

**THE UNIFIED LAND DEVELOPMENT CODE**  
of  
Floyd County and the City of Rome, Georgia

As recommended by the ULDC Implementation Study Committee  
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# Article 1. General

Section 1.1.	Title and Authority
Section 1.2.	Adoption
Section 1.3.	Purpose and Intent
Section 1.4.	Applicability
Section 1.5.	Interpretation

## 1.1. TITLE AND AUTHORITY

### 1.1.1. TITLE

This Ordinance regulates the use of land, the location and use of buildings and other site improvements, and the construction of public facilities and private improvements related to the development of land. This Ordinance shall be known as and may be cited as “The Unified Land Development Code of Floyd County and the City of Rome, Georgia” or, for brevity, “The Rome-Floyd County Development Code.”

### 1.1.2. AUTHORITY

This Ordinance is adopted under authority of Article 9, Section 2, Paragraphs 3 and 4 of the Constitution of the State of Georgia, and pursuant to the Zoning Procedures Law (O.C.G.A. 36-66-1 *et seq.*) and other applicable laws enacted by the General Assembly.

## 1.2. ADOPTION

### 1.2.1. REPEAL OF CONFLICTING ORDINANCES

All conflicting ordinances or parts of ordinances are hereby repealed to the extent of their conflict. Where this Ordinance and another overlap, whichever imposes the more stringent restriction shall prevail.

### 1.2.2. SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any amendment to it is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Development Code or an amendment to it.

### 1.2.3. EFFECTIVE DATE

This Ordinance shall take effect for each jurisdiction upon its adoption by, respectively, the City Council and the Board of Commissioners.

## 1.3. PURPOSE AND INTENT

- a. The purpose of this Ordinance is: To promote the health, safety, morals and general welfare of the public, and is intended:

- (1) To promote the orderly and beneficial development and expansion of the City and County;
  - (2) To provide adequate access to natural light and air;
  - (3) To provide adequate water, sewerage, and surface drainage;
  - (4) To prevent undesirable overcrowding of population;
  - (5) To secure safety from fire, panic, and other dangers;
  - (6) To promote the orderly and desirable subdivision of land;
  - (7) To insure the orderly and desirable development of streets;
  - (8) To promote the orderly and desirable development of public and private utilities and services; and,
  - (9) To insure proper legal description and recordation of all subdivided land.
- b. In the interpretation and application of this Ordinance all provisions shall be:
- (1) Considered as minimum requirements;
  - (2) Deemed neither to limit nor repeal any other powers granted under state statutes.
- c. This Ordinance is not intended to repeal, abrogate, or impair any valid easement, covenant or deed restriction duly recorded with the Clerk of the Superior Court.

## **1.4. APPLICABILITY**

### **1.4.1. GENERAL APPLICABILITY**

- a. Use of Land or Structures.
- (1) No structure or land shall hereafter be used, located, extended, converted or structurally altered except in full compliance with the provisions of this ordinance.
  - (2) No part of a yard, buffer or off-street parking spaces required in connection with any use or structure for the purpose of complying with this Ordinance shall be included as part of a yard, buffer or off-street parking spaces required for any other use or structure, unless specifically allowed under the provisions of this ordinance.
  - (3) Street rights-of-way shall not be considered a part of a lot or front yard setback for the purpose of meeting the minimum requirements of this Ordinance.
- b. Acceptance of Public Streets.

The Governing Body shall not accept a public street unless such street substantially corresponds in its location and lines with a street shown on a preliminary subdivision plat approved under the provisions of this Ordinance.

c. Recordation and Transfer of Property.

- (1) A properly approved plat must be filed and recorded with the Clerk of the Superior Court on any division of a property into 2 or more lots as required by this Ordinance.
- (2) No construction permit shall be issued on any parcel for which a plat has not been properly filed and recorded with the Clerk of the Superior Court; provided further, that the description of metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring such land shall not exempt the transaction from the requirements of this Ordinance.

d. Street Frontage Required.

No building permit shall be issued for and no building or other structure shall be erected on any lot unless the street giving access to such lot upon which said building is proposed to be placed shall be accepted, opened, and maintained as a public street prior to that time; shall be guaranteed to be completed, as provided in Article 6.4.6; shall otherwise be maintained by the City or County; or shall have been designated by the City or County as a private street.

e. One Principal Dwelling on a Lot.

With respect to single-family detached dwellings, one principal building and its customary accessory building may be erected on any one lot except that in the A-R and S-R districts two single-family dwelling units may be permitted on one lot if they are served by on-site sewage disposal as permitted by the Floyd County Health Department.

f. Lot Reduction Prohibited

Any yard or lot existing prior to the effective date of this Ordinance or any other subsequent amendment thereto may be reduced in dimension or area below the minimum requirements as set forth in this Ordinance, subject to approval of the Building Official and Planning Director and/or their respective designee(s). Yards or lots created by subdivision after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

#### **1.4.2. EXEMPTIONS**

a. Previously Issued Permits.

The provisions of this Ordinance and any subsequent amendments shall not affect the validity of any lawfully issued and effective building or development permit if:

- (1) The development activity or building construction authorized by the permit has been commenced prior to the effective date of this Ordinance or the amendment, or will be commenced after such effective date but within 6 months of issuance of the permit; and

- (2) The development activity or building construction continues without interruption (except because of war or natural disaster) until the development or construction is complete. If the permit expires, any further development or construction on that site shall occur only in conformance with the requirements of this Ordinance in effect on the date of the permit expiration.

b. Governmental Bodies.

All Governmental Bodies and authorities generally, legally exempt from regulation under the police power of Floyd County or the City of Rome shall not be exempt from the regulations contained in this Ordinance.

### **1.4.3. NONCONFORMING DEVELOPMENT**

Lawful nonconforming uses, structures, lots and signs are declared by this Ordinance to be incompatible with land uses, structures, lots and signs that conform to the requirements of the zoning districts in which the nonconformity exists.

a. Nonconforming Uses.

- (1) To avoid undue hardship, the lawful but nonconforming use of any structure or land at the time of the enactment of this Ordinance or any subsequent amendment may be continued even though the use does not conform to the provisions of this Ordinance, except that the nonconforming use:

- (a) Shall not be changed to another nonconforming use.
- (b) Shall not be re-established after its removal from the property or its discontinuance for 12 months or more.
- (c) Shall not be repaired, rebuilt or altered after damage exceeding 50% of its replacement cost at the time of destruction.
- (d) Shall not be enlarged or altered in a way that increases its nonconformity if the structure or land is located in the city.
- (e) Shall not be enlarged or altered in any way that increase its nonconformity if the structure or land is located in the county unless the nonconforming use shall comply with all applicable building codes, setback requirements, lot size requirements, and public safety issues that exist for the least restrictive zoning district in which the current use would normally be allowed.

- (2) Exceptions.

- (a) The strengthening or restoration to a safe condition of any structure or part thereof declared to be unsafe by an official charged with protecting the public safety or health shall be allowed upon order of such official.

- (b) A nonconforming single-family detached, duplex or triplex may be repaired, rebuilt or replaced after damage exceeding 50% by approval as a special use, in accordance with the procedures of Article 2; provided, however, that a tri-plex dwelling constructed prior to the adoption of the code may be repaired, rebuilt, or replaced after damage exceeding 50%; and may be re-established after its removal from the property or its discontinuance for 12 months or more as a use permitted by right in the D-R Duplex-Residential zoning district.
- (c) A use that was lawfully established prior to the adoption, revision or amendment of this Ordinance, but which, by reason of such adoption, revision or amendment now requires approval as a Special Use in the zoning district where the use is located, shall not be considered a nonconforming use under the provisions of this Ordinance, and, therefore is not subject to the prohibitions on enlargement or alteration of an existing use.
- (d) Maintenance, repair and replacement of deteriorated elements such as roofs, foundations, windows, walls, fixtures and systems (plumbing, electrical, HVAC) shall be allowed if such maintenance, repair or replacement will not expand, enlarge or alter the use or structure in a way that increases its nonconformity; and if such maintenance will not exceed 50% of the replacement cost at the time.

b. Nonconforming Structures.

- (1) A nonconforming structure may continue to be occupied and used, except that the nonconforming structure:
  - (a) Shall not be repaired, rebuilt or altered after damage exceeding 50% of its replacement cost at the time of destruction.
  - (b) Shall not be enlarged or altered in a way that increases its nonconformity.
- (2) Exceptions.
  - (a) The strengthening or restoration to a safe condition of any structure or part thereof declared to be unsafe by an official charged with protecting the public safety or health shall be allowed upon order of such official.
  - (b) A nonconforming single-family detached, duplex or triplex dwelling may be repaired, rebuilt or replaced after damage exceeding 50% by approval as a special use, in accordance with the procedures of Article 2; provided, however, that a tri-plex dwelling constructed prior to the adoption of the code may be repaired, rebuilt, or replaced after damage exceeding 50%; and may be re-established after its removal from the property or its discontinuance for 12 months or more as a use permitted by right in the D-R Duplex-Residential zoning district .
  - (c) Maintenance, repair and replacement of deteriorated elements such as roofs, foundations, windows, walls, fixtures and systems (plumbing, electrical,

HVAC) shall be allowed if such maintenance, repair or replacement will not expand, enlarge or alter the structure in a way that increases its nonconformity; and if such maintenance will not exceed 50% of the replacement cost at the time.

c. Nonconforming Lots.

- (1) Where the owner of a legal lot of record at the time of the adoption of this Ordinance does not own sufficient land to conform to the minimum lot size or lot width requirement of this Ordinance, such lot may nonetheless be used as a building site provided that access to a public street is provided directly or through a recorded easement, and further provided that the minimum building setbacks are not reduced below the minimum specified in this Ordinance.

d. Nonconforming Signs.

(1) Permanent Signs.

A nonconforming sign that is permanently affixed to the ground or to a building may continue to be used, except that the nonconforming sign:

- (a) Shall not be replaced except in conformity with the provisions of this Ordinance.
- (b) Shall not be repaired, rebuilt or altered after damage exceeding 50% of its replacement cost at the time of destruction.
- (c) Shall not be enlarged or altered in a way that increases its nonconformity.

(2) Permanent Signs in the County

Section 1.4.3(d) (1) shall have application only in the city, and Section 1.4.3(d) (2) shall have application only in the county. In the county, a nonconforming sign structure that is permanently affixed to the ground or to a building may continue to be used or repaired as a legal, nonconforming use except:

- (a) If the repair of a sign structure or any portion thereof causes the area of the sign face to be greater than 110% of the area of the previous sign face, then the sign structure may be repaired but only in conformance with the provisions of Article 5 Sign Regulations of this Ordinance; and
- (b) If the repair of a sign structure or any portion thereof relates to anything other than minor repairs such as painting, replacement of defective parts, cleaning or similar minor maintenance to a sign designed to keep a sign at an acceptable functional and aesthetic level, then the sign structure may be repaired but only in conformance with the provisions of Article 5 Sign Regulations of this Ordinance.

## 1.5. INTERPRETATION

### **1.5.1. RESPONSIBILITY FOR INTERPRETATION**

- a. The Chief Building Official shall be responsible for the interpretation of the requirements, standards, definitions or any other provision of this Ordinance.
- b. Interpretations of the Chief Building Official may be appealed under the provisions of Article 2 relating to Appeals.

### **1.5.2. USE OF FIGURES**

Figures associated with defined terms or regulatory paragraphs in this Ordinance are provided for illustration only and do not limit or change the meaning of the term as defined or the requirements of the regulation as written.

### **1.5.3. USE OF WORDS AND PHRASES**

For the purpose of this Ordinance, the following shall apply to the use of words and phrases:

- a. Words used in the present tense include the future tense. Words used in the singular tense include the plural tense, and words used in the plural tense include the singular tense. The masculine person “he” or “his” also means “her” or “hers.”
- b. Use of the capitalized word “City” refers to the government of the City of Rome, Georgia, while the lower case word “city” refers to its incorporated geographical area.
- c. Use of the capitalized word “County” refers to the government of Floyd County, Georgia, while the lower case word “county” refers to its unincorporated geographical area.
- d. References to the “City” and to the City Commission and any public officials or appointed bodies of the City not otherwise named by political jurisdiction or defined in this Ordinance shall always mean the City of Rome, Georgia, and it’s Governing Body, appointed or employed officials, and appointed bodies as named.
- e. References to the “County” and to the County Commission and any public officials or appointed bodies of the County not otherwise named by political jurisdiction or defined in this Ordinance shall always mean Floyd County, Georgia, and it’s Governing Body, appointed or employed officials, and appointed bodies as named.
- f. References to public officials, departments or appointed bodies of jurisdictions other than Floyd County or the City of Rome shall always mean such persons or bodies having jurisdiction over or relative to Floyd County or the City of Rome, Georgia. These may include one or more of the following:
  - (1) The Clerk of the Superior Court of Floyd County, Georgia.
  - (2) The Floyd County Health Department.
  - (3) Rome/Floyd County Historic Preservation Commission.

- (4) The Coosa River Soil and Water Conservation District.
  - (5) The Coosa Valley Regional Development Center.
  - (6) The Georgia Departments of Natural Resources and Transportation.
  - (7) The United States Army Corps of Engineers, the Federal Aviation Administration, the Federal Emergency Management Agency and the Environmental Protection Agency, the Natural Resource Conservation Service.
- g. The word “person” is intended to include any individual, partnership, firm, association, joint venture, public or private corporation , trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality, or other political subdivision of this State, any interstate body or any other legal entity.
  - h. The words “shall” and “must” are always mandatory and not discretionary, while the word “may” is permissive.
  - i. The word “and” indicates that all of the conditions, requirements or factors so connected must be met or fulfilled, while the word “or” indicates that at least one condition, requirement or factor so connected must be met.
  - j. The term “such as” is intended to introduce one or more examples in illustration of a requirement or point, and is intended to mean “including but not limited to the following.”
  - k. The verbs “zone” and “rezone” have the same meaning and refer to the act of amending the Official Zoning Map through the process established by this Ordinance.
  - l. The nouns “zone,” “zoning district” and “district” have the same meaning and refer to the zoning districts established under this Ordinance.
  - m. The word “day” shall mean a calendar day unless otherwise specified.

**1.5.4. MEANING OF WORDS AND PHRASES**

- a. All words and phrases shall be interpreted within the context of the sentence, paragraph, section and Article in which they occur.
- b. Words and phrases defined in this Ordinance shall be interpreted as defined without regard to other meanings in common or ordinary use, unless the context of the word or phrase indicates otherwise. Words and phrases not defined in this Ordinance shall be construed to have the meaning given by common and ordinary use as defined by a contemporary dictionary.

## Article 2. Procedures

Section 2.1.	Generally
Section 2.2.	Zoning Changes
Section 2.3.	Land Development Project Approval
Section 2.4.	Development Plans
Section 2.5.	Development Permit
Section 2.6.	Flood Area Permit
Section 2.7.	Driveway Permit
Section 2.8.	Building Permit
Section 2.9.	Building Construction
Section 2.10.	Text Amendments
Section 2.11.	Appeals
Section 2.12.	Temporary Suspension of Permitting

### 2.1. GENERALLY

#### 2.1.1. PURPOSE OF ARTICLE 2

This Article describes the process through which a zoning change may be approved on a property, the approved process for construction of land development projects, the procedures for amendments to the text of this Development Code, and the process for appeals from an administrative decision, for a special exception or for hardships.

#### 2.1.2. OVERVIEW-LAND DEVELOPMENT

The following presents a summary of the plans and procedures involved in the land development approval and construction.

a. Zoning Changes.

All applications for rezoning or a special use permit for a multi-family or nonresidential use must be filed with the Rome/Floyd County Planning Department.

b. Multi-Family and Nonresidential Projects.

- (1) Project Approval is granted by the Planning Department upon review and approval of a Site Plan for the project.
- (2) A Development Permit is issued by the Chief Building Official, based on review and approval of development plans for construction of the project.
- (3) The Chief Building Official, based on review and approval of architectural plans, issues a Building Permit. Buildings falling under the authority of the State Fire Marshall shall be approved by the Fire Department prior to issuance of the building permit.
- (4) Receipt by the Public Works Department of accurate surveys of the as-built condition of all public improvements is required in order to authorize permanent water and sanitary sewer service.

(5) The Chief Building Official, based on final inspection and issuance of a Certificate of Occupancy, authorizes permanent electric power and occupancy of the building.

c. Single Family Residential Projects

Single family residential projects shall follow the process outlined in Article 6 for the review and approval of preliminary and final subdivision plat and development permits.

d. City-County Coordination.

In order to assure full coordination between all affected departments and agencies and to increase efficiency in the processing of permits, all applications for a rezoning or special use approval shall be submitted to the Planning Department for handling. All applications for a development permit or flood area permit shall be submitted to the Building Inspection Department for handling.

## **2.2. ZONING CHANGES**

The Official Zoning Map may be amended from time to time and the Governing Body under the procedures in this Section may approve special uses for specific properties. In addition, the Governing Body, following the procedures in this section, may also approve changes in the conditions of approval pertaining to a specific rezoning or conditional use approval. All of these types of actions are referred to as “zoning changes” and must be filed with the Rome/Floyd County Planning Department.

### **2.2.1. INITIATION**

- a. An application for a zoning change for any property or properties may be initiated by the Governing Body, by the Planning Commission, or by the owner of the property. Unless the initiated by the Governing Body or the Planning Commission, the owner of a majority interest in the property affected shall initiate all such applications.
- b. All applications shall be submitted to the Planning Department on the Department’s application forms. A non-refundable fee as fixed from time to time by the Governing Body shall accompany all applications. A fee shall not be charged if the Governing Body or the Planning Commission has initiated the application.
- c. The Planning Department shall review the application for completeness within 5 business days of submission. Incomplete or improper applications will be returned to the applicant.
- d. An application for a zoning change affecting the same property shall not be considered by the Governing Body more often than once every 12 months; provided, however, that the Governing Body may approve a reduction in the waiting period to no less than 6 months.

### **2.2.2. SKETCH PLAN**

- a. An application for a rezoning or special use permit approval, related to any use other than a single family residence, shall be accompanied by a sketch plan if any new construction is proposed or alteration of the site is required under the site or development design standards of the Development Code (Article 6). A plat drawing may be submitted in lieu of a sketch plan, if the purpose of the rezoning request is to market the property.

- b. All sketch plans shall be considered binding when made a condition of approval of the rezoning or special use by the respective Governing Body.
- c. The applicant, a professional engineer, a registered land surveyor, a landscape architect, a land planner, or any other person familiar with land development activities may prepare a sketch plan.
- d. The sketch plan shall be drawn to approximate scale on a boundary survey of the tract or on a property map showing the approximate location of the boundaries and dimensions of the tract.
- e. The sketch plan shall show the following, as appropriate to the zoning or special use requested:
  - (1) Name and address of the property owner.
  - (2) Name, address, and telephone number of the applicant, if different from the owner.
  - (3) Date of survey, north point and graphic scale, source of datum, date of plan drawing, and revision dates, as appropriate.
  - (4) Proposed use of the property, if known.
  - (5) Location (Land District and Land Lot) and size of the property in acres (or in square feet if less than an acre).
  - (6) Location sketch of the property in relation to the surrounding area with regard to well-known landmarks such as arterial streets or railroads. Sketches may be drawn freehand and at a scale sufficient to show clearly the information required, but not less than 1 inch equal to 2,000 feet. U.S. Geological Survey maps may be used as a reference guide for the location sketch.
  - (7) Zoning district classification of the subject property and all adjacent properties, and zoning district boundaries if they cross the property.
  - (8) Man-made features within and adjacent to the property, including existing streets and names, city and county political boundary lines, and other significant information such as location of bridges, utility lines, existing building to remain, and other features as appropriate to the nature of the request.
  - (9) The proposed project layout including the approximate outline and location of all buildings, and the location of all minimum building setback lines, outdoor storage areas, buffers, parking areas and driveways.
  - (10) A statement as to the source of domestic water supply.
  - (11) A statement as to the provision for sanitary sewage disposal.
  - (12) The approximate location of proposed storm water detention facilities.

- (13) Such additional information as may be useful to permit understanding of the proposed use and development of the property.

### **2.2.3. PROCESS FOR ZONING CHANGES**

Before the Governing Body may take final action on a proposed zoning change, the Planning Commission shall hold a public hearing on the proposal.

a. Public Notice.

(1) Notification to the General Public.

- (a) At least 15 days but not more than 45 days prior to the public hearing, notice shall be published in a newspaper of general circulation within the county. The Planning Department shall prepare such notice, which shall state the time, place and purpose of the hearing.
- (b) A zoning change initiated by a party other than the Governing Body or the Planning Commission shall be heard at a public hearing only upon:
- 1) The published notice, in addition to the requirements above, shall include the location of the property, the present zoning classification, and the proposed zoning classification of the property or the special use requested; and
  - 2) At least 15 days prior to the public hearing, the Planning Department shall post a sign or signs of not less than 6 square feet stating “Zoning Action Pending. For further information please contact the Rome-Floyd County Planning Department at (phone number) or (e-mail address).” One such sign shall be placed in a conspicuous location along each street frontage of the property for which the zoning change has been requested. If the property has no street frontage, the sign shall be placed on each street from which access will be gained to the property.

(2) Notice to Surrounding Property Owners.

All adjacent property owners are to be notified of any proposed zoning change without regard for who the applicant is for a zoning change.

- (a) Notice shall be given to all surrounding property owners as follows: At least 5 days prior to the Planning Commission public hearing, the Planning Department shall cause a notice to be mailed to all persons owning property located adjacent to or across the street from the property that is the subject matter of the zoning change.
- (b) The notice shall state the time, place, and purpose of the hearings. The written notice shall be mailed to the property owners as such names and addresses appear on the County’s ad valorem tax records.

b. Planning Commission Public Hearing.

The public hearing held by the Planning Commission for zoning changes shall be conducted in the following manner:

- (1) The Chairperson, the Vice Chairperson, or the Planning Commission's designee, who shall act as the Presiding Official, shall convene the public hearing at the scheduled time and place.
- (2) The Presiding Official shall call for each proposed zoning change to be presented to the Planning Commission.
- (3) No person in attendance shall speak unless first formally recognized by the Presiding Official. Upon rising to speak each person recognized shall state his or her name and home address. The Presiding Official may place reasonable limits on the number of persons who may speak for or against a proposal, on the time allowed for each speaker, and on the total time allowed for presentation of the proposed zoning change. No less than 10 minutes shall be provided for all of those speaking in support of a zoning change and no less than 10 minutes shall be provided for all of those speaking against, unless such proponents or opponents take less time than the minimum allowed. If reasonable time limitations permit, any member of the public may speak at a hearing. However, the applicant and nearby property owners shall be afforded the first opportunity to speak. Each side shall be afforded an equal minimum time period for the presentation of data, evidence, and opinion.
- (4) The applicant shall be allowed to speak first in order to present the application. Others in support of the application may then speak, followed by those in opposition to the application. The applicant will then be allowed time for rebuttal provided they have not used all their allotted time during the presentation. Rebuttal must be limited to points or issues raised by opponents to the application at the hearing.
- (5) During the public hearing, the Planning Commission members may ask questions at any time. Time devoted to questions and answers will not be counted against any time limitations that have been imposed on presentations.
- (6) Following the public hearing on each zoning change, the Planning Commission at that time shall make its recommendation or take such other action as may be appropriate.
  - (a) A motion to recommend approval that receives an affirmative vote from a majority of the voting members present will be forwarded to the Governing Body as a recommendation for approval. A motion to recommend approval that receives a negative vote from a majority of the voting members present will be forwarded as a recommendation for denial.
  - (b) A motion to recommend denial that receives an affirmative vote from a majority of the voting members present will be forwarded to the Governing Body as a recommendation for denial. A motion to recommend denial that receives a negative vote from a majority of the voting members present will be forwarded as a recommendation for approval.

- (c) A tie vote on a motion will be forwarded to the Governing Body as no recommendation with the actual vote transmitted.
  - (d) If no action is taken on an application, it will go forward to the Governing Body with no recommendation.
  - (e) A motion to postpone that receives an affirmative vote from a majority of the voting members present will result in action on the zoning change being deferred for a period of time as specified by the members of the Planning Commission. However, where the governing body has initiated a zoning change, the Planning Commission shall act on the zoning change by the date specified by the governing body. At the discretion of the chair, a postponed zoning change may be considered at a specially called meeting.
- (7) In making its recommendation or taking such action as may be appropriate, the planning commission shall not discriminate against any person in violation of law, including the Fair Housing Act.
- c. Governing Body Public Hearing.
- (1) The Governing Body shall conduct a public hearing to consider an application for a zoning change within its jurisdiction. Said public hearing shall be held no later than the second regular meeting of the Governing Body following the public hearing of the Planning Commission. At a regular meeting prior to its public hearing, the Governing Body shall have a first reading of any proposed rezoning or Special Use ordinance.
  - (2) The Chairperson of the Governing Body or another person designated by the Governing Body shall act as Presiding Official.
  - (3) The Presiding Official shall call for each proposed zoning change to be presented to the Governing Body. As each application for a zoning change is called for consideration, the Presiding Official shall have the recommendation of the Planning Department read and shall present such other documentation as may be deemed pertinent.
  - (4) No person in attendance shall speak unless first formally recognized by the Presiding Official. Upon rising to speak each person recognized shall state his or her name and home address. The Presiding Official may place reasonable limits on the number of persons who may speak for or against a proposal, on the time allowed for each speaker, and on the total time allowed for presentation of the proposed zoning change. No less than 10 minutes shall be provided for all those speaking in support of a zoning change and no less than 10 minutes shall be provided for all of those speaking against, unless such proponents or opponents take less time than the minimum allowed. If reasonable time limitations permit, any member of the public may speak at a hearing. However, the applicant and nearby property owners shall be afforded the first opportunity to speak. Each side shall be afforded an equal minimum time period for presentation of data, evidence, and opinion.
  - (5) The applicant shall be allowed to speak first in order to present the application. Others in support of the application may then speak, followed by those in opposition.

The applicant will then be allowed time for rebuttal provided they have not used all their allotted time during the presentation. Rebuttal must be limited to points raised by opponents to the application at the hearing.

- (6) During the public hearing, the members of the Governing Body may ask questions at any time. Time devoted to questions and answers will not be counted against any time limitations that have been imposed on presentations.
- (7) Following the public hearing on the zoning change (or upon second reading), action shall be considered by vote of the Governing Body.
  - (a) A motion to approve or deny an application must be approved by an affirmative vote of at least a quorum of the members in order for the motion to be approved.
  - (b) If a motion to approve an application fails, the application is automatically denied. If a motion to deny an application fails, another motion would be in order.
  - (c) A tie vote on a motion for approval of an application shall be deemed a denial of the application. A tie vote on any other motion shall be deemed to be no action, and another motion would be in order.
  - (d) If no action is taken on an application, it shall be considered tabled and action deferred to the next regular meeting of the Governing Body.
- (8) If taking action on an application, the Governing Body may:
  - (a) Either approve, approve with conditions, or deny the proposal; or,
  - (b) Allow withdrawal if so requested by the applicant (with or without imposing a six month period during which another zoning change on the property may not be considered); or,
  - (c) Table the proposal for consideration at its next scheduled meeting; or,
  - (d) Refer the application back to the Planning Commission for further consideration.
- (9) In taking action on an application the Governing Body shall not discriminate against any person in violation of law including the Fair Housing Act.

d. Referral to Planning Commission for Further Consideration.

If the Governing Body refers an application back to the Planning Commission for further study:

- (1) The Planning Department shall give public notice of the Planning Commission's hearing for further consideration in the same manner as described above, and the Planning Commission shall conduct its additional public hearing and take action as described above.

- (2) After the Planning Commission's rehearing and recommendation on the referred application, the Governing Body shall follow the same procedures set forth above to consider the application.

e. Rezoning of Areas to be annexed into the City.

An area proposed for annexation into the city shall first be considered for rezoning prior to its annexation. Consideration of the rezoning shall be subject to the same procedures, standards, and requirements for any zoning change as contained in this Section, except as modified below:

- (1) COUNTY: Where the property to be annexed does not include a request for a change in zoning district classification, the Planning Commission shall review the annexation request and make a recommendation to the City to approve or deny the annexation.
- (1) CITY: If the property to be annexed is to continue to have the some zoning district classification for which the property was zoned immediately prior to the annexation, the City requires no further action and the existing zoning on the property shall continue in full force and effect.
- (2) If the property to be annexed is proposed or requested to be rezoned, upon or following the date of notice to the County of the proposed annexation as required under O.C.G.A. § 36-36-6, the City Commission shall initiate the rezoning of the property to be annexed or consider an application for a zoning change submitted by or on behalf of the owner of such property under the provisions of this Section.
- (3) The Planning Commission and the Governing Body shall conduct their public hearing on the zoning change prior to the annexation of the land into the city. Notice of such hearing shall be provided under the provisions of this Section, provided further that the notice shall be published in a newspaper of general circulation in the county.
- (4) Following its public hearing on a zoning change for a property proposed to be annexed, the governing body may take action on the zoning change or it may table such action pending action on the proposed annexation. In any event, the zoning change shall become effective on the later of:
  - (a) The date the zoning is approved by the governing body; or,
  - (b) The date that the annexation becomes effective under O.C.G.A. § 36-36-2.
- (5) Disputes between the City and County concerning annexation shall be resolved in accordance with the O.C.G.A. §36-36-110 et seq.

#### **2.2.4 STANDARDS FOR ZONING CHANGES**

a. Zoning Map Amendments (Rezoning).

The Planning Commission and the Governing Body shall consider the following standards in considering any zoning proposal that would result in a change in the boundary of a zoning district, giving due weight or priority to those factors that are appropriate to the circumstances of each proposal:

- (1) Is the proposed use or development consistent with the stated purpose of the zoning district?
- (2) Is the proposed use suitable in view of the zoning and development of adjacent and nearby property?
- (3) Will the proposed use not adversely affect the existing use or usability of adjacent or nearby property?
- (4) Is the proposed use compatible with the purpose and intent of the Comprehensive Plan?
- (5) Are there substantial reasons why the property cannot or should not be used as currently zoned?
- (6) Will the proposed use not cause an excessive or burdensome use of public facilities or services, including but not limited to streets, schools, water or sewer utilities, and police or fire protection?
- (7) Is the proposed use supported by new or changing conditions not anticipated by the Comprehensive Plan or reflected in the existing zoning on the property or surrounding properties?
- (8) Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property?

b. Special Uses.

A special use otherwise permitted within a zoning district shall be considered to be compatible with other uses permitted in the district, provided that due consideration is given to the following objective criteria as applicable to the specific use proposed:

- (1) Is the proposed special use consistent with the stated purpose of the zoning district?
- (2) Is or will the type of street providing access to the use be adequate to serve the proposed special use?
- (3) Is or will access into and out of the property be adequate to provide for traffic and pedestrian safety, the anticipated volume of traffic flow, and access by emergency vehicles?
- (4) Are or will public facilities such as schools, water or sewer facilities, and police or fire protection be adequate to serve the special use?
- (5) Are or will refuse service, parking and loading areas on the property be located or screened to protect other properties in the area from such adverse effects as noise, light, glare, or odor?

- (6) Will the hours and manner of operation of the special use have no adverse effects on other properties in the area?
- (7) Will the height, size or location of the buildings or other structures on the property be compatible with the height, size or location of buildings or other structures on neighboring properties?

c. Change in Conditions of Approval.

Any application that proposes a change in the conditions of approval previously established by the Governing Body through action on a zoning change shall be reviewed in light of the standards set forth in this Section for a map amendment or special use, as appropriate.

### **2.2.5. WITHDRAWAL**

Any applicant wishing to withdraw a proposed zoning change prior to final action by the Governing Body shall file a written request for withdrawal with the Director of Planning.

