising	541850										P	P	P	P	P	P		
2417	Advertising, media, and photography services	Direct Mail Advertising	541860										P	P	P	P	P	P		
2417	Advertising, media, and photography services	Advertising Material Distribution Services	541870										P	P	P	P	P	P		
2417	Advertising, media, and photography services	Other Services Related to Advertising	541890										P	P	P	P	P	P		
2417	Advertising, media, and photography services	Marketing Research and Public Opinion Polling	541910										P	P	P	P	P	P		
2417	Advertising, media, and photography services	Photography Studios, Portrait	541921										P	P	P	P	P	P		
2417	Advertising, media, and photography services	Commercial Photography	541922										P	P	P	P	P	P		
2417	Advertising, media, and photography services	Translation and Interpretation Services	541930										P	P	P	P	P	P		
2418	Veterinary services	Veterinary Services	541940	P									P	P	P	P	P	P		
2421	Office and administrative services	Offices of Bank Holding Companies	551111										P	P	P	P	P	P		
2421	Office and administrative services	Offices of Other Holding Companies	551112										P	P	P	P	P	P		
2421	Office and administrative services	Corporate, Subsidiary, and Regional Managing Offices	551114										P	P	P	P	P	P		
2421	Office and administrative services	Office Administrative Services	561110										P	P	P	P	P	P		
2421	Office and administrative services	All Other Business Support Services	561499										P	P	P	P	P	P		
2422	Facilities support services	Facilities Support Services	561210										P	P	P	P	P	P		
2423	Employment agency	Employment Placement Agencies	561311										P	P	P	P	P	P		
2423	Employment agency	Executive Search Services	561312										P	P	P	P	P	P		
2423	Employment agency	Temporary Help Services	561320										P	P	P	P	P	P		
2423	Employment agency	Professional Employer Organizations	561330										P	P	P	P	P	P		
2424	Business support services	Document Preparation Services	561410										P	P	P	P	P	P		
2424	Business support services	Telephone Answering Services	561421										P	P	P	P	P	P		
2424	Business support services	Telemarketing Bureaus and Other Contact Centers	561422										P	P	P	P	P	P		
2424	Business support services	Private Mail Centers	561431										P	P	P	P	P	P		
2424	Business support services	Other Business Service Centers (including Copy Shops)	561439										P	P	P	P	P	P		
2424	Business support services	Court Reporting and Stenotype Services	561492										P	P	P	P	P	P		
2425	Collection agency	Collection Agencies	561440										P	P	P	P	P	P		
2425	Collection agency	Credit Bureaus	561450										P	P	P	P	P	P		
2425	Collection agency	Repossession Services	561491										P	P	P	P	P	P		
2430	Travel arrangement and reservation services	Travel Agencies	561510										P	P	P	P	P	P		
2430	Travel arrangement and reservation services	Tour Operators	561520										P	P	P	P	P	P		
2430	Travel arrangement and reservation services	Convention and Visitors Bureaus	561591											P	P	P	P	P		
2430	Travel arrangement and reservation services	All Other Travel Arrangement and Reservation Services	561599											P	P	P	P	P		
2440	Investigation and security services	Investigation Services	561611											P	P	P	P	P		
2440	Investigation and security services	Security Guards and Patrol Services	561612											P	P	P	P	P		
2440	Investigation and security services	Armored Car Services	561613											P	P	P	P	P		
2440	Investigation and security services	Security Systems Services (except Locksmiths)	561621											P	P	P	P	P		
2440	Investigation and security services	Locksmiths	561622											P	P	P	P	P		

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4113	Airport and support establishment	Other Nonscheduled Air Transportation	481219																P	P
4113	Airport and support establishment	Air Traffic Control	488111																P	P
4113	Airport and support establishment	Other Airport Operations	488119																P	P
4114	Aircraft and accessories	Other Support Activities for Air Transportation	488190																P	P
4115	Other air transportation (including scenic, balloon, etc.)	Scenic and Sightseeing Transportation, Other	487990														P		P	P
4120	Rail transportation	Line-Haul Railroads	482111																P	P
4120	Rail transportation	Short Line Railroads	482112																P	P
4121	Rail passenger transportation	Line-Haul Railroads	482111																P	P
4122	Rail freight transportation	Line-Haul Railroads	482111																P	P
4122	Rail freight transportation	Short Line Railroads	482112																P	P
4123	Rail transportation support establishment	Support Activities for Rail Transportation	488210																P	P
4130	Road, ground passenger, and transit transportation	All Other Transit and Ground Passenger Transportation	485999																P	P
4130	Road, ground passenger, and transit transportation	Other Support Activities for Road Transportation	488490																P	P
4131	Local transit systems - mixed mode	Mixed Mode Transit Systems	485111																P	P
4131	Local transit systems - mixed mode	Other Urban Transit Systems	485119																P	
4132	Local transit systems - commuter rail	Commuter Rail Systems	485112																P	
4133	Local transit systems - bus, special needs, and other motor vehicles	Bus and Other Motor Vehicle Transit Systems	485113														P		P	
4133	Local transit systems - bus, special needs, and other motor vehicles	Special Needs Transportation	485991														P		P	
4134	Interurban, charter bus and other similar establishments	Interurban and Rural Bus Transportation	485210														P		P	
4134	Interurban, charter bus and other similar establishments	Charter Bus Industry	485510														P		P	
4135	School and employee bus transportation	School and Employee Bus Transportation	485410														P		P	
4136	Special purpose transit transportation (including scenic, sightseeing, etc.)	Scenic and Sightseeing Transportation, Land	487110														P		P	
4137	Taxi and limousine service	Taxi Service	485310														P		P	
4137	Taxi and limousine service	Limousine Service	485320														P		P	
4138	Towing and other road and ground services	Motor Vehicle Towing	488410														P		P	
4141	General freight trucking, local	General Freight Trucking, Local	484110														P		P	P
4142	General freight trucking, long-distance	General Freight Trucking, Long-Distance, Truckload	484121														P		P	P
4142	General freight trucking, long-distance	General Freight Trucking, Long-Distance, Less Than Truckload	484122														P		P	P
4143	Freight trucking, specialized (used household and office goods)	Used Household and Office Goods Moving	484210														P		P	P
4144	Freight trucking, specialized (except used goods)	Specialized Freight (except Used Goods) Trucking, Local	484220														P		P	P
4144	Freight trucking, specialized (except used goods)	Specialized Freight (except Used Goods) Trucking, Long-Distance	484230														P		P	P
4151	Marine passenger transportation	Inland Water Passenger Transportation	483212																P	
4151	Marine passenger transportation	Scenic and Sightseeing Transportation, Water	487210																P	
4160	Courier and messenger services	Couriers and Express Delivery Services	492110												P		P		P	
4160	Courier and messenger services	Local Messengers and Local Delivery	492210												P		P		P	
4170	Postal services	Postal Service	491110									P	P	P	P	P	P	P	P	
4180	Pipeline transportation	Pipeline Transportation of Crude Oil	486110																P	P
4180	Pipeline transportation	Pipeline Transportation of Natural Gas	486210																P	P
4180	Pipeline transportation	Pipeline Transportation of Refined Petroleum Products	486910																P	P
4180	Pipeline transportation	All Other Pipeline Transportation	486990																P	P
4200	Communications and information																			
4211	Newspapers, books, periodicals, etc.	Newspaper Publishers	511110										P		P	P	P	P	P	
4211	Newspapers, books, periodicals, etc.	Periodical Publishers	511120										P		P	P	P	P	P	
4211	Newspapers, books, periodicals, etc.	Book Publishers	511130										P		P	P	P	P	P	
4211	Newspapers, books, periodicals, etc.	Directory and Mailing List Publishers	511140										P		P	P	P	P	P	
4211	Newspapers, books, periodicals, etc.	Greeting Card Publishers	511191										P		P	P	P	P	P	
4211	Newspapers, books, periodicals, etc.	All Other Publishers	511199										P		P	P	P	P	P	
4212	Software publisher	Software Publishers	512120										P		P	P	P	P	P	
4221	Motion picture and video production, publishing and distribution	Motion Picture and Video Production	512110										P		P	P	P	P	P	
4221	Motion picture and video production, publishing and distribution	Motion Picture and Video Distribution	512120										P		P	P	P	P	P	
4221	Motion picture and video production, publishing and distribution	Teleproduction and Other Postproduction Services	512191										P		P	P	P	P	P	
4221	Motion picture and video production, publishing and	Other Motion Picture and Video Industries	512199										P		P	P	P	P	P	

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	distribution																			
4222	Motion picture viewing and exhibition services	Motion Picture Theaters (except Drive-Ins)	512131											P	P	P	P	P		
4222	Motion picture viewing and exhibition services	Drive-In Motion Picture Theaters	512132												P		P		P	
4223	Sound recording, production, publishing, and distribution	Record Production	512210										P		P		P	P	P	
4223	Sound recording, production, publishing, and distribution	Integrated Record Production/Distribution	512220										P		P		P	P	P	
4223	Sound recording, production, publishing, and distribution	Music Publishers	512230										P		P		P	P	P	
4223	Sound recording, production, publishing, and distribution	Sound Recording Studios	512240										P		P		P	P	P	
4223	Sound recording, production, publishing, and distribution	Other Sound Recording Industries	512290										P		P		P	P	P	
4230	Telecommunications and broadcasting	All Other Telecommunications	517919										S		S		S	S	S	
4231	Radio and television broadcasting	Radio Networks	515111	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
4231	Radio and television broadcasting	Radio Stations	515112										P		P	P	P	P	P	
4231	Radio and television broadcasting	Television Broadcasting	515120	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
4232	Cable networks and distribution	Cable and Other Subscription Programming	515210										P		P	P	P	P	P	
4233	Wireless telecommunications	Wireless Telecommunications Carriers (except Satellite)	517210	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
4233	Wireless telecommunications	Telecommunications Resellers	517911										P		P	P	P	P	P	
4233	Wireless telecommunications	Satellite Telecommunications	517410										P		P	P	P	P	P	
4234	Telephone and other wired telecommunications	Wired Telecommunications Carriers	517110	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
4240	Information services and data processing industries	Data Processing, Hosting, and Related Services	514210																P	
4241	Online information services	Internet Publishing and Broadcasting and Web Search Portals	519130																P	
4242	Libraries and archives	Libraries and Archives	519120	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
4243	News syndicate	News Syndicates	519110										P		P	P	P	P		
4243	News syndicate	All Other Information Services	519190										P		P	P	P	P		
4300	Utilities and utility services																			
4310	Electric power	Electric Bulk Power Transmission and Control	221121	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
4310	Electric power	Electric Power Distribution	221122	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
4311	Hydroelectric Power Generation	Hydroelectric Power Generation	221111																	P
4312	Fossil Fuel Power Generation	Fossil Fuel Electric Power Generation	221112																	P
4313	Nuclear Electric Power Generation	Nuclear Electric Power Generation	221113																	P
4314	Alternative energy sources	Solar Electric Power Generation	221114	S															P	P
4314	Alternative energy sources	Wind Electric Power Generation	221115	S															P	P
4314	Alternative energy sources	Geothermal Electric Power Generation	221116																	P
4314	Alternative energy sources	Biomass Electric Power Generation	221117																	P
4314	Alternative energy sources	Other Electric Power Generation	221118																	P
4320	Natural gas, petroleum, fuels, etc.	Natural Gas Distribution	221210	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
4331	Drinking water	Water Supply and Irrigation Systems	221310	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
4340	Sewer, solid waste, and related services	Sewage Treatment Facilities	221320	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
4341	Hazardous waste collection	Hazardous Waste Collection	562112																	S
4342	Hazardous waste treatment and disposal	Hazardous Waste Treatment and Disposal	562211																	S
4342	Hazardous waste treatment and disposal	Remediation Services	562910																	S
4343	Solid waste collection	Solid Waste Collection	562111																	S
4343	Solid waste collection	Other Waste Collection	562119																	S
4344	Solid waste combustor or incinerator	Solid Waste Combustors and Incinerators	562213																	S
4345	Solid waste landfill	Solid Waste Landfill	562212																	S
4346	Waste treatment and disposal	Materials Recovery Facilities	562920																	S
4347	Septic tank and related services	Septic Tank and Related Services	562991																	S
4347	Septic tank and related services	All Other Miscellaneous Waste Management Services	562998																	S
5000	Arts, Entertainment, and Recreation																			
5100	Performing arts or supporting establishment																			
5110	Theater, dance or music establishment	Theater Companies and Dinner Theaters	711110											P	P	P	P			
5110	Theater, dance or music establishment	Dance Companies	711120											P	P	P	P			
5110	Theater, dance or music establishment	Musical Groups and Artists	711130											P	P	P	P			
5110	Theater, dance or music establishment	Other Performing Arts Companies	711190											P	P	P	P			
5120	Sports team or club	Sports Teams and Clubs	711211	S											S		P	P		
5130	Racetrack establishment	Racetracks	711212																	S
5130	Racetrack establishment	Other Spectator Sports	711219	S											S		P	P		
5140	Promoter of performing arts, sports and similar events	Promoters of Performing Arts, Sports, and Similar Events with Facilities	711310	S											S		P	P		
5140	Promoter of performing arts, sports and similar events	Promoters of Performing Arts, Sports, and Similar Events without Facilities	711320											P	P	P	P	P		
5150	Agent for management services	Agents and Managers for Artists, Athletes, Entertainers, and Other Public Figures	711410											P	P	P	P	P		