- a. If the request for withdrawal is received prior to the publication of notice for the public hearings, the application shall be withdrawn administratively by the Director of Planning without restriction on the re-filing of a proposed zoning change on the property in the future.
- b. If notice has been published but the application has not been heard by the Planning Commission, the application shall be withdrawn administratively by the Director of Planning upon receipt of a written request. An application for zoning change on the property may then be resubmitted by the applicant, without waiting the period of six (6) months. If a second application for rezoning is withdrawn within six (6) months of withdrawal of an application for rezoning of the same property, a third application may not be resubmitted for six (6) months.
- c. Should any request for withdrawal be made by the applicant at or following the Planning Commission hearing, the application shall remain on the Governing Body's public hearing agenda and the withdrawal request shall be considered for approval or denial, with or without prejudice, by the Governing Body.

### **2.2.6. DEVELOPMENTS OF REGIONAL IMPACT**

- a. Any application for rezoning, Special Use Permit, or development or building permit that would result in an activity or project that meets or exceeds any of the State of Georgia thresholds shall be considered a Development of Regional Impact:
- b. Any Development of Regional Impact (DRI) shall be submitted by the applicant to the Coosa Valley Regional Development Center (RDC) prior to submission of the application to the Planning Department. Once the RDC has accepted the completed form, and has made an official determination that the project is a DRI (within 5 calendar days), the 30-day review period officially begins.

- c. The Governing Body shall not take final action to approve a Development of Regional Impact until either:
  - (1) A report has been received from the Coosa Valley RDC reflecting its finding and recommendations, if any; or
  - (2) Said report is not received within 30 days of submittal of the application to the RDC.

**2.2.7. EFFECT**

- a. Approval of a zoning change shall be in full force and effective upon its approval by the Governing Body, except that:
- b. Approval of a zoning change on a property that is being annexed into the city shall become effective on the latter of:
  - (1) The date the rezoning is approved by the City Commission; or,
  - (2) The date that the annexation becomes effective pursuant to the State law under O.C.G.A. §36-36-2.
- c. For a property on which a use, building, structure or other improvements existed in conformity with this Development Code prior to the effective date of a zoning change affecting the property, any such building, structure or other improvements no longer in conformance shall be governed under the provisions for Nonconforming Development in Article 1 of this Development Code.
- d. Construction of any use, building, structure, or other improvements for which a building permit has been issued in conformity with this Development Code prior to the effective date of a zoning change affecting the property may continue to completion as though no change has occurred and, upon completion, shall be governed under the provisions for Nonconforming Development in Article 1 of this Development Code, as applicable.

**2.3. LAND DEVELOPMENT PROJECT APPROVAL**

The Planning Department must first approve the site plan for development of a multi-family or nonresidential project prior to the issuance of a Development Permit or initiation of any land disturbing or construction activities.

**2.3.1. RESPONSIBILITY**

- a. The Chief Building Official is responsible for administering the review and approval process for site plans. The Chief Building Official shall forward a copy of the project approval application to appropriate City or County Departments, the Georgia Department of Transportation, or others as appropriate, for their review and comment. The Chief Building Official shall provide all comments to the applicant for resolution, who shall work with each City or County Department or other agency as necessary to resolve all issues.
- b. A professional engineer, registered land surveyor or landscape architect registered to practice in the State of Georgia may prepare the site plan.

### **2.3.2. PROCEDURE FOR PROJECT APPROVAL**

- a. An application for project approval may be processed independently or in conjunction with an application for issuance of a development permit.
- b. The property owner or their authorized representative shall submit an application for project approval to the Building Inspection Department. The application shall include:
  - (1) A properly completed application form, as furnished by the Building Inspection Department, requesting review for project approval.
  - (2) Copies of the site plan showing the entire ownership drawn to the specifications of this Section, in a number as required by the Building Inspection Department.
  - (3) Payment of all applicable application and review fees, as established by the Governing Body from time to time.
- c. The Building Inspections Department shall review the application for completeness at the time of submission. Incomplete applications will be returned to the applicant.
- d. Within 2 weeks following the receipt of the application, the Building Inspection Department shall return to the applicant, on the drawing or in writing, all comments related to compliance with this Development Code.
- e. The owner shall be responsible for compliance with all codes, regulations, and zoning requirements and for the satisfaction of all the noted and written comments.
- f. The Building Inspection Department may not approve any site plan whereon is shown a lot or situation that would clearly require a variance to order to be reasonably usable, whether due to the presence of flood plain, unusual configuration, zoning compliance, lack of public utilities, or for any reason.
- g. When the Building Inspection Department has determined that the site plan is in compliance with the requirements, purpose and intent of this Development Code, it shall be approved. The Chief Building Official or his designee shall sign and date the CERTIFICATE OF PROJECT APPROVAL stamped or printed on a reproducible copy of the site plan. One copy of the approved drawing shall be transmitted to the applicant and 1 copy shall be retained by the Building Inspection Department.
- h. The Certificate of Project Approval shall remain in effect for a period of 6 consecutive months after which time it shall become null and void and a new Certificate may be required after which time it shall become required if either no permit has been issued or a permit has been issued but no development activity has begun.

### **2.3.3. GENERAL STANDARDS**

- a. The proposed name of the development shall not duplicate or too closely approximate, phonetically, the name of any other development in the city or county. If shown to the contrary, the Building Inspection department may refuse to accept such.

- b. The site plan shall be prepared on a boundary survey of the entire tract to be subdivided or developed showing the location of the boundaries and dimensions of the tract to be developed.
- c. The site plan shall be clearly and legibly drawn at a scale of 100 feet or less to 1 inch. The recommended maximum dimensions of the sheet size is 36 inches by 48 inches and the minimum dimensions of 17 inches by 22 inches; however, the Chief Building Official may approve other sheet sizes and scales as appropriate.
- d. For property of over 1,000 acres, a smaller scale may be used where, in judgment of the Chief Building Official, presentation of detailed data is not necessary to evaluate the entire project. It is the intent of this provision that in all cases sufficient information shall be provided for an adequate evaluation of the public and private improvements.

#### **2.3.4. SITE PLAN REQUIREMENTS**

- a. Proposed name of development.
- b. Name and address of the property owner and developer.
- c. Name, address, and telephone number of the applicant.
- d. Date of survey, north point and graphic scale, source of datum, date of plan drawing, and revision dates, as appropriate.
- e. Proposed use of the property.
- f. Location (Land District and Land Lot) and size of the property in acres (or in square feet if less than an acre).
- g. Location sketch of the property in relation to the surrounding area with regard to well-known landmarks such as arterial streets, railroads, or others. Sketches may be drawn in freehand and at a scale sufficient to show clearly the information required, not less than 1 inch equal to 2,000 feet. U.S. Geological Survey maps may be used as a reference guide for the location sketch.
- h. Zoning district classification of the subject property and all adjacent properties, and zoning district boundaries as appropriate.
- i. Delineation of required buffers, landscape areas, tree protection areas, and river corridor buffers, as applicable.
- j. Rezoning or conditional use application number, date of approval, and conditions of approval, as applicable. Variances obtained on the property by application number, date of approval, and conditions of approval, as applicable.
- k. Recorded deed names of adjoining property owners.

- l. Natural features within, affecting or affected by the property, including wetlands, drainage channels, bodies of water, wooded areas and other significant natural features such as rock outcroppings. On all watercourses entering or leaving the property, the direction of flow shall be indicated. The 100-year flood plain and wetlands, if any shall be outlined. The location of the site within a protected groundwater recharge area shall be noted if applicable.
- m. Man-made features within and adjacent to the property, including street right-of-way and pavement widths, names of existing streets, all easements, city and county political boundary lines, and other significant information such as location and dimensions of bridges, utility lines, existing buildings to remain, and other features.
- n. The proposed project layout including:
  - (1) For multi-family and nonresidential development site plans, the outline and location of all buildings, and the location of all minimum building setback lines, outdoor storage areas, buffers, parking areas, driveways, curb cuts, and designated fire lanes.
- o. The proposed phasing of the development if it is proposed to be built in sections.
- p. A statement as to the source of domestic water supply.
- q. A statement as to the provision for sanitary sewage disposal. For those properties that will not be served by a public sanitary sewerage system, written approval by the Floyd County Health Department shall be submitted.
- r. The approximate location of proposed storm water detention facilities.
- s. Such additional information as may be reasonably required to permit an adequate evaluation of the development activity proposed in the application.

**2.3.5. EVIDENCE OF PROJECT APPROVAL**

Each site plan shall carry the following certificates printed or stamped on the plat.

- a. Signed approval from the County Health Department (if septic tanks will be allowed by the Governing Body).
- b. Certificate of Project Approval, to read as follows:

<p><b>CERTIFICATE OF PROJECT APPROVAL</b></p> <p>All applicable requirements of the Rome-Floyd County Unified Land Development Code relative to the project approval having been fulfilled, approval is hereby granted by the Rome-Floyd County Building Inspection Department, subject to further compliance with all provisions of said Development Code.</p> <p>_____</p> <p>Chief Building Inspector</p> <p>Date _____</p> <p>This "Certificate of Project Approval" shall expire 6 months from the date of approval if a Development Permit has been issued but development activity has not been commenced.</p>
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## **2.4. DEVELOPMENT PLANS**

### **2.4.1. GENERAL REQUIREMENTS**

- a. Persons seeking to undertake development activity shall not commence or proceed until development plans are approved and the Chief Building Inspector issues a Development Permit. The process for approval of a development permit is presented in Section 2.5 below.
- b. The development plans for a project shall conform in all respects with the requirements of this Development Code, and shall contain each of the plans in this Section as appropriate to the project, including:
  - (1) Erosion and Sediment Control Plan
  - (2) Grading Plan
  - (3) Storm water Management Plan
  - (4) Street Improvement Plan
  - (5) Buffer/Landscaping/Tree Conservation Plan
  - (6) Public Utility Plan
- c. All development plans and supporting studies shall be prepared by or under the supervision of a professional engineer registered in Georgia.

### **2.4.2. EROSION AND SEDIMENT CONTROL PLAN**

- a. Plans must be prepared to meet the erosion and sedimentation control requirements of Section 6 of this Development Code or through the use of more stringent, alternate design criteria which conform to sound conservation and engineering practices. Conformance with the minimum requirements may be attained through the use of design criteria in the current issue of the Manual for Erosion and Sediment Control in Georgia; or through the use of alternate design criteria that conform to sound conservation and engineering practices. The erosion and sediment control plan shall consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed water ways, sediment control and storm water management facilities, local ordinances and State laws.
- b. Data Required for Erosion and Sediment Control Plan:
  - (1) Narrative or notes, and other information: Notes for narrative to be located on the site plan in general notes or in erosion and sediment control notes.
  - (2) Description of existing land use at project site and description of proposed project.
  - (3) Name, address, and phone number of the property owner and the developer.

- (4) Name and phone number of 24-hour local contact who is responsible for erosion and sediment controls.
  - (5) Size of project, or phase under construction, in acres.
  - (6) Activity schedule showing anticipated starting and completion dates for the project. Include the statement in bold letters that “the installation of erosion and sediment control measures shall occur prior to or concurrent with land-disturbing activities.”
  - (7) Storm water and sedimentation management systems storage capacity, hydrologic study, and calculations, including off-site drainage areas.
  - (8) Vegetative plan for all temporary and permanent vegetative practices, including species, planting dates, and seeding, fertilizer, lime and mulching rates. The vegetative plan should show options for year round seeding.
  - (9) Detail drawings for all structural practices. Specifications may follow guidelines set forth in the Manual for Erosion and Sediment Control in Georgia.
  - (10) Maintenance statement: “Erosion and sediment control measures will be maintained at all times. Additional erosion and sediment control measures will be installed if deemed necessary by on-site inspection.”
- c. Maps, drawings and supportive computations shall bear the signature/seal of a registered or certified professional in engineering, architecture, landscape architecture, land surveying or erosion and sediment control. The certified plans shall contain:

- (1) Graphic scale and north point or arrow indicating magnetic north.
- (2) Vicinity map showing location of project and existing streets.
- (3) Boundary line survey.
- (4) Delineation of disturbed areas within project boundary.
- (5) Existing and planned contours, with contour lines drawn with an interval in accordance with the following:

Map Scale	Ground Slope	Contour Interval
1 inch = 50 ft. or larger scale	Flat 0-2%	Every 2 feet
	Rolling 2-8%	Every 5 feet
	Steep 8% +	Every 10 feet

- (6) Spot Elevations:
  - (a) For sites smaller than 1 acre in size, show the direction of drainage and spot elevations at all breaks in grade and along drainage channels or swales at selected points not more than 100 feet apart.

- (b) For sites of 1 acre and larger with slopes of less than 2 percent, show contours at intervals or not more than 2 feet and spot elevations at all breaks in grade along drainage channels and swales at selected points not more than 100 feet apart.
- (7) Adjacent areas and features such as streams, lakes, residential areas, etc. which might be affected should be indicated on the plan.
- (8) The limits of the 100-year flood plain and the flood way.
- (9) Proposed structures or additions to existing structures and paved areas.
- (10) The limits of any required greenway adjacent to state waters.
- (11) Delineated 100-foot horizontal greenway along designated trout streams, where applicable.
- (12) Location of erosion and sediment control measures using coding symbols from the Manual for Erosion and Sediment Control in Georgia.
- d. Maintenance of all soil erosion and sediment control measures, whether temporary or permanent, shall be at all times the responsibility of the property owner.

#### **2.4.3. GRADING PLAN**

- a. Grading plans shall identify existing and proposed topographic contour lines at the interval required for erosion and sediment control plans, above.
- b. Grading plans shall outline any area that is required to remain undisturbed, such as a natural buffer (see “buffers” and Article 6) or greenway (see “greenways” under Article 6) and shall identify and describe the protective fencing or staking to be placed surrounding such area.
- c. If the property contains any area of special flood hazard (the 100-year flood plain), grading plans in and around the flood plain shall be designed in conformance to all requirements relating to Flood Damage Prevention under Article 6 of this Development Code.

#### **2.4.4. BUFFER PLAN**

A buffer plan shall be prepared for any structural buffer required in accordance with the specifications and standards contained in Article 6 of this Development Code. Plans shall not be required for natural buffers, which are to be shown on the grading plan. The plan shall show:

- a. All grading and construction details for earthen berms, walls and fences that are proposed as part of the visual screen.
- b. A planting plan showing the location and type of proposed plant materials.

- c. Typical cross-sections of the buffer illustrating the improvements proposed and typical location of vegetation. At least one cross-section shall be provided for each.

## **2.5. DEVELOPMENT PERMIT**

### **2.5.1. RESPONSIBILITY**

- a. No person shall conduct any pre-construction, land-disturbing and/or development activity involving more than 0.4 acres without first obtaining a development permit from the Chief Building Official to perform such activity, unless exempted under other sections of this code. **(See Article 6.13.)**
- b. Any person proposing development shall first submit to the Building Inspection Department an application for a Development Permit, including all civil design and construction drawings required by this Development Code.
- c. The Building Inspection Department is responsible for administering and coordinating the review process for issuance of development permits. The Building Inspection Department shall forward a copy of the Development Permit application, including the civil design and constructions drawings for the project, to the Planning Department, Public Works Department and other departments, the Soil and Water Conservation District, the Georgia Department of Transportation or others as appropriate, for their review and comment. The Building Inspection Department shall provide all comments to the applicant for resolution, and shall issue the Development Permit when all requirements of this Development Code are met.
- d. Approval of plans by the City or County shall not imply or transfer acceptance of responsibility for the application of the principles of engineering, architecture, landscape architecture or any other profession, from the professional, corporation or individual under whose hand or supervision the plans were prepared.
- e. The completion of inspections and authorization for work continuation shall not transfer responsibility for the quality of the work performed or materials used from the owner, nor imply or transfer acceptance of responsibility for project design or engineering from the professional, corporation or individual under whose hand or supervision the plans were prepared.
- f. No development permit shall be interpreted to relieve any owner of the responsibility of maintaining full compliance with all applicable codes, ordinances, and other regulations. Any development permit issued in error or in contradiction to the provisions of this Development Code shall be considered to have been null and void upon its issuance.
- g. Liability
  - (1) The approval of an erosion and sediment control plan or other plans under the provisions of this Development Code, the issuance of a development permit, or the compliance with any other provisions of this Development Code shall not relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor any liability upon the Governing Body or the Coosa River Soil and Water Conservation Commission for damage to any person or property.

- (2) The fact that any activity for which a development permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this Development Code or of the terms of the Development Permit.

### **2.5.2. DEVELOPMENT ACTIVITIES AUTHORIZED**

A development permit shall be issued to authorize all activities associated with development activity regulated by this Code, including, but not limited to, clearing and grubbing, grading and the construction of such improvements as streets, surface parking areas and drives, storm water drainage facilities, sidewalks, or other structures permanently placed on or in the property except for buildings, signs, or other structures requiring the issuance of a building permit.

### **2.5.3. PROCESS FOR APPROVAL OF DEVELOPMENT PERMIT**

An application for a development permit may proceed simultaneously with an application for site plan approval, but may not be issued prior to project approval of such plan by the Building Inspection Department.

- a. The application for a Development Permit shall be submitted to the Building Inspection Department and must include the following:
  - (1) Application for a development permit shall be submitted to the Building Inspection Department, requesting review for issuance of a Development Permit.
  - (2) Six copies of:
    - (a) The civil design and construction drawing prepared in conformance with the specifications and standards in this Development Code.
    - (b) Site plan requesting or reflecting project approval by the Building Inspection Department.
  - (3) Payment of any Development Permit fee, as established from time to time by the Governing Body.
- b. The application will be checked for completeness within 5 business days of its submission. Incomplete applications will be returned to the applicant.
- c. Upon receipt of a complete Development Permit application, the Building Inspection Department shall refer the soil erosion and sediment control plan to the Coosa River Soil & Water Conservation District for its review and approval or disapproval concerning the adequacy of the erosion and sediment control plan. No Development Permit will be issued unless the plan has been approved by the District, and any variances and bonding, if required, have been obtained.
- d. The applicant may be required by the Building Inspection Department to secure development approval from other agencies if they are affected by the development. Development approval may be required from but not limited to:

- (1) The Planning Department
  - (2) The Public Works Department
  - (3) The Public Utilities Department
  - (4) Fire Department
  - (5) County Health Department
  - (6) Coosa River Soil and Water Conservation Commission District
  - (7) Georgia Department of Transportation
  - (8) Georgia Department of Natural Resources
  - (9) U.S. Army Corps of Engineers
  - (10) U.S. Environmental Protection Agency
- e. Upon receipt of comments from other departments, the Building Inspection Department shall forward all comments related to compliance with this Development Code, conditions of zoning approval, and other regulations or ordinances, as appropriate.
  - f. The applicant shall be responsible for compliance with all codes, regulations and zoning requirements and for the satisfaction of all of the comments received from the various departments and agencies.

**2.5.4. REQUIRED PERFORMANCE SURETY.**

- a. If the applicant has had two or more violations of previous development permits, the Development Code or the Georgia Erosion and Sedimentation Act, as amended, within three years prior to the date of filing of the application under consideration, the Chief Building Official shall refer the Development Permit to the Governing Body.
  - (1) The Governing Body may deny the Development Permit application; or,
  - (2) The Governing Body may require the applicant to post a performance bond in the form of government security, cash, irrevocable letter of credit or any combination thereof up to, but not exceeding, \$3,000.00 per acre (or fraction thereof) of the proposed land-disturbing activity, prior to issuing the Development Permit. If the applicant does not comply with this Development Code or with the conditions of the Development Permit after issuance, the Governing Body may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land disturbing activity and bring it into compliance.

**2.5.5. ISSUANCE OF DEVELOPMENT PERMIT**

- a. Following satisfaction of all comments, receipt of approvals from all affected agencies and receipt of all bonds, the Chief Building Inspector shall issue a Development Permit authorizing development activities to begin based on the approved civil design and construction drawings.
- b. No Development Permit shall be issued unless the erosion and sediment control plan has been approved by the Coosa River Soil and Water Conservation District and has been affirmatively determined that the plan is in compliance with all requirements of this Development Code. If the Development Permit is denied, the reason for denial shall be furnished to the applicant. **(See Article 6.13.)**
- c. If the tract is to be developed in separate and distinct phases, then a separate Development Permit may be required for each phase. **(See Article 6.13.)**
- d. The Development Permit may be suspended, revoked, or modified as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in title is not in compliance with the approved erosion and sediment control plan or that the holder or his successor in title is in violation of this Development Code. A holder of a Development Permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the Development Permit. **(See Article 6.13.)**

#### **2.5.6. EXPIRATION OF DEVELOPMENT PERMIT**

- a. A Development Permit shall expire if the development activity described in the permit is not begun within 6 months from the date of issuance.
- b. The Chief Building Inspector may renew any development permit that has expired with the concurrence of the respective Public Works Department, within 6 months of expiration. If a Development Permit has expired for more than 6 months, the applicant shall be required to apply for a new Development Permit under the Development Permit approval process of this Development Code.

## **2.6. FLOOD AREA PERMIT**

### **2.6.1. PERMIT REQUIRED**

If development or construction is proposed within or affecting an area of special flood hazard, approval of a flood area permit application shall be required. An application for a flood area permit may be included with and reviewed as part of a Development Permit application.

### **2.6.2. APPLICATION PROCESS FOR A FLOOD AREA PERMIT**

- a. Application for a flood area permit shall be made to the Building Inspection Department on forms furnished by them prior to any development activities.
- b. The application for a flood area permit is to include the following:

- (1) Plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question.
  - (2) Location of existing or proposed structures, fill, storage or materials and drainage materials.
  - (3) Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings.
  - (4) Elevation in relation to mean sea level to which any nonresidential building will be flood-proofed.
  - (5) Certificate from a registered professional engineer or architect that any nonresidential flood-proofed building will meet the flood-proofing criteria in Article 6 of this Development Code.
  - (6) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
- c. An application for a flood area permit shall be processed in the same manner as a Development Permit.

## **2.7. DRIVEWAY APPROVAL**

- a. No curb shall be changed or removed, and no driveway connected to a public street, or on, or across a public right-of-way, or public property shall be repaired or installed without first having the written approval of the Public Works Department.
- b. Applications may be made at the Public Works Department.
- c. Approval shall expire for work not started within 90 days or completed within 6 months of the date of approval.

## **2.8. BUILDING PERMITTING**

### **2.8.1. APPROVAL OF TECHNICAL CODES AND SUPPLEMENTS FOR ENFORCEMENT**

The building codes adopted and enforced by the City of Rome and Floyd County shall include those mandated by the State of Georgia; and may include those approved by the State. Building Codes may be revised from time to time as mandated or approved by the State.

### **2.8.2. PROCEDURES TO OBTAIN A BUILDING PERMIT**

A building permit issued by the Chief Building Official is required in advance of the initiation of construction, erection, moving or alteration of any building or structure unless such construction, erection, moving or alteration is exempted from permitting requirements by the Building codes that have been adopted and are enforced by the City of Rome and Floyd County. No building permit shall be issued and no building shall be erected on any lot in the city or county unless access has been established in accordance

with this Development Code. No building permits shall be issued before approval of the final plat. All structures shall comply with the requirements of this Development Code, whether or not a building permit is required.

a. Procedure for approval.

The Chief Building Official shall be responsible for administering and enforcing the Building Codes of the City and County.

- (1) Prior to issuance of a building permit the owner shall have received a Development Permit if required by this Development Code.
- (2) Zoning verification shall be obtained from the Planning Department. The following shall be attached to the Zoning Verification Application:
  - (a) For a single-family detached or two-family dwelling, a plat of the lot showing the outline of the principal building and minimum building setback lines for the lot or an affidavit signed by the owner and stating that the site complies with the provisions of this Code concerning the placement of the dwelling
  - (b) For multi-family or nonresidential building, the site plan upon which was granted project approval by the Planning Commission.
  - (c) A street address number assigned by the appropriate local government department as required by 43-4-14 Official Code of Georgia Annotated.
- (3) Application for a building permit shall be made to the Chief Building Official. The application shall include.
  - (a) Application on the form furnished by the Chief Building Official, requesting issuance of a building permit.
  - (b) A copy of the zoning verification approved by the Planning Department.
  - (c) Two sets of building plans for principal multi-family or non-residential buildings prepared in conformance with this Development Code and the applicable building codes. Plans shall be prepared by or under the supervision of, or reviewed and approved by, an architect registered in Georgia, who shall sign and seal each sheet in the original set of drawings.
  - (d) The Governing Body has allowed County Health Department approval if an on-site sewage disposal system.
  - (e) Payment of the building permit application and review fee.
  - (f) Water meter receipt issued by the appropriate local department.
  - (g) For applications to move a site-built house, structure or building, the following additional information is required:

- 1) The name of the person performing the moving;
  - 2) The origin and destination of the moving;
  - 3) The names of the owners of the property from which the structure is removed and of the property to which it is moved;
  - 4) A detailed outline of the route to be followed and the equipment to be used;  
and
  - 5) An estimate of the time involved, including time of the day when said operation shall be conducted.
  - 6) Any application for a permit must be made at least 48 hours prior to the proposed moving.
  - 7) In addition to a fee charged for permits, the mover of any site-built house, building or structure shall deposit with the Chief Building Official \$400.00 for each structure, to be returned to the mover within 5 days after such moving if no damage is done to public property.
  - 8) The Chief of Police shall furnish a police escort if he deems it necessary.
- (4) The Chief Building Official will check the application for completeness at the time of submission. Incomplete applications will be returned to the applicant.
  - (5) For multi-family and non-residential buildings, within 2 weeks following receipt of a complete application, the Building Official shall indicate on 1 copy of the building plans or in writing all comments related to compliance of the building plans with this Development Code, applicable building codes, and any conditions of zoning approval.
  - (6) The owner shall be responsible for compliance with this Development Code and all building code requirements, regulations, and for the satisfaction of all of the comments of the Building Official.
  - (7) At such time as the owner has addressed the comments to the satisfaction of the Building Official and the State Fire Marshall, a building permit shall be issued for the structure.
  - (8) Plumbing, electrical and mechanical permits shall be issued separately by the Building Official or separately identified on the building permit. Such permits must be issued prior to commencement of work by each affected trade.
- b. Standards for approval.
- (1) Building permits shall be issued only on buildable lots of record, as defined in this Development Code.

- (2) Building permits shall be issued in conformance with the adopted technical codes and supplements that constitute the Building Code and with this Development Code.

### **2.8.3. CERTIFICATE OF OCCUPANCY**

- a. It shall be unlawful to use or occupy or permit the use of any building, or structure, or premises, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure, until a certificate of occupancy shall have been issued stating that the building or structure or premises conforms to the requirements of the building codes and this Development Code.
- b. If the property is served by an on-site sewage disposal system, the Certificate of Occupancy shall not be issued by the Chief Building Official until the Health Department has approved a septic tank and in return notifies the Chief Building Official that the system installed meets the County Health Department's standards.
- c. A temporary certificate of occupancy may be issued for a period not to exceed 6 months during alterations or partial occupancy of a building or structure pending its completion, provided that such temporary conditions and safeguards as will protect the safety of the occupants and the public are in place.
- d. A certificate of occupancy shall be required for any of the following:
  - (1) Occupancy and use of a building or structure constructed or enlarged.
  - (2) Change in use of existing buildings to uses of a different classification.
  - (3) Any change in use of a nonconforming use, lot or structure.
  - (4) Permanent electric power may not be supplied to any structure until a Certificate of Occupancy has been issued. Electrical service shall be supplied by a temporary meter pack to be installed on the permanent meter socket until all phases of inspections have been satisfactorily completed.
- e. A record of all certificates of occupancy shall be maintained by the Building Inspection Department and a copy shall be furnished upon request to any person.

## **2.9 BUILDING CONSTRUCTION**

### **2.9.1. BUILDING PERMIT REQUIRED**

- a. Building permits for all structures or interior finishes are issued after meeting the applicable requirements of the fire prevention and life safety code and the various health and building codes. A permit is also required for the movement of any site-built house, structure or building.
- b. For any structure served by an on-site sewage disposal system, a permit issued by the Floyd County Health Department shall be required prior to issuance of a Building permit. Said permit may first require approval by the Floyd County Health Department of a plan

showing the location of the sewage disposal system and other on-site improvements, in accordance with their regulations.

- c. Building permits shall only be issued on lots of record, as defined in this Development Code.

### **2.9.2. BUILDING INSPECTION**

- a. Inspections shall be scheduled with the Chief Building Inspector at least 24 hours before the inspection is needed for all foundations and footings, and 48 hours prior to all other inspections. Requests for inspection should include the street address, lot number, building permit number, and type of inspection.

- b. Required Inspections:

- (1) Foundation. Verify minimum required building and setbacks, footing, trenches dug and reinforcing steel in place.

- (2) Plumbing Connections. Water supply line and sewer lateral in slab foundation.

- (3) Framing. Completion of all rough-ins and insulation is installed.

- (4) Interior walls may not be covered until the following inspections are completed:

- (a) Mechanical. Rough-ins complete with pressure test on gas line.

- (b) Electrical. Rough-ins with neutral, ground, and service cable wired are completed.

- (c) Plumbing. Rough-ins complete and all fixtures installed.

- (d) Other inspections are completed as required by the Building Inspection Department as necessary to ensure compliance with all applicable codes.

- (5) Final Inspection. Building is complete and ready to occupy.

### **2.9.3. CONSTRUCTION IN FLOOD AREA**

Construction of a building for which a flood area permit was issued shall be governed by the following:

- a. Upon placement of the lowest floor, or flood proofing by whatever construction means, or upon placement of the horizontal structural members of the lowest floor, whichever is applicable, it shall be the duty of the Development Permit holder to submit to the Chief Building Inspector a certification of the elevation of the lowest floor, flood proofed elevation, or the elevation of the lowest portion of the horizontal structural members of the lowest floor, whichever is applicable, as built, in relation to mean sea level.

- b. Certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by such registered land surveyor or professional engineer. When flood proofing is utilized for a particular building, the

certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by the professional engineer or architect.

- c. Any work undertaken prior to submission of the certification shall be at the Development Permit holder's risk.
- d. The Chief Building Inspector shall review the floor elevation survey data submitted. The Development Permit holder immediately and prior to further progressive work being permitted to proceed shall correct deficiencies detected by such review. Failure to submit the survey or failure to make the corrections shall be cause to issue a stop-work order for the project.

## **2.10. TEXT AMENDMENTS**

The Rome-Floyd County Development Code may be amended from time to time in whole or in part under the provisions of this section. For an amendment having application in both the city and the county to become effective, the Governing Bodies of both the City and County must approve it. For an amendment having on its face application only in the city to become effective, the Governing Body of the City only must approve it. For an amendment having on its face application only in the county to become effective, the Governing Body of the County only must approve it.

### **2.10.1. INITIATION**

A Governing Body or the Planning Commission may initiate a proposed change to the text of the Rome-Floyd County Development Code by a majority vote of those voting.

### **2.10.2. TEXT AMENDMENT PROCESS**

Before the Governing Bodies may take final action on a proposed text amendment, the Planning Commission shall hold a public hearing on the proposal.

- a. Public Notice.

The public shall be notified of any proposed text amendments in the following manner.

- (1) At least 15 days, but not more than 45 days prior to the public hearing, notice shall be given in a newspaper of general circulation within the county. The Planning Department shall prepare such notice, which shall state the time, place, and purpose of the hearing.
- (2) For overlay district text amendments, the Planning Department shall give notice to each property owner, as such names and addresses appear on the County's ad valorem tax records, whose property lies within the boundaries of such overlay district. The notice shall be mailed at least 5 days prior to the hearing and shall state the nature of the proposed amendment; and the time and place of the hearing.

- b. Planning Commission Public Hearing.