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6210	Legislative and executive functions	Other General Government Support	921190	P									P	P	P	P	P	P	P	P
6210	Legislative and executive functions	Administration of Air and Water Resource and Solid Waste Management Programs	924110	P									P	P	P	P	P	P	P	P
6210	Legislative and executive functions	Administration of Conservation Programs	924120	P									P	P	P	P	P	P	P	P
6210	Legislative and executive functions	Administration of Housing Programs	925110	P									P	P	P	P	P	P	P	P
6210	Legislative and executive functions	Administration of Urban Planning and Community and Rural Development	925120	P									P	P	P	P	P	P	P	P
6210	Legislative and executive functions	Administration of General Economic Programs	926110	P									P	P	P	P	P	P	P	P
6210	Legislative and executive functions	Regulation and Administration of Transportation Programs	926120	P									P	P	P	P	P	P	P	P
6210	Legislative and executive functions	Regulation and Administration of Communications, Electric, Gas, and Other Utilities	926130	P									P	P	P	P	P	P	P	P
6220	Judicial functions	Legal Counsel and Prosecution	922130	P									P	P	P	P	P	P	P	P
6220	Judicial functions	Parole Offices and Probation Offices	922150	P									P	P	P	P	P	P	P	P
6221	Courts	Courts	922110	P									P	P	P	P	P	P	P	P
6222	Correctional institutions	Correctional Institutions	922140	S															S	S
6300	Other government functions																			
6300	Other government functions	Regulation of Agricultural Marketing and Commodities	926140	P									P	P	P	P	P	P	P	P
6300	Other government functions	Regulation, Licensing, and Inspection of Miscellaneous Commercial Sectors	926150	P									P	P	P	P	P	P	P	P
6300	Other government functions	International Affairs	928120	P									P	P	P	P	P	P	P	P
6310	Military and national security	National Security	928110	P									P	P	P	P	P	P	P	P
6320	Space research and technology	Space Research and Technology	927110	P									P	P	P	P	P	P	P	P
6400	Public safety																			
6410	Fire and rescue	Fire Protection	922160	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
6420	Police	Police Protection	922120	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
6430	Emergency response	Ambulance Services	621910	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
6500	Health and human services																			
6500	Health and human services	All Other Miscellaneous Ambulatory Health Care Services	621999										P	P	P	P	P	P		
6510	Ambulatory or outpatient care services	Offices of Physicians (except Mental Health Specialists)	621111										P	P	P	P	P	P		
6511	Clinics	Offices of Physicians, Mental Health Specialists	621112										P	P	P	P	P	P		
6511	Clinics	Offices of Dentists	621210										P	P	P	P	P	P		
6511	Clinics	Offices of Optometrists	621320										P	P	P	P	P	P		
6511	Clinics	Offices of Mental Health Practitioners (except Physicians)	621330										P	P	P	P	P	P		
6511	Clinics	Offices of Physical, Occupational and Speech Therapists, and Audiologists	621340										P	P	P	P	P	P		
6511	Clinics	Offices of Podiatrists	621391										P	P	P	P	P	P		
6511	Clinics	Offices of All Other Miscellaneous Health Practitioners	621399										P	P	P	P	P	P		
6511	Clinics	HMO Medical Centers	621491										P		P		P	P		
6511	Clinics	Kidney Dialysis Centers	621492										P		P		P	P		
6511	Clinics	Freestanding Ambulatory Surgical and Emergency Centers	621493										P		P		P	P		
6511	Clinics	All Other Outpatient Care Centers	621498										P		P		P	P		
6512	Family planning and outpatient care centers	Family Planning Centers	621410										P		P		P	P		
6512	Family planning and outpatient care centers	Outpatient Mental Health and Substance Abuse Centers	621420										P		P		P	P		
6513	Medical and diagnostic laboratories	Medical Laboratories	621511										P		P		P	P		
6513	Medical and diagnostic laboratories	Diagnostic Imaging Centers	621512										P		P		P	P		
6513	Medical and diagnostic laboratories	Home Health Care Services	621610										P		P		P	P		
6514	Blood and organ banks	Blood and Organ Banks	621991														P	P		
6520	Nursing, supervision, and other	Nursing Care Facilities	623110														P	P		
6520	Nursing, supervision, and other	Residential Mental Retardation Facilities	623210														P	P		
6520	Nursing, supervision, and other	Residential Mental Health Facilities	623220														P	P		
6520	Nursing, supervision, and other	Residential Substance Abuse Facilities	623220														P	P		
6530	Hospital	General Medical and Surgical Hospitals	622110														P	P		
6530	Hospital	Psychiatric and Substance Abuse Hospitals	622210														P	P		
6530	Hospital	Specialty (except Psychiatric and Substance Abuse) Hospitals	622310														P	P		
6560	Social assistance, welfare and charitable services	Other Individual and Family Services	624190														P	P		
6560	Social assistance, welfare and charitable services	Temporary Shelters	624221														P			
6560	Social assistance, welfare and charitable services	Other Community Housing Services	624229														P			
6561	Child and youth services	Other Residential Care Facilities	623990														P			
6561	Child and youth services	Child and Youth Services	624110														P			
6563	Community food services	Community Food Services	624210														P			
6564	Emergency and relief services	Emergency and Other Relief Services	624230														P			
6565	Other family services	Other Individual and Family Services	624190														P			
6566	Services for elderly and disabled	Services for the Elderly and Persons with Disabilities	624120														P			

Current to August 8, 2024

Legend:

- P : Permitted Use. A land use that is allowed by right in a specific zoning district
- C : Conditional Use. A land use that is allowed by right in a specific zoning district but must adhere to additional conditions as found herein
- S : Special use. A land use that is only allowed in a specific zoning district when a special use permit has been granted by the City Council

LBCS CODE	LBCS DESCRIPTION	NAICS DESCRIPTION	NAICS CODE	AG	R80	R40	R30	R20	R15	RZL	RM4	CC-R	CC-T	CC-C	TND	NC	GC	BGH	LI	HI
6567	Veterans affairs	Administration of Veterans Affairs	923140														P			
6568	Vocational rehabilitation	Vocational Rehabilitation Services	624310														P			
6600	Religious institutions	Place of Worship	813110	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
6700	Death care services																			
6710	Funeral homes and services	Funeral Homes and Funeral Services	812210														S		S	
6720	Cremation services and cemeteries	Cemeteries and Crematories	812220	S	S	S													S	
6800	Associations, nonprofit organizations, etc.																			
6800	Associations, nonprofit organizations, etc.	Other Similar Organizations (except Business, Professional, Labor, and Political Organizations)	813990	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	
6810	Labor and political organizations	Labor Unions and Similar Labor Organizations	813930	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	
6810	Labor and political organizations	Political Organizations	813940	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	
6820	Business associations and professional membership organizations	Business Associations	813910	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	
6820	Business associations and professional membership organizations	Professional Organizations	813920	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	
6830	Civic, social and fraternal organizations	Grantmaking Foundations	813211	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	
6830	Civic, social and fraternal organizations	Voluntary Health Organizations	813212	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	
6830	Civic, social and fraternal organizations	Other Grantmaking and Giving Services	813219	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	
6830	Civic, social and fraternal organizations	Human Rights Organizations	813311	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	
6830	Civic, social and fraternal organizations	Environment, Conservation and Wildlife Organizations	813312	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	
6830	Civic, social and fraternal organizations	Other Social Advocacy Organizations	813319	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	
6830	Civic, social and fraternal organizations	Civic and Social Organizations	813410	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	
7000	Construction-Related Businesses																			
7100	Building, developing and general contracting																			
7110	Residential construction	New Single-Family Housing Construction (except Operative Builders)	236115														P		P	
7110	Residential construction	New Multifamily Housing Construction (except Operative Builders)	236116														P		P	
7110	Residential construction	New Housing Operative Builders	236117														P		P	
7110	Residential construction	Residential Remodelers	236118														P		P	
7120	Land development and subdivision	Land Subdivision	237210														P		P	
7130	Industrial, commercial and institutional building construction	Industrial Building Construction	236210														P		P	
7130	Industrial, commercial and institutional building construction	Commercial and Institutional Building Construction	236220														P		P	
7200	Machinery related																			
7210	Building equipment and machinery installation contractors	Other Building Equipment Contractors	238290														P		P	
7220	Excavation contractor	Site Preparation Contractors	238910														P		P	
7230	Water well drilling contractor	Site Preparation Contractors	238910														P		P	
7240	Wrecking and demolition establishment	Site Preparation Contractors	238910														P		P	
7250	Structural steel erection contractor	Structural Steel and Precast Concrete Contractors	238120														P		P	
7300	Special trade contractor																			
7300	Special trade contractor	Other Foundation, Structure, and Building Exterior Contractors	238190														P		P	
7310	Carpentry, floor and tile contractor	Framing Contractors	238130														P		P	
7310	Carpentry, floor and tile contractor	Finish Carpentry Contractors	238350														P		P	
7310	Carpentry, floor and tile contractor	Flooring Contractors	238330														P		P	
7310	Carpentry, floor and tile contractor	Tile and Terrazzo Contractors	238340														P		P	
7320	Concrete contractor	Poured Concrete Foundation and Structure Contractors	238110														P		P	
7330	Electrical contractor	Electrical Contractors and Other Wiring Installation Contractors	238210														P		P	
7340	Glass and glazing contractor	Glass and Glazing Contractors	238150														P		P	
7350	Masonry and drywall contractors	Masonry Contractors	238140														P		P	
7350	Masonry and drywall contractors	Drywall and Insulation Contractors	238310														P		P	
7360	Painting and wall covering	Painting and Wall Covering Contractors	238320														P		P	
7370	Plumbing, heating and air-conditioning	Plumbing, Heating, and Air-Conditioning Contractors	238220														P		P	
7380	Roofing, siding and sheet metal contractors	Roofing Contractors	238160														P		P	
7380	Roofing, siding and sheet metal contractors	Siding Contractors	238170														P		P	
7400	Heavy construction																			
7410	Highway and street construction	Highway, Street, and Bridge Construction	237310														P		P	
7420	Bridge and tunnel construction	Highway, Street, and Bridge Construction	237310														P		P	
7430	Water, sewer and pipeline construction	Water and Sewer Line and Related Structures Construction	237110														P		P	
7430	Water, sewer and pipeline construction	Oil and Gas Pipeline and Related Structures Construction	237120														P		P	

Current to August 8, 2024

A. Land Use Conditions Table

LBCS CODE	LBCS DESCRIPTION	NAICS DESCRIPTION	NAICS CODE	APPLICABLE ZONING DISTRICTS	CONDITIONS
1000	Residence or Accommodation Functions				
1100	Private households			CC-C	<ol style="list-style-type: none"> 1) Residential dwellings may only be permitted as part of a mixed-use building or development. <ol style="list-style-type: none"> a) A residential building may be mixed with a non-residential building on the same block or lot. b) A residential use may be mixed horizontally and/or vertically with non-residential uses in the same building. 2) For parcels with primary frontages facing Gilmer Ferry Rd, 100% of the ground floor and 100% of the primary façade shall be dedicated to commercial uses. 3) For parcels with primary frontages facing streets other than Gilmer Ferry Road, 50% of the ground floor and 50% of the primary façade shall be dedicated to commercial uses.
				NC	<ol style="list-style-type: none"> 1) Residential dwellings may only be permitted as part of a mixed-use building or development
1300	Hotels, motels or other Accommodation services				
1310	Bed and breakfast inn	Bed and breakfast inns	721191	AG, RE, R40, R30, R20, R15, RZL, TND, CC-R, CC-C, NC	<ol style="list-style-type: none"> 1) Owner-operators must reside on site
1330	Hotel, motel, or tourist court	Health spas (i.e., physical fitness facilities) with Accommodations	721110	NC	<ol style="list-style-type: none"> 1) No more than 30 guest units may be permitted
1330	Hotel, motel, or tourist court	Hotels (except casino hotels)	721110		
1330	Hotel, motel, or tourist court	Motels	721110		
1330	Hotel, motel, or tourist court	Motor courts, hotels, inns & lodges	721110		
1330	Hotel, motel, or tourist court	Resort hotels without casinos	721110		
1330	Hotel, motel, or tourist court	Resort hotels without casinos	721110		
1330	Hotel, motel, or tourist court	Seasonal hotels without casinos	721110		
2100	Retail sales or service				
2110	Automobile sales or service establishment	General Automotive Repair	811111	TND	<ol style="list-style-type: none"> 1) All activities must be conducted within a fully enclosed space. 2) All Vehicle storage must be to the rear of the primary structure 3) All vehicle storage must be fully enclosed by a minimum 6' tall wood stockage fence 4) No activities shall produce liquid effluent, odor, fumes, dust, noise or similar that can be detected beyond the walls of buildings
2110	Automobile sales or service establishment	Automotive exhaust system repair and replacement shops	811112		
2110	Automobile sales or service establishment	Other Automotive Mechanical and Electrical Repair and Maintenance	811113		
2110	Automobile sales or service establishment	Automotive Body, Paint, and Interior Repair and Maintenance	811121		
2110	Automobile sales or service establishment	Automotive Glass Replacement Shops	811122		
2110	Automobile sales or service establishment	Automotive oil change and lubrication shops	811191		
2110	Automobile sales or service establishment	Automotive detailing services (i.e., cleaning, polishing)	811192		
2110	Automobile sales or service establishment	All Other Automotive Repair and Maintenance	811198		
2116	Gasoline service	Gasoline stations with convenience stores	447110	TND	<ol style="list-style-type: none"> 1) The primary façade of a building must front the main roadway as determined by the Administrator and no parking or driveways may fall within areas between this façade and roadway. The primary façade shall be designed to appear and function as a front door and pedestrian connections shall be established from the building to the greater pedestrian network. 2) All fuel pumps shall be located to the side or rear of the primary building. Low screen walls and landscaping shall screen all on site vehicular areas from public view. 3) Minimum Lot Size of 1 acre 4) An outdoor public gathering area featuring tables, seating, shade structures, trash receptacles, landscaping and similar must be provided on site 5) Building facades must be entirely brick or stone, with Accents of wood, metal and other similar materials being Acceptable. Stucco is prohibited. 6) Gas canopies must be designed like the primary structure and feature pitched roofs. 7) All primary facades shall have foundational landscaping between building walls and sidewalks 8) In addition to the City's general requirements for plan submission and review, site plans must show all proposed buildings, pump islands, tanks, methods of screening, driveways, curbing and curb cuts, lighting and landscaping. 9) Lighting plans must include the assessment from the electrical utility provider showing coverage areas using the Illuminance (FC) Calculation. 10) Underground storage tanks shall be at least 40' from any adjacent property line of an existing residential use or residential zoning; tanks must be at least 25' from public right of way. 11) Driveway curbing must be at least 10' from a property line. 12) The outer edge of a fuel pump canopy shall be at least 40' from any adjacent property line of an existing residential use or residential zoning; tanks must be at least 25' from public right of way. 13) Besides those provided for in the sign ordinance, window coverings are prohibited

					<p>14) Besides those provided for in the sign ordinance, gasoline pump signs are prohibited</p>
				GC, BGH	<p>1) All fuel pumps are encouraged to be located to the side or rear of the primary building unless the adjacent property has a residential land use, where it is then prohibited. Where the fuel pumps are located between the primary façade and the street, low screen walls and landscaping shall be provided to screen all on site vehicular areas from public view.</p> <p>2) Minimum Lot Size of 1 acre</p> <p>3) An outdoor public gathering area featuring tables, seating, shade structures, trash receptacles, landscaping and similar must be provided on site</p> <p>4) Building facades must be entirely brick or stone, with Accents of wood, metal and other similar materials being Acceptable. Stucco is prohibited.</p> <p>5) Gas canopies must be designed like the primary structure and feature pitched roofs.</p> <p>6) All primary facades shall have foundational landscaping between building walls and sidewalks</p> <p>7) In addition to the City’s general requirements for plan submission and review, site plans must show all proposed buildings, pump islands, tanks, methods of screening, driveways, curbing and curb cuts, lighting and landscaping.</p> <p>8) Lighting plans must include the assessment from the electrical utility provider showing coverage areas using the Illuminance (FC) Calculation.</p> <p>9) Underground storage tanks shall be at least 40’ from any adjacent property line of an existing residential use or residential zoning; tanks must be at least 25’ from public right of way.</p> <p>10) Driveway curbing must be at least 10’ from a property line.</p> <p>11) The outer edge of a fuel pump canopy shall be at least 40’ from any adjacent property line of an existing residential use or residential zoning</p> <p>12) Besides those provided for in the sign ordinance, window coverings are prohibited</p> <p>13) Besides those provided for in the sign ordinance, gasoline pump signs are prohibited</p>
2116	Gasoline service	Gasoline service stations	447190	TND	<p>1) The primary façade of a building must front the main roadway as determined by the Administrator and no parking or driveways may fall within areas between this façade and roadway. The primary façade shall be designed to appear and function as a front door and pedestrian connections shall be established from the building to the greater pedestrian network.</p> <p>2) All fuel pumps shall be located to the side or rear of the primary building. Low screen walls and landscaping shall screen all on site vehicular areas from public view.</p> <p>3) Minimum Lot Size of 1 acre</p> <p>4) An outdoor public gathering area featuring tables, seating, shade structures, trash receptacles, landscaping and similar must be provided on site</p> <p>5) Building facades must be entirely brick or stone, with Accents of wood, metal and other similar materials being Acceptable. Stucco is prohibited.</p> <p>6) Gas canopies must be designed like the primary structure and feature pitched roofs.</p> <p>7) All primary facades shall have foundational landscaping between building walls and sidewalks</p> <p>8) In addition to the City’s general requirements for plan submission and review, site plans must show all proposed buildings, pump islands, tanks, methods of screening, driveways, curbing and curb cuts, lighting and landscaping.</p> <p>9) Lighting plans must include the assessment from the electrical utility provider showing coverage areas using the Illuminance (FC) Calculation.</p> <p>10) Underground storage tanks shall be at least 40’ from any adjacent property line of an existing residential use or residential zoning; tanks must be at least 25’ from public right of way.</p> <p>11) Driveway curbing must be at least 10’ from a property line.</p> <p>12) The outer edge of a fuel pump canopy shall be at least 40’ from any adjacent property line of an existing residential use or residential zoning; tanks must be at least 25’ from public right of way.</p> <p>13) Besides those provided for in the sign ordinance, window coverings are prohibited</p> <p>14) Besides those provided for in the sign ordinance, gasoline pump signs are prohibited</p>
				GC, BGH	<p>1) All fuel pumps are encouraged to be located to the side or rear of the primary building unless the adjacent property has a residential land use, where it is then prohibited. Where the fuel pumps are located between the primary façade and the street, low screen walls and landscaping shall be provided to screen all on site vehicular areas from public view.</p> <p>2) Minimum Lot Size of 1 acre</p> <p>3) An outdoor public gathering area featuring tables, seating, shade structures, trash receptacles, landscaping and similar must be provided on site</p> <p>4) Building facades must be entirely brick or stone, with Accents of wood, metal and other similar materials being Acceptable. Stucco is prohibited.</p>