The public hearing held by the Planning Commission for a text amendment shall be conducted in the following manner:

- (1) The Chairperson, the Vice-Chairperson, or the Planning Commission's designee, who shall act as the Presiding Official, shall convene the public hearing at the scheduled time and place.
- (2) The Presiding Official shall call for each proposed text amendment to be presented to the Planning Commission.
- (3) No person in attendance shall speak unless first formally recognized by the Presiding Official. Upon rising to speak each person shall state his or her name and home address. The Presiding Official may place reasonable limits on the number of persons who may speak for or against a proposal, on the time allowed for each speaker, and on the total time allowed for presentation of the proposed text amendment. No less than 10 minutes shall be provided for all those speaking in support of a text amendment and no less than 10 minutes shall be provided for all those speaking against, unless such proponents or opponents take less time than the minimum allowed. Each side shall be afforded an equal minimum time period for presentation of data, evidence, and opinion.
- (4) Following the public hearing on each text amendment, the Planning Commission at that time shall make its recommendation or take such other action as may be appropriate.
  - (a) A motion to recommend approval that receives an affirmative vote from a majority of the voting members present will be forwarded to the Governing Body as a recommendation for approval. A motion to recommend approval that receives a negative vote from a majority of the voting members present will be forwarded as a recommendation for denial, unless another motion receives a majority vote to approve.
  - (b) A motion to recommend denial that receives an affirmative vote from a majority of the voting members present will be forwarded to the Governing Body as a recommendation for denial. A motion to recommend denial that receives a negative vote from a majority of the voting members present will be forwarded as a recommendation for approval, unless another motion receives a majority vote to deny.
  - (c) A tie vote on a motion will be forwarded to the Governing Body as no recommendation with the actual vote transmitted.
  - (d) If no action is taken on an amendment, it will go forward to the Governing Body with no recommendation.
  - (e) A motion to postpone that receives an affirmative vote from a majority of the voting members present will result in action of the text amendment being deferred for a period of time as specified by the members of the Planning Commission. However, where the governing body has initiated a text amendment, the planning commission shall act on the text amendment by the date specified by the governing body. At the discretion of the chair, a postponed text amendment request may be considered at a specially called meeting.

c. Governing Body Public Hearing.

- (1) Each Governing Body shall conduct a public hearing to consider a text amendment at no later than its second scheduled meeting following the public hearing of the Planning Commission, except that no public hearing or vote shall be conducted by the County where the proposed amendment has on its face application only in the city, and no public hearing or vote shall be conducted by the City where the proposed amendment has on its face application only in the county.
- (2) The Chairperson of each Governing Body or another person designated by the Governing Body shall act as Presiding Official.
- (3) The Presiding Official shall submit each proposed amendment to the Governing Body. The Presiding Official shall read the recommendation of the Planning Department and shall present such other documentation, as he may deem pertinent.
- (4) No person in attendance shall speak unless first formally recognized by the Presiding Official. Upon rising to speak each person recognized shall state his or her name and home address. The Presiding Official may place reasonable limits on the number of persons who may speak for or against a proposal, on the time allowed for each speaker, and on the total time allowed for presentation of the proposed text amendment. No less than 10 minutes shall be provided for all those speaking in support of a text amendment and no less than 10 minutes shall be provided for all those speaking against, unless such proponents or opponents take less time than the minimum allowed. Each side shall be afforded an equal minimum time period for presentation of data, evidence, and opinion.
- (5) During the public hearing, the members of the Governing Body may ask questions at any time. Time devoted to questions and answers will not be counted against any time limitations that have been imposed on presentations.
- (6) Following the public hearing on the text amendment (or at the second reading), action shall be considered by vote of the Governing Body.
  - (a) A motion to approve or deny an amendment must be approved by an affirmative vote of at least a quorum of the members in order for the motion to be approved.
  - (b) If a motion to approve an amendment fails, the amendment is automatically denied. If a motion to deny an amendment fails, another motion would be in order.
  - (c) A tie vote on a motion for approval of an amendment shall be deemed a denial of the amendment. A tie vote on any other motion shall be deemed to be no action, and another motion would be in order.
  - (d) If no action is taken on an amendment, it shall be considered tabled and action deferred to the next regular meeting of the Governing Body.
- (7) In taking action on an amendment, each Governing Body may:

- (a) Approve, approve with changes, or deny the proposal; or
  - (b) Table the proposal for consideration at its next scheduled meeting; or,
  - (c) Refer the amendment back to the Planning Commission for further consideration.
- d. Referral to Planning Commission for Further Consideration.

If the Governing Body refers an amendment back to the Planning Commission for further study:

- (1) The Planning Department shall give public notice of the Planning Commission's hearing for further consideration in the same manner as described above, and the Planning Commission shall conduct its additional public hearing and take action as described above.
- (2) After the Planning Commission's rehearing and recommendation on the referred amendment, the Governing Body shall follow the same procedure set forth above to consider the amendment.

### **2.10.3. STANDARDS FOR TEXT AMENDMENTS**

The Planning Commission and each Governing Body shall consider the following standards in considering any proposal that would result in a change to the text of this Development Code, giving due weight or priority to those factors that are appropriate to the circumstances of each proposal:

- a. Is the proposed amendment consistent with the purpose and intent of this Development Code as stated under Article 1?
- b. Does the proposed amendment further, or is it compatible with the purpose and intent of the Comprehensive Plan?
- c. Is the proposed amendment required to adequately address new or changing conditions or to properly implement the Comprehensive Plan?
- d. Does the proposed amendment reasonably promote the public health, safety, morality, or general welfare?

### **2.10.4. EFFECT**

- a. Approval of a text amendment having application in both the city and the county shall be in full force and effect upon its approval by the Governing Bodies of both the City and the County or upon the stated effective date thereof, and shall thereupon apply to every property for which a use has not been established or for which a building permit or development permit may be subsequently requested. Approval of a text amendment having on its face application only in the city shall be in full force and effect upon its approval by the Governing Body of the City, or upon the stated effective date thereof and shall thereupon apply to every property in the city for which a use has not been

established or for which a building permit or development permit may be subsequently requested. Approval of a text amendment having on its face application only in the county shall be in full force and effect upon its approval by the Governing Body of the County, or upon the stated effective date thereof and shall thereupon apply to every property in the county for which a use has not been established or for which a building permit or development permit may be subsequently requested.

- b. For a property on which a use, building, structure, or other improvements existed in conformity with this Development Code prior to the effective date of a text amendment affecting the property, any such use, building, structure or other improvements no longer in conformance shall be governed under the provisions for nonconformities in Article 1 of this Development Code.
- c. Construction of any use, building, structure, or other improvements for which a building permit has been issued in conformity with this Development Code prior to the effective date of a text amendment may continue to completion as though no change had occurred and, upon completion, shall be governed under the provisions for nonconformities in Article 1 of this Development Code, as applicable.

## **2.11. APPEALS**

### **2.11.1. TYPES OF APPEALS**

Persons may appeal to the Board of Adjustment for relief under the following circumstances:

- a. When aggrieved by an action or an interpretation of an administrative official made under this Development Code.
- b. When an exception is desired for a particular property from a certain requirement of this Development Code, as specified in this Section.
- c. When compliance with the requirements of this Development Code would create a particular and unique hardship.
- d. When the requirements for flood protection affect an historic structure.

### **2.11.2. INITIATION**

- a. All requests for relief shall be taken as an appeal to the Board of Adjustment, as provided in this Section.
- b. If denied, an application for a hardship variance or special exception affecting the same property shall not be considered for a period of 12 months from the date of denial; provided, however, that the Board of Adjustment may reduce the waiting period under extenuating circumstances or on its own motion.

### **2.11.3. APPEALS OF AN ADMINISTRATIVE DECISION**

- a. Appeals of an administrative decision to the Board of Adjustment may be initiated by any person aggrieved, or by an officer or department head of the City or County. Such appeal shall be initiated within 15 days of the action, or decision appealed from, by filing with the Chief Building Official a notice of said appeal specifying the grounds thereof.
- b. The holder of or applicant for a Development Permit or a building permit may appeal any of the following actions taken by an administrative official:
  - (1) The suspension, revocation, modification or grant with condition of a Development Permit by the Chief Building Official upon finding that the holder is not in compliance with the approved erosion and sediment control plan or other approved plans.
  - (2) The determination by the Chief Building Official that the holder is in violation of Development Permit or building permit conditions.
  - (3) The determination by the Chief Building Official that the holder is in violation of any other provision of this Development Code.

c. Interpretations.

The Board of Adjustment, upon appeal of an aggrieved party or at the request of the Chief Building Official shall:

- (1) Interpret the use of words or phrases within the context of the intent of this Development Code as pertinent to their jurisdiction.
  - (2) Determine the boundaries of the various zoning districts where uncertainty exists.
  - (3) Decide appeals from any order, determination, decision or other interpretation by the Chief Building Official or other person acting under authority of this Development Code, where a misinterpretation or misapplication of the requirements or other provisions of this Development Code are alleged.
  - (4) Interpret such other provisions of this Development Code as may require clarification or extension in specific or general cases.
- d. An appeal of an administrative decision stays all legal proceedings in furtherance of the action appealed from, unless the officer or department head from whom the appeal is made certifies to the Board of Adjustment, after the notice of appeal shall have been filed, that by reason of facts stated in the certificate a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which must be granted by a court of competent jurisdiction.
  - e. A decision of the Board of Adjustment shall be final unless the aggrieved party requests an appeal before and/or adjudication by the City or County Attorney in an effort to resolve appeals, prior to going to court. Only a court of competent jurisdiction may hear such appeals.

#### **2.11.4. SPECIAL EXCEPTIONS**

a. General limitations on relief.

Special exceptions shall be limited to relief from the following requirements of this Development Code:

- (1) Minimum building setbacks.
- (2) Maximum building height.
- (3) Minimum lot width.
- (4) Public street frontage.
- (5) Buffers and screening.
- (6) Signage, in accordance with a uniform sign plan.
- (7) Parking requirements.

b. Standards for approval.

A special exception may be granted upon a finding that the relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the Development Code.

- c. If denied, an application for a special exception affecting the same property shall not be reconsidered for a period of 12 months from the date of denial; provided, however, that the Board of Adjustment may reduce the waiting period under extenuating circumstances or on its own motion.
- d. In no case shall a special exception be granted from the conditions of approval imposed on a property through a zoning change granted by the Governing Body.

#### **2.11.5. HARDSHIP VARIANCES**

a. General.

- (1) Relief from the application of the provisions of this Development Code may be granted by the Board of Adjustment upon a finding that compliance with such provision will result in a hardship to the property or owner that is substantially unwarranted by the protection of the public health, safety, or general welfare, and the need for consistency among all properties similarly zoned.
- (2) Such relief may be granted only to the extent necessary to alleviate such unnecessary hardship and not as a convenience to the applicant nor to gain any advantage or interest over similarly zoned properties.

b. Standards for approval.

A hardship variance may be granted in whole or in part, or with conditions, in such individual case of unnecessary hardship upon a finding by the Board of Adjustment that:

- (1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography; or,
  - (2) The application of the Development Code to this particular property would create an unnecessary hardship; or,
  - (3) There are conditions that are peculiar to the property which adversely affect its reasonable use or usability as currently zoned.
- c. If denied, an appeal for a hardship variance affecting the same property shall not be reconsidered for a period of 12 months from the date of denial; provided, however, that the Board of Appeals and Adjustments may reduce the waiting period under extenuating circumstances or on its own motion.
- d. In no case shall a hardship variance be granted for any of the following:
- (1) A condition created by the applicant, including the result of an unwise investment decision or real estate transaction.
  - (2) A change in the conditions of approval imposed through a zoning change granted by the Governing Body.
  - (3) Reduction of a minimum lot size required by a zoning district.
  - (4) A use of land or building or structures that is not permitted by the zoning district that is applicable to the property.
  - (5) Any increase in the number of dwelling units or nonresidential building floor area otherwise permitted by the zoning district that is applicable to the property.

#### **2.11.6. FLOOD PROTECTION VARIANCES**

- a. Flood protection variances may be approved for the reconstruction, rehabilitation, or restoration of a building listed on the National Register of Historic Places or the State Inventory of Historic Places provided that the proposed reconstruction, rehabilitation, or restoration will not result in the building losing its historical designation.
- b. In passing a flood protection variance, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Development Code relating to flood damage prevention, and the:
  - (1) Danger that materials may be swept onto other lands to the injury of others;
  - (2) Danger to life and property due to flooding or erosion damage;

- (3) Susceptibility of the facility and its contents to flood damage and the effect of such damage on the individual owner;
  - (4) Importance of the services provided by the facility to the community;
  - (5) Necessity of the facility to a waterfront location, in case of a functionally dependent facility;
  - (6) Availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
  - (7) Compatibility of the use with existing and anticipated development;
  - (8) Relationship of the use to the comprehensive plan and flood plain management program for that area;
  - (9) Safety of access to the property in times of flood for ordinary and emergency vehicles;
  - (10) Expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
  - (11) Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.
- c. Upon consideration of the factors listed above, and the purposes of this Development Code, the Board of Adjustment may attach such conditions to the granting of the variance as it deems necessary to further the purposes of flood damage prevention.
- d. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- e. Conditions for variances are as follows:
- (1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and in the instance of a historical building, a determination that the variance is the minimum necessary so as not to destroy the historical character and design of the building.
  - (2) Variances shall only be approved upon:
    - (a) Showing of good and sufficient cause;
    - (b) Determination that failure to grant the variance would result in exceptional hardship; and
    - (c) Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expenses, create

nuisances, cause fraud on or victimization of the public, or conflict with existing laws or Development Codes.

- (3) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the building is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (4) The Chief Building Official shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

#### **2.11.7. PROCESS FOR GRANTING APPEALS**

- a. Upon receiving a notice of an appeal, the Chief Building Official shall assemble such memos, papers, plans, or other documents as may constitute the record for the appeal or as may provide an understanding of the issues involved.
- b. An application for an appeal shall include such descriptions, maps or drawings as needed to clearly illustrate or explain the action requested. The Chief Building Official may request such additional information from the appellant as necessary to provide a full understanding of the appellant's request.
- c. Once the record has been assembled, Chief Building Official shall schedule the appeal for consideration at the next scheduled Board of Adjustment for which adequate public notice can be given.

#### **d. Public Notice.**

##### **(1) Notification to the General Public.**

- (a) At least 15 days, but not more than 45 days, prior to the public hearing, notice shall be published in a newspaper of general circulation within the county. The Building Inspection Department shall prepare such notice, which shall state the time, place, and purpose of the hearing.
- (b) A request for a special exception, hardship variance, or flood protection variance shall be heard at a public hearing only upon:
  - 1) The published notice, in addition to the requirements above, shall include the location of the property, the present zoning classification of the property, and the nature of the requested action; and
  - 2) At least 15 days prior to the public hearing, the Chief Building Official shall post a sign or signs of not less than 6 square feet stating "Zoning Action Pending. For further information please contact the Rome-Floyd County Planning Department at (phone number) or (e-mail address)." One such sign shall be placed in a conspicuous location along each street frontage of the subject property. If the property has no street frontage, the sign shall be placed on each street from which access will be gained to the property.

(2) Notice to Surrounding Property Owners.

If the request is for a special exception, hardship variance, or flood protection variance, notice shall also be given to surrounding property owners as follows:

- (a) At least 5 days prior to public hearing, the Chief Building Official shall cause a notice to be mailed to all persons owning property located adjacent to or across the street from the property that is the subject matter of the request.
  - (b) The notice shall state the time, place, and purpose of the hearing by the Board of Appeals and Adjustments. The written notice shall be mailed to the property as such names and addresses appear on the County's ad valorem tax records.
- e. Any appellant wishing to withdraw an appeal prior to the meeting of the Board of Adjustment shall file a written request for such withdrawal with the Chief Building Official. The appeal shall thereupon be removed from the Board's agenda and the request shall have no further effect.
- f. Board of Adjustment Public Hearing.
- (1) The Chairperson, Vice-Chairperson, or the Board of Adjustments' designee, who shall act as the Presiding Official, shall convene the public hearing at the scheduled time and place.
  - (2) The Presiding Official may administer oaths and compel the attendance of witnesses by subpoena.
  - (3) The Chief Building Official shall submit the assembled record of the appeal to the Board of Adjustment. The Chief Building Official, or other appropriate party if the appeal was taken from an administrative action or interpretation, shall provide such information or explanation as appropriate to the circumstances of the appeal.
  - (4) At the hearing, any party may appear in person or by agent or by attorney. No person in attendance shall speak unless first recognized by the Presiding Official. Upon rising to speak each person recognized shall state his or her name and home address. The Presiding Official may place reasonable limits on the number of persons who may speak for or against a request, on the time allowed for each speaker, and on the total time allowed for presentation of the request. No less than 10 minutes shall be provided for all of those speaking in support of the request and no less than 10 minutes shall be provided for of those speaking against, unless such proponents or opponents take less time than allowed. If reasonable time limitations permit, any member of the general public may speak at a hearing. However, the appellant and nearby property owners shall be afforded the first opportunity to speak.
  - (5) The appellant shall be allowed to speak first in order to present the request. Others in support of the request may then speak, followed by those in opposition to the request. The appellant will then be allowed time for rebuttal. Rebuttal must be limited to points or issues raised by opponents to the request at the hearing.

- (6) During the public hearing, the members of the Board of Adjustment may ask questions at any time. Time devoted to questions and answers will not be counted against time limitations that have been imposed on presentations.
- (7) At the meeting, following presentation of the appeal, action shall be taken by vote of the Board of Adjustment.
  - (a) A motion to approve or deny an appeal must be approved by an affirmative vote of at least 3 members in order for the motion to be approved.
  - (b) If a motion to approve an appeal fails, the appeal is automatically denied. If a motion to deny an appeal fails, another motion would be in order.
  - (c) A tie vote on a motion for approval of an appeal shall be deemed a denial of the appeal. A tie vote on any motion shall be deemed to be no action, and another motion would be in order.
  - (d) If no action is taken on an appeal, it shall be considered tabled and action deferred to the next regular meeting of the Board of Adjustment.
- (8) In taking action on an appeal, the Board of Adjustment may:
  - (a) Approve, approve with changes, or deny the request; or,
  - (b) Table the appeal for consideration at its next scheduled meeting; or,
  - (c) Allow withdrawal of the appeal at the request of the appellant.

## **2.12. TEMPORARY SUSPENSION OF PERMITTING**

Upon submission of a valid application for a zoning change or for the granting of an appeal on a property, no permits shall be issued nor shall any actions be undertaken on the property that may be affected by the outcome of such application.

## Article 3. Zoning Districts

Section 3.1.	Purpose of Article 3
Section 3.2.	Zoning Map
Section 3.3.	Zoning Districts
Section 3.4.	List of Permitted Uses
Section 3.5.	Lot Sizes, Density and Setbacks
Section 3.6.	Structure Heights

### 3.1. PURPOSE OF ARTICLE 3

This Article describes the specific uses to which land and structures may be put in the various zoning districts, and includes special requirements in order for certain uses or structures to be allowed. District regulations such as lot size, building setbacks, residential floor area and structure height are included.

### 3.2. ZONING MAP

#### 3.2.1. OFFICIAL ZONING MAP

- a. The boundaries of the various zoning districts shall be shown on a set of parcel specific, tax maps collectively entitled “Zoning Districts Maps, Rome-Floyd County, Georgia” and adopted on the respective dates of adoption for this ordinance, and as subsequently amended thereafter from time to time in conformance with this code.
- b. The “Zoning Districts Maps, Rome-Floyd County, Georgia” is adopted as the Official Zoning Map(s) and is hereby made a part of this Code, and all notations, references and other information shown on it shall be a part of this Code.
- c. The Official Zoning Map(s), as adopted by the governing body and subsequently amended from time to time by its action, shall be maintained by the Rome/Floyd County Planning Department.

The Official Zoning Map(s) shall be stored and maintained in an electronic database. So stored and maintained, the Official Zoning Map(s) shall be the final authority as to the current zoning status of all land, water, buildings, and structures within the county.

On a quarterly basis the Official Zoning Map(s) shall be printed. All printed maps shall be identified by the following words:

“Zoning District Maps, Rome-Floyd County, Georgia: This is the Official Zoning Map(s) referred to in Article 3.2.1. of the Rome-Floyd County, Georgia, Unified Land Development Code, as of \_\_\_\_\_ (date).”

#### 3.2.2. CHANGES TO OFFICIAL ZONING MAP

- a. Changes Due to Map Amendment.

No changes of any nature shall be made to the Official Zoning Map(s) except in conformity with amendments to the map approved by the governing body.

- b. Changes Due to Annexation.

Where city limit boundaries change by virtue of annexation, the following provisions shall apply:

- (1) Land area incorporated through annexation shall retain its existing zoning classification until an application for rezoning is filed for rezoning with the Planning Department.
  - (2) Any application for a building permit or development permit will be processed in the customary fashion as it would have been prior to annexation.
- c. Notification upon Amendment.

Following the approval of a zoning map amendment by the Governing Body, the Clerk shall transmit a copy of the amendment to the Planning Director. If the action was to rezone property, the Planning Director shall cause the Official Zoning Map to be amended to show the change.

### **3.2.3. INTERPRETATION OF BOUNDARIES**

- a. The boundaries of the districts as shown on the Official Zoning Map shall be determined on the basis of the legal descriptions associated with approved zoning petitions, or, lacking such legal descriptions, on the basis of the location of the boundary as depicted on the Official Zoning Map along with any dimensions shown.
- b. Where uncertainty exists with respect to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:
  - (1) Unless otherwise indicated, the district boundary lines are center lines of streets or railroads or such lines extended, property lines or such lines extended, a line lying in the center of a stream or drainage way, or the city limits of Rome.
  - (2) Where district boundary line parallels a street right-of-way or discernible topographic feature but no dimension is given, the distance shall be scaled from the Official Zoning Map.
  - (3) Where a district boundary line divides a lot that is of single ownership at the time of the effective date of this Code, the zoning classification of the larger portion may be interpreted to extend into smaller portion for a distance of no more than 10 feet.
  - (4) In the event the exact location of a boundary cannot be determined by the foregoing methods, the Board of Adjustment shall, upon application, determine the location of the boundary.
  - (5) Where a public road, street, alley or other right-of-way is officially vacated or abandoned, the regulations applicable to the property to which it is reverted shall apply to such vacated or abandoned road, street, alley or right-of-way.

### **3.3. ZONING DISTRICTS**

#### **3.3.1. ESTABLISHMENT OF DISTRICTS**

a. Zoning districts established:

A-R	Agricultural Residential
S-R	Suburban Residential
HT-R	High Density Traditional Residential
LT-R	Low Density Traditional Residential
D-R	Duplex Residential
M-R	Multifamily Residential
N-O-C	Neighborhood Office Commercial
O-I	Office Institutional
C-C	Community Commercial
C-B-C	Central Business Commercial
H-C	General Heavy Commercial
L-I	Light Industrial
H-I	Heavy Industrial
U-M-U	Urban Mixed Use
P-D	Planned Development

b. Permitted uses.

Principal and accessory uses permitted by right or as special uses are shown in Section 3.4 – List of Permitted Uses.

c. Density, lot width, setback, and height standards.

Applicable density, lot width and setback standards are contained in Section 3.5 – Lot Size, Density, and Setbacks and Section 3.6 – Structure Heights.

d. Residential cluster overlays, neighborhood office commercial and planned developments.

e. Application and Hearing Procedures

Procedures for filing rezoning, subdivision or site approvals are contained in Article 2 – Procedures.

f. Restrictions Regarding Particular Uses.

Applicable standards regarding specific uses, regardless of the zoning district where they are located are contained in Article 4 – Restrictions Regarding Particular Uses.

g. Sign Standards.

Applicable regulations are contained in Article 5 – Sign Regulations.

h. Buffers, Landscaping, Tree Protection and Parking Standards.

Applicable regulations are contained in Article 6 – Subdivision and Project Standards.

i. Construction Development Standards.

Standards regarding site grading, flood hazard areas, erosion control, installation of streets, drainage, public utilities and building construction are contained in Article 6 - Subdivision and Project Standards.

### **3.3.2. PURPOSE OF ZONING DISTRICTS**

a. A-R Agricultural Residential

(1) The A-R Agricultural Residential District is established to provide areas for agricultural and forestry uses and residential development.

(2) Manufactured and mobile homes are permitted with limitations throughout the A-R District outside the City of Rome. A Special Use Permit is required within the City.

b. S-R Suburban Residential

(1) The S-R Suburban Residential District is established for three levels of residential development (in addition to all forms of agricultural crop production and forestry):

(a) In areas where public sanitary sewer and public water are not available, the S-R District is established to provide areas of primarily low density residential development of 1 unit per acre.

(b) In areas where public water is available, but not public sanitary sewer, minimum 20,000 square foot lots are required.

(c) In areas where sanitary sewer and public water are available, the S-R District is established to provide moderately dense, primarily single-family residential development with minimum 7,200 square foot lots.

(2) Manufactured home subdivisions are deemed appropriate in the S-R Residential District within the city and county. Manufactured homes on single parcels outside an

established subdivision are permitted in this district except where a Special Use Permit is required:

- (a) Within the city; and
  - (b) Within those portions of the county consisting of a land development project in which two or more lots are created in, along with streets and utilities needed to support construction of buildings on the lots.
- (3) Attached single-family dwelling as defined in Article 8 may be considered appropriate as infill development if the design is compatible with the surrounding neighborhood in terms of scale, height, roof pitch, provision of parking, and orientation toward the street. Such development, if approved by Special Use Permit, must meet the standards listed in Article 4.1.28.

c. HT-R High Density Traditional Residential

- (1) The HT-R Traditional Residential District is established to provide opportunities for higher density single family residential averaging 4-7 units per acre. The HT-R District development patterns and architectural styles are reflective of the residential neighborhoods established before the 1940's. Streets were developed along a grid pattern with neighborhoods conveniently located to local shopping areas. Although these are older areas of the community, it is envisioned that this zoning district is also appropriate for new single family development built in this "neo-traditional" style.
- (2) Manufactured homes are not considered appropriate in the HT-R District.
- (3) Duplexes may be considered appropriate as infill development if the design is compatible with the predominant development pattern of the surrounding neighborhood.
- (4) Attached single-family dwelling as defined in Article 8 may be considered appropriate as infill development if the design is compatible with the surrounding neighborhood in terms of scale, height, roof pitch, provision of parking, and orientation toward the street. Such development, if approved by Special Use Permit, must meet the standards listed in Article 4.1.28.

d. LT-R

- (1) The LT-R Traditional Residential District is established to provide opportunities for lower density single-family residential averaging 1-4 units per acre. The LT-R District development patterns and architectural styles reflect the residential neighborhoods established before and/or during the 1940's, 50's, and early 60's. Streets were largely developed along a grid pattern with sidewalks and neighborhoods conveniently located to local shopping areas. Although these are older neighborhoods of the community, it is envisioned that this zoning district is also appropriate for new single-family development built in "neo-traditional" style in accordance with current new urbanism concepts.

- (2) Manufactured housing units are not considered appropriate within the Low Density, Traditional Residential District.
- (3) Duplexes may be considered appropriate as infill development if the design is compatible with the predominant development pattern of the surrounding neighborhood.
- (4) Attached single-family dwelling as defined in Article 8 may be considered appropriate as infill development if the design is compatible with the surrounding neighborhood in terms of scale, height, roof pitch, provision of parking, and orientation toward the street. Such development, if approved by Special Use Permit, must meet the standards listed in Article 4.1.28.

e. D-R Duplex Residential

- (1) The Duplex Residential District is established to provide a location for two attached residential units with a maximum density of 10 - 14 units per acre.
- (2) The Duplex-Residential District includes only single-family detached, single-family attached, and two-family attached (duplex) residential units.
- (3) The Duplex District is intended to allow for an intermediate density of residential that blends easily with nearby single family residential units. Such units, if effectively sited, are deemed to be suitable buffers between single family residence (S-R or T-R) and higher density. Multifamily Residential (M-R), Office/Institutional (O-I), and/or Neighborhood Office Commercial (N-O-C) uses. Attached single-family dwelling as defined in Article 8 may be considered appropriate as infill development if the design is compatible with the surrounding neighborhood in terms of scale, height, roof pitch, provision of parking, and orientation toward the street. Such development, if approved by Special Use Permit, must meet the standards listed in Article 4.1.28.

f. M-R Multi-Family-Residential

- (1) The M-R Multifamily Residential District is established to provide a location for attached units with densities of 10-14 units per acre. Multifamily development includes duplexes, triplexes, apartments of 4 units or more, town-homes, condominiums, and manufactured home parks. The M-R district is designed for areas served by publicly provided sanitary sewer.
- (2) The M-R District is intended to accommodate higher density attached residential development that blends easily with nearby single-family units. M-R District developments such as duplexes, triplexes, town homes, and low density apartment complexes are considered appropriate in proximity to the S-R and T-R residential districts, if effectively sited, landscaped, buffered, and adequate provisions for access and open space are made.
- (3) A wide range of multifamily densities and dwelling types may also be appropriate in large-scale mixed use developments or as a residential re-use option in obsolete commercial centers.

- (4) Manufactured home parks are allowed as an M-R District use with restrictions, but are not considered appropriate options in proximity to a single-family subdivision development or as re-use options for commercial properties.
- (5) A residential cluster option is a use allowed by Special Use Permit with restrictions in the M-R District, but must meet all development standards and criteria for a multi-family residential development.

g. N-O-C Neighborhood Office Commercial

- (1) The N-O-C Neighborhood Office Commercial District is established to accommodate modestly sized professional offices and retail services in close proximity to and in harmony with nearby residential properties.
- (2) The N-O-C District is designed for locations where existing residential is no longer the most appropriate use due to conflicts from nearby non-residential uses and traffic. This district is also appropriate for small-scale retail/office in newly developed planned residential areas.
- (3) The N-O-C District recognizes the need to protect adjacent residential uses, thus the basic character of the N-O-C District encourages a compatible mixture of residential, office, and specialty retail types of land uses. This district is identified as one in which the physical character and design of existing and proposed new structures play an important role in assuring compatibility with existing residential development. Review of building design, uses, buffers, landscaping, lighting, and parking are recognized as essential for the establishment and maintenance of the character of the district. Uses that create issues with noise, traffic, or odors are not permitted in this district.
- (4) Areas zoned N-O-C are not intended to be moderate-to-large retail or office centers.
- (5) Businesses that prepare and serve food are limited to custom service restaurants that do not create smoke, noise, or undue congestion. No drive-in windows are permitted.
- (6) Beauty shops and barber shops in this district shall have no more than two (2) chairs or operator stations. Hours of operation shall be limited to 8: 00 a.m. to 8:00 p.m., Monday through Saturday. Tanning salons, nail care, massage, and skin care services; boutiques; or other uses customarily associated with beauty shop and barber shops businesses shall not be permitted in this zoning district.
- (7) New buildings in the N-O-C District may not exceed 2,500 square feet. However, pre-existing residential structures that exceed this building maximum, may be considered for rezoning to N-O-C,
- (8) Uses are limited to services that generate no more than 150 vehicular trips per day.
- (9) The residential character and design of existing and proposed new structures are required to be maintained.
- (10) No front or side yard parking is permitted.

- (11) Review of building design, uses, buffers, lighting, and parking is required. Such reviews shall be accomplished by a Special Review Panel consisting of the Director of Planning, Historic Preservation Director, and Chief Building Official or their designee(s) as required.
- (12) Signage shall be in accordance with Article 5-Sign Regulations, and should be designed to have minimal impact on neighboring residential properties.
- (13) Window displays or other displays of work are not permitted to be visible from the exterior of the building.
- (14) Landscaping similar to that of residential properties between the non-residential and residential uses, or
- (15) New structures:
  - (a) New structures shall utilize the shapes and proportions common to single-family residential architecture as guides to the architectural design, and alterations of or additions to existing structures.
  - (b) The rhythm or pattern of placement of windows, doors, chimneys, gables, dormers, roof pitch, offsets in the walls, and other elements should also be considered by the Review Panel as in creating residential compatibility.

h. O-I Office Institutional

- (1) The O-I Office Institutional District is established to provide for both private and public administrative and professional offices and on sites greater than those permitted in the N-O-C District.
- (2) The O-I District is established to provide for institutional uses such as hospitals, clinics, churches, schools, cemeteries, etc., occurring in the more densely developed areas of Rome-Floyd County (the S-R and T-R zoning districts). This is due to the potential for conflicts between the institutional uses and densely developed residential neighborhoods.
- (3) Within this district the sale, wholesale, storage or processing of merchandise is not permitted, except as accessory uses to the primary O-I uses. Areas zoned to this classification are not intended to be commercial or industrial centers.
- (4) The district is intended primarily to be located along major streets, but it can also be located in an area dominated by institutions such as a college where a wide range of land uses is required.

i. C-C Community Commercial

- (1) The C-C Community Commercial District is established to provide a location for a full-range of retail and office development serving the general needs of the community. The C-C District is considered inappropriate for heavier commercial uses

that border on being more “light industrial” in nature, and thus more appropriate for the H-C or L-I District.

- (2) It is the intent of the C-C District to promote a streetscape that encourages buildings to be moved forward adjacent to the front yard setback line and the edge of the required landscape improvements. This site design improves the benefits derived from the required landscaping and the overall image of the commercial corridor.

j. C-B-C Central Business Commercial

- (1) Within C-B-C Central Business Commercial District the most intensive use of land is permitted in combination with a variety of commercial and residential uses. The district is intended to serve as the central headquarters for economic and administrative activity in the community. The district is designed to have uses that are centrally located and compact so that maximum convenience is afforded the users and occupants of the district.
- (2) It is the intent of the C-B-C District to be pedestrian friendly. Structured parking is encouraged over surface parking lots. There are no yard setbacks to encourage buildings to locate adjacent to the property line and utilize on-street or structured parking to the greatest extent possible.
- (3) In the C-B-C District residential use is encouraged above commercial operations in existing buildings, as well as within new, free-standing high-rise residential buildings. Commercial store fronts in existing buildings shall be maintained in both form and function and shall not be converted to residential use.
- (4) The CBC zoning district may also be used in the unincorporated areas where the availability of water, sewer, transportation routes and other services and utilities make high density, mixed used development possible.

k. H-C Heavy Commercial

- (1) The H-C Heavy Commercial District is established to provide for the sales and service of commercial uses that are not considered as compatible with traditional retail sales and services allowed in the C-C District.
- (2) Uses within the H-C District border on being more “light industrial” in nature. These are uses such as major car repair or service, auto painting and body shops, construction contractors, large trucks, manufactured home, boat or heavy equipment sales, and retail home improvement stores with outside storage, etc.

l. L-I Light Industrial

- (1) The L-I Light Industrial District is intended to provide areas for light manufacturing uses that primarily involve finishing, or assembly of previously manufactured goods. The district is also intended to provide for the location of wholesaling or warehousing uses, as well as office uses.

- (2) The L-I District excludes manufacturing or industrial uses that emit noxious odors, dust, fumes, gas, noise, or vibration outside of any building on the premises. It also excludes hazardous materials such as those materials involving bulk storage of gasoline or toxic chemicals.
- (3) This district is designed for industrial and warehousing uses that do not have a detrimental effect upon adjoining residential or commercial developments.

m. H-I Heavy Industrial

- (1) The H-I Heavy Industrial District is intended for the location of primarily heavy manufacturing uses with restrictions on noxious odors, dust, fumes, gas, noise, or vibration.
- (2) Due to the potential for uses in the H-I District to handle materials that are potentially hazardous, emit smoke, dust or odors, or require large transport services, a 5 acre minimum lot size is required.

n. P-D Planned Development

- (1) The P-D Planned Development District is established for two purposes. First it provides a district for addressing specific site and building design issues for and needs created by large scale residential, commercial, office, institutional or industrial uses. Secondly, it allows for more flexible placement, mixture, arrangement and orientation of residential, office institutional, commercial and/or industrial uses. This provides for accompanying flexibility in the subdivision of land and the grouping of open space and accessory facilities.
- (2) Uses or developments that are subject to the requirements of the P-D Planned Development District are:
  - (a) Buildings that exceed 70,000 square feet, this does not include industrial space if the persons employed (b) and the vehicular trips generated (c) per site are not exceeded.
  - (b) Operations that would employ over 200 persons.
  - (c) Developments that generate over 10,000 vehicle trips per day.
  - (d) Residential development involving over 250 units or in excess of 300 acres.
  - (e) Mixed use developments: developments that desire to provide a mix of residential, office, commercial and/or industrial uses.
- (3) Application requirements.

Developments that are subject to the P-D Planned Development District are required to follow normal submission requirements, zoning and subdivision approvals and construction standards as outlined in other sections of the Code.

#### (4) Site requirements

##### (a) Single-Purpose Development.

- 1) Defined: A single purpose development is one that involves only one type of general land category such as retail, industrial, institutional, or residential development. A single purpose development may be one building or multiple buildings.
- 2) As a requirement of zoning, a single purpose development is required to submit the following information (in addition to that which is required in other sections of the Code).
  - a) Overall compatibility of development with adjacent land uses.
  - b) Traffic management plan and a street continuation plan (if applicable).
  - c) Orientation of building(s) to the public rights-of-way.
  - d) Parking lot configuration and orientation to the street.
  - e) Non-residential building(s) exterior treatment and signage plans.
  - f) Proposed outside storage and treatment of buffers and landscaping.
  - g) Hours of business operation and service vehicle routing plan.
  - h) Any other information that is deemed useful in determining the proposed use's impact on surrounding properties and the community as a whole.

##### (b) Mixed use developments.

- 1) Defined. A mixed use development is a development that provides a mix of residential, office, commercial and/or industrial uses under a unified plan of development.
- 2) Development standards.
  - a) Overall standards: Lot densities, lot areas, widths, and setbacks are to be established as conditions of zoning approval for each Planned Development.
  - b) Residential densities. The maximum dwelling units permitted is 6 units per acre. In calculating permitted residential densities, land devoted to non-residential uses and road rights-of-way may not be included. However, open space held in common may be included in the calculations of densities.
  - c) Open space. Within the residential portion of the development, 20% of the land must be preserved in open space, half of which is usable open space

for active or passive recreation use. Said open space shall be held in common by a legally constituted homeowners association with the financial capability to maintain the open space. For the purposes of calculation, open space does not include any public rights-of-way but does not include lakes, walking trails, and active recreation areas.

- d) Compatibility. On-site land uses developed at the perimeter of the site shall be developed in a manner that is compatible with adjacent offsite land uses.
- e) Enclosure of uses. All uses except off-street parking and loading shall be located and maintained entirely within completely enclosed structures.

3) Protection of residential uses.

Where a mixture of residential and non-residential uses are proposed for a site, or where a non-residential use is proposed on property adjoining a residential use, plans shall provide for protection of the residential use to ensure a suitable living environment.

- a) Increased separation between residential and non-residential uses,
- b) Placement of parking areas to minimize noise and screen the view of vehicle movements,
- c) Use of vegetative screening,
- d) Location within the structure or on the lot of a use causing adverse impact so as to minimize the impact,
- e) Use of building alterations or special equipment or devices to minimize adverse impacts,
- f) Landscaping similar to that of residential properties between non-residential and residential uses, or
- g) Placement of signs to minimize impact of residential uses.

4) Site plan requirements.

- a) Mixed use development site plans shall contain the same information requested for single purpose development.
- b) In addition to the requirements above, the following are required:
  - 1. Streets rights-of-way,
  - 2. Proposed building sites,
  - 3. Uses proposed for buildings,

4. General drainage improvements.
5. Proposed reservations of dedications for streets and other public facilities, and
6. A contour map of the site.

c) Written report.

A written report, including photographs or other relevant illustrations or information, may be submitted:

1. To explain features that cannot be shown adequately on the site plan;
2. To explain the means by which compatibility between a mixture of uses shall be ensured; or,
3. To illustrate the existing architecture on which the proposed design is based.

o. U. M. U. Urban Mixed Use

- (1) The UMU district is established to accommodate intensive development, including infill development, and to provide for relatively high density residential, commercial, and office/institutional uses in a pedestrian friendly, urban environment. The district may be appropriate in areas that are adjacent and peripheral to the CBC district.
- (2) The uses allowed in the UMU district are similar to the uses allowed in the CBC district and are shown in Table 3.2.
- (3) No building setbacks or landscaping requirements shall apply, and a buffer requirement of no less than 20 feet shall apply only where adjacent properties are zoned for residential uses. The height limitation for structures shall be 100 feet. No minimum lot size or lot width shall apply. Each lot shall abut a street that has been opened and accepted for public maintenance; that has been designated by the City or County as a private street; or whose construction has been guaranteed, as provided under Article 6.4.6 of this Code; for a distance of no less than 26 continuous feet.
- (4) In order to efficiently utilize limited land resources, structured parking shall be provided wherever it is feasible. Shared parking arrangements shall be encouraged.
- (5) Sidewalks and streetscapes shall be provided along all street frontages to promote attractive, safe, and convenient pedestrian access. Multi-purpose trails or other pedestrian walkways may also be appropriate to ensure connectivity.
- (6) Loading areas, material handling areas, and waste containers shall be located, screened or enclosed so that they are not visible from streets, sidewalks and other public areas. The design of such facilities shall be approved by the Building Official.

- (7) The UMU zoning district may also be used in the unincorporated areas where the availability of water, sewer, transportation routes and other services and utilities make high density, mixed use development possible.

### **3.4 LIST OF PERMITTED USES**

- a. Principal and accessory uses that are permitted by right, permitted by right but with limitations, and uses permitted as special uses are shown on the following tables:
- (1) Table 3-1 shows all such uses for the residential and agricultural districts.
- (2) Table 3-2 lists all such uses for the districts that are primarily nonresidential in nature.
- b. In P-D Planned Development District uses that are permitted are specified as part of the zoning approval for each development.
- c. The following permitted uses herein identified and listed are not intended to be exhaustive, but only representative of those uses permitted in each Zoning District. It shall be the responsibility of the Planning Director and Chief Building Official to concur in any additional uses not herein specifically identified as permitted uses. Any use not shown in the following Table of Permitted Uses that cannot be concurred upon shall be brought before the Planning Commission for final resolution, and shall require a Special Use Permit. Uses that are specifically prohibited are listed in Article 4.

# List of Permitted Principal and Accessory Uses

## Table 3-1. Residential and Agricultural Districts

Use is permitted by right.....●

Use is not permitted.....space is empty

Use is permitted by right with limitations.....◆

Use may be permitted as a Special Use.....○

<b>PRINCIPAL USES</b>		A-R	S-R	HT-R	LT-R	D-R	M-R	See Also	Parking - See under 6.86.
<b>Agriculture and Related Business</b>									
1	Agricultural Production - Crops	●	●						a
2	Agricultural Production - Livestock	●	○						a
2	Agricultural Production - Concentrated Animal Feeding Operations	◆	○◆					4.1.1	a
213	Agricultural Production - Hogs	○						4.1.1	a
	Riding Stable	◆	◆					4.1.1	a
	Farm Distillery, Brewery, or Winery	○						4.2.16	
7	Agricultural Services (except veterinarian office)	●							a
8	Forestry	●	●				●		a
	Portable Sawmill - temporary	◆	◆					4.1.1	a
<b>Residential</b>									a
	Site-Built Single-Family Detached Dwelling	●	●	●	●	●			a
	Site-Built Single Family Attached Dwelling		○	○	○	●		4.1.28	
	Mobile Home or Manufactured Home on individual lot	◆ <sup>1</sup>	◆ <sup>2</sup>					4.1.12	a
	Two-Family Dwelling (Duplex)	○	○	○	○	●	●		a
	Manufactured Home Subdivision	◆	◆					4.1.12	a
	Zero-Lot Line Single-Family Detached Dwelling		●	●	●	●			a
	Multi-Family Dwelling						●		a
	Townhome or Three-Family Dwelling						◆	4.1.23	a
	Manufactured Home Park						◆	4.1.12	a
	Residential Cluster Development						○	4.1.32	a
8052	Convalescent Home (1-4 persons)	○ <sup>3</sup> ◆	○◆	○◆	○◆		◆	4.1.18	a
8052	Convalescent Home (5-15 persons)	○ <sup>3</sup> ◆	○◆	○◆	○◆		◆	4.1.18	a
8052	Convalescent Home (16 or more persons)						◆	4.1.18	a
	Fraternity or Sorority Hall						◆	4.1.11	a
	Group Residence (1-4 persons)	○◆	○◆	○◆	○◆		◆	4.1.13	a
	Group Residence (5-15 persons)	○◆	○◆	○◆	○◆		◆	4.1.13	a
	Group Residence (16 or more persons)						◆	4.1.13	a
8051	Nursing Home (1-4 persons)	○◆	○◆	○◆	○◆			4.1.18	a
8051	Nursing Home (5-15 persons)	○◆	○◆	○◆	○◆			4.1.18	a
8051	Nursing Home (16 or more persons)						◆	4.1.18	a
	Personal Care Home, Individual or Family (1-4 persons)	◆	◆	◆	◆	◆		4.1.13	a
836	Personal Care Home, Group (5-15 persons)	○◆	○◆	○◆	○◆		◆	4.1.13	a
836	Personal Care Home, Congregate (16 or more persons)						◆	4.1.13	a
836	Retirement Community		○◆	○◆	○◆	○◆	○◆	4.1.18	a
702	Rooming or Boarding House (1-4 persons)	○◆	○◆	○◆			○◆	4.1.13	c

<sup>1</sup> Special use permit also required in the City

<sup>2</sup> Special use permit also required in the City, and a special use permit also required in the County within those portions of the County consisting of land development project in which two or more lots are created, along with the streets and utilities needed to support construction of buildings on the lots, except where such development is specifically designed for manufactured homes

<sup>3</sup> Where served by sanitary sewer

702	Rooming or Boarding House (5-15 persons)	○◆	○◆	○◆			○◆	4.1.13	c
702	Rooming or Boarding House (16 or more persons)						○◆	4.1.13	c
<b>PRINCIPAL USES</b>		<b>A-R</b>	<b>S-R</b>	<b>HT-R</b>	<b>LT-R</b>	<b>D-R</b>	<b>M-R</b>	<b>See Also</b>	<b>Parking - See under 6.86.</b>
	<b>Offices</b>								
	Temporary Sales Office for a Subdivision	◆	◆	◆	◆			4.1.22	b
741	Veterinary, Large Animal	◆						4.1.25	b
742	Veterinary, Small Animal	◆	◆					4.1.25	b
	<b>Retail Services</b>								
701	Bed and Breakfast Inn - (1-10 rooms)	●	○	○	○		◆	4.1.11	c
	Cemetery, Commercial	●	○	○	○		●		
	Communication Tower	○	○					4.1.5	
835	Day Care, Group Home (7-18 persons)	○	○	○					c
7992	Golf Course - (Commercial)	◆	○					4.1.16	c
7997	Golf, Tennis, Yacht or Country Club, Private	○	○	○	○			4.1.16	c
	Golf, Tennis, Yacht or Country Club, Commercial	○	○	○	○			4.1.16	c
	Fishing Lake, Commercial	●	○	○	○				
752	Kennel, Pet Grooming or Training	◆	◆					4.1.25	c
	Kennel, Boarding and Breeding	◆	◆					4.1.25	c
782	Lawn and Garden Services	●	○						c
	Recreational Facility - Commercial						◆	4.1.16	
	Recreational Vehicle Park or Campsite	○	○				●	4.1.33	
	Recreational Vehicle Park of Campground (City Only)	○	○				○	4.1.33	
702	Rooming or Boarding House	○	○	○			○		c
7032	Sporting or Recreational Camp or Farm Retreat, Commercial	○	○						
	<b>Retail Sales</b>								
	Agricultural Produce grown on the premises	●	● <sup>4</sup>						
	Feed and Tack and Saddles	●	○						
	General Store - 2500 square feet or less	○	○						
	<b>Semi-Public Uses and Utilities</b>								
	Athletic Playfields	◆	○	○	○		◆	4.1.16	d
	Carnival, Fairgrounds, Rodeo, Horse Show, Shooting and Special Events of Community Interest	◆	◆					4.1.16	d
	Cemetery, Non-Profit	●	●	○	○		●		
866	Churches or Places of Worship	◆	◆	○	○		◆	4.1.3	d
864	Civic Clubs, Veterans or other Social Organizations	◆	○	○	○		◆	4.1.4	d
	Communication Tower	○◆	○◆					4.1.5	d
	Community Garden (County Only)	●	●	●	●	●	●		
	Community Garden (City Only)	○	○	○	○	○	○		
	Community Recreation Facility	○	○	○	○		◆	4.1.16	d
	Neighborhood Recreation Center or Swimming Pool	○	○	○	○	○	◆	4.1.16	d
	Outdoor Special Events Venue (City Only)	○◆	○◆					4.1.16	
	Park, Passive	●	●	●	●		●		d
821	School, Kindergarten, Elementary and Secondary	○	○	○	○		●		d
	Solar Farm	●	○					4.2.17	
491-493	Utility Company Substation	○	○	○	○		○		

<sup>4</sup> Special use permit required in the City

	Wedding Chapels & Indoor Special Events Venue (City Only)	○◆	○◆					4.1.16	
	Special Events Venue (County)	○◆	○◆					4.1.16	

<b>ACCESSORY USES</b>		A-R	S-R	HT-R	LT-R	D-R	M-R	See Also	Parking - See under 6.86.
	Accessory Dwelling Unit	◆	◆	◆	◆			4.1.29	
	Accessory Uses Normally Incidental to Principal Use	◆	◆	◆	◆	◆	◆	4.2	
	Agricultural Production - Private Gardens	●	●	●	●	●	●		
	Community Gardens (County only)	●	●	●	●	●	●		
	Community Gardens (City only)	○	○	○	○	○	○		
	Customary Accessory Uses to a Dwelling	◆	◆	◆	◆	◆	◆	4.2.3	
835	Day Care, Family Home (6 or less persons)	●	●	●	●		●		
	Home Office	◆	◆	◆	◆	◆	◆	4.2.3	
	Keeping Chickens within the City Limits of Rome	○	○	○	○			4.2.3.0	
	Kennel, Non-commercial	◆	◆	◆	◆			4.2.3	
	Residential Business	◆	◆	◆	◆	◆	◆	4.2.3	
	Personal Horse Stable	◆	◆					4.2.3	
	Private Recreational Facility	◆	◆	◆	◆		◆	4.2.3	
	Private Use Airport	◆	○					4.2.10	
	Private Use Heliport	◆	○				○	4.2.10	
	Solar Panel Array	●						4.2.17	
	Solar Panel Installation	●	●	●	●	●	●	4.2.17	
	Hobby Farms	●	◆					4.1.1f	
	Wildlife Park or Zoo	○						4.1.1f	



## List of Permitted Principal and Accessory Uses Table 3-2. Nonresidential Districts<sup>5</sup>

Use is permitted by right.....●      Use may be permitted as a Special Use.....○  
 Use is permitted by right with limitations.....◆      Use is not permitted.....space is empty

<b>PRINCIPLE USES</b>		N-O-C <sup>6</sup>	O-I	C-C	UMU	C-B-C	H-C	L-I	H-I	See Also	Parking - See under 6.86.
	<b>Agriculture and Related Business</b>										
	Farmer's Market		○	○	○	○	○	○	○		
	Live Stock Pavilion or Farmers' Market							◆	◆	4.1.1	c
	Temporary or Portable Sawmill								◆	4.1.1	
	<b>Residential</b>										
	Site-Built Single-Family Dwelling	●									a
	Two-Family Dwelling Duplexes	○ <sup>7</sup>									a
	Multi-Family Dwelling			○	●	● <sup>8</sup>					a
	Townhome or three family dwelling (triplex)			○						4.1.23	a
	High-Rise Residential (see Central Business Commercial District)			○	●	●					a
	Loft Dwelling (see Central Business Commercial District)			●	●	●					6.8.1b
	Manufactured Home Park			○						4.1.12	a
<b>8025</b>	Convalescent Home (5-15 persons)		◆	◆						4.1.18	a
<b>8025</b>	Convalescent Home (16 or more persons)									4.1.18	a
	Fraternity or Sorority Residence Hall									4.1.11	a
	Group Residence (5-15 persons)									4.1.13	a

<sup>5</sup> See Article 4- restrictions regarding particular uses, for specific requirements that apply to uses permitted by right but with limitations.

<sup>6</sup> See Article 3-Section 3.3.2(g), regarding Neighborhood Office Commercial development standards.

<sup>7</sup> As adaptive reuse existing building only

<sup>8</sup> As adaptive reuse existing building only

<b>PRINCIPLE USES</b>		<b>N-O-C<sup>9</sup></b>	<b>O-I</b>	<b>C-C</b>	<b>UMU</b>	<b>C-B-C</b>	<b>H-C</b>	<b>L-I</b>	<b>H-I</b>	<b>See Also</b>	<b>Parking - See under 6.86.</b>
	Group Residence (16 or more persons)									4.1.13	a
<b>8051</b>	Nursing Home (5-15 persons)									4.1.18	
<b>8051</b>	Nursing Home (16 or more persons)									4.1.18	a
<b>836</b>	Personal Care Home, Group (5-15 persons)									4.1.13	a
<b>836</b>	Personal Care Home, Congregate (16 or more persons)									4.1.13	a
<b>702</b>	Rooming or Boarding House (5-15 persons)									4.1.13	c
<b>702</b>	Rooming or Boarding House (16 or more persons)									4.1.13	c
	<b>Offices</b>										
<b>872</b>	Accounting, Auditing, or Bookkeeping Office	●	●	●	●	●	●	●	●		b
<b>731</b>	Advertising Agency	●	●	●	●	●					b
<b>62</b>	Brokerage for Securities or Commodities	●	●	●	●	●					b
<b>15-17</b>	Building Contractor or Construction Firm Office (no storage of machinery or equipment)		●	●	●	●	●	●	●		b
<b>861-863</b>	Business, Professional or Trade Membership Organization Office	●	●	●	●	●	●	●			b
<b>484</b>	Cable Television Operation			●	○	○	●	●	●		b
<b>732</b>	Credit Reporting or Collection Agency		●	●	●	●	●	●			b
<b>736</b>	Employment or Personnel Agency	●	●	●	●	●	●	●			b
<b>736</b>	Employment or Personnel Agency With Day Labor Hiring Center			●	●	●	●	●			
<b>871</b>	Engineering, Architectural or Other Professional Office	●	●	●	●	●	●	●			b
	General Business Office	●	●	●	●	●	●	●			b
<b>808</b>	Home Health Care Company		●	●	●	●					b
<b>63</b>	Insurance Company Carrier	●	●	●	●	●	●	●	●		b
<b>67</b>	Investment Company or Trust	●	●	●	●	●					b
<b>781</b>	Landscape Architect	●	●	●	●	●	●	●	●		b

<sup>9</sup> See Article 3-Section 3.3.2(g), regarding Neighborhood Office Commercial development standards.

<b>PRINCIPLE USES</b>		N-O-C <sup>10</sup>	O-I	C-C	UMU	C-B-C	H-C	L-I	H-I	See Also	Parking - See under 6.86.
81	Legal Services Office	●	●	●	●	●					b
874	Management and Public Relations Service	●	●	●	●	●					b
801-804	Medical or Dental Offices or Clinics (not veterinary)	●	●	●	●	●					b
807	Medical or Dental Laboratory		●	●	●	●	●	●			b
865	Political Organization Office		●	●	●	●					b
65	Real Estate Office	●	●	●	●	●					b
873	Research, Development or Testing Service		●	●			●	●			b
7338	Secretarial or Court Reporting Service	●	●	●	●	●					b
62	Security or Commodity Broker	●	●	●	●	●					b
792	Theatrical Production Agencies		●	●	●	●					b
	Utility Business Office		●	●	●	●	●	●			b
741	Veterinarian, Large Animal						◆	◆		4.1.25	b
742	Veterinarian, Small Animal		○	◆		◆	◆	◆		4.1.25	b
	<b>Retail Services</b>										
	Adult Entertainment Uses						◆	◆		4.1.20	c
	Air or Ground Courier Drop-Off Station		○	●	●	●	●	●			c
4729	Airline Ticket Office	●	●	●	●	●					c
	Ambulance Service		○	●			●	●			c
7996	Amusement Park						●	●			c
7993	Amusement Parlor			●	●	●	●				c
7999	Amusement or Recreational Attraction-Indoor			○		○	●				c
7999	Amusement or Recreational Attraction-Outdoor			◆			◆	◆		4.1.16	c
	Appliance Repair Service			◆			◆	◆		4.1.17	c
752	Automobile Parking Lot, Commercial			◆		◆	◆			4.1.2	
	Automobile Parking Structure, Commercial			◆	◆	◆				4.1.2	

<sup>10</sup> See Article 3-Section 3.3.2(g), regarding Neighborhood Office Commercial development standards.

751	Automotive Rental Agency			◆		◆	◆	◆		4.1.2	c
<b>PRINCIPLE USES</b>		N-O-C <sup>11</sup>	O-I	C-C	UMU	C-B-C	H-C	L-I	H-I	See Also	Parking - See under 6.86.
753	Automotive Repair Shop						◆	◆		4.1.2	c
7549	Automotive Service Business (excluding Repair)			◆			◆	◆		4.1.2	c
	Automotive, Tire Re-treading and Recapping						◆	◆		4.1.2	c
	Automotive Upholstery Shop			◆			◆	◆		4.1.2	c
60	Bank, Savings and Loan or Credit Union	●	●	●	●	●	●				c
724	Barber Shop (City)			●	●	●					c
723	Beauty Shop (City)	●		●	●	●					c
724	Barber Shop (County)	●		●	●	●					c
723	Beauty Shop (County)	●		●	●	●					c
701	Bed and Breakfast Inn - Historic District Only (1-10 rooms)	◆								4.1.11	c
793	Bowling Center			●			●				c
734	Building Maintenance or Pest Control Service			●			●	●			c
41	Bus or Taxi Service or Terminal			●		○	●	●			
824	Business or Vocational School		●	●		●					c
738	Business Service Establishment, Miscellaneous		●	●		●	●	●			c
7542	Carwash			◆			◆	◆		4.1.2	c
5812	Catering Service	○		●	●	●					c
	Cemetery, Commercial		●	●							
7336	Commercial Art or Graphic Design Service	●	●	●	●	●					c
737	Computer Programming, Repair or Data Processing Service		●	●	●	●	●	●			c
61	Credit Agency or Loan Establishment		●	●	●	●					c
	Crematories		○			○	○	○			c
791	Dance Studios or Schools	○		●	●	●	●	●			c
835	Day Care Center (19 or more persons)		○◆	◆						4.1.9	c

<sup>11</sup> See Article 3-Section 3.3.2(g), regarding Neighborhood Office Commercial development standards.

835	Day Care Group Home (7-18 persons)		○	◆		○				4.1.9	c
<b>PRINCIPLE USES</b>		N-O-C <sup>12</sup>	O-I	C-C	UMU	C-B-C	H-C	L-I	H-I	See Also	Parking - See under 6.86.
7331	Direct Mail Advertising Service		○	●		●	●	●			c
	Dry Cleaning Plants							◆	◆	4.1.10	c
762	Electrical Repair Shops			●			●	●			c
473	Freight Agency or Shipping Coordinator						●	●	●		c
726	Funeral Home		○	●			●				c
735	Furniture or Equipment Rental Establishment			●		●	●				c
7992	Golf Course-Par 3, 9, or 18 Holes (Commercial)		○	◆						4.1.16	c
	Golf, Miniature (Commercial)			◆			◆			4.1.16	c
	Golf or Baseball Driving Range (Commercial)			◆			◆			4.1.16	c
7997	Golf, Tennis, Yacht, or Country Club, Private			◆						4.1.16	c
7991	Health Club or Fitness Center		●	●	●	●	●				c
809	Health Services Facility		●	●	●	●					c
809	Health Services Facility with pharmacy		●	●	●	●					c
806	Hospital		●	●	●		○				c
701	Hotel or Motel, rooms only		●	●	●	●					c
701	Hotel or Motel with full service restaurant		●	●	●	●	●				c
701	Hotel or Motel with full service restaurant and lounge			●	●	●	●				c
	Indoor Athletic Training or Fitness Facility			●			●	●			c
	Interior Designer (no merchandise for sale on premises)	●	●	●	●	●					c
	Interior Designer or Decoration (with merchandise for sale on premises)	○		●	●	●					c
	Jewelry Repair	●		●	●	●					c
	Kennel, Boarding and Breeding			◆			◆	◆		4.1.25	c
752	Kennel, Pet Grooming			◆			◆			4.1.25	c

<sup>12</sup> See Article 3-Section 3.3.2(g), regarding Neighborhood Office Commercial development standards.

	Kennel, Pet Training			◆			◆	◆		4.1.25	c
<b>PRINCIPLE USES</b>		N-O-C <sup>13</sup>	O-I	C-C	UMU	C-B-C	H-C	L-I	H-I	See Also	Parking - See under 6.86.
721	Laundry, Dry Cleaning or Garment Services (but excluding coin operated establishment)			●	●	●					c
7215	Laundry or Dry Cleaning, Coin Operated			●							c
782	Lawn and Garden Services			●			●	●			c
	Linen and Diaper Services, Garment Pressing and Repair			●			●	●			c
781	Motion Picture or Video Tape Production			●	●	●	●				c
7832	Motion Picture Theater (except Drive-in)			●	●	●	●				c
7833	Motion Picture Theater, Drive-In			○			●				c
783	Ornamental Shrub or Tree Service			●			●	●			c
	Performing Arts Theater		●	●	●	●					c
829	Personal Enrichment School or Tutoring		●	●	●	●	●				c
729	Personal Services, Miscellaneous			●	●	●					c
7334	Photocopying and Duplicating Services		○	●	●	●					c
722	Photographic Studio, Portrait	◆	◆	◆	◆	◆				4.1.15	c
7335	Photography Service, Commercial			●	●	●	●				c
483	Radio or TV Broadcast Station		○	●	○	○	●				c
	Radio or TV Repair			●		●	●				c
	Communication, Radio, or TV Transmission Tower		○◆	○◆		○◆	○◆	◆	◆	4.1.5	c
7033	Recreational Vehicle Park or Campground			○			○			4.1.33	
7699	Repair Shops, Miscellaneous (not automotive)			◆		◆	●	●		4.1.17	c
764	Re-upholstery or Furniture Repair Shop			●			●	●			c
702	Rooming or Boarding House			○		○					c
725	Shoe Repair Shop			●	●	●	●				c
794	Sports Facility, Commercial			○		○					c
481	Telecommunications Switching Station		○	○		○	●	●	●		

<sup>13</sup> See Article 3-Section 3.3.2(g), regarding Neighborhood Office Commercial development standards.

482	Telegraph Office		●	●	●	●					c
<b>PRINCIPLE USES</b>		N-O-C <sup>14</sup>	O-I	C-C	UMU	C-B-C	H-C	L-I	H-I	See Also	Parking - See under 6.86.
	Title Pawn business <sup>15</sup>	●		●	●	●	●				
472	Travel Agency or Tour Operator	◆	●	●	●	●					c
784	Video Tape Rental Store			●	●	●	●				
763	Watch, Clock or Jewelry Repair Shop			●	●	●	●				
7692	Welding Repair Shop						●	●			
	<b>Retail Sales</b>										
	Agriculture Produce grown on the premises			●							
5831	Alcohol Pouring Establishment			●	●	●					
56	Apparel and Accessory Stores			●	●	●					
572	Appliance Stores			●	●	●	●				
551	Automobile Sales and Service			○			◆			4.1.2	c
552	Automobile Sales, Used Only, No Service			◆			◆				c
	Automobiles Sales, Used Only			○			◆			4.1.2	c
553	Automotive Parts and Supply Store			◆			◆	◆		4.1.2	c
	Automotive, Tire Store			◆			◆	◆		4.1.2	c
546	Bakery, Retail			◆	●	●					c
555	Boat Dealers			◆			◆	◆		4.1.2	c
5942	Book Store, New Dealers and Newsstands	◆	●	●	●	●				4.2.1	c
5946	Camera and Photographic Supply Stores			●	●	●					c
596	Catalog Sales or Direct Selling Office			●	●	●					c
	Communication Tower		◆○	◆○		◆○	◆○	◆	◆	4.1.5	
5734	Computer or Computer Software; Sales & Service			●	●	●	●				c
5731	Consumer Electronics Store			●	●	●					c

<sup>14</sup> See Article 3-Section 3.3.2(g), regarding Neighborhood Office Commercial development standards.