					<ul style="list-style-type: none"> 5) Gas canopies must be designed like the primary structure and feature pitched roofs. 6) All primary facades shall have foundational landscaping between building walls and sidewalks 7) In addition to the City's general requirements for plan submission and review, site plans must show all proposed buildings, pump islands, tanks, methods of screening, driveways, curbing and curb cuts, lighting and landscaping. 8) Lighting plans must include the assessment from the electrical utility provider showing coverage areas using the Illuminance (FC) Calculation. 9) Underground storage tanks shall be at least 40' from any adjacent property line of an existing residential use or residential zoning; tanks must be at least 25' from public right of way. 10) Driveway curbing must be at least 10' from a property line. 11) The outer edge of a fuel pump canopy shall be at least 40' from any adjacent property line of an existing residential use or residential zoning 12) Besides those provided for in the sign ordinance, window coverings are prohibited 13) Besides those provided for in the sign ordinance, gasoline pump signs are prohibited
2116	Gasoline service	Gasoline stations without convenience stores	447190	TND	<ul style="list-style-type: none"> 1) The primary façade of a building must front the main roadway as determined by the Administrator and no parking or driveways may fall within areas between this façade and roadway. The primary façade shall be designed to appear and function as a front door and pedestrian connections shall be established from the building to the greater pedestrian network. 2) All fuel pumps shall be located to the side or rear of the primary building. Low screen walls and landscaping shall screen all on site vehicular areas from public view. 3) Minimum Lot Size of 1 acre 4) An outdoor public gathering area featuring tables, seating, shade structures, trash receptacles, landscaping and similar must be provided on site 5) Building facades must be entirely brick or stone, with Accents of wood, metal and other similar materials being Acceptable. Stucco is prohibited. 6) Gas canopies must be designed like the primary structure and feature pitched roofs. 7) All primary facades shall have foundational landscaping between building walls and sidewalks 8) In addition to the City's general requirements for plan submission and review, site plans must show all proposed buildings, pump islands, tanks, methods of screening, driveways, curbing and curb cuts, lighting and landscaping. 9) Lighting plans must include the assessment from the electrical utility provider showing coverage areas using the Illuminance (FC) Calculation. 10) Underground storage tanks shall be at least 40' from any adjacent property line of an existing residential use or residential zoning; tanks must be at least 25' from public right of way. 11) Driveway curbing must be at least 10' from a property line. 12) The outer edge of a fuel pump canopy shall be at least 40' from any adjacent property line of an existing residential use or residential zoning; tanks must be at least 25' from public right of way. 13) Besides those provided for in the sign ordinance, window coverings are prohibited 14) Besides those provided for in the sign ordinance, gasoline pump signs are prohibited
				GC, BGH	<ul style="list-style-type: none"> 1) All fuel pumps are encouraged to be located to the side or rear of the primary building unless the adjacent property has a residential land use, where it is then prohibited. Where the fuel pumps are located between the primary façade and the street, low screen walls and landscaping shall be provided to screen all on site vehicular areas from public view. 2) Minimum Lot Size of 1 acre 3) An outdoor public gathering area featuring tables, seating, shade structures, trash receptacles, landscaping and similar must be provided on site 4) Building facades must be entirely brick or stone, with Accents of wood, metal and other similar materials being Acceptable. Stucco is prohibited. 5) Gas canopies must be designed like the primary structure and feature pitched roofs. 6) All primary facades shall have foundational landscaping between building walls and sidewalks 7) In addition to the City's general requirements for plan submission and review, site plans must show all proposed buildings, pump islands, tanks, methods of screening, driveways, curbing and curb cuts, lighting and landscaping. 8) Lighting plans must include the assessment from the electrical utility provider showing coverage areas using the Illuminance (FC) Calculation. 9) Underground storage tanks shall be at least 40' from any adjacent property line of an existing residential use or residential zoning; tanks must be at least 25' from public right of way. 10) Driveway curbing must be at least 10' from a property line.

					11) The outer edge of a fuel pump canopy shall be at least 40' from any adjacent property line of an existing residential use or residential zoning 12) Besides those provided for in the sign ordinance, window coverings are prohibited 13) Besides those provided for in the sign ordinance, gasoline pump signs are prohibited
2143	Tobacco or tobacconist establishment	Tobacco Stores	453991	TND, CC-C, GC	1) Indoor lounge-type space must be provided for potential customer consumption of products on site 2) Food must be available for purchase and consumption on site
2144	Mail order or direct selling establishment	Heating Oil Dealers	454311	GC, LI	1) All tanks, and related equipment and materials, must be kept in storage areas that are fully enclosed by fencing of a minimum 6' in height. Fencing shall be fully opaque, utilizing all wood, block, fabric or similar.
2144	Mail order or direct selling establishment	Liquefied Petroleum Gas (Bottled Gas) Dealers	454312		
2152	Convenience store	Convenience Stores Without Fuel Pumps	445120	CC-C	1) Stores may not sell fuel for motor vehicles 2) Stores must offer made to order food for onsite consumption or take away
2155	Beer, wine, and liquor store	Beer, Wine, and Liquor Stores	445310	GC, BGH	3) Driveway curbing must be at least 10' from a property line. 4) The building shall be at least 40' from any adjacent property line of an existing residential use or residential zoning 5) A minimum 6' tall wood stockade fence or masonry wall must be provided along all property lines except those adjacent to public right-of-way.
2300	Real estate, and rental and leasing				
2321	Commercial property-related	Self-storage, U-lock storage	531130	GC, LI	1) Facilities must be fully enclosed by a minimum 6' tall fence.
2321	Commercial property-related	Self-Storage facilities (rooms, compartments, lockers, containers, and/or outdoor space)	531130		
2400	Business, professional, scientific, and technical services				
2413	Architectural, engineering, and related services	Landscape Architectural Services	541320	TND, CC-C, NC, CC-T	1) No outdoor storage of bulk plant material, machinery, equipment or similar is allowed
2500	Food Services				
2520	Cafeteria or limited service restaurant	Limited-Service Restaurants	722513	CC-T	1) Areas intended for the outdoor, on-site consumption of products sold by the business(s) may not exceed more than 500 square feet in area per business. These areas are measured at the maximum extent of the prepared space needed for locating seating, tables and other similar furnishings for this type of outdoor use. Preparing an area for outdoor product consumption includes, but is not limited to, clearing, grading, hardscaping, landsaping, furnishing, lighting and similar treatments to suit these furnishings and uses.
2530	Snack or nonalcoholic bar	Snack and Nonalcoholic Beverage Bars	722515	CC-T	2) Outdoor areas, as described above, may not be located adjacent to an off-site, existing residential use, but shall be allowed adjacent to public streets and other non-residential buildings. 3) Outdoor areas, as described above, are prohibited on rooftops. 4) Amplified sound, including but not limited to music, is prohibited on all properties adjacent to an existing residential use. 5) An applicant shall prepare an outdoor dining plan for staff review. 6) Drive-thru services are prohibited.
2600	Personal Service				
2600	Personal services	Baths, steam or Turkish	812199	GC, LI, HI	1) May not operate between the hours of 10:00PM and 8:00AM 2) May not be less than 1000 feet from any childcare facility, school, church, park or residence, as measured from front door to front door along the pathway of common travel. 3) An establishment shall have a designated person(s) to serve as an on-premises operator. The operator(s) shall be principally in charge of the establishment and shall be located on the premises during all operating hours. 4) All establishments shall be kept in a clean, sanitary condition, and shall be in full compliance with all applicable ordinances and regulations of the City and the State of Georgia 5) The administrator or his or her designated representative, the City of Ball Ground Police Department, the Cherokee County Fire Chief, the Cherokee County Marshal, the Cherokee County Sheriff shall have the authority to regularly inspect establishments, to determine compliance with and enforce all applicable fire, health and other codes, ordinances, regulations and laws of the City and the State of Georgia. 6) The administrator or his or her designated representative, the City of Ball Ground Police Department, the Cherokee County Fire Chief, the Cherokee County Marshal, the Cherokee County Sheriff shall have the authority to periodically inspect establishments to determine compliance with and enforce all provisions of this article and other applicable ordinances, regulations and laws.
2600	Personal services	Massage Parlor	812199	GC, LI, HI	1) May not operate between the hours of 10:00PM and 8:00AM 2) All massage therapists must have a diploma or certificate from a recognized school. Further, a massage therapist must provide a certified statement from the National Certification Board of Therapeutic Massage and Body Work showing that the applicant has passed the certification

					<p>examination, which is administered by the board (NCBTMB). However, a background investigation fee of all new applicants shall be required in the amount of \$100.00.</p> <p>3) May not be less than 1000 feet from any childcare facility, school, church, park or residence, as measured from front door to front door along the pathway of common travel.</p> <p>4) An establishment shall have a designated person(s) to serve as an on-premises operator. The operator(s) shall be principally in charge of the establishment and shall be located on the premises during all operating hours.</p> <p>5) All establishments shall be kept in a clean, sanitary condition, and shall be in full compliance with all applicable ordinances and regulations of the City and the State of Georgia</p> <p>6) The administrator or his or her designated representative, the City of Ball Ground Police Department, the Cherokee County Fire Chief, the Cherokee County Marshal, the Cherokee County Sheriff shall have the authority to regularly inspect establishments, to determine compliance with and enforce all applicable fire, health and other codes, ordinances, regulations and laws of the City and the State of Georgia.</p> <p>7) The administrator or his or her designated representative, the City of Ball Ground Police Department, the Cherokee County Fire Chief, the Cherokee County Marshal, the Cherokee County Sheriff shall have the authority to periodically inspect establishments to determine compliance with and enforce all provisions of this article and other applicable ordinances, regulations and laws.</p>
2600	Personal services	Saunas	812199	GC, LI, HI	<p>1) May not operate between the hours of 10:00PM and 8:00AM</p> <p>2) May not be less than 1000 feet from any childcare facility, school, church, park or residence, as measured from front door to front door along the pathway of common travel.</p> <p>3) An establishment shall have a designated person(s) to serve as an on-premises operator. The operator(s) shall be principally in charge of the establishment and shall be located on the premises during all operating hours.</p> <p>4) All establishments shall be kept in a clean, sanitary condition, and shall be in full compliance with all applicable ordinances and regulations of the City and the State of Georgia</p> <p>5) The administrator or his or her designated representative, the City of Ball Ground Police Department, the Cherokee County Fire Chief, the Cherokee County Marshal, the Cherokee County Sheriff shall have the authority to regularly inspect establishments, to determine compliance with and enforce all applicable fire, health and other codes, ordinances, regulations and laws of the City and the State of Georgia.</p> <p>6) The administrator or his or her designated representative, the City of Ball Ground Police Department, the Cherokee County Fire Chief, the Cherokee County Marshal, the Cherokee County Sheriff shall have the authority to periodically inspect establishments to determine compliance with and enforce all provisions of this article and other applicable ordinances, regulations and laws.</p>
2600	Personal services	Escort services, social	812990		<p>1) May not operate between the hours of 10:00PM and 8:00AM</p>
2600	Personal services	Introduction services, social	812990	HI	<p>2) May not be less than 1000 feet from any childcare facility, school, church, park or residence, as measured from front door to front door along the pathway of common travel.</p> <p>3) An establishment shall have a designated person(s) to serve as an on-premises operator. The operator(s) shall be principally in charge of the establishment and shall be located on the premises during all operating hours.</p> <p>4) All establishments shall be kept in a clean, sanitary condition, and shall be in full compliance with all applicable ordinances and regulations of the City and the State of Georgia</p> <p>5) The administrator or his or her designated representative, the City of Ball Ground Police Department, the Cherokee County Fire Chief, the Cherokee County Marshal, the Cherokee County Sheriff shall have the authority to regularly inspect establishments, to determine compliance with and enforce all applicable fire, health and other codes, ordinances, regulations and laws of the City and the State of Georgia.</p> <p>6) The administrator or his or her designated representative, the City of Ball Ground Police Department, the Cherokee County Fire Chief, the Cherokee County Marshal, the Cherokee County Sheriff shall have the authority to periodically inspect establishments to determine compliance with and enforce all provisions of this article and other applicable ordinances, regulations and laws.</p>
2700	Pet and animal sales or service (except veterinary)				
2720	Animal and pet services	Animal shelters	812910		<p>1) Minimum lot size of 1 acre</p>
2720	Animal and pet services	Pet boarding services or kennels	812910	AG, RE, GC, LI	<p>2) Outdoor animal areas must be fully fenced</p> <p>3) Outdoor animal areas must be at least 150' from adjacent residential land uses or residentially zoned property.</p>
3100	Food, textiles, and related products				

3110	Food and beverages	Breweries	312120	TND, GC	<ol style="list-style-type: none"> 1) The primary use must take place within a fully enclosed building 2) No activities shall produce liquid effluent, odor, fumes, dust, noise or similar that can be detected beyond the walls of buildings 3) An odor control system, designed and installed in accordance with industry Accepted standards, may be required.
				CC-C, NC	<ol style="list-style-type: none"> 1) The primary use must take place within a fully enclosed building 2) No activities shall produce liquid effluent, odor, fumes, dust, noise or similar that can be detected beyond the walls of buildings 3) An odor control system, designed and installed in accordance with industry Accepted standards, may be required. 4) A parcel may have no more than 15,000 square feet of enclosed space dedicated to brewing 5) Retail sales must be offered on site 6) If alcohol is served on site, food must also be available for purchase
3110	Food and beverages	Wineries	312130	TND, GC	<ol style="list-style-type: none"> 1) The primary use must take place within a fully enclosed building 2) No activities shall produce liquid effluent, odor, fumes, dust, noise or similar that can be detected beyond the walls of buildings 3) An odor control system, designed and installed in accordance with industry Accepted standards, may be required.
				CC-C, NC	<ol style="list-style-type: none"> 1) The primary use must take place within a fully enclosed building 2) No activities shall produce liquid effluent, odor, fumes, dust, noise or similar that can be detected beyond the walls of buildings 3) An odor control system, designed and installed in accordance with industry Accepted standards, may be required. 4) A parcel may have no more than 15,000 square feet of enclosed space dedicated to brewing 5) Retail sales must be offered on site 6) If alcohol is served on site, food must also be available for purchase
3110	Food and beverages	Distilleries	312140	TND, GC	<ol style="list-style-type: none"> 1) The primary use must take place within a fully enclosed building 2) No activities shall produce liquid effluent, odor, fumes, dust, noise or similar that can be detected beyond the walls of buildings 3) An odor control system, designed and installed in accordance with industry Accepted standards, may be required.
				CC-C, NC	<ol style="list-style-type: none"> 1) The primary use must take place within a fully enclosed building 2) No activities shall produce liquid effluent, odor, fumes, dust, noise or similar that can be detected beyond the walls of buildings 3) An odor control system, designed and installed in accordance with industry Accepted standards, may be required. 4) A parcel may have no more than 15,000 square feet of enclosed space dedicated to brewing 5) Retail sales must be offered on site 6) If alcohol is served on site, food must also be available for purchase
3120	Tobacco manufacturing establishment	Tobacco Manufacturing	312230	TND, GC	<ol style="list-style-type: none"> 1) The primary use must take place within a fully enclosed building 2) No activities shall produce liquid effluent, odor, fumes, dust, noise or similar that can be detected beyond the walls of buildings 3) An odor control system, designed and installed in accordance with industry Accepted standards, may be required.
				CC-C, NC	<ol style="list-style-type: none"> 1) The primary use must take place within a fully enclosed building 2) No activities shall produce liquid effluent, odor, fumes, dust, noise or similar that can be detected beyond the walls of buildings 3) An odor control system, designed and installed in accordance with industry Accepted standards, may be required. 4) A parcel may have no more than 15,000 square feet of enclosed space dedicated to the principal use 5) Retail sales must be offered on site
3130	Textiles	Fiber, Yarn, and Thread Mills	3131	TND, GC	<ol style="list-style-type: none"> 1) The primary use must take place within a fully enclosed building 2) No activities shall produce liquid effluent, odor, fumes, dust, noise or similar that can be detected beyond the walls of buildings 3) An odor control system, designed and installed in accordance with industry Accepted standards, may be required.
				CC-C, NC	<ol style="list-style-type: none"> 1) The primary use must take place within a fully enclosed building

					<ul style="list-style-type: none"> 2) No activities shall produce liquid effluent, odor, fumes, dust, noise or similar that can be detected beyond the walls of buildings 3) An odor control system, designed and installed in accordance with industry Accepted standards, may be required. 4) A parcel may have no more than 15,000 square feet of enclosed space dedicated to the principal use 5) Retail sales must be offered on site
3130	Textiles	Fabric Mills	3132	TND, GC	<ul style="list-style-type: none"> 1) The primary use must take place within a fully enclosed building 2) No activities shall produce liquid effluent, odor, fumes, dust, noise or similar that can be detected beyond the walls of buildings 3) An odor control system, designed and installed in accordance with industry Accepted standards, may be required.
				CC-C, NC	<ul style="list-style-type: none"> 1) The primary use must take place within a fully enclosed building 2) No activities shall produce liquid effluent, odor, fumes, dust, noise or similar that can be detected beyond the walls of buildings 3) An odor control system, designed and installed in accordance with industry Accepted standards, may be required. 4) A parcel may have no more than 15,000 square feet of enclosed space dedicated to the principal use 5) Retail sales must be offered on site
3130	Textiles	Textile and Fabric Finishing and Fabric Coating Mills	3133	TND, GC	<ul style="list-style-type: none"> 1) The primary use must take place within a fully enclosed building 2) No activities shall produce liquid effluent, odor, fumes, dust, noise or similar that can be detected beyond the walls of buildings 3) An odor control system, designed and installed in accordance with industry Accepted standards, may be required.
				CC-C, NC	<ul style="list-style-type: none"> 1) The primary use must take place within a fully enclosed building 2) No activities shall produce liquid effluent, odor, fumes, dust, noise or similar that can be detected beyond the walls of buildings 3) An odor control system, designed and installed in accordance with industry Accepted standards, may be required. 4) A parcel may have no more than 15,000 square feet of enclosed space dedicated to the principal use 5) Retail sales must be offered on site
3130	Textiles	Textile Furnishings Mills	3141	TND, GC	<ul style="list-style-type: none"> 1) The primary use must take place within a fully enclosed building 2) No activities shall produce liquid effluent, odor, fumes, dust, noise or similar that can be detected beyond the walls of buildings 3) An odor control system, designed and installed in accordance with industry Accepted standards, may be required.
3130	Textiles	Other Textile Product Mills	3149	CC-C, NC	<ul style="list-style-type: none"> 1) The primary use must take place within a fully enclosed building 2) No activities shall produce liquid effluent, odor, fumes, dust, noise or similar that can be detected beyond the walls of buildings 3) An odor control system, designed and installed in accordance with industry Accepted standards, may be required. 4) A parcel may have no more than 15,000 square feet of enclosed space dedicated to the principal use 5) Retail sales must be offered on site
				TND, GC	<ul style="list-style-type: none"> 1) The primary use must take place within a fully enclosed building 2) No activities shall produce liquid effluent, odor, fumes, dust, noise or similar that can be detected beyond the walls of buildings 3) An odor control system, designed and installed in accordance with industry Accepted standards, may be required.
3130	Textiles	Apparel Knitting Mills	3151	TND, GC	<ul style="list-style-type: none"> 1) The primary use must take place within a fully enclosed building 2) No activities shall produce liquid effluent, odor, fumes, dust, noise or similar that can be detected beyond the walls of buildings 3) An odor control system, designed and installed in accordance with industry Accepted standards, may be required. 4) A parcel may have no more than 15,000 square feet of enclosed space dedicated to the principal use 5) Retail sales must be offered on site
				CC-C, NC	<ul style="list-style-type: none"> 1) The primary use must take place within a fully enclosed building 2) No activities shall produce liquid effluent, odor, fumes, dust, noise or similar that can be detected beyond the walls of buildings

					3) An odor control system, designed and installed in accordance with industry Accepted standards, may be required.
3130	Textiles	Cut and Sew Apparel Manufacturing	3152	TND, GC	1) The primary use must take place within a fully enclosed building 2) No activities shall produce liquid effluent, odor, fumes, dust, noise or similar that can be detected beyond the walls of buildings 3) An odor control system, designed and installed in accordance with industry Accepted standards, may be required. 4) A parcel may have no more than 15,000 square feet of enclosed space dedicated to the principal use 5) Retail sales must be offered on site
				CC-C, NC	1) The primary use must take place within a fully enclosed building 2) No activities shall produce liquid effluent, odor, fumes, dust, noise or similar that can be detected beyond the walls of buildings 3) An odor control system, designed and installed in accordance with industry Accepted standards, may be required.
3140	Leather and allied products	Leather and Hide Tanning and Finishing	316110	TND, GC	1) The primary use must take place within a fully enclosed building 2) No activities shall produce liquid effluent, odor, fumes, dust, noise or similar that can be detected beyond the walls of buildings 3) An odor control system, designed and installed in accordance with industry Accepted standards, may be required. 4) A parcel may have no more than 15,000 square feet of enclosed space dedicated to the principal use 5) Retail sales must be offered on site
				CC-C, NC	1) The primary use must take place within a fully enclosed building 2) No activities shall produce liquid effluent, odor, fumes, dust, noise or similar that can be detected beyond the walls of buildings 3) An odor control system, designed and installed in accordance with industry Accepted standards, may be required.
3140	Leather and allied products	Footwear Manufacturing	316210	TND, GC	1) The primary use must take place within a fully enclosed building 2) No activities shall produce liquid effluent, odor, fumes, dust, noise or similar that can be detected beyond the walls of buildings 3) An odor control system, designed and installed in accordance with industry Accepted standards, may be required. 4) A parcel may have no more than 15,000 square feet of enclosed space dedicated to the principal use 5) Retail sales must be offered on site
				CC-C, NC	1) The primary use must take place within a fully enclosed building 2) No activities shall produce liquid effluent, odor, fumes, dust, noise or similar that can be detected beyond the walls of buildings 3) An odor control system, designed and installed in accordance with industry Accepted standards, may be required.
3140	Leather and allied products	All Other Leather Good and Allied Product Manufacturing	316998	TND, GC	1) The primary use must take place within a fully enclosed building 2) No activities shall produce liquid effluent, odor, fumes, dust, noise or similar that can be detected beyond the walls of buildings 3) An odor control system, designed and installed in accordance with industry Accepted standards, may be required. 4) A parcel may have no more than 15,000 square feet of enclosed space dedicated to the principal use 5) Retail sales must be offered on site
				CC-C, NC	1) The primary use must take place within a fully enclosed building 2) No activities shall produce liquid effluent, odor, fumes, dust, noise or similar that can be detected beyond the walls of buildings 3) An odor control system, designed and installed in accordance with industry Accepted standards, may be required.
3200	Wood, paper and printing products				
3210	Wood products establishment	Sawmills and Wood Preservation	3211	TND	1) The primary use must take place within a fully enclosed building 2) No activities shall produce liquid effluent, odor, fumes, dust, noise or similar that can be detected beyond the walls of buildings 3) An odor control system, designed and installed in accordance with industry Accepted standards, may be required.
3210	Wood products establishment	Veneer, Plywood, and Engineered Wood Product Manufacturing	3212		
3210	Wood products establishment	Other Wood Product Manufacturing	3219		
3220	Paper and printing materials	Converted Paper Product Manufacturing	3222		
3220	Paper and printing materials	Printing and Related Support Activities	3231		
3230	Furniture and related products	Household and Institutional Furniture and Kitchen Cabinet Manufacturing	3371		
3230	Furniture and related products	Office Furniture (including Fixtures) Manufacturing	3372		

3230	Furniture and related products	Other Furniture Related Product Manufacturing	3379		
3300	Chemicals, and metals, machinery, and electronics manufacturing				
3400	Miscellaneous manufacturing				
3400	Miscellaneous manufacturing	Medical Equipment and Supplies Manufacturing	3391	TND	<ol style="list-style-type: none"> 1) Minimum lot size of 5 acres 2) The primary use must take place within a fully enclosed building 3) No activities shall produce liquid effluent, odor, fumes, dust, noise or similar that can be detected beyond the walls of buildings 4) An odor control system, designed and installed in accordance with industry Accepted standards, may be required.
3400	Miscellaneous manufacturing	Other Miscellaneous Manufacturing	3399		
4200	Communications and information				
4231	Radio and television broadcasting	Radio Networks	515111	All Districts	<ol style="list-style-type: none"> 1) The following requirements shall govern the landscaping surrounding towers; provided, however, that the governing authority may waive such requirements if the goals of this Section would better be served thereby. 2) Towers or antennas shall be set back from any property line a distance equal to the height of the tower or antenna. 3) Towers shall either maintain a galvanized steel finish or subject to any applicable standards of the FAA, be painted a neutral color, to reduce visual obtrusiveness. 4) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend the tower facilities to the natural setting and built environment. 5) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to or closely compatible with the color or the supporting structure to make the antenna and related equipment as visually unobtrusive as possible. 6) Towers shall not be artificially lighted unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views. 7) Towers shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with an appropriate anticlimbing device. 8) Tower facilities shall be landscaped with a buffer of plant materials that provides a solid visual screen from adjacent residential property. The standards buffer shall consist of a landscaped strip at least five (5) feet wide outside the perimeter of the compound. 9) In locations where the visual impact of the tower would be minimal, the landscaping requirements may be reduced or waived 10) Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.
4231	Radio and television broadcasting	Television Broadcasting	515120		
4233	Wireless telecommunications	Wireless Telecommunications Carriers (except Satellite)	517210		
4234	Telephone and other wired telecommunications	Wired Telecommunications Carriers	517110		
4300	Utilities and utility services				
4310	Electric power	Electric Bulk Power Transmission and Control	221121	All Districts	<ol style="list-style-type: none"> 1) Any building or structure, except an enclosing fence shall be set back not less than twenty (20) feet from any property line and shall meet all applicable yard requirements in excess thereof. 2) Such uses shall be enclosed by a fence not less than eight (8) feet in height. 3) The required front yard and other open space on the premises outside the fenced area shall be grassed, landscaped and maintained in an appropriate manner. 4) The storage of vehicles and equipment on the premises shall be prohibited 5) Towers or antennas shall be set back from any property line a distance equal to the height of the tower or antenna.
4310	Electric power	Electric Power Distribution	221122		
4320	Natural gas, petroleum, fuels, etc.	Natural Gas Distribution	221210		
4340	Sewer, solid waste, and related services	Sewage Treatment Facilities	221320		
5300	Amusement, sports, or recreation establishment				
5370	Fitness, recreational sports, gym, or athletic club	Golf Courses and Country Clubs	713910	AG, RE, R40	<ol style="list-style-type: none"> 1) All buildings, greens, fairways and similar must be set back 100' from any property line 2) All courses, driving ranges, putting greens and similar may only be used during daytime hours.
5370	Fitness, recreational sports, gym, or athletic club	Fitness and Recreational Sports Centers	713940	AG, RE, R40, R30, R20, R15, RZL, CC-R	<ol style="list-style-type: none"> 1) Fitness and recreational facilities must be private and associated with an adjoining residential subdivision
6100	Educational services				
6110	Nursery and preschool	Child Day Care Services	624410	AG, RE, R40, R30, R20, R15, RZL, TND, CC-C, NC, GC, CC-R, CC-T	<ol style="list-style-type: none"> 1) 1-acre minimum lot size 2) Outdoor play areas shall be enclosed by a fence of at least four feet in height and be located to the side and/or rear of the primary structure.