<sup>15</sup> With the footnote: “Business operation only, with no repossessed vehicles received, parked, stored, displayed, or sold from any property within the NOC district.

<b>PRINCIPLE USES</b>		<b>N-O-C<sup>21</sup></b>	<b>O-I</b>	<b>C-C</b>	<b>UMU</b>	<b>C-B-C</b>	<b>H-C</b>	<b>L-I</b>	<b>H-I</b>	<b>See Also</b>	<b>Parking - See under 6.86.</b>
	Convenience Gas Station			◆			◆	◆		4.1.34	c
	Convenience Store (no gas sales)			◆			◆			4.1.35	
	Custom Order or Specialty Shop			◆	◆	◆				4.1.7	c
591	Drug Store (pharmacy)			◆	●	●	●			4.2.1	c
	Farm and Other Equipment Sales and Service			○			●	●	●		c
	Feed and Seed Store			●			●	●	●		c
53	General Merchandise Store			●	●	●	●				c
5747	Gift, Novelty, and Souvenir Shop	◆		●	●	●					c
54	Grocery or Specialty Food Store (except Bakery)	○		●	●	●	●				c
525	Hardware Store			●	●	●	●				c
5945	Hobby, Toy, and Game Shops			●	●	●					c
571	Home Furniture or Furnishings Store			●	●	●					c
5944	Jewelry Store			●	●	●					c
592	Liquor Store			●			●				c
598	LP Gas or Fuel Oil Dealer						●	●	●		c
5948	Luggage and Leather Goods Store			●	●	●					c
521	Lumber and Other Building Materials Dealers			●			●	●			c
527	Manufactured Home Sales Lot						●	●			c
	Mobile Food Vehicle Park			○			○			4.1.31	
559	Motor Vehicle Dealers, Miscellaneous			○			◆	◆		4.1.2	c
557	Motorcycle Sales and Service			○			◆			4.1.2	c
	Medical Supply Sales & Service	○	●	●		●	●	●			
5736	Musical Instruments Store			●	●	●					c
523	Paint, Glass, or Wallpaper Store			●		●					c
526	Plant Nursery, Lawn and Garden Supplies			●			●	●			c
	Plumbing, Electrical, and Heating Equipment Dealers			●			●	●			c

<sup>21</sup> See Article 3-Section 3.3.2(g), regarding Neighborhood Office Commercial development standards.

	Preparing Food for Sale on Premises	○		●	●	●					c
<b>PRINCIPLE USES</b>		N-O-C <sup>17</sup>	O-I	C-C	UMU	C-B-C	H-C	L-I	H-I	See Also	Parking - See under 6.86.
5735	Record and Video Tape Sales			●		●					c
556	Recreational Vehicle Dealer						◆	◆		4.1.2	c
5812	Restaurant, Custom Service (not fast food)	○		●	●	●				4.1.8	c
5812	Restaurant, Fast Food			●	●	●	●				c
599	Retail Stores, Miscellaneous			●	●	●					c
5949	Sewing, Needlework, and Fabric Stores	○		●	●	●					c
	Shopping Center			○			●				c
5941	Sporting Goods Store and Bicycle Shop			●	●	●					c
5943	Stationary Store	●		●	●	●					c
593	Used Merchandise Store			●	●	●	●				c
	Flea Market						●				c
<b>Industrial, Transportation and Storage</b>											
	Airline or Air Courier Company - Storage, Transfer, or Maintenance Facility							●	●		e
	Airport							●	●		
	Air Transportation, Non-scheduled							●	●		
	Boat Docks, Marina, and Waterfront Recreation			●	●	●					
	Cargo Packing and Crating Company							●	●		e
	Construction Contractor-with Machinery, Equipment, and Storage							◆	◆	4.1.6	b
	Craft or Micro Distillery, Brewery, or Winery (city only)			●	●	●		●	●	4.2.16	
	Junkyard								◆	4.1.2	
	Mini-Warehouses						●	●			e
	Mini-Warehouses <sup>18</sup>			○◆			○◆	○◆		4.1.30	

<sup>17</sup> See Article 3-Section 3.3.2(g), regarding Neighborhood Office Commercial development standards.

<sup>18</sup> As adaptive reuse of existing building only

	Mini-Warehouses, Unincorporated County			○			●	●			e
	Motor Freight Truck Terminal							●	●		e
	Mold-poured concrete products			○◆			◆	◆	●	4.2.15	
<b>PRINCIPLE USES</b>		N-O-C <sup>19</sup>	O-I	C-C	UMU	C-B-C	H-C	L-I	H-I	See Also	Parking - See under 6.86.
	Outdoor Storage Yard							○	◆	4.2.9	
	Petroleum Bulk Storage or Stations								○		
	Quarrying or Mining								○	4.1.15	
	Gravel Pit			○			○	○	◆	4.1.15	
	Railroad Lines, Yards and Stations							○	●		
	Recycling Center								●		
	Recycling Drop-off Center			○			●	●	●		
	Sawmill								●		
	Solid Waste Landfill								○	4.2.1 & 6.19	
	Solid Waste Transfer Station								◆	4.1.21	
	Temporary Vehicle Storage (county)			○			●	●		4.1.2.i	
	Trucking and Courier Services (except air)								●		c
	Warehousing or Indoor Storage Facility (not including Mini-Warehouses)							●	●		e
	Wholesale Trade-Administrative or Sales Office Only		●	●	●	●	●	●	●		e
	Wholesale Trade-Sales Operation including Storage and Transfer							●	●		e
<b>Manufacturing</b>											
	Apparel and Other Fabric Products							●	●	6.19	e
	Artisan or Crafts Manufacturing				●	●	●	●	●		
	Bakery, Industrial							●	●	6.19	e
	Bottling Works							●	●	6.19	e
	Broom and Brush Manufacture							●	●	6.19	e
	Chemicals and Allied Products								●	6.19	e

<sup>19</sup> See Article 3-Section 3.3.2(g), regarding Neighborhood Office Commercial development standards.

	Cleaning Products, Household and Industrial								●	6.19	e
	Distillery or Brewery								●		
	Electronic Equipment and Components (except Computer Equipment)							●	●	6.19	e
<b>PRINCIPLE USES</b>		<b>N-O-C<sup>20</sup></b>	<b>O-I</b>	<b>C-C</b>	<b>UMU</b>	<b>C-B-C</b>	<b>H-C</b>	<b>L-I</b>	<b>H-I</b>	<b>See Also</b>	<b>Parking - See under 6.86.</b>
	Fabricated Metal Products (except Machinery and Transportation Equipment)								●	6.19	e
	Food and Kindred Products							●	●	6.19	e
	Furniture and Fixtures							●	●	6.19	e
	Industrial, Commercial Machinery and Computer Equipment							●	●	6.19	e
	Lampshade Manufacture							●	●	6.19	e
31	Leather Products (not including Tanning and Finishing)							●	●	6.19	e
24	Lumber and Wood Products (except Furniture)								●	6.19	e
39	Miscellaneous Manufacturing Industries (not refinery)							●	●	6.19	e
26	Paper and Allied Products								●	6.19	e
29	Petroleum-Related Industries (not refinery)								●	6.19	e
38	Precision Instruments							●	●	6.19	e
33	Primary Metals Industries								●	6.19	e
37	Printing and Publishing			●				●	●	6.19	e
	Research Testing or Laboratory						○	●	●	6.19	e
30	Rubber and Plastics Products								●	6.19	e
32	Stone, Clay, Glass and Concrete Products								●	6.19	e
22	Textile Mill Products								●	6.19	e
21	Tobacco Products								●	6.19	e
37	Transportation Equipment							●	●	6.19	e
	Umbrella and Cane Manufacture							●	●	6.19	e
	<b>Semi-Public Uses and Utilities</b>										

<sup>20</sup> See Article 3-Section 3.3.2(g), regarding Neighborhood Office Commercial development standards.

	Athletic Playfields			○						4.1.16	d
	Carnival, Fairgrounds, Rodeo, Horse Show, Shooting and Special Events of Community Interest		◆○	◆						4.1.16	d
	Cemetery, Non-Profit		●	●							
<b>PRINCIPLE USES</b>		<b>N-O-C<sup>21</sup></b>	<b>O-I</b>	<b>C-C</b>	<b>UMU</b>	<b>C-B-C</b>	<b>H-C</b>	<b>L-I</b>	<b>H-I</b>	<b>See Also</b>	<b>Parking - See under 6.86.</b>
866	Churches or Places of Worship		◆	◆	◆	◆	◆	○		4.1.3	d
864	Civic, Social or Fraternal Organization	◆	◆	◆	◆	◆				4.1.4	d
	Communication Tower		◆○	◆○		◆○	◆○	◆	◆	4.1.5	
	Community Garden (County Only)	●	●	●	●	●	●				
	Community Garden (City Only)	○	○	○	○	○	○				
	Community Recreation Facility	◆	◆	◆	◆	◆	◆			4.1.16	d
	Governmental Administration Buildings		●	●	●	●	●	●	●		d
823	Library		●	●	●	●					d
	Neighborhood Recreation Center or Swimming Pool	◆	○	◆			◆			4.1.16	d
84	Nonprofit Museum or Art Gallery	●	●	●	●	●					d
	Outdoor Special Events Venue (City Only)		◆○	◆○						4.1.16	
	Park, Passive	●	●	●	●	●					
48	Post Office		●	●	●	●					d
	Sanitary Sewer Treatment Plant						○	○	●	4.1.19	
32	Stone, Clay, Glass and Concrete Products								●	6.19	e
822	School, College		●	●	●	●					d
821	School, Elementary and Secondary		○								
	Solar Farm							○	●	4.2.17	
	Utility Company Substation		◆	◆	◆	◆	◆	◆	◆	4.1.24	
	Wedding Chapels and Indoor Special Events Venues (City Only)		◆	◆						4.1.16	
458	Private Use Heliport		○	○			○	○	○	4.2.10	

<sup>21</sup> See Article 3-Section 3.3.2(g), regarding Neighborhood Office Commercial development standards.

<b>ACCESSORY USES</b>		<b>N-O-C</b>	<b>O-I</b>	<b>C-C</b>	<b>U-M-U</b>	<b>C-B-C</b>	<b>H-C</b>	<b>L-I</b>	<b>H-I</b>	<b>See Also</b>	<b>Parking - See under 6.86.</b>
	Accessory Dwelling Unit	◆								4.1.29	
	Accessory Uses Normally Incidental to Principal Use	◆	◆	◆	◆	◆	◆	◆	◆	4.2	
	Accessory dwelling in connection with a non-residential use	○	○	○		○	○	○	○		
	Accessory retail services in connection with an office, institution, hotel or motel, high-rise apartment, etc.	◆	◆	◆	◆	◆	◆	◆	◆	4.2.11	
	Automotive Rental and Lease as Accessory Use to Service Station			◆			◆	◆		4.2.4	
	Brew Pub			●	●	●				4.2.16	
	Customary Accessory Uses to a Dwelling	◆		◆			◆	◆		4.2.3	
	Community Gardens (County only)	●	●	●	●	●					
	Community Gardens (City only)	○	○	○	○	○					
	Craft or Micro-Distillery, Brewery, or winery			●	●	●				4.2.16	
835	Day Care Center (19 or more persons)		◆	◆	◆	◆	◆	◆	◆	4.1.9	c
835	Day Care, Family Home (6 or less persons)	●		●							
835	Group Day Care Home (7-18 persons)	●	●	●		●	●	●	●		c
	Home Office	◆	●	◆	◆	◆	●			4.2.3	
	Residential Business	◆	●	◆	◆	◆	●			4.2.3	
	Manufacturing or Fabrication Uses		◆	◆	◆	◆				4.2.6	
	Night Watchman Residence	○	○	○		○	○	○	○	4.2.7	a
	Outdoor Display Area			◆	◆	◆	◆	◆	◆	4.2.8	
	Outdoor Storage Yard			◆			◆	◆	◆	4.2.9	
	Private Recreation Facility	◆		◆						4.2.3	
458	Private Use Heliport		○	○			○	○	○	4.2.10	

	Solar Panel Array		●	●	●	●	●	●	●	4.2.17	
	Solar Panel Installation	●	●	●	●	●	●	●	●	4.2.17	

### 3.5. LOT SIZE, DENSITY AND SETBACKS

#### 3.5.1. MINIMUM LOT SIZE

Every property upon which a principal use may be located shall meet or exceed the following requirements for its respective zoning district except that the Minimum Lot Size (square feet) requirements in column three of Table 3-3 shall have application only in the city; everything else in Section 3.5.1 shall remain the same. Exception: the Minimum Lot Size (square feet) requirements in column three of Table 3-3 shall not apply to a subdivision of land in designated Redevelopment Districts in the City of Rome.

Table 3-3

**Minimum Lot Size\***

Zoning District	Use or Density (sq. ft. per unit unless otherwise noted)	Minimum Lot Size (square feet)	Minimum Lot Width Major Sts. (feet)	Minimum Lot Width Other Sts. (feet)
A-R	Public water and sewerage	NA	150	60
	Public water, private sewerage	NA	150	80
	Private water and sewerage	NA	150	150
	Other uses	NA	None	None
S-R	Single Family Residential:	NA		
	Public water and sewerage	NA	150	60
	Public water, private sewerage	NA	150	80
	Private water and sewerage	NA	150	150
D-R	Single Family and Two Family Residential:	NA		
	Public water and sewerage	NA	150	80
	Public water, private sewerage	NA	150	100
	Private water and sewerage	NA	N/A**	N/A
	Other uses	NA	None	None
HT-R	5000	NA	150	60
	4000	NA	160	80
LT-R	12,500	NA	150	60
	D-R - 12,500	NA	160	80
M-R	Multifamily 14 units/acre	NA	300	150
	Tri/Duplex – 4000***	NA	300*****	100/80
	Townhomes***	NA	300*****	18
	M.H. Park 6***		See Article 4	
	Residential Cluster – 10 units/acre	NA	N/A**	100/80
N-O-C	10,000	NA	90	90
O-I	N/A	NA	300****	150
C-C	Residential		See M-R District	
	Non-residential	NA	300****	150
C-B-C	none	NA	26	26
UMU		NA	26	26
H-C	N/A	NA	300****	150
L-I	N/A	30,000	300****	150
H-I	N/A	5 acres	300	N/A
P-D	Densities and lot sizes established as part of zoning approval for each Planned Development			

\*For lots located on roads classified by the Georgia Department of Transportation under the Functional Class Network as "Minor Collectors", and "Local Roads", the minimum lot width and minimum lot frontage may be reduced to no less than forty (40) feet, upon agreement by the City Engineer, Fire Marshall, Building Official, and Planning Director (or their designee). For lots located on roads having the classification of "Principal or Minor Arterials", and "Major of Minor Collectors" the required lot width, as shown in 3.5 Lot Size, Density, and Setbacks Table 3-3 of the Unified Land Development Code must be maintained

\*\*Development that is not permitted along major streets

\*\*\*Specific standards are found in Article 4 of this code

\*\*\*\*Minimum lot width may be reduced to 150 feet if shared access is provided with adjacent lot

\*\*\*\*\*Provided the units share a common access for ingress and egress of the development, for parcels that meet the minimum lot width of 300 feet.

### 3.5.2. MINIMUM PRINCIPAL BUILDING SETBACKS

All principal buildings on a lot shall be set back from the rights-of-way lines and property lines bounding the lot no less than the distances shown on the following table:

Table 3-4  
**Minimum Setback - Principal Buildings**

Front				
Zoning District	Major Street*	All Other Streets	Side	Rear
A-R	60	40	10	25
S-R				
Single Family or Duplex	40	25	5	25
Zero-Lot Line	N/A **	25	10 ft. btw. Buildings 0 along internal lot line	20
D-R				
Single Family & Two Family Residential	N/A**	20	5 0 along internal lot line	20
HT-R & LT-R***				
Single Family & Two Family Residential	N/A**	20	5	20
Zero-Lot Line	N/A**	20	10 ft. btw. Buildings	20
M-R				
Multifamily	20	20	30	30
Tri/Duplex	20	25	15	25
Townhomes	20	20	20****	25
Manf. Home Park	40	40	40	40
Residential Cluster	N/A**	25	15	25
N-O-C***	20	20	10	20
O-I	20	20	10	25
C-C	20	20	15	30
C-B-C	None	None	None	None
UMU	None	None	None	None
H-C	40	30	20	30
L-I	40	30	20*****	30*****
H-I	100	N/A	200*****	200*****
P-D	Setbacks established as part of zoning approval for each Planned Development			

\*Residential lots shall not be platted to front directly on the right-of-way of a major arterial, unless adequate provisions for access have been established.

\*\*Development that is not permitted along major streets

\*\*\*If the adjacent property on both sides is developed with a similar use, new construction or infill development shall provide a setback equal to the average setback on the adjacent properties

\*\*\*\*Individual townhouse units may provide 0 feet side yard separation, but end units must provide 20-foot side yards on the periphery of the lot.

\*\*\*\*\*No setback required where adjacent to rail line. For parcels zoned H-I, side and rear setbacks shall be the same as for the L-I district when adjacent to other H-I properties.

### 3.6. STRUCTURE HEIGHTS

#### 3.6.1. MAXIMUM STRUCTURE HEIGHTS

The maximum height of all structures in each zoning district (except as provided in the subsections below) shall be as follows:

Table 3-5  
**Maximum Structure Height –  
Principal Buildings**

Zoning District	Maximum Building or Structure Height (feet)
A-R	45
S-R	45
D-R	30
HT-R	45
LT-R	45
M-R	45
N-O-C	35
O-I	45
C-C	45
C-B-C	75
U-M-U	100
H-C	45
L-I	45
H-I	60
P-D	Height established as part of zoning approval for each Planned Development

#### 3.6.2. EXCEPTION TO HEIGHT RESTRICTIONS

The following structures are exempt from the height limitations:

- a. Agricultural buildings such as but not limited to barns, silos, windmills, grain elevators, and other farm structures, but not including dwellings.
- b. Cooling towers, gas holders, or other industrial structures where required as part of the manufacturing process.
- c. Church spires, belfries, cupolas, domes, monuments, water towers, observation towers, commercial radio and television transmission towers, windmills, chimneys, smokestacks, derricks, conveyors, communication towers, and TV reception antennae.

## Article 4. Restrictions Regarding Particular Uses

Section 4.1.	Principal Uses
Section 4.2.	Accessory Uses
Section 4.3.	Prohibited Uses

### 4.1. PRINCIPAL USES

The following specific requirements apply to each of the following uses in all zoning districts where each use is permitted with limitations.

#### 4.1.1. AGRICULTURAL AND FORESTRY

- a. Concentrated animal feeding operation (city ordinance)
    - (1) All livestock buildings or feeding enclosures shall be set back not less than 100 feet from any property line.
    - (2) Chicken broiler houses and other covered animal feeding operations are included in the definition of animal feeding operation to the extent that they must meet set back requirements and that their waste by-products must be disposed of in a timely and environmentally acceptable manner.
    - (3) Minimum parcel size is 10 acres.
    - (4) There shall be at least 5,000 square feet of fenced area not covered by the principal structure for each animal unit, excluding poultry. (See Definitions) All confined animal feeding operations shall comply with the requirements of the Georgia Department of Natural Resources Environmental Protection Division and the U. S. Department of Agriculture *Rules and Regulations for Water Quality (July 6, 1999)* relating to animal waste disposal.
  - b. Livestock sales pavilions, operated in accordance with state and county health department regulations, are required to be located at least 50 feet from any property line.
  - c. Riding stable:
    - (1) Lot must be at least 5 acres.
    - (2) Structures shall be located at least 50 feet from any property line.
  - d. Temporary or portable sawmill:
    - (1) Shall not exceed a period of six months.
    - (2) Such use must be at least 200 feet from any property line.
  - e. Tenant dwelling for persons employed on land used for bona fide agricultural purposes may not be rented for any other purposes but to provide housing for persons employed by agricultural operations upon the same parcel of land; except that such dwellings that were built prior to the adoption of this Ordinance may be rented.
- (a) (County Ordinance) Regulation of Commercial Poultry Operations and Concentrated/Confined Animal Feeding Operations (CAFO)
- (1) Setbacks. In addition to the other setbacks set forth in other portions of the ULDC, no commercial poultry houses or production area within a concentrated/confined animal feeding operation, stack houses and other structures for the storage or disposal of animal waste and/or deceased animals (“Commercial Livestock Structure”) shall be constructed where any portion of said Commercial Livestock Structure, as measured in the shortest straight line distance, is:
    - a. 200 (two hundred) feet or less from any property line;
    - b. 1,500 (one thousand five hundred) feet or less from any building that is regularly used as an occupied government building, school, public park, or public community center provided, however, that this requirement may be waived by the owner of the property (or their authorized agents) on which such an establishment is located. If more than one person owns or has any ownership interest of record of the property where such an establishment is located, then the consent of all owners shall be required;
    - c. 600 (six hundred) feet or less from a public hospital, church, other house of worship, senior center, nursing home, retirement home, restaurant, provided, however, that this requirement may be waived by the owner of the property (or their authorized agents) on which such an establishment is located. If more

than one person owns or has any ownership interest of record of the property where such an establishment is located, then the consent of all owners shall be required; and

- d. 600 (six hundred) feet or less from any portion of an existing Dwelling that is not owned by the person who owns the Commercial Livestock Structure; provided, however, that these requirements may be waived by the owner of the property where the dwelling is located. If more than one person owns the property where the dwelling is located, then the consent of all owners shall be required. No new residential dwelling shall be constructed in any location where any portion of the residential dwelling is 600 (six hundred) feet or less from a Commercial Livestock Structure that is not owned by the person who owns the Dwelling; provided, however, that this requirement may be waived by the owner of the property where the Commercial Livestock Structure is located. If more than one person owns the property where the Commercial Livestock Structure is located, the consent of all owners shall be required.
  - e. Accessory structures, such as equipment repair shops, offices and well houses, must only meet the accessory structure setback requirements of the zoning district in which they are constructed.
- (2) Existing Non-conforming Commercial Livestock Structures.
- a. Existing Commercial Livestock Structures, in operation at the time this article is adopted on \_\_\_\_\_, which do not meet the requirements specified herein for Commercial Poultry Operations and Concentrated/Confined Animal Feeding Operations (CAFO), shall be "grandfathered" in as nonconforming for the purposes of this article. Such operations shall not have to comply with location and setback restrictions for existing Commercial Livestock Structures, provided they are in compliance with applicable state and federal regulations for water and air quality.
  - b. Change of ownership. In the event that a currently operating Commercial Poultry Operation or Concentrated/Confined Animal Feeding Operation (CAFO) changes ownership for any reason, the existing Commercial Livestock Structures on these commercial operations shall be "grandfathered" in as nonconforming for the purposes of this article. Such operations shall not have to comply with location and setback restrictions for existing Commercial Livestock Structures, provided they are in compliance with applicable state and federal regulations for water and air quality.
  - c. Inactive Commercial Poultry Operation or Concentrated/Confined Animal Feeding Operation (CAFO). Existing Commercial Livestock Structures that have been in an inactive state for less than 12 (twelve) months shall also be "grandfathered" in as nonconforming for the purposes of this article. Such structures shall not have to comply with location and setback restrictions for existing Commercial Livestock Structures, provided they are in compliance with applicable state and federal regulations for water and air quality.
  - d. Rebuilding of existing Commercial Livestock Structures. Existing Commercial Livestock Structures, that are in operation at the time this article is adopted, but need to be rebuilt due to significant damage or destruction, may be rebuilt without complying with the location and setback restrictions for Commercial Livestock Structures, only if:
    - i. The structure is rebuilt in a manner that does not exceed the non-conformity of the structure as it existed at the time of the adoption of this article; and
    - ii. The replacement structure is permitted for reconstruction within 12 (twelve) months of the date of the significant damage or destruction.
    - iii. The burden shall be on the owner of the Commercial Livestock Structure to show that the plans to rebuild such a structure do not exceed the non-conformity of the structure as it existed at the time of the adoption of this article.
- (3) Minimum Acreage. All new Commercial Poultry Operations and Concentrated/Confined Animal Feeding Operations (CAFO) shall be constructed on lots of a minimum size of 10 (ten) contiguous acres. An additional 5 (five) acres is required to be added to such parcel for every Commercial Livestock Structure to be constructed over two.
- (4) Compliance with Federal and State Law. Commercial Poultry Operations and Concentrated/Confined Animal Feeding Operations (CAFO) shall comply with the requirements of the Georgia Department of Natural Resources Environmental Protection Division, Georgia Department of Agriculture and the U.S. Department of Agriculture and U.S. Environmental Protection Agency Rules and Regulations for water and air quality."

#### **4.1.2. AUTOMOTIVE, TRUCK, BOAT AND TRAILER SALES AND SERVICE**

- a. Automotive parking lot or parking garage, commercial may include gasoline pumps if located entirely within the principal structure.
  - b. Automobile repair and paint shops
- (1) **CITY:** Such use shall not be permitted within 300 feet of any property used for school, park, playground, day care home or center, nursing home, convalescent home, personal care home, or hospital; or within 300 feet of any residentially zoned property.

**COUNTY:** Such use shall not be permitted within 300 feet of any property used for a school, park playground, or hospital.

(2) All activities shall be carried on entirely within an enclosed building.

(3) **CITY:** Damaged vehicles shall be stored within a storage area that meets the criteria outlined in Article 4.1.2 i.

**COUNTY:** Such use shall not be established on a lot that is either adjacent to or directly across the street from any residentially zoned property.

c. Automobile and truck salvage and retail sales.

(1) Automotive salvage operations where parts are to be retailed or wholesaled as usable replacement parts are permitted provided they are properly screened from view on all sides by a solid fence a minimum of eight feet tall.

d. Automotive Service Business and Automobile Service Station.

(1) Auto repair shall not be permitted.

(2) Gasoline pumps and other service facilities shall be set back not less than 15 feet from the right-of-way line.

(3) All activities and storage of tires, parts, etc. shall be carried on entirely within an enclosed building.

(4) No inoperable vehicles shall be stored on the site for more than 24 hours.

(5) Such use in a P-D District shall not be constructed until the primary structure has been constructed.

e. Automobile, boat, truck and trailer sales, lease and rentals

All parking areas shall be clearly marked, and no unit shall be parked within the setback areas of the district.

f. Automobile wash service

A paved area shall be located on the same lot for the storage of vehicles awaiting service equal to one-third of the practical hourly capacity of the wash machines.

g. Automobile wrecking or junkyards

(1) Such use shall be enclosed by a fence or wall not less than eight (8) feet in height that provides total visual screening. Such screening shall be maintained in good condition and meet the standards established for buffers in Article 6.

(2) The storage of vehicles shall be on asphalt, concrete or gravel. Vehicles shall be arranged in rows and not stacked upon one another.

(3) No such activity may be conducted within 100 feet of any property line or 200 feet of any property zoned or used for residential purposes. The incidental sale of auto parts removed from cars on the site shall be permitted.

h. Retail automobile parts and tire store

(1) Unless elsewhere permitted within the district, there shall be no dismantling of vehicles on the premises to obtain auto parts.

(2) Unless elsewhere permitted within the district, the only auto part installation that shall be permitted in connection with this use shall be the installing of tires and the installation of minor maintenance or accessory parts.

(3) Unless elsewhere permitted within the district, major auto repair shall not be permitted in connection with this use.

i. Storage yards for damaged or confiscated automobiles

- (1) This use shall be enclosed by a fence or wall at least eight (8) feet in height that provides total visual screening. Such screening shall be maintained in good condition and meet the buffer standards of Article 6 – “Site Design Standards.”
- (2) The storage of vehicles shall be on an all-weather treatment such as asphalt, concrete or gravel. Vehicles shall be arranged in rows and not stacked upon one another.
- (3) No such activity may be conducted within 100 feet of any property line or 200 feet of any property zoned or used for residential purposes. The incidental sale of auto parts removed from cars on the site shall be permitted. (CITY ONLY)
- (4) No dismantling, repair, or other such activity shall be conducted unless otherwise permitted in the district.
- (5) No automobiles shall be held longer than the expiration of its current registration period. (CITY ONLY)
- (6) No vehicle shall be held longer than sixty (60) days from its arrival on the property. (COUNTY ONLY)

**4.1.3. CHURCHES AND OTHER RELIGIOUS FACILITIES**

- a. When abutting a residentially zoned district, any building or structure shall be set back not less than 50 feet from any side or rear property line.
- b. No parking area shall be established within 20 feet of a residential zone
- c. For new construction on undeveloped ground the site must be at least one acre in size and have frontage on a public street of at least 100 feet.

**4.1.4. CIVIC, SOCIAL AND FRATERNAL ORGANIZATIONS**

All structures shall be at least 50 feet from any property line, and parking.

**4.1.5. COMMUNICATIONS, RADIO AND TV TOWERS**

All towers must be set back from any adjacent (next to or across the street) lot or unrelated structure a distance equal to the height of the tower. Article 4.1.5 shall not have application to towers located in the county.<sup>22</sup>

**4.1.6. CONSTRUCTION CONTRACTORS**

Storage of materials not within a building or structure shall be screened by a permanent fence, wall or approved planted buffer. Such screen shall be at least 6 feet in height or two feet higher than stored materials, whichever is higher. Such screen shall also be in conformance with buffer standards in Article 6 – “Site Design Standards.”

**4.1.7. CUSTOM ORDER AND SPECIALTY SHOPS**

Such uses are allowed by right if less than 10,000 square feet and if the sales area is within a building and occupies more than 10,000 square feet of building floor area, it shall be permitted with limitations by special use permit.

**4.1.8. CUSTOM SERVICE RESTAURANTS**

A restaurant in this district shall be a custom service restaurant and shall be located in a pre-existing residential structure modified for such use.

**4.1.9. DAY CARE AND KINDERGARTENS**

- a. The lot shall have access on an arterial or major collector.
- b. There shall not be less than 30 square feet of indoor play area for each child at maximum enrollment, and not less than 100 square feet per child of outdoor play area, for the maximum number of children that will use the play area at any given time, but in no case less than 1/3 of the maximum enrollment.

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<sup>22</sup> Setbacks for communications, radio, and TV towers located in the county shall be established through a separate comprehensive ordinance of the County and not the ULDC.

- c. A fence not less than 4 feet in height shall enclose the outdoor play area.
- d. A circular drive shall be provided for off-street loading and unloading.
- e. In P-D and C-B-C Districts the use shall be permitted only as accessory use to a primary use.

**4.1.10. DRY CLEANING PLANTS**

- a. Dry cleaning plants using systems that make use of solvents rated at above 40 according to the Underwriters’ Laboratories, Inc. standard of classification known as class I systems shall be prohibited.
- b. Dry cleaning plants that make use of solvents rated at more than 5 but less than 40 according to the Underwriters’ Laboratories, Inc. standard of classification, known as class II and III systems shall not be established in buildings with other occupancy. They shall be established in buildings that are set back at least 20 feet from any side or rear property line and another building.
- c. The applicant for such a plant shall certify in writing at the time of application that all the above conditions shall be met. Such dry cleaning plant shall comply with all of the requirements of the Life Safety Code NFPA No. 101.
- d. Such plant shall be designed to operate in a manner that will not emit noise, smoke, odor, or objectionable waste materials.

**4.1.11. LODGING**

- a. Bed and Breakfast Inn
  - (1) Permitted only in federally designated National Historic Register districts and the A-R District as a Special Use.
  - (2) Bed and Breakfast Inns are permitted to offer 1 to 10 units.
  - (3) Parking requirements are stated in Article 6 – Subdivision and Project Standards.
  - (4) Signs shall meet the sign standards of the district wherein the facility is located.
- b. Fraternity and sorority houses and residence halls
  - (1) The use must be located within 1,000 feet of an accredited institution of higher education.
  - (2) In computing area required to determine dwelling unit densities, each six beds or fraction thereof shall be considered as 1 dwelling unit.

**4.1.12. MANUFACTURED HOMES**

These regulations shall govern the use and operation of all manufactured homes used for residential purposes and manufactured home communities within the County. It is the intent of these regulations to empower the Planning Commission, the fire department, the county health department, and the building inspection department to review the development of manufactured home sites and parks within the county for the purposes stated in this article.

- a. Purpose.
 

These regulations are being promulgated to project the health, safety and general welfare of the citizens of the County. The County recognizes that manufactured housing meets the needs of many county residents for affordable housing.
- b. General Standards.
  - (1) No mobile home shall be brought into the County after the effective date of this Development Code.
  - (2) Zoning requirements:
    - (a) A-R District: Manufactured and mobile homes are permitted with limitations within unincorporated Floyd County and only by Special Use Permit inside the City of Rome.

- (b) S-R or P-D Residential Districts: Manufactured homes on individual lots are permitted only by special use permit within those portions of the county consisting of land development projects in which two or more lots are created, along with streets and utilities needed to support construction of buildings on the lots. In other portions of the county in said Residential Districts, manufactured homes are permitted with limitations. Manufactured homes on individual lots in the city are allowed only by special use permit. Manufactured home subdivisions are permitted with limitations.
- (c) HT-R and LT-R Residential District: Manufactured homes on individual lots are not permitted.
- (d) D-R Residential District: Manufactured homes on individual lots are excluded from the Duplex District. Manufactured home subdivisions are excluded from this zone.
- (e) M-R Multifamily Residential District: Duplex manufactured homes are permitted. Manufactured home parks are permitted with limitations.
- (f) Manufactured and mobile homes are prohibited from any historic district.

(3) Mobile home inspection.

No mobile home shall relocate from a site within the county without the following inspection. The cost of such inspection shall be the responsibility of the mobile home owner.

(a) Structural inspection by the Building Official to assure integrity of outside structural items such as windows, doors, and siding.

(b) HVAC inspection conducted by the Building Inspection Department:

- 1) Gas piping systems shall stand a pressure of six (6) inches mercury or three (3) psi gauge for a period of not less than ten minutes without showing any drop in pressure.
- 2) When appliances are connected to the gas piping system, the entire system shall be pressurized to not less than ten (10) inches and not more than fourteen (14) inches water column and the appliance connections tested for leakage with soapy water or bubble solution.

(c) Electrical inspection shall be conducted by Building Inspection and shall meet the requirements of the latest edition of the National Electrical Code.

(d) Smoke detectors shall be installed and operational using the mobile home's internal electrical wiring. At the minimum, a detector shall be located in the hallway(s) leading to the sleeping area(s). Detectors shall be Underwriter's Laboratories approved and installed in accordance with the manufacturer's instructions.

(4) An annual location decal is required and shall be filed by the owner of a manufactured or mobile home located in the county. The filing is at the office of the tax commissioner. Homes having filed for a homestead exemption in the property tax assessor's office are excluded from such requirement.

(5) Permanent additions may be built onto any manufactured home or mobile home provided such addition or modification meets the requirements of the building code and the procedures outlined for developing a manufactured home park as applicable.

(6) Manufactured or mobile homes placed after the date of this article shall be required to have the following improvements at the manufactured or mobile home stand per the Manufactured Home Division of the Safety Fire Commissioner of the State of Georgia:

(a) *Tiedowns*: Each manufactured or mobile home shall be secured to ground anchors or other devices securing the stability of the manufactured or mobile home as outlined in the building code.

(b) *Foundations*: Foundations shall be installed in accordance with the standards set forth in the Georgia Installation Code for Manufactured Homes.

(c) *Steps*: Steps are required to be placed within 45 days of installation for all doors into the manufactured home and shall be at least 36 inches in width. If more than 3 steps are required, the steps shall be equipped with a hand railing. The improvements shall comply with the provisions of the building code.

(d) Any manufactured or mobile home located within the county shall be skirted within 45 days of installation.

(e) Any manufactured home or mobile home located within the City must be placed on a masonry foundation, slab, or masonry piers with masonry curtain within 45 days of its installation. The towing tongue and wheels shall be removed.

(7) Any manufactured or mobile home that is damaged by fire, flood, explosion, wind or other catastrophe in any amount equal to or greater than 60 percent of its replacement value shall be removed and disposed of or repaired by the owner within 90 days after damage occurred unless a variance has been granted.

(8) Nonconforming manufactured or mobile home sites, parks, or subdivisions lawfully existing at the time of adoption of this regulation may be continued; but if such nonconforming use is discontinued for a period of 12 months, the manufactured or mobile home site, park, or subdivision shall be made to conform to the requirements of these regulations.

c. Exceptions:

An exception to the provisions of this article may be granted based on medical hardship by authorized staff of the Planning Commission. An application for exception shall contain an affidavit of a physician showing at present lodging facilities are inadequate and that a hardship condition exists requiring the use of a manufactured home for the health care of a dependent of the occupant of the premises. The application shall attach a separate statement by the applicant that he/she recognizes the exception, if granted, is to last only as long as the health condition exists.

An exception may also be granted in an area that has been officially declared a disaster area by federal, state, or local government. In such a case, an application for exception shall include a statement by the applicant that he/she is the owner of the premises; and that he/she recognizes the exception is temporary and shall last only until permanent housing can be repaired or replaced; no more than 180 days which period can be extended one time for 180 more days by Planning Department staff.

In either case:

(1) Any change in the status of the occupant(s) justifying the granting of an exception, shall be reported to the City of Rome/Floyd County Building Inspection and/or Planning Office within 30 days.

(2) The applicant shall also state that he/she shall cause the removal of manufactured home on the termination of the exception and that upon failure to do so irrevocably grants the Governing Body the right to use equipment to remove the manufactured home from the premises at the applicant's expense.

(3) A manufactured home placed in this manner is not to be used as a rental property. It must be removed at the expense of the property owner, once the special medical or other need for which a variance was granted no longer exists.

d. Manufactured and mobile homes on individual lots.

(1) Manufactured and mobile home situated on individual lots in the unincorporated county shall be required to meet the same location standards as other single-family units within the same zoning district.

(2) Health Department approval will be required for every manufactured home and/or mobile home on a lot not connected to public sewer systems. Lot size shall be approved by the Health Department using appropriate percolation and/or soil test data. No septic tanks shall be allowed if public sewerage is available. All dwellings shall connect to the public sewer when such sewer is within 300 feet of the property being subdivided.

(3) All lots shall comply with the Flood Damage Prevention provisions of this Development Code. Each lot shall have thereon a viable home-site above the 100-year flood plain.

(4) Any manufactured home or mobile home placed on an individual lot within the City shall be compatible with single-family dwellings on surrounding lots for a distance of 100 feet or one block in any direction in terms of roof pitch, exterior wall treatment, and orientation relative to the street frontage.

e. Where private sewerage disposal systems are to be placed in front yard areas, setbacks shall be established by the Floyd County Health Department but shall not be less than 40 feet.

f. Manufactured home subdivisions.

- (1) Manufactured home subdivisions shall be required to meet all the development standards of this Code.
- (2) Manufactured and mobile homes situated on individual lots shall be required to meet the same standards for location as single-family dwelling units. Prior to the placement of the manufactured or mobile home on the lot, the owner shall submit a plot plan or an affidavit signed by the owner to the building inspection department that indicated the site complies with the provisions of this ordinance concerning the placement of such homes.
- (3) Any manufactured home placed on an individual lot in a manufactured home subdivision within the City shall be compatible with single-family dwellings on surrounding lots for distance of 100 feet or one block in any direction in terms of roof pitch, exterior wall treatment, and orientation relative to the street frontage.

g. Manufactured home parks:

- (1) Approval of manufactured home parks:

Procedures for developing a manufactured home park shall follow the same standards as specified for site plan approval outlined in Article 2. This article relates to application submissions, approval processes, erosion and sediment control, design issues, grading, flood area management, etc.

- (2) Site standards for manufactured home parks:

- (a) Any park of 10 units or more must be located on a road classified as an arterial as specified in the county road maintenance register or otherwise be on a state highway. Said park shall have a minimum street frontage of 300 feet. Parks with less than 10 units shall be located on a major collector or higher functional street classification and have a minimum road frontage of 150 feet.
- (b) Manufactured home parks shall front on a publicly maintained street.
- (c) Manufactured home parks shall be served by a public water and sanitary sewer source. Any extension of public water lines shall be constructed in accordance with standards established by this Development Code for single-family dwellings. All water mains shall be at least 6 inches in diameter. Fire hydrants shall be readily accessible for fire department use. Hydrants shall be located so that each home or building in the park is within 500 feet of a hydrant.
- (d) All manufactured home parks shall be served by a garbage collection system. Collection facilities may be provided for the entire community or at individual lots within the each manufactured home park. The design for these facilities must be approved at the time of development plan approval.
- (e) Each manufactured home shall be located on a lot having an area of 5,000 square feet and minimum building line width of 40 feet.
- (f) Manufactured homes shall be separated from each other and from other buildings and structures by at least sixteen (16) feet. Porches and decks without tops or opaque roofs shall be excluded from this requirement.
- (g) One accessory storage building is allowed on an individual lot. The maximum size shall not exceed 120 square feet.
- (h) All structures shall be set back from any exterior property line of the manufactured home park by 40 feet.
- (i) One or more recreation areas shall be provided within those manufactured home parks having 10 or more units. Such recreation area shall constitute a minimum of 5 percent of the space designated for residential lots. All such recreation areas shall be so designated on the development for the park and shall not be converted to use as a manufactured home lot. Recreation areas shall be so located as to be free of traffic and safety hazards. At least 50 percent of the recreational open space land shall be of a character suitable for active recreation, such as playgrounds or ball fields.
- (j) All interior roadways are to be surfaced with a material such as asphalt, chert, gravel, etc., to a width of 12 feet for one-way streets or to a width of 18 feet for two-way streets and maintained by the manufactured home park owner.

- (k) Areas not surfaced or built over shall be planted in grass or other suitable vegetative cover.
- (l) Adequate security lighting shall be provided for the manufactured home park.
- (m) The location of electrical cables, gas piping, and sewer lines buried underground shall be indicated by an above ground sign(s) or underground marker tapes identifying the proximity of the lines. A plot plan showing the as-built location of underground utility lines shall be provided to the Building Inspector.

#### **4.1.13. PERSONAL CARE HOMES**

- a. In all single-family and two-family residential districts (AR, SR, LTR, HTR, DR), the square footage of an existing dwelling shall not be enlarged by more than 25% of the existing dwelling to affect the use of the structure as a personal care home, rooming or boarding house, or group residence. Exterior modification of an existing dwelling and provision of the required parking shall be consistent with the residential character of the surrounding neighborhood; i.e. in design, scale, and number of vehicles allowed.
- b. In all single-family and two-family residential districts (AR, SR, LTR, HTR, DR), new construction shall be consistent with the residential character and scale of the surrounding neighborhood.
- c. Personal care homes, rooming or boarding houses, and group residences shall maintain all applicable federal and/or state licenses and/or permits.

#### **4.1.14. PHOTOGRAPHIC STUDIO**

- a. No commodities may be sold other than photographs of customers made by the studio and items accessory to and sold in conjunction with those photographs.
- b. On-site film processing and printing is solely for the studio's use.
- c. No custom framing or other non-photography work may be performed as part of the business.

#### **4.1.15. QUARRYING, MINING, AND SOFT MATERIAL EXTRACTION (City Only)**

- a. Quarrying and mining includes removal, extraction and/or processing of any dirt, sand, soil, clay, rock, gravel, minerals, gas, oil, or other fuels for sale or removal from the property in its extracted form, finished form, or as a component of another product. Borrow pits are permitted where less than 1.1 acres of land will be disturbed.
- b. Prior to initiation of mining activities an application for a Special Use Permit must be submitted to the Planning Commission. Such application must provide:
  - (1) Written stipulations that the activity will not have harmful impacts on the environment (air, water, natural landscape) neighboring residents and businesses, or to livestock.
  - (2) A specific site plan and time schedule for completion of mining operations.
  - (3) Information as to how the operation will be buffered and methods to assure that no harmful off-site impacts will occur.
  - (4) A transportation plan detailing routes to be used by vehicles serving the site, weight limits and traffic volumes.
  - (5) Information on hours of operation and procedures (on- and off-site) related to any on-site blasting that might occur.
  - (6) Adequate financial bonding for damages (to be determined by the governing body)
- c. The removal area shall be completely enclosed with a fence not less than 6 feet in height.
- d. An earthen berm shall be provided that shields all operations from ground level view along all property lines.
- e. Drainage plans and a plan for the development of the site when the removal is completed shall be submitted with the application for a development permit.

- f. This section shall not prohibit the removal of earth and rock and filling and grading in any district done for land development purposes, upon issuance of a development permit in accordance with this Development Code.
- g. These uses shall be established only on a site of not less than 200 acres.

**4.1.15. QUARRYING, MINING, AND SOFT MATERIAL EXTRACTION (County Only)**

a. Quarrying and mining

- (1) “Quarrying and mining” includes removal, extraction and/or processing of any dirt, sand, soil, clay, rock, gravel, minerals, gas, oil or other fuels for sale or removal from the property in its extracted form, finished form or as a component of another product. Quarrying and mining shall not include “soft material extraction” as hereinafter defined. Quarrying and mining and soft material extraction shall not include borrow pits that are excavated areas where naturally occurring earthen materials are to be removed for use and ordinary fill at another location. Borrow pits as defined herein are not subject to regulation by this section.
- (2) Prior to initiation of quarrying and mining activities, an application for a Special Use Permit must be submitted to the Planning Commission. Such application must provide:
  - (a) Written stipulations that the activity will not have any harmful impacts on the environment (air, water, natural landscape), neighboring residents and businesses, or to livestock.
  - (b) A specific site plan and time schedule for completion of mining operations.
  - (c) Information as to how the operation will be buffered and methods to assure that no harmful off-site impacts will occur.
  - (d) A transportation plan detailing routes to be used by vehicles serving the site, weight limits and traffic volumes.
  - (e) Information on hours of operation and procedures (on- and off-site) related to any on-site blasting that might occur.
  - (f) Adequate financial bonding for damages (to be determined by the governing body).
- (3) The following additional objective criteria shall be considered when reviewing a request for a special use permit under Section 2-2-4(b):
  - (a) Will the mining have an adverse impact on nearby residential property, whether through noise, light, dust, run-off or other potential nuisance?
  - (b) Will the mining have an adverse impact on any rivers, streams or other bodies of water?
  - (c) Will the mining have an adverse impact on the groundwater recharge system or underground aquifers?
- (4) The removal area shall be completely enclosed with a fence not less than six feet in height.
- (5) An earthen berm shall be provided that shields all operations from ground level view along all property lines.
- (6) Drainage plans and a plan for the development of the site when the removal is completed shall be submitted with the application for a special use permit.
- (7) This section shall not prohibit the removal of earth and rock and filling and grading in any district done for land development purposes, upon issuance of a development permit in accordance with this Development Code.
- (8) These uses shall be established only on a site of not less than 200 acres.

b. Soft material extraction

- (1) “Soft material extraction” is the removal of soft materials wherein:
  - (a) Blasting and the use of explosives are not employed in the mining operation;

- (b) Groundwater aquifers will not be encountered;
  - (c) Removal does not take place below the water table; and
  - (d) Such soft materials are limited to common clay and shale, ball clay, china clay, kaolin, umber, ochre, fuller's earth, bentonite, barite, bauxite, sericite, sand and gravel.
- (2) Soft material extraction shall not take place on parcels of less than one (1) acre and is permitted in H-I, L-I, A-R and H-C zoning districts with a special use permit.
- (3) Prior to initiation of any soft material extraction activities, an application for a Special Use Permit must be submitted to the Planning Commission. Such application must provide:
- (a) Written stipulations that the activity will not have any harmful impacts on the environment (air, water, natural landscape), neighboring residents and businesses, or to livestock.
  - (b) A specific site plan that includes:
    - 1. a dimensional separation where soft material extraction shall not occur within fifty (50) feet of all property lines;
    - 2. a 10-foot buffer, within the 50-foot dimensional separation, that shields all operations from ground level view on property lines that are adjacent to all zoning districts except A-R; and
    - 3. a time schedule for completion of soft material extraction.
  - (c) Information to assure that no harmful off-site impacts will occur.
  - (d) A transportation plan detailing routes to be used by vehicles serving the site, weight limits and traffic volumes.
  - (e) Information on hours of operation and procedures (on- and off-site).
  - (f) Adequate financial bonding for damages (to be determined by the governing body).
  - (g) Drainage plans and a plan for the development of the site when the removal is completed shall be submitted with the application for a special use permit.”

**4.1.16. RECREATION AND ENTERTAINMENT (City Only)**

- a. Special outdoor entertainment, concert, or event of community interest.
  - (1) General standards:
    - (a) Such activities shall not exceed 14 days and may not occur more often than twice in any calendar year.
    - (b) Adequate parking and traffic maneuvering space must be located on the same property as the special event.
    - (c) Such activities shall not be conducted within 100 feet from any property line.
    - (d) No programs involving music or amplified sound may be presented within 200 feet of any residential zoning district or residence.
    - (e) Central loudspeakers shall be prohibited.
    - (f) Lighting shall be established so that adjacent properties and roadways are not adversely affected and shall be in accordance with Article 6-“Site Design Standards.”
  - (2) Carnival, Rodeo, Horse Show, Community Fairs, Fairgrounds and Amusement Parks.
    - (a) All activities and buildings must be set back at least 200 feet from any property line.
    - (b) These uses shall not be permitted within 500 feet of the property line of an adjacent residence.
    - (c) Facilities shall be enclosed by a wall or fence not less than 5 feet in height.

(3) Outdoor Special Events Venues.

In addition to the requirements set forth above, the following additional requirements shall apply:

- (a) Site plans shall be approved by the Planning Commission to ensure compatibility of the facility with the neighborhood in which it is located.
- (b) Outdoor activity shall cease by 11:00 p.m.

(4) Golf Courses and Club Houses, Private Neighborhood Recreation Centers or Swimming Pools, Noncommercial Club or Lodge, Planetarium, aquarium, botanical gardens, and other natural exhibitions.

In addition to the requirements set forth in the section above, the following additional requirements shall apply:

- (d) Any building or structure shall be set back 100 feet from any property line except where such property line is a street line. In such cases, the front yard setback established for the district shall apply. When a property line is on a natural waterway, a property line set back shall not be required.
- (e) Site plans shall be approved by the Planning Commission to ensure compatibility of the facility with the neighborhood in which it is to be located.
- (f) A fence having a height of not less than 6 feet shall enclose a swimming pool. Swimming pools shall be permitted only upon written approval of the health department to indicate compliance with health department swimming pool regulations.
- (g) Outdoor activity shall cease by 11:00 p.m.
- (h) No fraternal club or lodge may be permitted in a residentially zoned district.

(5) Wedding Chapels and Indoor Special Event Venues

- (a) Any building or structure must comply with the same front, side, and rear setbacks as required in each zoning district. When a property line is on a natural waterway, a property line setback shall not be required.
- (b) Adequate parking per Section 6.8 and traffic maneuvering space must be located on the same property as the special event.
- (c) Site plans shall be approved by the Planning Commission to ensure compatibility of the facility with the neighborhood in which it is located.
- (d) Programs involving music or amplified sound must be presented indoors.

**4.1.16 RECREATION AND ENTERTAINMENT (County Only)**

a. Special outdoor entertainment, or event of community interest.

(1) General standards:

- (a) Such activities shall not exceed 14 days and may not occur more often than twice in any calendar year.
- (b) Adequate parking and traffic maneuvering space must be located on the same property as the special event.
- (c) Such activities shall not be conducted within 100 feet from any property line.
- (d) No programs involving music or amplified sound may be presented within 200 feet of any residential zoning district or residence.
- (e) Central loudspeakers shall be prohibited.

(f) Lighting shall be established so that adjacent properties and roadways are not adversely affected and shall be in accordance with Article 6-“Site Design Standards.”

(2) Carnival, Rodeo, Horse Show, Community Fairs, Fairgrounds and Amusement Parks.

(a) All activities and buildings must be set back at least 200 feet from any property line.

(b) These uses shall not be permitted within 500 feet of the property line of an adjacent residence.

(c) Facilities shall be enclosed by a wall or fence not less than 5 feet in height.

(3) Golf Courses and Club Houses, Private Neighborhood Recreation Centers or Swimming Pools, Noncommercial Club or Lodge, Planetarium, aquarium, botanical gardens, and other natural exhibitions.

In addition to the requirements set forth in the section above, the following additional requirements shall apply:

(a) Any building or structure shall be set back 100 feet from any property line except where such property line is a street line. In such cases, the front yard setback established for the district shall apply. When a property line is on a natural waterway, a property line set back shall not be required.

(b) Site plans shall be approved by the Planning Commission to ensure compatibility of the facility with the neighborhood in which it is to be located.

(c) A fence having a height of not less than 6 feet shall enclose a swimming pool. Swimming pools shall be permitted only upon written approval of the health department to indicate compliance with health department swimming pool regulations.

(d) Outdoor activity shall cease by 11:00 p.m.

(e) No fraternal club or lodge may be permitted in a residentially zoned district.

(4) Special Event Venue

(a) There shall be a ten (15) acre minimum lot size.

(b) There shall be a site plan approved by the Planning Commission.

(c) There shall be a fifty-foot buffer along the sides and rear of the venue property where no venue activities take place.

(d) Outdoor activities shall cease by 11 p.m.

**4.1.17. REPAIR SERVICES**

a. All activities shall be conducted within a building or fenced area, involving no outdoor storage of materials, equipment, or items being repaired, unless elsewhere permitted in the district.

b. Any outside storage shall be confined to the rear of the property and shall be visually screened in accordance with the buffer standards in Article 6 – “Site Design Standards.”

c. Such activity shall not generate noise, odors, or fumes that can be detected beyond the walls of the building in which the use is housed.

**4.1.18. RETIREMENT COMMUNITY, CONVALESCENT, ASSISTED LIVING CENTERS OR NURSING HOMES**

(a) In all single-family and two-family residential districts (AR, SR, LTR, HTR, DR), the square footage of an existing dwelling shall not be enlarged by more than 25% of the existing dwelling to affect the use of the structure as a retirement community, convalescent home, assisted living center or nursing home. Exterior modification of an existing dwelling and provision of the required parking shall be consistent with the residential character of the surrounding neighborhood; i.e. in design, scale, and number of vehicles allowed.

- (b) In all single-family and two-family residential districts (AR, SR, LTR, HTR, DR), new construction shall be consistent with the residential character and scale of the surrounding neighborhood.
- (c) Retirement communities, convalescent homes, assisted living centers or nursing homes of all types shall maintain all applicable federal and/or state licenses and/or permits.
- (d) Minimum site area of two acres shall be provided for retirement communities, convalescent homes, assisted living centers or nursing homes.

**4.1.19. SEWAGE TREATMENT PLANTS**

- a. The directors of the county health and water and sewer departments and the Environmental Protection Division of the Georgia Department of Natural Resources shall approve the design and operation of such facility.
- b. Any building or structure compromising the facility shall be set back 100 feet from any property line.

**4.1.20. SEXUALLY-ORIENTED ADULT USES**

Sexually-oriented adult uses shall comply with all requirements regarding “adult entertainment establishments” of the Code of Ordinances of the applicable Jurisdiction.

**4.1.21. SOLID WASTE DISPOSAL SITES**

The same requirements outlined under “mining” shall apply to solid waste disposal sites, however, substitution of “landfill” activities should be made for “mining” activities.

**4.1.22. TEMPORARY SALES OFFICE FOR A SUBDIVISION**

A temporary sales office, where otherwise allowed, shall meet the following criteria:

- a. The temporary sales office shall be located on a lot within an area that has received Final Plat approval and has been recorded with the Clerk to the Superior Court.
- b. Sales shall be limited to the lots and buildings within the subdivision where the temporary sales office is located.
- c. The temporary sales office may not be a portable building that is transferred to the site as a unit.
- d. The temporary sales office shall cease to exist within 30 days after Certificates of Occupancy have been issued on 80 percent of the lots in the subdivision.

**4.1.23. TOWNHOUSE SUBDIVISIONS**

Townhouse developments in which each dwelling unit is to be located on a separate lot must comply with the following minimum requirements:

- a. Number of dwelling units per building: At least two but no more than 24.
- b. Each unit must have a distinctive feature that distinguishes it from an adjacent unit (i.e. color, height, façade stagger, etc.). Distinctive features may repeat.
- c. “Minimum Lot Width: The width for the units in a single building shall be no less than 12 feet wide.
- d. Minimum building separation: 10 feet.

**4.1.24. UTILITY COMPANY SUBSTATION**

Such use must be approved as a Special Use and must be enclosed within a woven or solid fence at least 6 feet high. Buffering of this use shall be provided in accordance with Article 6 – “Site Design Standards.” No storage of vehicles or portable equipment will be allowed.

**4.1.25. VETERINARY OR KENNELS**

- a. All structures shall be located and activities conducted at least 100 feet from any property zoned or used for residential purposes.
- b. No animals shall be housed or caged outside the principal building in an O-I or a C-C District.
- c. Noncommercial kennels (facilities accommodating 3 or more animals) on residentially zoned property shall be located on a site of not less than one acre.

**4.1.26. WAREHOUSE AND STORAGE**

A buffer that meets the provisions of Article 6 – “Site Design Standards”, shall screen any storage area.

**4.1.27. WHOLESALE TRADE**

- a. Petroleum bulk stations. Any structures or buildings shall be at least 200 feet from any property line.
- b. Unless otherwise permitted within the district:
  - (1) No outdoor storage of goods
  - (2) No fabrication of goods
  - (3) No processing of goods handled in a manner that produces liquid or solid waste or noise, odor, fumes, or dust which can be detected beyond the walls of the building in which such wholesaling activity is housed.

**4.1.28. SINGLE-FAMILY ATTACHED DWELLINGS**

Single-Family Attached Dwelling in which each dwelling unit is to be located on a separate lot must comply with the following minimum requirements.

- a. Each housing unit must comply with all current requirements of the Building Codes as adopted by the governing body and, if applicable, the Georgia Industrial Building Act for single family dwellings.
- b. Housing units must be served by public water and sewerage.
- c. Housing units, including Type V construction, must be separated by a common party wall. The common party wall must be a parapet wall and meet the standards adopted by the governing body and, if applicable, the Georgia Industrial Building Act.
- d. Number of dwelling units per building: two (2) units.
- e. Minimum road frontage: 40 feet.
- f. Minimum lot width: 40 feet.
- g. Minimum lot area: minimum area per lot will be 4,250 square feet.
- h. Minimum front and rear yard setbacks shall be required for principle structures in the zoning district. Minimum side yard setbacks shall be those required for principle structures in the zoning district, except on the side where two dwellings units are attached, which shall have a zero foot setback.

**4.1.29. ACCESSORY DWELLING UNIT**

Where otherwise permitted, an Accessory Dwelling Unit must comply with the following minimum requirements:

- a. Only one Accessory Dwelling Unit shall be permitted per lot.
- c. An Accessory Dwelling Unit shall preserve the character of the single-family pattern of development of the neighborhood and remain visually subordinate to the principle residential building.
- d. The floor area shall not exceed 50 percent of the floor area of the principal building.

- e. One off-street parking space on the same lot shall be provided for the Accessory Dwelling Unit.

#### **4.1.30. MINI WAREHOUSES**

- a. All units shall be accessed from the interior of the building.
- b. No outdoor storage shall be permitted.

#### **4.1.31. MOBILE FOOD VEHICLE PARK**

Mobile food vehicle parks shall comply with the following:

- a. Mobile Food Vehicle Parks are permitted within both the C-C Community Commercial and H-C Heavy Commercial Districts with a Special Use Permit.
- b. Mobile food vehicle parks shall be subject to all guidelines and restrictions set by the Unified Land Development Code, including, but not limited to, landscaping, buffers, storm water management, provision of paved parking on site, and lighting.
- c. At least three (3) parking spaces per mobile food vehicle shall be provided on-site. Drive aisles shall be designed and constructed in such a way that all mobile food vehicles and seating areas can be accessed by emergency vehicles.
- d. Mobile food vehicle park operators are responsible for all lessee operations and ordinance compliance and are held responsible for all infractions. A mobile food vehicle park operator must be present at all times during operation.
- e. No special events, including but not limited to concerts, farmers markets, flea markets, or meetings/gatherings of any sort shall be held within a mobile food vehicle park.
- f. Electrical Hook-ups must be provided for each mobile food vehicle, generators shall not be allowed unless such generators operate at less than 80 decibels as measured 10 (ten) feet away; and at least one accessible water tap.
- g. Permanent restroom facilities that comply with health department standards and accessibility standards as set forth in the Americans with Disabilities Act of 1992 shall be provided on-site.
- h. Mobile food vehicle park operators shall be responsible for properly disposing of refuse, trash, and litter generated by operation of the mobile food vehicle park, as would any business; and shall not place it in any public trash container, or in any private container without proper permission.

#### **4.1.32. RESIDENTIAL CLUSTER OPTION**

##### **a. Purpose And Intent**

It is the purpose of these regulations to allow development of clustered dwelling units as a means to increase the stock of affordable housing. It is intended to permit multiple single-family dwelling units where services and utilities exist to accommodate higher densities.

##### **b. General Standards**

- 1) Clustered developments shall include attached and detached single-family dwelling units on a single lot. Within the city limits there is no requirement for attached and detached units.. Dwelling units shall be site-built or modular homes that meet state and/or local standards and codes.
- 2) Dwelling units shall be set back no less than ten (10) feet from each other, measured from their nearest edge.
- 3) Required parking spaces shall be accessible from a public street or road or a driveway that meets the standards of Section 6.10.

##### **c. Variances and Special Exceptions**

Notwithstanding the provisions of Article 2.11, variances, special exceptions, or appeals from any of the requirements, standards, and conditions of this article must be approved by the Planning Commission.

#### **4.1.33. RECREATIONAL VEHICLE PARK OR CAMPGROUNDS**

The following standards shall apply to all recreational vehicle parks and campgrounds:

a. Zoning Requirements

Recreational vehicle parks and campgrounds are permitted within the A-R Agricultural Residential, S-R Suburban Residential, M-R Multifamily Residential, C-C Community Commercial and H-C Heavy Commercial Districts with a Special Use Permit.

b. Customary Accessory Uses

Customary accessory uses for recreational vehicle parks and campgrounds may include:

- (1) Office and dwelling for park manager or night watchperson
- (2) Community sanitary facilities
- (3) Community laundry facilities
- (4) Recreational areas
- (5) Small scale (3,000 square feet or less) commercial uses supplying essential goods and services for the exclusive use of park patrons

c. General Standards

- (1) All proposed and required water sources and sanitary facilities serving recreational vehicle parks and campgrounds shall conform to the requirements of the Georgia Department of Public Health "Rules and Regulations, Tourist Accommodation, Chapter 511-6-2" as appropriate and shall follow all applicable state and/or local guidelines and standards.
- (2) Conventional, industrialized and manufactured houses are prohibited on all recreational vehicle parks and campsites.
- (3) Camping shall be restricted to no more than 60 days in a calendar year.
- (4) With the exception of driveways, parking areas, and campsites all grounds shall be maintained with grass, trees and/or shrubs to enhance the appearance of the park and to prevent soil erosion or the creation of dust during dry weather. A landscaped buffer shall be required along a side or rear lot line that abuts 1- or 2-family residential zoning districts. Buffer design standards and requirements shall meet the requirements of Article 6, Section 6.16 of this Code.
- (5) Parks designed to accommodate 15 or more campsites shall provide one or more outdoor recreation areas.
- (6) All interior roadways are to be surfaced with a material such as asphalt, chert, gravel, etc., to a width of 12 feet for one-way streets or to a width of 18 feet for two-way streets and maintained by the recreational vehicle park owner.

d. Recreational Vehicle and Campground Standards

- (1) Each campsite within the park shall have lot lines that are clearly delineated and shall have a minimum area of not less than 1,500 square feet.
- (2) The facility shall be designed to accommodate 20 feet, edge-to-edge, of separation between campsites and shall be located no less than 30 feet from any exterior property line.
- (3) Each campsite with individual parking shall contain at least one reinforced surface parking space incorporated into the site itself and shall be level from side to side with sufficient crown to provide adequate drainage.
- (4) Each campsite shall have access to a minimum of one electrical outlet, and one water tap.