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6700	Death care services				
6720	Cremation services and cemeteries	Cemeteries and Crematories	812220	AG, RE, R40	1) Cemeteries may not have crematories 2) A parcel must have 200 or more feet of road frontage 3) Buildings and grave sites must be at least 50 feet from all property lines
				LI	1) Crematories must be at least 100 feet from any adjacent existing residential use or residentially zoned property
6800	Associations, nonprofit organizations, etc.				
6800	Associations, nonprofit organizations, etc.	Other Similar Organizations (except Business, Professional, Labor, and Political Organizations)	813990	RE, R40, R30, R20, R15, RZL, CC-R	1) Organizations must be not for profit 2) Building square footage may not exceed 10,000 square feet
6810	Labor and political organizations	Labor Unions and Similar Labor Organizations	813930		
6810	Labor and political organizations	Political Organizations	813940		
6820	Business associations and professional membership organizations	Business Associations	813910		
6820	Business associations and professional membership organizations	Professional Organizations	813920		
6830	Civic, social and fraternal organizations	Grantmaking Foundations	813211		
6830	Civic, social and fraternal organizations	Voluntary Health Organizations	813212		
6830	Civic, social and fraternal organizations	Other Grantmaking and Giving Services	813219		
6830	Civic, social and fraternal organizations	Human Rights Organizations	813311		
6830	Civic, social and fraternal organizations	Environment, Conservation and Wildlife Organizations	813312		
6830	Civic, social and fraternal organizations	Other Social Advocacy Organizations	813319		
6830	Civic, social and fraternal organizations	Civic and Social Organizations	813410		
9100	Crop Production				
9110	Grain and oilseed	Oilseed and Grain Combination Farming	111191	R40	1) 3-acre lot size minimum
9110	Grain and oilseed	All Other Grain Farming	111199		
9111	Wheat	Wheat Farming	111140		
9112	Corn	Corn Farming	111150		
9113	Rice	Rice Farming	111160		
9114	Soybean and oilseed	Soybean Farming	111110		
9114	Soybean and oilseed	Oilseed (except Soybean) Farming	111120		
9115	Dry pea and bean	Dry Pea and Bean Farming	111130		
9120	Vegetable farming or growing services	Potato Farming	111211		
9120	Vegetable farming or growing services	Other Vegetable (except Potato) and Melon Farming	111219		
9130	Fruits and trees	Orange Groves	111310		
9130	Fruits and trees	Citrus (except Orange) Groves	111320		
9130	Fruits and trees	Apple Orchards	111331		
9130	Fruits and trees	Grape Vineyards	111332		
9130	Fruits and trees	Strawberry Farming	111333		
9130	Fruits and trees	Berry (except Strawberry) Farming	111334		
9130	Fruits and trees	Tree Nut Farming	111335		
9130	Fruits and trees	Fruit and Tree Nut Combination Farming	111336		
9130	Fruits and trees	Other Noncitric Fruit Farming	111339		
9141	Food crops grown under cover	Mushroom Production	111411		
9141	Food crops grown under cover	Other Food Crops Grown Under Cover	111419		
9142	Nursery and tree production	Nursery and Tree Production	111421		
9143	Floriculture production	Floriculture Production	111422		
9150	All other crops	Sugar Beet Farming	111991		
9150	All other crops	All Other Miscellaneous Crop Farming	111998		
9151	Tobacco crop	Tobacco Farming	111910		
9152	Cotton crop	Cotton Farming	111920		
9153	Sugarcane crop	Sugarcane Farming	111930		
9154	Hay	Hay Farming	111940		
9155	Peanut crop	Peanut Farming	111992		
9300	Animal production including slaughter				
9310	Cattle range and crops	Dual-Purpose Cattle Ranching and Farming	112130	AG, RE	1) Structures housing livestock must be setback at least 400' from any property line 2) A maximum of one animal per acre is allowed

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				R40	<ol style="list-style-type: none"> 1) Commercial raising of animals is prohibited 2) 3-acre lot size minimum 3) Structures housing animals must be setback at least 75' from any property line 4) Fenced areas may be no closer than 50 feet from a property line. 5) 5000 square feet of fenced area, not including structures, minimum per animal
9311	Beef cattle ranch establishments	Beef Cattle Ranching and Farming	112111	AG, RE	<ol style="list-style-type: none"> 1) Structures housing livestock must be setback at least 400' from any property line 2) A maximum of one animal per acre is allowed
				R40	<ol style="list-style-type: none"> 1) Commercial raising of animals is prohibited 2) 3-acre lot size minimum 3) Structures housing animals must be setback at least 75' from any property line 4) Fenced areas may be no closer than 50 feet from a property line. 5) 5000 square feet of fenced area, not including structures, minimum per animal
9312	Cattle feedlot establishment	Cattle Feedlots	112112	AG, RE	<ol style="list-style-type: none"> 1) Structures housing livestock must be setback at least 400' from any property line 2) A maximum of one animal per acre is allowed
				R40	<ol style="list-style-type: none"> 1) Commercial raising of animals is prohibited 2) 3-acre lot size minimum 3) Structures housing animals must be setback at least 75' from any property line 4) Fenced areas may be no closer than 50 feet from a property line. 5) 5000 square feet of fenced area, not including structures, minimum per animal
9320	Dairy cattle and milk production	Dairy Cattle and Milk Production	112120	AG, RE	<ol style="list-style-type: none"> 1) Structures housing livestock must be setback at least 400' from any property line 2) A maximum of one animal per acre is allowed
				R40	<ol style="list-style-type: none"> 1) Commercial raising of animals is prohibited 2) 3-acre lot size minimum 3) Structures housing animals must be setback at least 75' from any property line 4) Fenced areas may be no closer than 50 feet from a property line. 5) 5000 square feet of fenced area, not including structures, minimum per animal
9330	Hog and pig farm	Hog and Pig Farming	112210	AG, RE	<ol style="list-style-type: none"> 1) Structures housing livestock must be setback at least 400' from any property line 2) A maximum of one animal per acre is allowed
				R40	<ol style="list-style-type: none"> 1) Commercial raising of animals is prohibited 2) 3-acre lot size minimum 3) Structures housing animals must be setback at least 75' from any property line 4) Fenced areas may be no closer than 50 feet from a property line. 5) 5000 square feet of fenced area, not including structures, minimum per animal
9340	Poultry and egg production and hatcheries	Chicken Egg Production	112310	AG, RE	<ol style="list-style-type: none"> 1) Structures housing livestock must be setback at least 400' from any property line 2) A maximum of one animal per acre is allowed
				R40	<ol style="list-style-type: none"> 1) Commercial raising of animals is prohibited 2) 3-acre lot size minimum 3) Structures housing animals must be setback at least 75' from any property line 4) Fenced areas may be no closer than 50 feet from a property line. 5) 5000 square feet of fenced area, not including structures, minimum per animal
9340	Poultry and egg production and hatcheries	Broilers and Other Meat Type Chicken Production	112320	AG, RE	<ol style="list-style-type: none"> 1) Structures housing livestock must be setback at least 400' from any property line 2) A maximum of one animal per acre is allowed
				R40	<ol style="list-style-type: none"> 1) Commercial raising of animals is prohibited 2) 3-acre lot size minimum 3) Structures housing animals must be setback at least 75' from any property line 4) Fenced areas may be no closer than 50 feet from a property line. 5) 5000 square feet of fenced area, not including structures, minimum per animal
9340	Poultry and egg production and hatcheries	Turkey Production	112330	AG, RE	<ol style="list-style-type: none"> 1) Structures housing livestock must be setback at least 400' from any property line 2) A maximum of one animal per acre is allowed
				R40	<ol style="list-style-type: none"> 1) Commercial raising of animals is prohibited 2) 3-acre lot size minimum 3) Structures housing animals must be setback at least 75' from any property line 4) Fenced areas may be no closer than 50 feet from a property line. 5) 5000 square feet of fenced area, not including structures, minimum per animal
9340	Poultry and egg production and hatcheries	Poultry Hatcheries	112340	AG, RE	<ol style="list-style-type: none"> 1) Structures housing livestock must be setback at least 400' from any property line 2) A maximum of one animal per acre is allowed
				R40	<ol style="list-style-type: none"> 1) Commercial raising of animals is prohibited 2) 3-acre lot size minimum

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					<ul style="list-style-type: none"> 3) Structures housing animals must be setback at least 75' from any property line 4) Fenced areas may be no closer than 50 feet from a property line. 5) 5000 square feet of fenced area, not including structures, minimum per animal
9340	Poultry and egg production and hatcheries	Other Poultry Production	112390	AG, RE	<ul style="list-style-type: none"> 1) Structures housing livestock must be setback at least 400' from any property line 2) A maximum of one animal per acre is allowed
				R40	<ul style="list-style-type: none"> 1) Commercial raising of animals is prohibited 2) 3-acre lot size minimum 3) Structures housing animals must be setback at least 75' from any property line 4) Fenced areas may be no closer than 50 feet from a property line. 5) 5000 square feet of fenced area, not including structures, minimum per animal
9350	Sheep and goat farming establishments	Sheep Farming	112410	AG, RE	<ul style="list-style-type: none"> 1) Structures housing livestock must be setback at least 400' from any property line 2) A maximum of one animal per acre is allowed
				R40	<ul style="list-style-type: none"> 1) Commercial raising of animals is prohibited 2) 3-acre lot size minimum 3) Structures housing animals must be setback at least 75' from any property line 4) Fenced areas may be no closer than 50 feet from a property line. 5) 5000 square feet of fenced area, not including structures, minimum per animal
9350	Sheep and goat farming establishments	Goat Farming	112420	AG, RE	<ul style="list-style-type: none"> 1) Structures housing livestock must be setback at least 400' from any property line 2) A maximum of one animal per acre is allowed
				R40	<ul style="list-style-type: none"> 1) Commercial raising of animals is prohibited 2) 3-acre lot size minimum 3) Structures housing animals must be setback at least 75' from any property line 4) Fenced areas may be no closer than 50 feet from a property line. 5) 5000 square feet of fenced area, not including structures, minimum per animal
9370	All other animal production	All Other Animal Production	112990	AG, RE	<ul style="list-style-type: none"> 1) Structures housing livestock must be setback at least 400' from any property line 2) A maximum of one animal per acre is allowed
				R40	<ul style="list-style-type: none"> 1) Commercial raising of animals is prohibited 2) 3-acre lot size minimum 3) Structures housing animals must be setback at least 75' from any property line 4) Fenced areas may be no closer than 50 feet from a property line. 5) 5000 square feet of fenced area, not including structures, minimum per animal
9371	Apiculture (bees, wax, and related	Apiculture	112910	AG, RE, R40	<ul style="list-style-type: none"> 1) 3-acre lot size minimum 2) Structures housing bees must be setback at least 75' from any property line
9372	Horse and equine production	Horses and Other Equine Production	112920	AG, RE	<ul style="list-style-type: none"> 1) Structures housing livestock must be setback at least 400' from any property line 2) A maximum of one animal per acre is allowed
				R40	<ul style="list-style-type: none"> 1) Commercial raising of animals is prohibited 2) 3-acre lot size minimum 3) Structures housing animals must be setback at least 75' from any property line 4) Fenced areas may be no closer than 50 feet from a property line. 5) 5000 square feet of fenced area, not including structures, minimum per animal

DIVISION 105. - SUPPLEMENTARY DISTRICT REGULATIONS

ADOPTED 4/13/23

Sec. 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.

Sec. 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.

Sec. 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.

Sec. 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.

Sec. 105.5. – Landscape Buffers.

- A. Landscape buffer area requirements

- 1) All new development must comply with the landscape buffer requirements as provided for in this section.
- 2) Buffers required by this article shall be established and maintained by the property owner and or property/ homeowner association.
- 3) Buffers must be designed and developed in accordance with the requirements of the section and be perpetually maintained as passive, planted areas with trees, shrubs, flowers, grass, stone, rocks, and other landscaping materials.
- 4) Clearing of a required buffer is prohibited without prior authorization of the City and may only be carried out in emergency situations as determined by the Administrator.
- 5) Required buffers may not be used for buildings, parking/driving areas or contain any structure other than a fence or drainage improvement required by the City.
- 6) Vehicular access through a buffer is allowed provided it is perpendicular to the buffer only and is designed to cause the least amount of intrusion possible. Bike paths and greenways are excluded from these restrictions.
- 7) Buffers required in residential developments may not overlap with or be located within private residential lots but shall be delineated and maintained as common space by a property/homeowner association.
- 8) On a parcel-by-parcel basis, buffer areas are not required where vehicular interconnection has been provided between adjacent, similar uses. A determination of similar uses is left to the discretion of the Administrator.
- 9) A building setback may overlap a required buffer meaning that each is measured from the property line inward to the parcel. Setbacks are NOT measured from the back of the buffer line.
- 10) Flexibility of standards for historic preservation
 - a. For those properties located within the boundaries of the official Ball Ground National Register Historic District that have existing, “contributing” historic structures on them, the requirements of the Landscape Buffer Chart, except for those involving density, may be given flexibility in order to save and/or protect the historic, “contributing” structure and/or lot.
 - b. Staff may grant flexibility for these standards, but only after the applicant has properly and overwhelmingly demonstrated that the flexibility is necessary to protect and/or improve the historic structure and/or lot.
 - c. The applicant shall provide clear documentation by a registered/certified architect, registered/certified landscape architect, registered/certified historic preservationist, registered/certified engineer stating how development standard flexibility will accomplish the historic preservation.
 - d. Staff decisions can be appealed to the Board of Zoning Appeals or to the City Council.

B. Landscape buffer chart

BUFFER CHART		EXISTING, ADJACENT LAND USE							
		Single Family Residential	Multi-Family Residential	Religious, Recreation, Education	Commercial, Office and Institutional	Industrial	Mixed Use	Agricultural or Vacant**	Existing Street ROW***
PROPOSED LAND USE	Single-Family Residential*	None	A	B	C	D	A	None	B*
	Multi-Family Residential	A	None	A	B	D	B	C/B	B
	Religious, Recreation, Education	C	C	None	A	C	B	B/A	X
	Commercial, Office and Institutional	C	C	B	None	B	B	B/None	X
	Industrial	E	E	D	C	None	D	D/B	X
	Mixed Use	B	B	B	B	B	None	B/A	X

- **A-Type**
 - 10' depth, measured perpendicularly from the property line inward
 - Minimum 2 canopy trees of 4" caliper and 3 understory trees of 2" caliper per 100 linear feet.
- **B-Type**
 - 15' depth, measured perpendicularly from the property line inward
 - Minimum 3 canopy trees of 4" caliper, 5 understory trees of 2" caliper and 10 shrubs per 100 linear feet.
 - For residential developments of 10 units or more, a 4' tall traditional style fence (picket, etc.) must be installed on private property that is parallel to and behind the sidewalk. Gates shall be provided for units that face the street.
- **C-Type**
 - 20' depth, measured perpendicularly from the property line inward
 - Minimum 4 canopy trees of 4" caliper, 7 understory trees of 2" caliper and 10 shrubs per 100 linear feet.
 - Full wood stockade fence along property line
- **D-Type**
 - 50' depth, measured perpendicularly from the property line inward
 - Minimum 5 canopy trees of 4" caliper, 10 understory trees of 2" caliper and 15 shrubs per 100 linear feet.
 - Full wood stockade fence along property line
- **E-Type**
 - 100' in depth, measured perpendicularly from the property line inward
 - Minimum 5 canopy trees of 4" caliper, 10 evergreen/conifer trees, 10 understory trees of 2" caliper and 15 shrubs per 100 linear feet.
 - Masonry pier with full wood stockade fencing at least 6' in height along property line

- **X-Type**
 - Three, 4" caliper street trees per 100' of roadway frontage. All trees are to be in the public right-of-way between the sidewalk and back of curb

1. *Note: Single family, detached buffer standards only apply to new developments of 10 or more units.
2. ** Note: For buffers against adjacent agricultural or vacant properties, the first letter is for vacant properties with an exclusive residential zoning (R40, etc.); the second letter is for all other zoning (GC, etc.)
3. ***Note: This does not include Interstate 575
4. Buffers are not required for properties within the Central Business District (CBD) zoning district.
5. Buffers are not required between parcels that each utilize a shared driveway

Sec. 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.

Sec. 105.7. - Storage.

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.

Sec. 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.

Sec. 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.

Sec. 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.

Sec. 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.

Sec. 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.

Sec. 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.

Sec. 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.

Sec. 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.

Sec. 105.16. - Development Standards

- A. The requirements regarding lot size, building site and building placement on the lot for each zone district shall be met as indicated in the charts of this section.
- B. Flexibility of standards for historic preservation
 - 1) For those properties located within the boundaries of the official Ball Ground National Register Historic District that have existing, "contributing" historic structures on them, the requirements of the Development Standards Charts, except for those involving density, may be given flexibility in order to save and/or protect the historic, "contributing" structure and/or lot.
 - 2) Staff may grant flexibility for these standards, but only after the applicant has properly and overwhelmingly demonstrated that the flexibility is necessary to protect and/or improve the historic structure and/or lot.
 - 3) The applicant shall provide clear documentation by a registered/certified architect, registered/certified landscape architect, registered/certified historic preservationist, registered/certified engineer stating how development standard flexibility will accomplish the historic preservation.
 - 4) Staff decisions can be appealed to the Board of Zoning Appeals or to the City Council.

C. Residential Development Standards Chart

District	Min Site Area (ac)	Min Lot Size Per Unit (sq ft)	Maximum Density (units per ac)	Min Lot Width Per Unit (feet)	Max Bldg. Height (feet)	Max Imperv. Surface (%)	Front Setback (Arterial) (ft)	Front Setback (Other) (ft)	Side Setback (ft)	Rear Setback (ft)
AG	-	10 AC	0.1	250	45	20	100	100	100	100
R80	-	2 AC	0.5	150	35	30	40	40	40	40
R40	-	40,000	1.089	130	35	30	30	30	15	25
R30	-	30,000	1.452	100	35	30	30	25	10	25
R20	-	20,000	2.178	80	35	30	30	25	10	25
R15	-	15,000	2.904	75	35	30	30	20 ⁴	10	20
RZL	5	4,356	6	40	35	50	30	20 ⁴	10 ³	20
RM4 ¹	-	2 AC ⁶	6	100 ⁶	35	-	40 ⁵	20 ⁵	10 ⁵	25 ⁵
CC-C	-	-	10	-	50	-	0-20' Build-to	0-20' Build-to	-	-
CC-T ¹	-	4,356	10	35	35	75	20	10	10	10
	-	1,150	10	20	40	60 ^{1*}	30 ⁵	15 ⁵	10 ⁵	15 ⁵
CC-R	-	6,000	7	40	35	60	30	15	10	10
TND ²	-	7,260	6	35	35	60	30	10-25 Build-to	10	25
	2	1,150	10	20	40	-	30 ⁵	20-25 Build-to ⁵	10 ⁵	25 ⁵
	2	2 AC ⁶	10	100 ⁶	40	-	40 ⁵	25-30 Build-to ⁵	15 ⁵	25 ⁵

1. CC-T:

- 1st Row: Single-family, detached
- 2nd Row: Duplexes, triplexes, quadplexes and townhomes (*lot coverage applies to development and not individual residential lots)

2. TND:

- 1st Row: Single-family, detached
- 2nd Row: Duplexes, triplexes, quadplexes and townhomes
- 3rd Row: Multi-family apartment buildings

3. RZL:

- The side setback must be allocated to one side

4. R15 and RZL:

- The front setback may be reduced to 10' if homes have rear entry garages

5. RM4, CC-C, CC-T and TND:

<ul style="list-style-type: none"> Setbacks are not required between units internal to a common development of attached housing. Setbacks shall apply to the exterior boundaries of these developments when abutting adjacent, unrelated properties and rights-of-way.
<p>6. TND:</p> <ul style="list-style-type: none"> The minimum lot size and width for an attached residential building in RM4 and TND zoning districts applies to the overall development and not an individual dwelling unit.
<p>Note 1: Regardless of height, no building may be taller than 3 stories.</p> <p>Note 2: For properties with abutting driveway access easements, building setback lines shall be measured from the edge of the easement line inward to the property; or inward from the property line; or inward from the edge of roadway, whichever distance is greatest.</p>

D. Commercial, Industrial and Mixed Use Development Standards Chart

District	Min Site Area (sq ft)	Min Lot Width (feet)	Max Bldg. Height (feet)	Max Impervious Surface (%)	Front Setback (Arterial) (ft)	Front Setback (Other) (ft)	Side Setback (ft)	Rear Setback (ft)
CC-T	15,000	50	40	60*	20-30' Build-to	15	10	15
CC-C	-	-	50	-	0-20' Build-to	0-20' Build-to	-	-
TND	2 AC	100	50	-	50	15-30' Build-to	15	25
NC	10,000	50	35	50	35	15	15	25
GC	20,000	75	40	75	35	20	15	30
BGH	20,000	75	40	75	35	20	15	30
LI	20,000	100	75	75	35	25	25	40
HI	5 AC	250	75	75	100	100	100	100

*lot coverage applies to development and not individual residential lots

Note 1: For properties with abutting driveway access easements, building setback lines shall be measured from the edge of the easement line inward to the property; or inward from the property line; or inward from the edge of roadway, whichever distance is greatest.

Sec. 105.17. – Vending Machines **(CREATED 10/12/23)**

A. Purpose

- The purpose of this division is to establish standards for outdoor vending machines, promote safe and healthy practices for outdoor vending machines, minimize adverse effects of outdoor vending machines on surrounding properties and the community, and preserve the character of historic districts and residential areas.

B. Applicability

- The requirements of this section shall only pertain to those vending machines that are located outside of the principal building(s).
- It shall be unlawful for any owner or any occupant of any property within the City Limits of Ball Ground to place a vending machine thereon, contrary to the procedures and regulations established in this division, other provisions of the Ball Ground Code or Ordinances, or any applicable state law.
- A permit shall be required to lawfully establish and maintain a vending machine. Properties receiving a permit shall comply with all applicable requirements of this division.
- The allowance of vending machines pursuant to this division shall not prevent private enforcement of additional private restrictions that may be contained in restrictive covenants or other private contractual agreements or arrangements. Ball Ground shall not be responsible for enforcement of such private restrictive covenants, agreements or arrangements.
- The term “Vending Machine” is defined as: any self-service device offered for public use which, either offered to

the public for free or upon insertion of a coin, coins, currency or token, or by other means of exchange, dispenses unit servings of food, beverages, articles, services or other products such as merchandise, lottery tickets and similar, either in bulk or package, without the necessity of replenishing the device between each vending operation.

- a) In these regulations, the term “machine” shall be used to mean a “vending machine.”
- b) Common forms of a vending machine that are subject to the rules and requirements herein may include, but are not limited to, canned drink vending machines, bulk or bagged ice vending machines, packaged snack vending machines, real estate brochure boxes, and similar.
- c) Not subject to the rules and requirements herein are the following: gasoline pumps, electric vehicle charging stations, convenience store coolers and/or cages, ATM’s, non-profit or governmental uses, uses that are necessary to the primary use on the parcel, machines inside of the principal structure, and any other, similar uses that may be deemed exempt by the administrator or designee.

C. General Requirements

1) Location

- a) All machines shall only be allowed within the Ball Ground/Canton Highway corridor.
 - i) The Ball Ground/Canton Highway corridor shall be defined as that area within 200’, as measured by a straight-line distance, outward from the limits of the public right-of-way.
- b) All machines shall be set back a minimum of 100 feet from the property line of any parcel of land with an occupied residence.
- c) All machines shall only be allowed on a private parcel occupied by another principal building.
 - i) Such machines shall be located immediately adjacent to the other principal building as allowed by applicable building codes and ordinances.
- d) All machines shall not be allowed within the boundaries of any local historic district.
- e) All machines shall not impede pedestrian or vehicular traffic, or occupy parking spaces, drive aisles, greenspace, buffers or landscaped areas required for the principal building.
 - i) At least four (4) feet of walkway free of obstruction to allow for pedestrian movement shall be provided around such use.
- f) All machines shall not be placed in locations that interfere with sight distance.
 - i) A sight distance diagram may be required at staff discretion to ensure that all precautions are made in the interest of pedestrian and vehicle safety.
- g) Ice vending machines
 - i) An ice vending unit shall not be located within a 300-foot radius of an existing ice vending unit
 - ii) Only one (1) ice vending unit shall be allowed on any single parcel.

2) Size of Machine

- a) All machines shall occupy no more than 25 square feet of ground area per machine
- b) All machines shall be no more than eleven (11) feet in height.
 - i) Machines more than four (4) feet tall shall not block any window.

3) The total width of all machines along a façade shall not be more than 10% of the length of such façade or 15 linear feet, whichever is less.

4) Signage

- a) Commercial, business-related or promotional signage on outdoor vending machines shall be limited to four (4) square feet on each side.
- b) Official signage shall be provided in a conspicuous location on the machine
 - i) Official signage shall include the date of the most recent health/safety inspection, results of the most recent health/safety inspection, the City’s issued permit approval number, and contact information for the party responsible for the maintenance, upkeep, healthy and safety of the machine.
 - ii) Official signage is no subject to sign dimension requirements as given herein

5) Security and Safety

- a) All machines shall be located in a well-lit location
 - i) If site and/or building lighting is to be added, a lighting plan shall be submitted at the time of application for review and approval by City staff.
 - (1) Lighting from machines or accompanying site/building lighting shall be provided in a manner that is typical to commercial lighting and not create a public nuisance by flashing, strobing or similar.
 - (2) No light trespass onto adjacent parcels shall be permitted
 - (3) A lighting plan shall include the locations of lights and photometric calculations.
- b) Additional security measures such as cameras, posted notices, alarms and similar may be required at staff discretion.
 - i) Machines that experience recurrent, unaddressed security issues such as damage, theft, nuisances and/or any matters that require law enforcement attention are subject to revocation of the issued vending

machine permit and/or possible citations

- c) All relevant health and safety information, notices, scores, results, etc. must be placed on or immediately near the machine in a conspicuous location for public view.

6) Maintenance and Upkeep

- a) All machines shall be maintained in a clean and litter-free condition.
 - i) Staff has full discretion to require the placement of trash receptacle(s) in conjunction with the approval of a vending machine permit.
 - (1) Staff may also require the placement of trash receptacles after the issuance of a permit if it has been determined that the vending machine has directly contributed to litter issues in the immediate area.
- b) All machines shall be constructed and maintained with durable sunproof, waterproof and rustproof material.
- c) All machines shall be maintained in accordance with manufacturer's suggested guidelines

7) Development Standards

- a) A site plan shall be submitted for review at the time of application for vending machine permit
- b) Such use shall provide a minimum of one (1) off-street parking space, in addition to the minimum amount of required parking spaces for the principal use and other uses requiring parking on the same parcel as the proposed vending machine.
 - i) Visitors to the machine, such as customers, maintenance workers and similar, may not park vehicles in the public right-of-way, on sidewalks or any other unapproved location to access the machine.
 - (1) The owner may be required to place "no parking" signage or other means to achieve compliance.

D. Permit Required

- 1) Vending machine permit required. No person shall place or erect a vending machine, as defined in this division, without first obtaining a vending machine permit pursuant to the regulations contained herein. No permit issued under this division may be transferred or assigned or used by any person other than the person to whom it is issued, or at any location other than the location for which it is issued.
- 2) Application for vending machine permit.
 - a) Application. An owner of a property where a vending machine is proposed shall apply for a vending machine permit to the City of Ball Ground. Any false statements or information provided in the application are grounds for denial or revocation of a permit, including the denial of future applications. The application shall be furnished on a form specified by the City, accompanied by a non-refundable permit fee as established in the City's Fee Schedule. Such application shall include and meet the following requirements:
 - a. The name, address, telephone and email address of the owner(s) of record of the property. If such owner is not a natural person, the application shall identify all partners, officers and/or directors that hold more than 20 percent ownership of the property for which a permit is sought, including contact information to include address, telephone, and email address;
 - b. The address of the property where the vending machine is to be located;
 - c. The name, address, telephone number and email address of the 24-hour local contact person;
 - d. The owner's sworn acknowledgement they have reviewed all regulations of the City pertaining to the operation of a vending machine and understand the requirements for vending machines;
 - e. The number and location of parking spaces allotted to the property to be used for the vending machine. Required parking spaces must be located on the same property as the vending machine as off-site parking not owned by the vending machine owner/operator shall not be used to meet this requirement;
 - f. The owner's agreement to use his or her best efforts to assure that use of the property and the vending machine will not disrupt the neighborhood, and will not interfere with the rights of neighboring property owners to the quiet enjoyment of their properties;
 - g. Any other information that this division requires the owner to provide to the City as part of an application for a vending machine permit;
 - b) Attached to and concurrent with submission of the application described in this section, the owner shall provide:
 - i) The vending machine owner(s)' agreement to abide by all of the requirements of this division, any other City ordinances, state and federal law and acknowledgement that his or her rights under the agreement may not be transferred or assigned to anyone else;
 - ii) A site plan showing the location of the machine, distances from the Ball Ground/Canton Highway right of way and from property lines, adjacent residential uses, parking, and other information as required to verify that the requirements of this section have been met.
 - iii) A copy of the applicant's valid and current drivers license or government ID card.
 - iv) A copy of the applicant's valid and current business license, if determined to be required by the City's Business License Administrator.
 - v) Payment of all fees
- c) Review process. The application for an initial permit shall be reviewed by the City of Ball Ground and issued or

- denied within seven business days.
- i) Any approval of an application and issuance of the vending machine permit shall include a unique identification number.
 - (1) The application or renewal may be denied if:
 - (a) The applicant has had any other vending machine permit within the unincorporated area of the City revoked or suspended within any 12-month period;
 - (b) The Property is not current on its property taxes;
 - (c) There is a history of complaints regarding the property or the owner or operator of the facility, as determined in the discretion of the director;
 - (d) The health department notifies the City of health concerns;
 - (e) The county marshal's office, the county sheriff's office, Cherokee County Fire Marshal, City of Ball Ground Police Department or The City of Ball Ground Building Official notify the City of code violations on the property;
 - (f) Private agreements prevent vending machines for the property; and/or
 - (g) Any other requirement of this division is not met.
 - (2) A decision to deny the permit shall be issued in writing. The denial decision may be appealed to the Ball Ground City Council by submitting a written appeal that details the grounds for the appeal to the director within 30 days of the date of the decision to deny the permit. A hearing on the appeal of the denial shall be conducted before the City Council, in accordance with the procedures set forth herein.
 - 3) Fees
 - a) The vending machine permit application shall be accompanied by an initial administration fee as adopted in the City of Ball Ground Fee Schedule
 - b) The vending machine permit is not transferrable and should ownership of a property change or should the machine be moved to a new location, a new permit application shall be required.
 - 4) Penalties
 - a) Failure to comply with the rules and requirements herein may result in the denial of an application for a vending machine permit, revocation of an issued vending machine permit and/or possible citations for applicable code violations

Current to August 8, 2024

DIVISION 106. - SUPPLEMENTARY USE REGULATIONS

Sec. 106.1. - Special land use permits. **(AMENDED 8/8/2024)**

A) *Purpose.*

- 1) The purpose of a special use permit is to provide a process for review of a use that is generally compatible with the use characteristics of a zoning district, but requires individual review of its location, design, height, intensity, configuration and public facility impact to determine the appropriateness of the use for any particular site and its compatibility with adjacent uses.

B) *Authority.*

- 1) The City Council shall take final action on applications for special use permits in accordance with the procedures, standards and limitations of the zoning ordinance. To accommodate these special uses, the special use permit allows the City Council to approve a special use on a particular parcel without changing the general zoning district. Such approval shall be subject to the requirements set forth in this zoning ordinance and any additional conditions deemed necessary to ensure the compatibility of the special use with the surrounding properties. All special use permit applications shall be for a specific proposed use only. The special use permit shall not be used for securing early approval for conceptual proposals that may not be undertaken for some time. 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.