#### **4.1.34. Convenience Gas Station**

1. The following conditions must be met for convenience gas stations:

- a. Convenience gas stations must be located on lots or parcels that have frontage on a road that is classified by the Georgia Department of Transportation (GDOT) as an arterial road (major or minor) and have direct vehicular ingress and egress onto a road classified as an arterial road (major or minor).

- i. This subsection may be waived if the proposed convenience gas station is developed within a planned multi-business commercial retail development which cumulatively includes more than 100,000 square feet of retail space, not including the proposed convenience gas station. Said developments are commonly referred to as shopping centers, malls, etc.
- b. Convenience gas stations shall not be located within 600 feet of schools, daycare centers, churches or places of worship, drug/alcohol treatment centers, public parks, or the public right-of-way associated with the ECO Greenway Trail.
  - i.
  - ii. This buffer shall be measured in a straight-line distance from the nearest point of the main building or gas canopy of the convenience gas station to the nearest lot or parcel boundary of any school, day care center, church or place of worship, alcohol treatment facility, public park, or the public right-of-way containing the ECO Greenway Trail.
    - 1. Exception. The 600-foot buffer required by this subsection may be reduced to 300 feet, measured in the same manner, if the proposed convenience gas station is developed within a planned multi-business commercial retail development which cumulatively includes more than 100,000 square feet of retail space, not including the proposed gas station. Said developments are commonly referred to as shopping centers, malls, etc.
  - ii. The term "school" shall include public or private early learning centers, elementary schools, middle schools, high schools and college or university campuses. The term "school" shall mean any instructional premises including, but not limited to, main school buildings, auditoriums, gymnasiums, shops, laboratories, temporary mobile classrooms, outdoor classrooms, and recreational facilities, such as playgrounds, ball fields, and similarly used areas. The term "school" shall not include private tutoring services, private driving schools, or personal enrichment schools.
  - iii. The term "daycare center" shall be defined as a daycare facility that enrolls for pay, supervision, and non-medical care, 19 or more children or elderly adults with no overnight stays.
  - iv. The terms "church or place of worship" is defined as a freestanding building which is owned by a religious organization or association and primarily utilized for religious services, ceremonies, or instruction.
  - v. The term "drug/alcohol treatment center" shall be defined as in-patient facilities for the treatment of drug/alcohol addiction, where patients will reside for 30 sequential calendar days or longer.
  - vi. The term "public park" shall be defined as any lot or parcel managed by Rome/Floyd Parks & Recreation, the City of Rome, Floyd County, or the State of Georgia and used for recreational purposes.
- c. Convenience gas stations shall be located a minimum of 1,000 feet from any/all other convenience gas stations and/or convenience stores as measured in a straight-line distance from the boundaries of the lots or parcels developed as convenience gas stations and/or convenience stores or proposed to be developed as convenience gas stations and/or convenience stores.
  - i. Exception. The 1,000 foot buffer required by this subsection may be reduced to 300 feet, measured in the same manner, if the convenience gas station has frontage on any corner of an intersection in which at least one road is classified by GDOT as an arterial road (major or minor), and any other road(s) are classified by GDOT as a major road (arterial or collector).
- d. Convenience gas stations shall be located no less than three hundred (300) feet from a lot or parcel developed as a detached single-family dwelling or whose zoning allows for use as a detached single-family dwelling. This buffer

requirement will be measured in a straight-line distance from the nearest point of the main building of the convenience gas station or its fuel canopy to the lot or parcel boundary being used as a detached single-family dwelling, or whose zoning allows for use as a detached single-family dwelling.

- e. Convenience gas stations shall not be developed or operated within any of the five locally designated historic districts, being identified as the Between the Rivers District, Oakdene, Old East Rome, Avenue A, and College Heights, given that all the locally designated historic districts except one were developed prior to the mass production of automobiles. The one exception is College Heights, which is a primarily-residential neighborhood, thus making a gas station inappropriate here as well.
  - f. Convenience gas stations shall not be developed or operated where the gasoline or diesel underground storage tanks, or gas pumps are located within five hundred (500) feet of a public right-of-way associated with a river, as measured in a straight-line distance.
  - g. Convenience gas stations shall not be developed or operated within the 100-year floodplain.
  - h. Convenience gas stations shall not be developed or operated within 500 linear feet of a government-operated well used for public drinking water. This buffer will be measured from the nearest point of the main building, gasoline or diesel underground storage tanks, or fuel canopy to the nearest lot or parcel owned by a local government water department and used as a well.
2. The following design restrictions shall apply to newly-constructed convenience gas stations and those engaged in renovations that exceed the nonconforming development code section found in Article 1.4.3(b): Nonconforming Structures. **This subsection shall only be applicable to development with the City of Rome.**
- a. Exterior Facade Materials
    - i. Primary materials - Two or more of the following materials shall be used for a combined total of 60% of the exterior facade (not including the required windows found in the fenestration requirement below): brick, stone or cast stone (granite, limestone, or high-quality precast), high-quality masonry units (architectural concrete block with smooth or split-faced finish)- not standard concrete masonry units (CMU), wood (treated hardwood), or fiber cement siding. Gas canopy support columns shall be finished brick, stone, or other material used on the primary building.
    - ii. Accent materials - The following materials shall not account for more than 40% of the exterior facade (not including the required windows found in the fenestration requirement below): stucco (traditional or EIFS), metal panels (modern, powder-coated or treated finishes), or decorative tile or terra cotta.
  - b. Fenestration - building facades that face a public road shall include transparent windows and/or doors across a minimum of 50% of the horizontal length, measured between two and ten feet above finished grade. This requirement can be reduced to 25% for south-facing facades if alternative treatments such as wall art, recessed panels, or vertical landscaping are used to visually break up the facade and prevent blank walls.
    - i. No more than 33% of windows may be obstructed.
    - ii. Windows, doors and other building features shall not be adorned, encircled, or framed with light-emitting diode (LED) lighting.

#### **4.1.35 Convenience Store (no gas sales)**

1. Definition.

For the purposes of this article, a convenience store is defined as a direct-to-consumer

retail storefront whose inventory primarily consists of food or drink products for immediate consumption off-premises, including but not limited to caffeinated beverages (bottled, canned, or fountain drinks), ready-to-drink coffee, candy, potato chips, jerky, etc., as well as beer and/or wine, tobacco and vape products and paraphernalia, single-serve over-the-counter medications, and lottery tickets, with these products being sold primarily for a single customer's immediate needs as opposed to shopping for groceries for a family unit. These establishments are also frequently characterized by late-night hours of operation for quick and convenient purposes. They also generally occupy a smaller store footprint than markets and supermarkets, typically less than 5,000 square feet of retail space, and include few, if any products that require food preparation or cooking.

2. The following conditions must be met:
  - a. Convenience stores must be located on lots or parcels that have frontage on a road that is classified by the Georgia Department of Transportation (GDOT) as an arterial road (major or minor) and have direct vehicular ingress and egress onto a road classified as an arterial road (major or minor).
    1. This subsection may be waived if the proposed convenience gas station is developed within a planned multi-business commercial retail development which cumulatively includes more than 50,000 square feet of retail space, not including the proposed convenience gas station. Said developments are commonly referred to as shopping centers, malls, etc.
  - b. Convenience stores shall not be located within six hundred (600) feet of schools, daycare centers, churches or place of worship, drug/alcohol treatment centers, or public parks.
    - i. This buffer shall be measured in a straight-line distance from the nearest point of the main building of the convenience store to the nearest lot or parcel boundary of any school, day care, church or place of worship, alcohol treatment facility, public park, or the public right-of-way containing the ECO Greenway Trail.
    - ii. The term "school" shall include public or private early learning centers, elementary schools, middle schools, high schools and college or university campuses. The term "school" shall mean any instructional premises including, but not limited to, main school buildings, auditoriums, gymnasiums, shops, laboratories, temporary mobile classrooms, outdoor classrooms, and recreational facilities, such as playgrounds, ball fields, and similarly used areas. The term "school" shall not include private tutoring services, private driving schools, or personal enrichment schools.

- iii. The term "daycare center" shall be defined as a daycare facility that enrolls for pay, supervision, and non-medical care, 19 or more children or elderly adults with no overnight stays.
  - iii. The terms "church or place of worship" is defined as a freestanding building which is owned by a religious organization or association and primarily utilized for religious services, ceremonies, or instruction.
  - iv. The term "drug/alcohol treatment center" shall be defined as in-patient facilities for the treatment of drug/alcohol addiction, where patients will reside for 30 sequential calendar days or longer.
  - v. The term "public park" shall be defined as any lot or parcel managed by Rome/Floyd Parks & Recreation, the City of Rome, Floyd County, or the State of Georgia and used for recreational purposes.
  - vi. The 600-foot buffer required by this subsection may be reduced to 300 feet if the proposed convenience store is developed within a planned multi-business commercial retail development which cumulatively includes more than 50,000 square feet of retail space, not including the proposed gas station. Said developments being commonly referred to as shopping centers, malls, etc.
- c. Convenience stores shall be located a minimum of one thousand (1,000) feet from any/all other convenience stores and/or convenience gas stations as measured in a straight-line distance from the boundaries of the lots or parcels developed as convenience gas stations or convenience stores.
- d. Convenience stores shall be located no less than three hundred (300) feet from a lot or parcel developed as a detached single-family dwelling or whose zoning allows for use as a detached single-family dwelling. This buffer requirement will be measured in a straight-line distance from the nearest point of the main building of the convenience gas station to the lot or parcel boundary being used as a detached single-family dwelling, or whose zoning allows for

use as a detached single-family dwelling.

3. The following design restrictions shall apply to newly constructed convenience stores and those engaged in renovations that exceed the nonconforming development code section found in Article 1.4.3(b): Nonconforming Structures. **This subsection shall only be applicable to development within the City of Rome.**
  - a. Exterior Facade Materials
    - iv. Primary materials - Two of the following materials shall be used for a combined total of 60% of the exterior facade (not including the required windows found in the fenestration requirement below): brick, stone or cast stone (granite, limestone, or high-quality precast), high-quality masonry units (architectural concrete block with smooth or split-faced finish)- not standard concrete masonry units (CMU), wood (treated hardwood), fiber cement siding.
    - v. Accent materials -The following materials shall not account for more than 40% of the exterior facade: stucco (traditional or EIFS), metal panels (modern, powder-coated or treated finishes), or decorative tile or terra cotta.
  - c. Fenestration- building facades that face a public road shall include transparent windows and/or doors across a minimum of 50% of the horizontal length, measured between two and ten feet above finished grade. This requirement can be reduced to 25% for south-facing facades if alternative treatments such as wall art, recessed panels, or vertical landscaping are used to visually break up the facade and prevent blank walls.
    - i. No more than 33% of windows may be obstructed.
    - ii. Windows, doors and other building features shall not be adorned, encircled, or framed with light-emitting diode (LED) lighting.

## 4.2 ACCESSORY USES AND STRUCTURES

The following specific requirements apply to each of the following accessory structures in all zoning districts where each use is otherwise permitted.

#### **4.2.1 MINIMUM SETBACKS**

- a. Accessory buildings and structures having a floor area of 144 square feet or less must be at least 5 feet from any property line.
- b. Accessory buildings and structures having a floor area greater than 144 square feet must comply with the same front, side, and rear setbacks as required for principal buildings in each zoning district; except that in single-family and duplex residential districts (H-TR, L-TR, NOC, S-R, and D-R) accessory buildings must be at least five (5) feet from any side or rear property line; unless specific setbacks are provided under Article 4.

#### **4.2.2 RELATIONSHIP TO PRINCIPAL USE**

- a. No accessory use or structure shall be allowed on any lot except in relation to an existing principal use on the lot to which it is accessory.
- b. Accessory structures shall not be permitted in a required front or side yard setback. In a residential district, no accessory structure shall be located closer to an adjacent street right-of-way line than the principal building.
- c. No accessory building shall be constructed until construction of the principal building has commenced or the principal use has been established.
- d. On a corner lot in a residential district, no accessory building shall be located closer to either street right-of-way than the principal building.
- e. Canopies shall conform to the minimum building setback requirements for principal buildings in each zoning district.
- f. When an accessory building is attached to the principal building by breezeway, passageway, or similar means, it shall comply with the yard requirements of the principal building to which it is an accessory use.
- g. No nonresidential accessory building shall be used by other than employees of the owner, lessee, or tenant of the premises.

#### **4.2.3 CUSTOMARY ACCESSORY USES TO A DWELLING**

Each of the following uses is considered to be a customary accessory use to a dwelling and may be situated on the same lot with the principal use to which it serves as an accessory.

Customary home occupations and associated uses, including hobbies and retirement avocations, require a Special Use Permit only if within a residence or an additional structure is required on the property. Any customary accessory residential use is allowed that does not conflict with the general appearance of a residential community, with specific restrictions as follows:

- a. Private garage not to exceed the following storage capacities; one or two-family dwelling, 4 automobiles; multi-family dwelling, 2 automobiles per dwelling unit; group dwelling, 1 ½ automobiles per sleeping room.
- b. Outdoor parking area for motor vehicles, provided that such space does not exceed the maximum respective storage capacities listed in (a) above; and provided that such space shall not be used for more than 1 commercial vehicle per family residing on the premises.
- c. Detached Home Office and/or Studio for exclusive use by the residence owner or immediate family members as occupants of the residence, provided such space is incorporated within a detached garage, guest quarters, or storage facility and can meet all rear and side setback requirements.
- d. Shed or tool room for the storage of equipment used in grounds or building maintenance.
- e. Children's playhouse and play equipment.
- f. Non-commercial greenhouse.
- g. Quarters for the keeping of pets owned by occupants for non-commercial purposes provided that such use does not generate a nuisance to adjoining properties.
- h. Private recreational facility, such as a swimming pool and bathhouse or cabana, tennis court, deck or patio. These uses shall conform to the minimum setback requirements for principal buildings in each zoning district. Swimming pools shall be permitted only upon written approval of the health department to indicate compliance with applicable health department regulations. Pools must be enclosed by a 6-foot fence or wall with a locking gate.
- i. Accessory uses in an apartment development may include laundry facilities for the convenience of residents which are housed in a primary use structure.
- j. Structures designed and used for purposes of shelter in the event of man-made or natural catastrophes.
- k. Residential Home Office

(1) Permitted Activities.

A residential home office shall be limited to the personal conduct of a business within one's place of residence. There shall be no exterior indication that the business activity is taking place, including signage. This provision is intended to allow work to be conducted at home by individuals employed by an off-site employer.

These provisions do not apply to dwellings that are located on properties where agricultural activities are the principal use.

(2) Limitations on Size and Location:

- (a) Not more than 25 percent, not to exceed 300 square feet of the gross floor area of the dwelling unit shall be used for all of the activities devoted to the home office.
- (b) The use shall be carried on wholly within the principal building. The attachment of an accessory building by a breezeway, roof, or similar structure shall not be deemed as sufficient for the accessory building to be considered as a portion of the primary building.
- (c) There shall be no activity or display associated with the home office outside of any building or structure.
- (d) There shall be no alteration of the residential character of the building or premises.

(3) Activity Controls.

- (a) Sales – There shall be no exchange of merchandise of any kind on the premises.
- (b) Transfer of goods – There shall be no goods, products or commodities received on the premises.
- (c) Personal services – There shall be no activities on the premises that are associated with personal service occupations such as barber shop, beauty shop, hairdresser or similar activities.
- (d) Employees - There shall be no associates or employees on the premises other than other members of the family who reside on the premises.
- (e) Outsiders and nonresidents on the premises – There shall be no nonresident persons on the premises in conjunction with the home office.

(4) Parking.

- (a) There shall be no parking spaces provided or designated specifically for the home office other than as is required for the residence.
  - (b) No equipment or business vehicles may be stored or parked on the premises except that one business vehicle (the carrying capacity of which shall not exceed 1 ½ tons) used exclusively by the resident may be parked in a carport, garage, or rear or side yard.
- (5) Signs.

Signage shall comply with the sign standards for residential districts contained in Article 5 – “Sign Regulations.”

1. Residential Business

Residential businesses shall meet the requirements of “home office” above with the following additional exceptions.

(1) Permitted Activities.

- (a) Approved activities may be engaged in person by who reside on the premises of the residential business and who are appropriately qualified and licensed, including business licenses are required:
  - 1) Artistic. This group shall include activities such as teaching, creation and production by professional artists, sculptors, craftspeople (craft-makers), musicians, writers, and others who produce work on the premises for individual purchases, as differentiated from mass production or manufacturing.
  - 2) Business. This includes commercial trade activities such as those conducted by a manufacturer’s representative or telephone salesperson, but not involving the delivery of goods or services directly to customers on the premises.

(2) Limitations on Size and Location.

- (a) Not more than 25 percent of the gross floor area of the dwelling unit shall be used for all of the activities devoted to the residential business.
- (b) Accessory buildings and structures may be used for the residential business, but in no case shall the total area of the accessory structure devoted to such use be greater than 500 square feet.
- (c) If parts of the dwelling unit and an accessory structure are devoted to a residential business, no more than 1,000 square feet of combined gross floor

area shall be used for such activity, including no more than 30 percent of the gross floor area of the dwelling unit.

(3) Activity Controls.

There shall be no exchange of merchandise of any kind on the premises except for those products produced on the premises as a result of the residential business.

(4) Personal services.

There shall be no activities on the premises that are associated with personal service occupations such as a barber shop, beauty shop, hairdresser or similar activities unless specifically permitted as part of the Special Use approval.

(5) Outsiders and nonresidents on the premises.

There shall not be more than two (2) nonresident persons on the premises at the same time in conjunction with the residential business whether they are students, clients, or customers.

(6) Hours of Operation.

The Residential Business shall not be operated between the hours of 7:00 pm and 7:00 am each day except Sunday. On Sunday, the Residential Business shall not open before 1:00 pm or after 7:00 pm.

(7) Parking

(a) One off-street paved parking space for each 150 square feet of floor area devoted to the home occupation shall be provided in addition to the required parking for the residential use of the building.

m. Personal Horse Stable.

A personal horse stable may be permitted as an accessory use to a residence provided that at least one acre of lot area is provided for each horse stabled on the property.

n. Keeping chickens within the City Limits of Rome.

The following is a list of possible conditions that may be attached to a Special Use Permit to allow the keeping of a small number of domesticated female chickens (hens) on a non-- commercial basis as an accessory use to a single family dwelling:

(1) Chickens shall not be kept on a lot of record that is less than 30,000 square feet.

- (2) Chickens will be kept in a manner consistent with good animal husbandry practices and in compliance with all applicable federal, state, and local laws and ordinances.
- (3) No more than four (4) female chickens as pets or for egg production may be kept. No roosters may be kept.
- (4) No other types of fowl, including but not limited to ducks, geese, turkeys, quail, pigeons, guinea fowl, or peafowl may be kept. There is no restriction on chicken species.
- (5) No butchering of chickens may be done. No eggs, meat, fertilizer, or live chickens may be sold, or provided for use by anyone other than the residents of the property where the chickens are kept.
- (6) Chickens shall be provided with adequate food and water at all times.
- (7) Chickens must be kept on the lot of record where the primary use (dwelling) is located.
- (8) Chickens shall be housed within a coop or henhouse. The coop or henhouse shall meet the following criteria:
  - a. The coop or henhouse shall be located in a side or rear yard as defined in Article 8. In no case shall a coop or henhouse be located in a front yard as defined in Article 8.
  - b. The coop or henhouse shall be constructed of uniform material designed to be used in the outdoors, and not of scrap lumber, sheet metal, interior grade paneling or plywood, or similar materials. The structure shall have a solid roof and be enclosed on all sides. The door providing access shall be able to be shut and locked at night.
  - c. The structure shall provide four (4) square feet of floor space for each chicken and shall not exceed seven (7) feet in height.
  - d. The coop or henhouse shall be secured against predators such as rodents, reptiles, dogs, cats, and wild birds; shall provide shelter from sun, precipitation, and wind; and shall provide adequate ventilation.
  - e. The coop or henhouse shall be located no near than 30 feet to a property line.
  - f. A building permit is required for the construction of a coop or henhouse.
- (9) Chickens may be allowed outside of the coop in a securely fenced pen with supervision.

- (10) At all times, keeping of chickens shall be conducted in a manner that ensures adjacent properties and neighborhoods are not adversely impacted.
- a. In no case shall chickens be allowed to leave the property where they are kept.
  - b. Coops or henhouses and pens shall be maintained in good condition, shall effectively confine the chickens, and shall be secured against all predators.
  - c. Chicken feed shall be kept in a closed container so wild birds, insects, and other animals are not attracted to the property.
  - d. Manure and food waste shall be cleaned from coops or henhouses and pens on a regular basis, stored in a covered container, and properly disposed of or composted and used as fertilizer.
  - e. Odors from chickens, manure, or other substances related to the keeping of chickens shall not be perceptible at any property boundary.
  - f. Noise from chickens shall not be loud enough at the property boundary to disturb persons of reasonable sensitivity.
  - g. Chickens that are diseased or carry a disease, are infested with parasites, or are found to be kept in an unsafe or unhealthy manner shall be destroyed.
  - h. Dead chickens shall be disposed of promptly in a sanitary manner.
  - i. It shall be unlawful for any person owning, controlling, or keeping domesticated animals to allow the premises to become filthy or unsanitary.

#### **4.2.4 AUTOMOBILE, TRUCK AND TRAILER LEASE AND RENTALS**

- a. As an accessory use to an automobile service station:
  - (1) The lot for the primary use must be at least 20,000 square feet.
  - (2) The use shall not occupy more than 10 percent of the lot area.
  - (3) Parking areas shall be located only in portions of the lot where off-street parking is permitted. This area shall not occupy spaces set aside for required off-street parking or use by cars awaiting service.

#### **4.2.5 FENCES AND FREE-STANDING WALLS**

- a. District Use, Materials and Height Limitations
  - (1) Agricultural-Residential, Office, Commercial, Multifamily, and Industrial Districts

- (a) No fence or free-standing wall may exceed 8 feet in height, unless approved by the Planning Commission to adequately shield objectionable materials or activities.
- (b) Fences or free-standing walls occupying the front yard may not exceed 4 feet in height unless constructed parallel to the building, with the exception of agricultural and heavy industrial uses. Any fence or free-standing wall occupying the front yard must be designed and located to ensure that it does not create a hazard for vehicles or pedestrians.
- (c) Security wire may only be used in heavy commercial and industrial districts. However, barbed wire fences are permitted on properties where an agricultural activity is the principal use.

(2) In the Single-Family Residential zoning districts, the following shall apply:

- (a) A fence or free-standing wall in any yard adjacent to a street may not exceed 4 feet in height. Any fence or free-standing wall occupying the front yard must be designed and located to ensure that it does not create a hazard for vehicles or pedestrians.
- (b) A fence or free-standing wall in any side or rear yard may not exceed 6 feet in height.

b. Setback Limitations

There shall be no minimum setback for fences or free-standing walls, provided that any fence or free-standing wall shall not obstruct visibility at street intersections and driveway accesses.

**4.2.6 MANUFACTURING AND FABRICATION USES**

- a. Must be approved as an accessory use to a retail use permitted by right.
- b. Such manufacturing or fabrication activity may not be considered a heavy industrial use.
- c. May occupy no more than 1,000 square feet of floor area.
- d. All products made on the premises must be sold on the premises as a retail activity.

**4.2.7 NIGHT WATCHMAN RESIDENCE**

- a. A residence for a night watchman, approved as a Special Use accessory to a business or industrial operation, may be any of the following:

- (1) Site-built single-family detached dwelling or manufactured home.
- (2) Located within a commercial or industrial structure.
- b. Night watchman residences shall conform to the minimum setback requirements for principal buildings in each zoning district.

#### **4.2.8 OUTDOOR DISPLAY AREAS**

- a. The following merchandise or goods may be located in outdoor display areas on a permanent basis if for sale, lease, or rent (where the use is otherwise permitted):
  - (1) Motorized vehicles that are in good running condition free from exterior damage or substantial wear.
  - (2) Power boats and sailboats.
  - (3) Manufactured homes and utility buildings.
  - (4) Plant nursery items.
  - (5) Light building materials such as lumber, patio pavers, and decorative stone; yard furniture such as benches, swings, and bird baths; yard maintenance materials such as fertilizer, mulch straw, and seed.
- b. All other outdoor display of merchandise or goods shall be conducted on a temporary basis associated with special sales promotions. Such display shall be for a period not to exceed 2 weeks, and shall not occur more often than 3 times per year.
- c. Any area outside of a building where merchandise or goods are located but which is permanently screened by a fence or free-standing wall at least 6 feet in height shall not be considered an outdoor display area.

#### **4.2.9 OUTDOOR STORAGE**

Outdoor storage, where the use is otherwise permitted, is limited as follows:

- a. In the Community Commercial, Heavy Commercial, and Light Industrial zoning districts, outside storage of materials is only permitted in the rear yard and shall be screened from view by an opaque fence or free-standing wall no less than 8 feet in height.
- b. In the Heavy Industrial District, any storage use operated as a principal use or accessory use on a property shall be contained entirely within a building or shall be

screened from view by an opaque fence or free-standing wall no less than 8 feet in height.

- c. Rear yard setbacks must be a minimum of 5 feet for any storage building or structure.

#### **4.2.10 PRIVATE USE AIRPORT OR HELIPORT**

As an accessory use approved as a Special Use, a private use airport or heliport shall meet the following minimum standards:

- a. The development of a private use airport or heliport shall be in accordance with the guidelines specified in the Federal Aviation Administration.
- b. Private use heliports shall, as a minimum, have a takeoff and landing area 1 ½ time the overall length of the largest helicopter expected to use the facility. The surface of the area shall be grassed, paved, or treated as may be required to minimize dust or blowing debris.
- c. The owner of a private use airport or heliport shall erect a safety barrier around the peripheral area surrounding the takeoff and landing area. The safety barrier shall be a fence, wall, or hedge no less than four (4) feet in height and fully enclosed with a self-locking gate.

#### **4.2.11 RETAIL USES IN OFFICE BUILDING**

An office building may contain retail stores, so long as they occupy no more than 25 percent of the total ground floor area of the building.

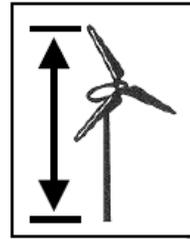
#### **4.2.12 RESPONSIBILITY FOR NOTIFICATION ON SPECIAL CONDITIONS**

All conditions or special requirements placed on the approval of a Special Use Permit or Conditional Use, including special exceptions for medical and/or other issues associated with granting a hardship exception, must be fully documented in the minutes of the approving body (City or County Commission or Board of Adjustments), and a certified copy transmitted to the Rome/Floyd County Building Inspections Department for enforcement. Such items shall be recorded, flagged, and monitored for enforcement of specific deadlines and/or permitted allowances by the Zoning Enforcement Inspector.

#### **4.2.13 SMALL WIND ENERGY SYSTEMS**

- a. Small wind energy systems shall be permitted as an accessory use provided the system has a rated capacity of 10 kilowatts or less in residential districts, and 60 kilowatts or less in agricultural, commercial, or industrial districts.

- b. System Height: The total system height shall not exceed 65 feet, except on property of over five acres located in agricultural, commercial or industrial zones in which the total system height shall not exceed 150 feet. (System height: The vertical distance from ground level to the tip of the wind turbine blade when it is at its highest point.)



- c. Setback: No part of the system may be closer than one and one-half times the total system height to any property boundary.
- d. Sound Level: The noise level from the small wind energy system shall not exceed 55 decibels using the A scale (dBA), as measured at the site property line.
- e. Code Compliance: The small wind energy system shall comply with all applicable sections of the Building Code and Federal Aviation Administration regulations.
- f. Clearance of Blade: No portion of the small wind energy system's blade sweep shall extend within twenty feet of the ground or over parking areas, driveways, or sidewalks.
- g. Abandonment: Upon abandonment or discontinuation of use, the owner shall physically remove the small wind energy system within 90 days from the date of abandonment or discontinuation of use. This period may be extended at the request of the owner and at the discretion of the Chief Building Official.
- h. The small wind energy systems shall not be located within 200 feet of a federal, state, or locally designated historic district.

#### **4.2.14. PRODUCTION OF NON-POTABLE ETHANOL FROM AGRICULTURAL PRODUCTS**

- a. Production of limited quantities of fuel grade ethanol shall be permitted in conjunction with an established, conforming agricultural operation in the unincorporated areas of Floyd County by right in the AR zoning district and by Special Use Permit in the SR district.
- b. Construction and operation of equipment and storage structures shall meet all applicable local, state, and federal standards including but not limited to fire codes, air quality standards, and water quality standards; and all applicable permits and licenses shall be obtained, including building, electrical and plumbing permits. The owner/operator shall provide proof of such compliance.

- c. Ethanol fuel must be made from corn or other non-animal products, and in addition, the following standards shall apply:
  - (1) Production shall be limited to 10,000 gallons per year.
  - (2) Production and storage equipment shall be within a containment facility capable of holding the contents of the production and storage equipment.
  - (3) Production and storage equipment shall be located a minimum of 100' from any structures inhabited by humans or primarily used for human activity.
  - (4) There shall be no retail sales of ethanol on the premises.
  - (5) All ethanol shipped from the premises shall be rendered unfit for human consumption.
  - (6) Best practices for operation and maintenance shall be utilized to ensure that noise, odors, fumes, or lighting shall not create a nuisance.
  
- d. An application for a Special Use Permit shall include the following:
  - (1) A map of the property showing existing and proposed structures with setbacks and dimensions.
  - (2) Engineering specifications for the ethanol production and storage facilities.
  - (3) A statement concerning the quantity of ethanol to be produced on the premises, used on the premises, and shipped from the premises, measured in gallons per year.
  - (4) A safety plan for construction, operation, maintenance and transport that local emergency service providers have reviewed and approved.
  - (5) A statement detailing the proposed disposal of byproducts.

#### **4.2.15. MOLD POURED CONCRETE PRODUCTS**

In the C-C, H-C, and L-I districts, mold pouring of concrete products, including but not limited to, storm shelters, septic tanks, burial vaults, and lawn ornaments shall be allowed if all operations, including but not limited to, mixing, pouring, drying, painting, and display are carried out within a building.

#### **4.2.16. DISTILLERY, WINERY, OR BREWERY**

**City Only:** Production of limited quantities of alcohol for human consumption shall be permitted by Special Use Permit in the AR district in conjunction with an established, conforming agricultural operation. Production of beer/malt beverages only shall be permitted as an accessory use in the CC, CBC, or UMU Districts.

Approval shall be based on submittal of a site plan detailing building location, access, and parking. All applicable standards of the Unified Land Development Code will apply, except as noted in this Article, including parking lot design, vehicle access design, signage, buffers, and landscaping. The plan shall include a statement detailing waste product disposal; and a safety plan for construction, operation, maintenance and transport that has been approved by both the Fire Marshal and the Building Official.

Construction and operation of equipment and storage structures shall meet all applicable local, state, and federal standards including but not limited to fire codes, air quality standards, and water quality standards; and all applicable permits and licenses shall be obtained, including building, electrical and plumbing permits. The owner/operator shall provide proof of such compliance.