C) *Special use permit procedure.*

- 1) The application and review process for a special use permit shall be the same as those for other zoning decision such variances, rezonings and similar.
 - a) Special use permits are not required to be heard by the Planning Commission. The City Council may request a recommendation from the Planning Commission as needed.
- 2) A complete application must be made on forms provided by the City and submitted to the Administrator or designee with all required documents and all fees paid prior to advertising and scheduling of public hearings.
 - a) The Administrator or designee has discretion to determine whether an application meets all requirements and can be deemed as "complete."
- 3) In addition to the information and/or site plans that are required to be submitted for the proposed special use, additional information deemed necessary by the Administrator or designee to evaluate a proposed special use and its relationship to the surrounding area shall be submitted as requested.
- 4) In the review process, particular emphasis shall be given to the evaluation of the characteristics of the proposed special use in relationship to neighboring properties and the compatibility of the proposed special use with its surroundings.
- 5) Prior to any decision by the City Council, public hearings are required for all special use permit applications and shall follow the same City and State requirements as those for other zoning decisions such as variances, rezonings and similar.

D) *Additional special use permit review criteria.*

- 1) The City Council may grant a special use permit only for those uses designated with an "S" in the *Permitted Land Uses and Conditions Table* of this zoning ordinance. The granting of a Special Use Permit is based upon the site plan presented to the City Council.
- 2) The City Council may grant special use permits for limited periods of time with identified expiration dates and may also restrict the special use permit to a particular owner, provided the criteria for the grant of a special use permit is met.
- 3) In addition to compliance with the existing zoning classification requirements contained in the zoning ordinance, the City Council shall consider, at a minimum, the following in its determination

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of whether to grant a special use permit, whether to limit the time such special use is allowed and whether to restrict the special use to a particular owner or party:

- a) Whether or not there will be a significant adverse effect on the surrounding area in which the proposed use will be located.
 - b) Whether or not the use is otherwise compatible with the surrounding area.
 - c) Whether or not the use proposed will result in a nuisance as defined under state law.
 - d) Whether or not quiet enjoyment of surrounding property will be adversely affected.
 - e) Whether or not property values of surrounding property will be adversely affected.
 - f) Whether or not adequate provisions are made for parking and traffic considerations.
 - g) Whether or not the site or intensity of the use is appropriate.
 - h) Whether or not special or unique conditions created by the use are consistent with the purpose, intent and goals of the comprehensive plan.
 - i) Whether or not adequate provisions are made regarding hours of operation.
 - j) Whether or not adequate controls and limits are placed on commercial and business deliveries.
 - k) Whether or not adequate landscape plans are incorporated to ensure appropriate transition between adjacent or nearby properties.
 - l) Whether or not the public health, safety, welfare or moral concerns of the surrounding neighborhood will be adversely affected.
 - m) Whether the application complies with any applicable specific requirements set forth in the zoning ordinance for particular types of uses.
 - n) Whether the applicant has provided sufficient information to allow a full consideration of all relevant factors.
 - o) Whether the special use requested emits or creates unusual odors which would warrant use of an odor elimination/attenuation system as recommended by industry standards.
- 4) In all applications for a special use permit the burden shall be on the applicant both to produce sufficient information to allow the City Council to fully consider all relevant factors and to demonstrate that the proposal complies with all applicable requirements and is otherwise consistent with the policies reflected in the factors enumerated in this article for consideration by the City Council.

E) *Voluntary termination of a special use permit.*

- 1) The owner of the property approved for a special use permit may voluntarily request termination of the special use permit by notifying the Administrator, or designee, in writing.
 - a) The Administrator, or designee, shall notify the City Council of voluntary terminations as they occur.
- 2) The approval of a special use permit for a specific use that may be operated by a lessee under a private agreement with a lessor in any zoning district shall not obligate the City Council to be responsible for or be required to resolve any disputes that may arise out of the voluntary termination of the special use permit by the property owner.

F) *Change in conditions or modification of a special use permit.*

- 1) Changes to the conditions or modification of an approved special use permit shall be subject to the same application, review and approval process as a new application, including the payment of current relevant fees.

G) *Development of an approved special use.*

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- 1) The issuance of a special use permit shall only constitute approval of the proposed use, and development of the use shall not be carried out until the applicant has secured all other permits and approvals required.
 - a) The department shall not issue a certificate of occupancy for the specific use until and unless all requirements and conditions of the special use permit have been fulfilled by the owner of the property.
 - 2) If an application is approved and a special use permit is granted, all conditions which may have been attached to the approval are binding on the property.
 - a) All subsequent development and use of the property shall be in accordance with the approved plan and conditions.
 - 3) Once established, the special use shall be in continuous operation.
 - a) Upon discovery that the operation of the special use has or had ceased for a period of 90 days or more and the owner of the property has not requested voluntary termination of the special use permit, the Administrator, or designee, may forward a report to the City Council to recommend that action be taken to remove the special use permit from the property.
- H) *Compliance with Special Use Permit Requirements.*
- 1) The City shall have the right to enter upon the property to periodically examine the operation of the specific use to determine compliance with the requirements and any conditions.
 - 2) If the Administrator, or designee, determines that the requirements and conditions are being violated, a written notice shall be issued to the owner of the property outlining the nature of the violation and giving the owner of the property a maximum of ten days to come into compliance.
 - 3) If after ten days the violations continue to exist, the Administrator, or designee, shall forward a report to the City Council for consideration of pursuing action to remove the special use permit from the property and may pursue any other available remedies for the violation.
- I) *Actions to be taken if plans of property owner are not implemented within specified time limits.*
- 1) The use for which a special use permit is granted shall commence operations or construction within 12 months of the date of approval by the City Council.
 - a) The terms "Commencement of operations" shall include: regular open hours to the public, regular on site business activities by employees and similar business operation activities.
 - b) The term "Construction" shall include: clearing, grading, site work, vertical building construction and similar construction type activities.
 - 2) If, at the end of this 12 month period, the Administrator, or designee, determines that active efforts are not proceeding toward operation or construction, a report shall be forwarded to the City Council for consideration of pursuing action to remove the special use permit from the property.
- J) *Appeal of a special use permit decision.*
- 1) Subject to the laws concerning legal standing to bring a claim, any person, persons or entities jointly or severally aggrieved by any decision of the City Council regarding a special use permit, with or without a concurrent variance, may seek review of the City Council's decision to the extent provided by law.

Sec. 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.

Sec. 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.

Sec. 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[of this section]. 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.

Sec. 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.*

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.

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.

Caliper: American Association of Nurseryman standard for trunk measurement of nursery stock. Caliper of the trunk shall be taken 6 inches above the ground for up to and including 4 inch caliper size, and 12 inches above the ground for larger sizes.

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).

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.

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.

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.

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.

RDF: Replacement Density Factor (RDF) is the density of new trees necessary to meet the minimum Site Density Factor.

Revegetation: The replacement of trees or landscape plant materials into the minimum required landscape areas.

SDF: Site Density Factor (SDF) is the minimum tree density required to be maintained on a developed site.

Specimen tree: Any tree which has a diameter breast height of forty-two (42) inches or larger [see Subsection (D)(4)(d) of this section].

Tree: Any self-supporting woody plant, usually having a single woody trunk and a potential DBH of at least two inches.

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

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41+" data-bbox="121 91 306 112">	2.5 data-bbox="306 91 593 112">	7.0 data-bbox="593 91 871 112">
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- 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+" data-bbox="121 445 499 467">	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):

DBH	# of Trees		Unit Value		Totals
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:

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

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

DBH	# of Trees		Unit Value		Totals
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 areas 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[H]. *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)[of this section]. (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[I]. *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[of this section]) 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[J]. *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[K]. *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)[Subsection D of this section]. 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	Carya illinoensis

Current to August 8, 2024

Hackberry	Celtis occidentalis
White Mulberry	Morus alba
American Yellowwood	Cladrastis lutea
Leyland Cypress	Cupressocyparis leylandii
American Beech	Fagus grandifolia
White Ash	Fraxinus americana
Green Ash	Fraxinus pennsylvanica
Ginkgo	Ginkgo biloba
Sweetgum	Liquidambar styraciflua
Tulip Poplar	Liriodendron tulipifera
Southern Magnolia	Magnolia grandiflora
Oaks	Quercus species
Blackgum, Black Tupelo	Nyssa sylvatica
Black locust	Robinia pseudoacacia
Sycamore	Platanus occidentalis

Current to August 8, 2024

	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

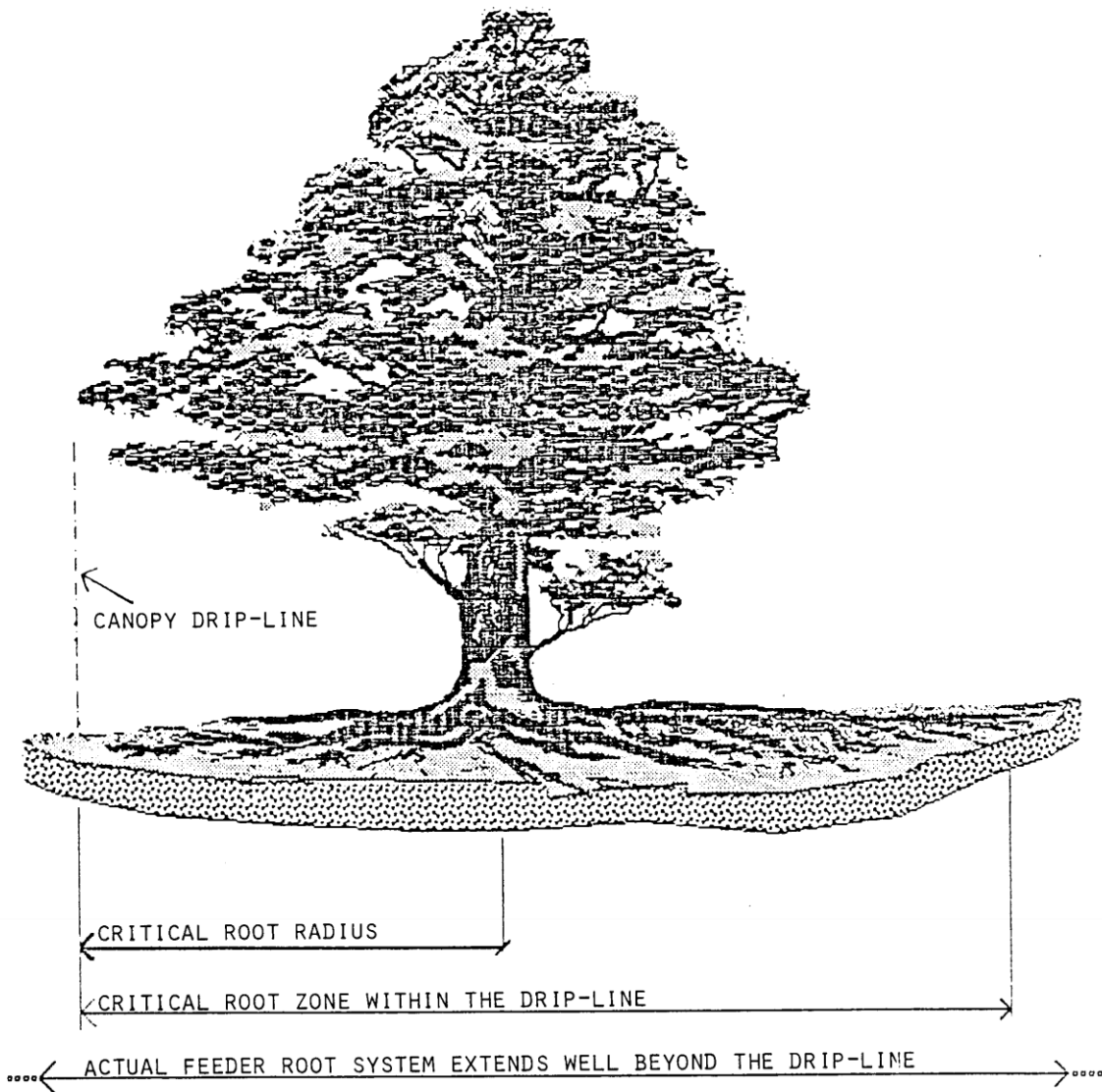
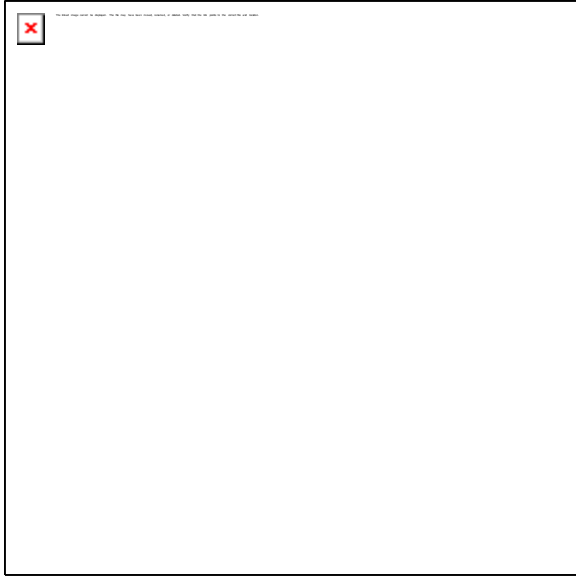
	Japanese Maple	Acer palmatum
	Devilwood	Osmanthus americanus
	Nellie Stevens Holly	Ilex 'Nellie R. Stevens'
	Flowering Dogwood	Cornus florida
	Smoketree	Cotinus coggyria
	Loquat	Eriobotrya japonica
Water Retention Areas	River Birch	Betula nigra
	Bald Cypress	Taxodium distichum
	White Mulberry	Morus alba

N[L]. *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[and/or his/her] 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[and/or his/her] 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[M]. *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

Current to August 8, 2024



DIVISION 107. - TRAFFIC AND PARKING STANDARDS

Sec. 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.

Sec. 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.

Sec. 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.

Sec. 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.

Sec. 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 [Section] 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

Current to August 8, 2024

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)

Sec. 107.6. - Surface parking standards.

Current to August 8, 2024

- 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.

Sec. 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.

Sec. 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

Use	Required Loading Spaces
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

Sec. 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.

Sec. 108.2. - **AMENDED 2/8/2024 TO REMOVE ADMINISTRATIVE VARIANCES**

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Sec. 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.

Sec. 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.

Sec. 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.

Sec. 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.

Sec. 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.

Sec. 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

Sec. 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.

Sec. 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.

Sec. 109.3. - Powers and duties. **(AMENDED 2/8/2024 TO REVISE 109.3 D)**

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[] the existence in good faith of a nonconforming 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 nonconforming 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. All variances are conditionally issued and said variances must be initiated within a period of twelve (12) months. Said twelve (12) month period shall commence on the date said variance is issued by the City and conclude at midnight on the first anniversary of the date the variance was issued by the City. Variance related development activities such as clearing and grading in accordance with an issued land disturbance permit, construction activities in accordance with an issued building permit, and similar development activities shall be initiated within said twelve (12) month period. If no development activities are initiated after expiration of said twelve (12) month period, then the previously issued variance shall be automatically rescinded, and applicants for variances may seek Board approval by reapplying for said variance.

For multi-phase developments, a phase plan with accompanying timeline must be presented with the original variance application. Additionally, a first phase must have been properly initiated within the 12-month period. Only then may a variance be valid beyond 12 months for those undeveloped phases.
(AMENDED 2/8/2024)
- 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.

Sec. 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

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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 Appeals 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.

Sec. 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 Councilmembers.

Sec. 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.

Sec. 109.7. - Bylaws.

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.

Sec. 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

Sec. 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.

Sec. 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.

Sec. 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.

Sec. 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 ensure that no member is entitled to rule on a matter in which he has an direct or indirect interest.

Sec. 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;

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- 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.

Sec. 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.

Sec. 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.

Sec. 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.

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- 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.

Sec. 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.

DIVISION 111. - DEFINITIONS

ADOPTED 4/13/23

Sec. 111.1. - Interpretation of words.

- A. Words used in the singular shall include the plural, and the plural the singular; and words in the present tense shall include the future tense.
- B. The word "shall" is mandatory and not discretionary.
- C. The word "may" is permissive.
- D. The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
- E. The word "structure" includes the word "building."
- F. Words not defined herein shall be construed as having the meaning given by common and ordinary use.

(Ord. of 8-12-2010)

Sec. 111.2. - Definitions of terms.

For the purpose of this article, the following definitions shall apply:

Abut: To physically touch or border upon; or to share a common property line.

Accessory building or use: A use or a structure subordinate to the principal use or building on a lot and serving the purpose customarily incidental to the use of the principal building. Where an accessory building is attached to the main building in a substantial manner, as by a wall or roof, such accessory building shall be considered part of the principal building.

Administrator: The Mayor of Ball Ground or his designee.

Agriculture: The production, rearing or storage of crops and/or livestock for sale, lease or personal use, or lands devoted to a soil conservation or forestry management program.

Alley: A service way providing only a secondary means of public access to abutting property and not intended for general traffic circulation.

Alteration: Any change or re arrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders or interior partitions, as well as any change in doors or windows, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

Animal hospitals: A place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short term care incidental to the hospital use.

Apartment house: A structure containing three or more dwelling units.

Apartment unit: One or more rooms with private bath and kitchen facilities comprising an independent self contained dwelling unit in a building containing more than two dwelling units.

Assisted living facility: A facility licensed by the State of Georgia for the transitional residency of elderly and/or disabled persons, progressing from independent living to congregate housing, within which are provided living and sleeping facilities, meal preparation, laundry services, transportation services and routine social and medical appointments and counseling.

Automobile maintenance: The routine replacement and maintenance of non-engine related parts including brake repair, tire replacement, tune-ups, and oil changing. This term shall not include engine or body dismantling.

Automobile repair: General repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers such as collision service, body repair and frame straightening; painting and upholstering; vehicle steam cleaning; and undercoating.

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.

Convenience store, without fuel pumps: An establishment that primarily sells a limited line of goods that generally include milk, bread soda, snacks, newspapers and magazines, and a limited amount of freshly prepared foods for off-premises consumption but does not sell gasoline or other motor vehicle fuel.

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 dwelling units per acre of land. Gross density refers to the number of units per acre of the total land to be developed. Net density refers to the number of units per acre of land devoted to residential use. 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.

[Dwelling, multi-family] 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.

For Rent. Constructed for the express purpose and intent of offering to the general public for lease and not intended For Sale to individual owner occupants.

For Rent Community. A residential Subdivision or Development of ten (10) or more dwelling units, where more than ten (10) percent of the total Dwelling units therein are occupied, or intended to be occupied, by leasing tenants rather than individual owner occupants.

For Sale. Constructed for the express purpose and intent of offering to the general public for purchase to owner occupants.

For Sale Community. A residential Subdivision or Development of ten (10) or more dwelling units, with no more than ten (10) percent of the Dwellings therein occupied, or intended to be occupied, by tenants rather than owner occupants.

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.

Gas station: An establishment that sells gasoline or other motor vehicle fuel utilizing fuel pumps and storage tanks, often underground or hidden. Other products may be sold, and other services may be provided in addition to the sale of gasoline or other motor vehicle fuel.

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 one's regular occupation engaged in for relaxation and nonprofit making.

Home for the aged: Any multi-family 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 dismantle, 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-premises: 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

Sec. 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, placement 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 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.
3. Maintained in good order and repair.

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.

(Ord. of 9-11-2014; Ord. of 4-12-2018(2) ; Ord. of 7-9-2020(3))

Sec. 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.

- C. 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.

(Ord. of 9-11-2014; Ord. of 4-12-2018(2) ; Ord. of 7-9-2020(3))

Sec. 112.3. Variances.

Variances from the provisions of this article may be requested. All such variances shall be considered and decided by the City of Ball Ground Executive [Committee]. Decisions of the Executive Committee may be appealed to the Ball Ground City Council.

(Ord. of 9-11-2014; Ord. of 4-12-2018(2) ; Ord. of 7-9-2020(3))

Sec. 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.

Artistic display: A drawing, painting or display that contains no commercial message unless such message has a historical connection to the City of Ball Ground as determined by the City of Ball Ground Executive Committee.

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.

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 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 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.)

Mural: (See Artistic display.)

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.

Off premise sign: Sign located on property that is not owned by the business, individual or entity owning the sign.

On premise sign: Sign located upon the property of the business, individual or entity who owns the sign.

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.

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.

Principal 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 [buildings] are not considered principal buildings.

Projecting sign: Any sign affixed to a building or wall which horizontally extends more than 12 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.

Residential district: Includes all land zoned R-12, R-15, R-20, R-40, RM-4, CBD and TND.

Revolving sign: (See Animated sign.)

Right-of-way: Property along any given road or highway on which the government has responsibility for care and maintenance and which the City has full authority over access.

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, does not exceed three feet in height, 1.5 feet in width, is moveable and temporary in nature.

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.

Temporary sign: Is a sign not exceeding 30 square feet, the top of which is not more than ten feet above the ground, constructed of a temporary material such as chloroplast sign board, vinyl, cloth, nylon, cardboard etc., affixed to no more than two posts or stakes that secure it in the ground. This includes flags, banners, balloons, bunting or other similar materials. Vertical flags or flag type banners may not exceed 30 square feet in size.

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 inches beyond the wall and which displays only one sign surface.

Weekend signs: Signage permitted upon the public right-of-way from 12:01 p.m. on Friday until 6:00 p.m. on Sunday and limited to three square feet per sign with the top of the sign being not more than three feet above the ground.

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.

(Ord. of 9-11-2014; Ord. of 4-12-2018(2) ; Ord. of 7-9-2020(3))

Sec. 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/her 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/her 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/her 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/her designee may require additional information on such sketch or print to ensure 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 City 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/her 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 months from the date of issuance and completed within six months from the date of issuance. Issuance of a sign permit shall in no way prevent the city 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.

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 30 days after written notification from a designated official of the City of Ball Ground or 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 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, emergency vehicle, 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 112.1 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. 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.
- C. No sign shall be erected, maintained, painted, drawn or attached to any utility pole, fence, rock, tree or any other natural feature.
- D. 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.
- E. Signs erected for the purpose of identifying a premise shall not also contain advertising except that of the use identified.
- F. All signs shall be located on or over private property only, except those specifically permitted by this article under the provision of weekend signs.

- G. 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.
- H. 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 specifications. In no case shall any sign be installed within five feet horizontally or vertically from an overhead utility line or utility guy wire.
- I. Corner visibility clearance. In any distance, no sign or sign structure (above the height of three feet) shall be maintained within 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 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 feet above the ground level. The Administrator or his/her designee may grant administrative variances, or alter the requirements of this paragraph at his/her discretion to reduce/eliminate any safety issues due to decreased visibility.

(Ord. of 9-11-2014; Ord. of 4-12-2018(2) ; Ord. of 7-9-2020(3))

Sec. 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 eight square feet in size must clear the sidewalk by nine 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.
4. Signs that resemble any official traffic control device or emergency vehicle markings.
5. Portable signs (mobile, trailer), with the exception of public works and public safety signs conveying a public message. Examples would include road closure information, water outages or directions to polling places.
6. Flags, banners, streamers, tethered balloons or other inflatable signs or figures, except as authorized by this regulation.
7. Signs that make use of the words "stop," "go," "slow," "caution," "danger," "warning" or similar words, phrases, symbols or characters 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, unless such vehicle is properly licensed, insured, and in regular operation as a vehicle, not as a stationary sign.
11. Signs that emit visible smoke vapor particles, odors, bubbles or any particulate.
12. 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.

(Ord. of 9-11-2014; Ord. of 4-12-2018(2) ; Ord. of 7-9-2020(3))

Sec. 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 professional name plate for each establishment. Each professional nameplate shall not exceed two square feet in area.
2. One separate identification sign for each establishment when affixed to a building wall or window and limited to a maximum size of two 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 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 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. 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 40 feet in height and flags must be flown in accordance with standard protocol.
6. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts or moving lights.
7. Non-advertising directional signs or symbols not exceeding two 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).
8. Appearing on vending machines are limited to signs referring to the product contained within or on the device.
9. 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 square feet in area per sign face, or a total of six square feet per pump.
10. Weekend signs (WES). WES shall be allowed in all zoning districts from 12:01 p.m. on Friday to 7:00 p.m. on Sunday. The City may take action to being removal of all signs located on the public right-of-way on Monday morning. WES do not require a permit. WES shall not exceed three square feet of sign area and shall not exceed three feet in height and may be double-faced. WES shall be mounted on independent single or double pole devices and shall not be affixed in any manner to trees, natural objects, street lights, poles, utility poles or other signs or sign structures. WES shall be made of metal, plastic, laminated cardboard or some other durable and waterproof material. No sign shall be made of paper. There shall be only one WES for any given place, activity, or event per 300 feet of road frontage. No WES shall be located within two feet of the edge of the road surface. No WES are allowed on right-of-way in

residential districts where the property owner maintains the right-of-way, without permission of the home owner.

11. 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.
12. Works of art which do not contain a commercial message.
13. Historic signs.
14. Municipal signs.
15. Signs on public transportation vehicles.
16. 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. (This section does not apply to business vehicles lettered or signed conveying information on the business, on vehicles used in the daily operations of the business.)
17. Holiday lights, flags for decorative purposes, including small flagpoles, and other decorations, which do not require a permit and must not exceed 16 square feet.

(Ord. of 9-11-2014; Ord. of 4-12-2018 (2); Ord. of 7-9-2020(3))

Sec. 112.8. Permitted signs by type and zoning district.

1. *Commercial District.* Each commercial/retail property shall be permitted one monument style sign that shall not exceed 80 square foot. In cases where a commercial/retail park is serviced by a common entrance, the park shall be entitled to two monument signs, one on each side of the common entrance. Each building or suite in the commercial district shall be entitled to a building mounted sign that shall not exceed one square foot of sign for each linear foot of building/suite space. This is not a cumulative number, but the amount of sign that may be applied to each wall of the building. (Front of building is 80 foot long - the front can have an 80 square foot sign.)
 - A. Each property in the commercial/retail district shall be entitled to a maximum of 30 square foot of temporary signage contained in a maximum of three signs. For example, an entity could place two each five square foot signs and one 20 square foot sign to make up three signs and stay within the 30 square foot limit. On premise temporary signs shall be permitted for a period of 60 days. Off premise temporary signs shall be permitted for a period of 30 days.
 - B. Window signs in this district shall be allowed permitting at least 50 percent of the window maintains the ability to see in or out of the building.
2. *Industrial Districts.* Each industrial property shall be permitted one monument style sign that shall not exceed 50 square feet. In cases where an industrial park is serviced by a common entrance, the park shall be entitled to two monument signs, one on each side of the common entrance. Each building or suite in the industrial district shall be entitled to a building mounted sign that shall not exceed one square foot of sign for each linear foot of building/suite space. This is not a cumulative number, but the amount of sign that may be applied to each wall of the building (front of building is 80 feet long - the front can have an 80 square foot sign).
 - A. Each property in the industrial district shall be entitled to a maximum of 20 square feet of temporary signage contained in a maximum of two signs.
 - B. Each property in the industrial district shall be entitled to a maximum of 36 square feet of ground mounted sign at their entrance off a public/private roadway when that building has its own dedicated entrance/exit off such public/private roadway.
 - C. Window signs in this district shall be allowed permitting at least 50 percent of the window maintains the ability to see in or out of the building.
 - D. Each property in the industrial district shall be entitled to a maximum of 30 square feet of temporary signage contained in a maximum of three signs. For example, a entity could place two each five square feet signs and one 20 square foot

sign to make up three signs and stay within the 30 square foot limit. On premise temporary signs shall be permitted for a period of 60 days. Off premise temporary signs shall be permitted for a period of 30 days.

3. *Residential Districts.*

- A. Dwellings in the residential districts shall be entitled to one temporary sign not exceeding three square feet in size. Such temporary signs shall not remain for a continuous duration in excess of 14 days unless such sign is directly connected to an on-premise event in which case such temporary sign may stay in place for the duration of the event. Examples would include "Home for Sale," "Creekview Senior," "State Champion" or a "For Sale" sign posted on a vehicle owned by the occupant of the dwelling.
- B. Property located in residential districts that are not part of platted subdivisions may allow the placement of one off premise temporary sign for a period not to exceed 30 days. Corner lots may be permitted two off premise temporary signs for a period not to exceed 30 days.

4. *Central Business District.*

- A. Entities within the district shall be entitled to one on premise monument sign not exceeding 50 square feet.
- B. Entities within the district where sufficient property does not exist for the construction of a monument sign may be entitled to two square feet of building mounted signage for each linear foot of wall space on which the sign is to be mounted.
- C. Entities with a monument sign in this district shall be entitled to one square foot of building mounted signage for each linear foot of wall space on which the sign is to be mounted.
- D. Where each building occupied with a business fronts the public right-of-way, they shall be entitled to one portable/temporary sign that may be placed on the sidewalk during hours when the business is actually open. Signage shall not be placed in a manner which creates a significant impediment to pedestrian traffic. The judgement of any officer of the Ball Ground Police Department or Public Works Department shall be the final word on significant impediment.
- E. Window signs in this district shall be allowed providing at least 50 percent of the window maintains the ability to see in or out of the building.

TABLE 112.1

COMMERCIAL

Type of Sign	Number of Signs	Height	Square Feet
Monument Sign	1	15	80
Temporary	3 (Max)	10 to top of sign	30 s.f. Max. (combined)
Wall Sign			1 s.f. per linear ft. bldg.
Window			50% of Window

INDUSTRIAL

Type of Sign	Number of Signs	Height	Square Feet
Monument Sign	1	15	50
Temporary	3 (Max)	10 to top of sign	30 s.f. Max. (combined)
Wall			1 s.f. per linear ft. bldg.
Temporary	2 (Max)	4 to top of sign	20 s.f. Max. (combined)
Window			50% of Window

CENTRAL BUSINESS

Type of Sign	Number of Signs	Height	Square Feet
Monument Sign	1	10	50
Wall (w/Monument)			1 s.f. per linear ft bldg.
Wall (No Monument)			2 s.f. per linear ft bldg.
Temporary	1	10	30 s.f. (removed daily)
Window			50% of Window

Sidewalk Sign	1	3	4.5
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RESIDENTIAL

Type of Sign	Number of Signs	Height	Square Feet
Monument Sign Subdivision Entrance	1	10	200
Temporary	1	4 to top of sign	3 sf
Temp Off Premise Non Subdivision Lot	1	10	30

(Ord. of 9-11-2014; Ord. of 4-12-2018(2) ; Ord. of 7-9-2020(3))

DIVISION 113.0. - CONSERVATION NEIGHBORHOOD REGULATION[S]

Sec. 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.

Sec. 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[zones] as a use by right. [The]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 to 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.

Sec. 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[113.4] 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[113.4], 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.

Sec. 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 a 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 Homeowner's Association is the owner, membership in the association shall be mandatory and automatic for all

homeowners of the subdivision and their successors. If a Homeowner's Association is the owner, the Homeowner's 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.

[AMENDMENT]

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:

Sec. 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 multi-family 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.

Sec. 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.

Sec. 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.

Sec. 5.

If any section, subsection, 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.

Sec. 6.

This ordinance shall become effective immediately upon approval by the mayor and council.