The owner/operator shall also provide proof of compliance with the rules of the Georgia Department of Revenue.

Best practices for operation and maintenance shall be utilized to ensure that traffic, noise, odors, fumes, or lighting shall not create a nuisance for adjacent and nearby property owners.

The following standards should also apply to a Special Use Permit for a Farm Distillery or Winery in the AR District:

- a. Production and storage equipment shall be within a containment facility capable of holding the contents of the production and storage equipment.
- b. Production and storage equipment shall be located a minimum of 100' from any property line; or from any structures inhabited by humans or primarily used for human activity.

In the Nonresidential Districts in which production of alcohol is allowed, all structures associated with the production and storage equipment shall conform to the setback restrictions provided in Article 3.5.2 and 4.2.1.

**County only:** Production of limited quantities of alcohol for human consumption shall be permitted by Special Use Permit in the A-R District in conjunction with an established, conforming agricultural operation. Production of beer/malt beverages or wine only shall be permitted as an accessory use in the C-C, C-B-C, or U-M-U Districts.

#### **4.2.17. SOLAR FARMS AND SOLAR PANEL ARRAYS**

Solar farms shall be setback from the property line a minimum of 50' in every zoning district where allowed by right or by special use permit. Solar farms shall be encircled by a security fence or wall a minimum of 8' feet tall. Screening vegetation shall be provided outside the security fence meeting the standards of Article 6.16.3.

Solar arrays shall be setback from the property line the same distance as is required for a primary building/use in each zoning district where they are allowed. All panels shall be constructed of non-reflective materials, or shall be treated with an anti-reflective material. Solar installations shall be encircled by a security fence or wall a minimum of 6' tall. Screening vegetation shall be provided outside the security fence meeting the standards of Article 6.16.3.

Solar Installations shall be setback from the property line the same distance as is required for a primary building/use in each zoning district where they are allowed. Solar Arrays mounted on a building or structure shall be on the side or rear of the property, facing away from a public right-of-way. Solar Installations shall be positioned and/or screened in such a way that glare does not affect adjacent properties.

### **4.3 HIGHLY RESTRICTED**

**THE FOLLOWING USES ARE PERMITTED BY SPECIAL USE PERMIT AND ONLY WITHIN HEAVY INDUSTRY DISTRICTS.**

#### **4.3.1 MANUFACTURING THAT PRODUCES:**

- a. Caustic or corrosive acids.
- b. Chlorine or other noxious gases.
- c. Explosives.
- d. Fertilizer or glue.
- e. Products involving hair or fur.

#### **4.3.2 OTHER PROHIBITED INDUSTRIAL USES:**

- a. Tanning or finishing of leather or other hides, except taxidermy.
- b. The disposal of hazardous waste.

- c. Petroleum refining.
- d. Processing of sauerkraut, vinegar, or yeast.
- e. Rendering or refining of fats and oils.
- f. Slaughterhouse.
- g. Stockyard or animal feeding pens.

# Article 5. Sign Regulations

Section 5.1.	Purpose
Section 5.2.	Applicability
Section 5.3.	General Requirements
Section 5.4.	Permitted Signage
Section 5.5.	Removal of Abandoned and Illegal Signs

## 5.1. PURPOSE

### 5.1.1. PURPOSE OF ARTICLE 5

This Article sets out the standards that control the number, type, and placement of signs on an individual property or building. In addition to the general purposes of this Ordinance, the purpose of these sign regulations are as follows:

- a. To maintain and enhance the aesthetic environment and support economic development of the city and county;
- b. To maintain and improve pedestrian and traffic safety;
- c. To minimize potential adverse effects of signs on nearby property; and,
- d. To encourage the proper use of signs as a means of effective communication.

## 5.2. APPLICABILITY

### 5.2.1 REGULATED SIGNS

- a. The regulations and requirements of this Article apply to all signs that are or are intended to be viewed from a public right-of-way or that are intended to be viewed from outdoor areas of public property.
- b. Such signs are allowed only in conformance with these sign regulations, or as otherwise provided for nonconforming signs under Article 1 of this Ordinance.
- c. All signs except billboards, real estate and real estate directional signs shall be considered as accessory uses and may be located only on properties where a principal use exists or is under construction.

### 5.2.2 PROHIBITIONS

- a. No sign shall be erected or maintained where, by reason of its position, wording, illumination, size, or color, it may obstruct the view of oncoming vehicles or impair, obscure, interfere with the view of, or be confused with any authorized traffic control sign, signal, or device.

- b. No sign shall contain or be an imitation of an official government traffic control sign, signal, or emergency vehicle device.
- c. No part of any sign shall be located in, over, or project into a public right-of-way except for awning signs, canopy signs, or projecting signs in the C-B-C zoning district.
- d. No sign shall be erected, located, or maintained in such a manner as to interfere with safe and free ingress and egress of any door, emergency exit, driveway, street, or roadway.
- e. No sign shall interfere with such utilities as water mains and hydrants, sanitary sewerage, gas, electricity, and communications equipment or lines, nor interfere with natural or manmade storm water drainage facilities.
- f. No building sign shall extend above the top edge of the parapet or eaves of a flat or shed roof; the ridge line of a gable, hip, or gambrel roof; or the deck line of a mansard roof.
- g. No sign shall be painted on or attached to a tree, utility pole, rock, or other natural feature.
- h. An inflatable sign shall be allowed only in association with a special event allowed under the provisions of Article 3.
- i. Prohibited signs. The following types of signs are not allowed:
  - (7) *Animated Sign*: A sign with action, motion, changing colors, flashing lights, or moving characters. Such signs may require electrical energy, but shall also include wind-activated devices including, but not limited to, spinners, aerial devices, and other attention-getting devices. This prohibition does not include rotating signs that revolve no faster than 5 revolutions per minute or electronic message boards that change messages no more often than 12 times per minute.
  - (8) *Derelict Sign*: A sign that is dilapidated or in such condition as to create a hazard or nuisance, or to be unsafe or fail to comply with the Building or Electrical codes.
  - (9) *Pennant*: Any lightweight plastic, fabric, or similar material, suspended from a rope, wire, or string, usually in series, designed to move in the wind. The term “pennant” shall not include a “banner” or an “official or personal flag” as regulated herein.
  - (10) *Portable Sign*: A sign designed to be transported or easily relocated and not attached to the ground, such as:
    - (a) A sign designed to be temporarily placed upon the ground and not otherwise affixed to it.

- (b) A sign mounted on a trailer, with or without wheels.
- (c) An A-frame or sandwich board sign.
- (d) A sign mounted or painted upon a parked vehicle that is positioned for the primary purpose of acting as a sign exposed to the public and is not in use in the ordinary course of carrying out its transportation function.
- (e) A sign mounted or painted upon a vehicle that is operated on public streets for the primary purpose of presenting a message or symbol offering or supporting the sale, rent, lease, loan, or other availability of any property, product, or service, and is not otherwise in use in the normal course of transporting people, merchandise, or freight.

(11) *Sound or Smoke Emitting Sign:* A sign that emits or utilizes in any manner any sound capable of being detected on any traveled road or highway by a person with normal hearing; or a sign that emits smoke, vapor, particles, or odors.

(12) *Streamer:* A long narrow banner, pennant, or strip of fabric or other material.

### 5.2.3 EXEMPTIONS

- a. Window displays of goods available on site are not considered to be signs and are exempt from these sign regulations.
- b. Brand names or logos on products, product containers, or dispensers that are an integral part of the product or the product's packaging are not considered to be signs and are exempt from these sign regulations.
- c. A building design, color, or motif that is associated with a particular establishment or organization but conveys no commercial message is not considered to be a sign and is exempt from these sign regulations.
- d. Exempt Signs.

Each of the following types of signs are allowed in any zoning district and are exempt from the restrictions imposed by this Article:

- (1) **Official Signs:** Signs placed by a governmental body, governmental agency, or public authority, such as traffic signs, signals, or regulatory devices or warnings; official emblems, public notices, or official instruments; signs of historical interest; signs designating special events or areas of architectural or historic significance or gateways; or other similar signs or devices. Such signs are authorized within all rights-of ways or other properties controlled by such governmental body, agency, or authority.

- (2) **Warning Signs:** Signs and notices on private property that warn of dangerous conditions or restricted access to property or buildings. Includes “No Trespassing” signs, “No Hunting” notices and pennants, streamers, or other fluttering material used to increase the visibility of a wire or cable.
- (3) **Property Address Sign:** A sign limited in content to the street name and address number of the building or property to which it is affixed, provided that such sign consist of lettering no larger than 4 inches in height on a building or 2 inches in height on a mail box.
- (4) **Holiday Decorations:** Displays erected on a seasonal basis in observance of religious, national, or state holidays, which are not intended to be permanent in nature and that contain no advertising material.
- (5) **Agricultural Production Process Sign:** A sign placed in conjunction with an agricultural activity on a property that functions solely to assist in the conduct of the activity by marking the location of agricultural products, providing a warning to employees, or indicating an activity related to the production process. Examples include signs that mark row crops, designate loading areas, indicate smoking prohibitions, or designate the content of storage structures.

### **5.3. GENERAL REQUIREMENTS**

#### **5.3.1. REQUIREMENTS APPLYING TO SIGNS IN ALL ZONING DISTRICTS**

a. **Conformance to Other Codes.**

- (1) A permit shall be obtained from the Building Inspections Department prior to installation or placement of any free-standing sign having a sign structure area greater than 15 square feet or any building sign having a sign face area greater than 6 square feet. All signs for which a building permit is required shall be constructed and maintained in conformance with all Building and Electrical Code requirements.
- (2) Plans required for issuance of a building permit for a sign shall be certified as to conformance with all structural and wind-load resistive standards of the Building Code by a structural engineer registered in the State of Georgia, or be prepared using standard drawings prepared by a structural engineer or other qualified professional meeting or exceeding all requirements of the Building Code. These provisions are excluded from any sign printed or affixed to a wall and/or pylon signs of less than 32 square feet or less than six (6) feet tall.
- (3) All signs involving internal lights or other electrical devices or circuits shall display a label certifying it as being approved by the Underwriter’s Laboratories, Inc. No electric sign may be installed that is not approved by the Underwriter’s Laboratory, Inc. Each sign manufacturer’s UL number and the UL numbers of

each individual sign must be provided as part of the sign permit application to prevent non-UL signs from being installed.

- (4) All electrical service to a sign shall be in compliance with the Electrical Code.
- (5) Clearance from all electrical power lines shall be in compliance with the requirements of the Electrical Code.

b. Sign Maintenance.

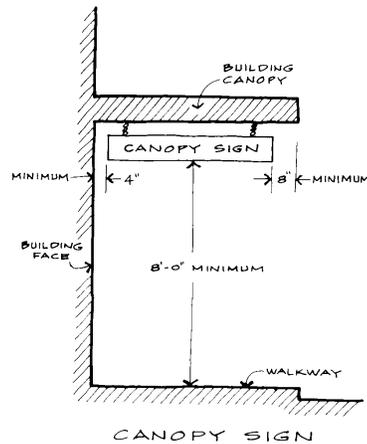
All signs, together with all their supports, braces, guys, and anchors shall be kept in good repair and, unless constructed of galvanized or non-corroding metal, shall be given a protective coating as necessary to maintain a clean appearance and safe condition.

c. Principal Freestanding Signs.

- (1) Each principal freestanding sign shall be located at least 75 feet from any other freestanding sign on an adjacent property on the same side of the street. This distance may be reduced upon approval by the Chief Building Official if it cannot be met due to the location of existing signs on separate but adjoining lots. Such reduction shall be the minimum required in order to maintain the greatest separation possible from such existing signs.
- (2) Principal freestanding sign shall be located at least 37 feet from a side lot line, or one-half the width of the lot frontage, whichever is less, except on intersecting corners of corner lots where the setback must be ten (10) feet from each side. A site drawing must be prepared and provided to the Building Inspection Department when applying for a permit.
- (3) A minimum of 25 square feet of landscape area, exclusive of the sign structure, shall be located at the base of each principal freestanding sign. The landscaping shall consist of shrubs, ground covers, or other plants appropriate to the setting of the sign. This requirement is the responsibility of the property owner or tenant, not the sign company.
- (4) There shall be a minimum of 10 feet between any street right-of-way line and the nearest edge of a principal freestanding sign. Monument signs over 36 inches in height must be set at least 20 feet from any street right-of-way.

d. Projecting, Awning, and Canopy Signs.

- (1) *Over Private Property*: Projecting, awning, and canopy signs shall provide at least 8 feet of clearance above the ground when erected over pedestrian walkways on



private property and 17 feet of clearance when erected over driveways or other areas used for vehicles. Suspended canopy signs shall be at least 4 inches from the building face and at least 8 inches from the edge of the canopy.

- (2) *Over Public Property*: Projecting, awning, and canopy signs that project over public property, such as a sidewalk along a public street, shall maintain a clear height of 9 feet and shall extend no closer than 18 inches to the back of the curb.
- (3) Projecting and canopy signs shall be limited to no more than 1 per tenant on a property, and each tenant shall have no more than 1 projecting sign or canopy sign.
- (4) These requirements exclude overhanging “Clearance Signs” over private drives used to warn drivers of low clearances under canopies, covered delivery/pickup area, etc.

e. Banners.

Banners shall be allowed only as wall or window signage and shall be placed flush upon the wall or window to which it is attached. Banners shall not be hung as canopy signs, flown as flags, or used as any other form of sign. In addition to any other signage allowed, one (1) banner per street frontage is allowed. Area of banner shall not exceed 32 square feet.

f. Conformance with State Law.

Any sign within 660 feet of a State or U.S. numbered highway that advertises or offers anything for sale or lease that is not located on the property where the sign is located must be zoned for commercial or industrial use, and must conform to the regulations of the Georgia Department of Transportation.

For sign clearances under conductors or high tension lines of over 600 volts, see the National Electric Safety Code, ANSI C2-1996, Part 2, Safety Rules for Overhead Lines, Article 234B1 through 234B3 which must be met.

g. Enforcement by Permit Number.

With each permit issued under this Article, the Building Inspection Department shall issue a sticker bearing the same number(s) of the permit with which is authorized (in One Inch Numbers), to be affixed in the corner area of the sign nearest the street, so as to be easily seen.

The absence of a proper sticker on a sign erected subsequent to the passage or adoption of this code, shall be prima facie evidence that the sign has been erected in violation of the provisions of this ordinance.

### 5.3.2. COMPUTATION OF SIGN AREA

In order to determine compliance with the maximum allowable sign areas permitted under this Article, the area of a sign shall be considered the area of the sign structure unless otherwise stated. The area of a sign structure and a sign face shall be computed as follows:

- a. The area of a *sign face* shall be computed as the area within the smallest rectangle enclosing the limits of a sign face, or the combination of the areas of all such rectangles delimiting each sign face module, together with any frame or material, texture, or color forming an integral part of the sign face or used to differentiate the sign face from the structure upon which it is placed.
- b. The computation of the area of a sign face shall not include the structure, supports or

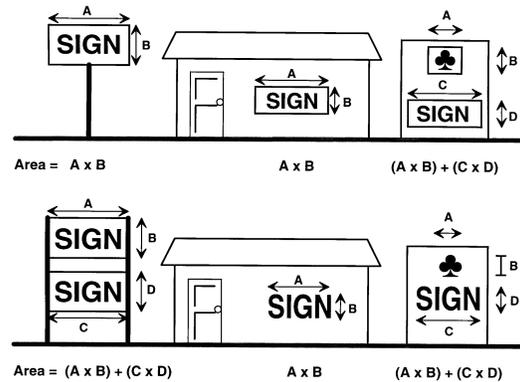


MEASUREMENT OF WALL SIGN AREA WHERE  
THERE IS NO DEFINED SIGN BACKGROUND

"A" x "B" = SIGN AREA

uprights on which the sign face is placed on any portions of a sign structure that are not intended to contain any message or idea and are purely structural or decorative in nature, other than those portions contained within the rectangle that delimits the sign face or a sign face module.

- c. For any sign on which the words, letters, figures, symbols, logos, fixtures, colors, or other design elements are routinely changed or are intended to be changed from time



Examples of Sign Face Area Measurements

to time, the sign face area shall include the entire area within which any words, letters, figures, symbols, logos, fixtures, colors, or other design elements may be placed, together with any frame or material, texture, or color forming an integral part of the sign face or used to differentiate the sign face from the structure upon which it is placed.

- d. The area of a *sign structure* shall be computed as the area within the smallest rectangle enclosing the limits of the surface of a sign whereon the sign face or sign face modules may be placed, including all portions of a sign structure that provide a background for the sign face but are not intended to contain any message or idea and are purely structural or decorative in nature.
- e. Any open space contained within the limits of the rectangle delimiting the sign face, sign face module, or sign structure shall be included in the computation of such sign face, sign face module, or sign structure.
- f. For multi-faced signs, when the sign face surfaces are parallel (back-to-back), or where the interior angle formed by the faces is 45 degrees or less, the area of the sign shall be taken as the area on the largest side. For all other multi-faced signs, the area of the sign shall be the total area on all sides that can be viewed at one time from any angle.

## 5.4. PERMITTED SIGNAGE

### 5.4.1. BY ZONING DISTRICT

The following table represents the maximum number, height, and other restrictions relating to specific signage that are permitted by right in each zoning district.

- a. The “Principal Freestanding Sign-One Use on Property” category applies to a lot where there is only one single or two-family dwelling, one multi-family complex, or one business occupant.
- b. The “Principal Freestanding Sign-Two or More Uses on Property” category applies to a single office, commercial or industrial property that is designed or intended for occupancy by two or more principal businesses that are separately-owned and have no corporate relationship.
- c. For building signs in the office, commercial, and industrial zoning districts, the following shall apply:
  - (1) For single-occupant buildings, the total sign face area for building signs on each side of a building shall be calculated on the basis of the horizontal length of the wall along that side of the building. Each side of the building shall be calculated separately.
  - (2) In addition to the total sign face as calculated from the following table, one more square foot of sign face area shall be allowed on a wall facing a public street for each foot that the building is set back beyond the minimum principal building front setback required from that street.
  - (3) For multi-tenant nonresidential developments (such as shopping centers), the total sign face area per wall for each tenant shall be distributed on the basis of the horizontal length of the wall along each tenant’s occupied space. The maximum sign face area on a particular wall for each tenant shall be calculated separately.
- d. Project entrance signs are limited to freestanding monument signs.
- e. For signs in the PD Planned Development District, each development shall conform to the sign regulations established as part of the zoning approval for the Planned Development. If no such regulations exist, each portion of a Planned Development shall conform to the regulations of this Article for the zoning district most comparable to that portion of the Planned Development.

**Table 5-1. Permitted Signs-By Zoning District or Special Use<sup>23</sup>**

**Principal Freestanding Sign – One Use on Property**

	S-R, LT-R, HT-R, D-R	M-R	N-O-C	O-I, C-C, H-C	A-R, C-B-C, U-M-U	L-I	H-I
Max. Number	1 per lot	1 per street frontage <sup>23</sup>	1 per street frontage <sup>23</sup>	1 per street frontage <sup>2</sup>			
Maximum height	5 feet	6 feet	6 feet	20 feet	6 feet	20 feet	20 feet
Maximum face area	6 sf	32 sf	32 sf	128 sf	32 sf	150 sf	150 sf
Max. structure area	16 sf   6 sf	96 sf	48 sf	180 sf	48 sf	180 sf	180 sf
Illumination		Indirect Only	Indirect Only	OK	Indirect Only	OK	OK

**Principal Freestanding Sign – Two or More Uses on Property**

	A-R, S-R, LT-R, HT-R	M-R, D-R	N-O-C	O-I, C-C, H-C	A-R, C-B-C, U-M-U	L-I	H-I
Max. Number	N/A	N/A	1 per street frontage	1 per 200' of street frontage, max 3	1 per 200' of street frontage, max 3	1 per 200' of street frontage, max 3	1 per 200' of street frontage, max 3
Maximum height			10 feet	40 feet	10 feet 3	20 feet	20 feet
Maximum face area			42 sf	300 sf	42 sf	200 sf	200 sf
Max. structure area			60 sf	400 sf	60 sf	300 sf	300 sf
Illumination			Indirect Only	OK	Indirect Only	OK	OK

**NOTE: Height of sign means, in the case of freestanding signs, the distance in vertical feet measured from the level of an adjacent street centerline to the highest point of the sign structure. The sign measured at its base shall not extend over 40 ft. in height above the centerline of any adjacent road.**

<sup>23</sup> See text for regulations relating to the P-D Planned Development District

<sup>23</sup> If property has over 200' of street frontage it can have 1 sign per 200' max 3.

**Building Sign:** Wall signs and awning, canopy, projecting, incidental, roof and window signs, etc.<sup>24</sup>

	<b>A-R, S-R, LT-R, HT-R</b>	<b>M-R, D-R</b>	<b>N-O-C</b>	<b>O-I, C-C, H-C</b>	<b>A-R, C-B-C, U-M-U</b>	<b>L-I</b>	<b>H-I</b>
Total sign face area of <b>all signs</b> per wall	1 square foot	2 square feet	1 ½ sf for each lineal foot of wall length	2 ½ sf for each lineal foot of wall length	3 sf for each lineal foot of wall length	1 sf for each lineal foot of wall length	2 sf for each foot of wall length
Maximum sign face area of largest sign per wall <sup>25</sup>	1 square foot	2 square feet	1 sf for each lineal foot of wall length	2 sf for each lineal foot of wall length	2 sf for each lineal foot of wall length	1 sf for each lineal foot of wall length	2 sf for each foot of wall length
Projecting Sign	Not Allowed	Not Allowed	Not Allowed	18 sf	18 sf	Not Allowed	Not Allowed
Hanging Sign	Not Allowed	Not Allowed	Not Allowed	6 sf	6 sf	Not Allowed	Not Allowed
Illumination	None	None	Indirect Only	OK	OK	OK	OK

Note: Street frontage is defined in this Code as being a street “from which access may be directly gained.”

## 5.4.2. ADDITIONAL SIGNAGE

In addition to the specific signs permitted in each district, the following signs shall be allowed in all zoning districts (or in the zoning districts as indicated) under the conditions noted for each type of sign.

a. Project entrance signs.

Two monument signs may be located at each entrance into a residential subdivision or into an office or industrial park consisting of two or more buildings. Each project entrance sign shall not exceed:

- (1) 32 square feet in sign face surface area.
- (2) 96 square feet in sign structure area.
- (3) 2 ½ feet in height if located within a sight visibility triangle (see Section 6.8) or 8 feet in height otherwise.

b. Miscellaneous freestanding signs.

Additional freestanding signs are permitted for any multi-family, office, commercial, or industrial use if each sign complies with all of the following:

- (1) Within the minimum front yard setback for principal buildings required for the zoning district, miscellaneous signs may be located at entrance or exit driveways to

<sup>25</sup> All building signs attached to a particular wall and its windows, doors, awnings, canopies, or roof, including signs that project from the wall, shall collectively not exceed the total square footage of sign face area allowed for the particular wall.

the property. There shall be no more than 2 such signs per driveway and each such sign shall not exceed 8 square feet in sign area nor be more than 2 ½ feet in height.

(2) Miscellaneous signs located farther from the street than the minimum required front yard setback for principal buildings shall be allowed as follows::

(a) One miscellaneous sign may be located on the property for each principal building on the lot. Each such sign not to exceed 32 square feet in area nor be more than 8 feet in height.

(b) An unlimited number of miscellaneous freestanding signs may be located on a property developed for multi-family or nonresidential use, provided that each such sign is no more than 6 square feet in sign area or more than 4 feet in height.

c. Temporary signs.

(1) Political signs.

(a) Political signs may be placed as of the date of qualification of candidates, and shall be removed upon the final results. Each political candidate or ballot question shall be considered a separate temporary special event.

(b) Political signs shall not exceed the following:

Table 5-2  
**Political Sign Maximums**

District	Area	Height	Back from R-O-W
A-R, S-R & LT-R, HT-R	6 sf	10 feet	10 feet
D-R, M-R, O-I & N-O-C	32 sf	10 feet	10 feet
C-C, H-C, C-B-C, L-I & H-I	100 sf	20 feet	10 feet

(2) Construction signs.

One construction sign per street frontage, not to exceed 64 square feet (2 4'x8' boards) in area, may be placed upon the commencement of construction and shall be removed upon issuance of a final certificate of occupancy for the construction or development project to which it refers.

(3) Other temporary special event signs.

An additional sign other than a political sign or construction sign may be located on a property related to a temporary special event as defined and permitted in this Code, subject to the following:

- (a) One temporary sign per street frontage announcing a temporary special event may be placed for a period of no more than 30 consecutive days. Temporary signs for the same business or organization shall not be placed on a property more often than 3 times per calendar year, nor within 30 days of when the last temporary sign was placed on the property.
- (b) Each temporary special event sign shall not exceed 6 square feet in a residential zoning district or 32 square feet in a nonresidential zoning district.
- (c) Temporary special event signs shall be limited to one such sign per street frontage per temporary event.

(4) Inflatable Signs.

In addition to the temporary signs allowed under this Section, a temporary special event may utilize one inflatable sign on the property of the event under the following conditions:

- (a) The inflatable sign may be displayed only during the 30-day period that the other temporary signage is allowed on the property.
- (b) The inflatable sign shall be installed in accordance with all requirements of the Building Code.
- (c) If affixed to a roof, the inflatable sign may extend above the roof line of the building.
- (d) Whether affixed to a roof or freestanding, the inflatable sign shall comply with the maximum sign face and sign structure area associated with the principal freestanding sign otherwise permitted on the property (see Table 5-1).

(5) Real Estate Signs.

One real estate sign per property or premises may be placed on a site until the property or premises to which the sign refers is sold or leased. Such signs shall be limited as follows:

- (a) Residential districts: 6 square feet in area, 5 feet high.
- (b) Multi-Family and nonresidential districts: 32 square feet in area, 6 feet high.

(6) Real estate directional signs.

A sign that conveys directions to a specific property for sale or lease, such as a real estate development, residential subdivision, apartment or condominium project, home for sale, apartment for rent, or any other real estate property for sale or lease, is permitted if it complies with all of the following:

- (a) Real estate directional signs may not contain any commercial message or advertisement, but may contain the name, trademark or trade symbol of the development or property to which directions are being provided and/or the real estate company offering the property.
- (b) Real estate directional signs are allowed in all zoning districts except within 660 feet of the right-of-way of any state highway where real estate directional signs are only allowed on properties zoned for commercial or industrial use.
- (c) Real estate directional signs shall be erected and maintained only with the permission of the owner of the property upon which the sign is erected.
- (d) Real estate directional signs shall not exceed a maximum size of four (4) square feet.
- (e) Real estate directional signs shall not be illuminated.
- (f) Real estate directional signs shall be removed within five (5) days of the consummation of the sale or lease of the property to which directions are provided.
- (g) There may be no more than four (4) real estate directional signs providing directions to any one residential, commercial, or industrial development; and no more than two (2) signs providing directions to any one lot.

d. Semi-public use directional signs.

A sign that conveys directions to a specific use owned or operated by a non-profit, religious or eleemosynary institution for the purpose of providing educational, cultural, recreational, religious, or social services to the general public, is permitted if it complies with all of the following:

- (1) Semi-public use directional signs shall be erected and maintained only with the permission of the owner of the property upon which the sign is erected.
- (2) Semi-public use directional signs shall not exceed a maximum size of six (6) square feet in area and six (6) feet in height.
- (3) Semi-public use directional signs shall not be lighted.

- (4) There shall be no more than four (4) semi-public use directional signs providing directions to any one semi-public use.
- (5) Semi-public use directional signs shall be erected on supports provided specifically for that purpose and no more than one such support may be erected at any street corner.

e. Billboards.

A billboard is a freestanding sign that exceeds the maximum sign face or sign structure area permitted by right on a property under the provisions of Section 5-4. A billboard may be allowed individually as a principal use or as an additional freestanding sign on a property under the following conditions:

- (1) The sign must be located in an A-R, C-C, H-C, L-I, or H-I zoning district within 660 feet of a State or U.S. numbered highway, and shall comply with all requirements of the State of Georgia.
- (2) The area of the sign face shall not exceed 400 square feet, nor shall the sign exceed 40 feet in height.
- (3) All portions of the billboard shall be located on a lot in accordance with the principal building setback requirements of the zoning district in which it is located.
- (4) The billboard shall not be located within 1,000 feet of any other billboard or within 200 feet of a zoning district where billboards are not allowed. Distance measurements shall be made horizontally in all directions from the nearest edge of the sign structure.
- (5) The billboard may not be located on or project over any building.
- (6) The billboard shall not be located within 1,000 feet of any major river corridor or tributary river corridor established under Section 6 of this Code. Such distance shall be measured from the top of the stream bank.

#### **5.4.3. UNIFORM SIGN PLAN REQUIRED**

- a. A uniform sign plan is required for any multi-tenant nonresidential development, such as a shopping center, before any signs for the development or the development's tenants may be erected on the property.
- b. The uniform plan shall govern the placement and design of all signs within the development as to their location, materials, and size.
- c. A uniform sign plan shall be submitted and approved as follows:

- (1) The uniform sign plan shall consist of such drawings and specifications as may be required to clearly illustrate the location, materials, and size of all and every sign to be placed as freestanding and building signs within the development.
- (2) The uniform sign plan is to be submitted to the Building Inspection Department. The uniform sign plan shall be approved upon a finding by the Chief Building Inspector that:
  - (a) The plan provides that signs of a similar type and function within the development have a consistency of size and construction materials so as to present a unified design concept while respecting the differences between tenant types and occupancies.
  - (b) The signs proposed in the uniform sign plan comply with the requirements of this Article, such as number, location, and size restrictions.
- d. All tenants of the development, whether an owner, lessee, subtenant, purchaser, or other occupant, shall comply with the approved uniform sign plan.

#### **5.4.4. MODIFICATIONS TO SIGN RESTRICTIONS**

- a. Modifications to the restrictions on signage established by a uniform sign plan for a specific property or development may be requested for administrative approval.
- b. Such requests shall be submitted to the Building Inspections Department for review and handling.
- c. A request for modification shall be supported by a revised uniform sign plan.
  - (1) The revised uniform sign plan shall consist of such drawings and specifications as may be required to clearly illustrate the location, materials, size, letter style, and color of all and every sign to be placed as freestanding and building signs within the development.
  - (2) The revised uniform sign plan shall establish design standards such that signs of a similar type and function within the development shall have a consistency of size, letter style, color scheme, and construction materials so as to present a unified design concept while respecting the differences between tenant types and occupancies.
- d. Denial.

If the Building Inspections Department denies the requested modification, the applicant may appeal to the Board of Appeals and Adjustments as a special exception. See Section 2.11.4.

- e. Approval.

Following approval by the Chief Building Inspector or the Board of Adjustments, all tenants of the property or development, whether an owner, lessee, sub-tenant, purchaser, or other occupant, shall comply with the approved uniform sign plan.

## **5.5. REMOVAL OF ABANDONED AND ILLEGAL SIGNS**

### **5.5.1. ABANDONMENT DEFINED**

- a. Any sign that provides notice of a temporary special event or any other temporary purpose that has since occurred shall be deemed to have been abandoned.
- b. Any sign that fails to meet the maintenance requirements of this Article shall be deemed abandoned and subject to removal if such deficiencies are not corrected within 30 days after a written notice from the Chief Building Official to the owner or tenant concerning said deficiencies. The Chief Building Official shall have the discretion to grant an additional 30 days for the required improvements to be made provided substantial progress is being made to correct the deficiencies and a written request for such an extension is received at least five (5) working days before the end of the original notice.

### **5.5.2. SIGN REMOVAL**

- a. The owner of the sign or owner of the premises shall remove signs that are deemed to be abandoned or otherwise found to be in violation of this Ordinance within 30 days from the written notice by the Chief Building Official. Any such signs not removed within 30 days from the written notice may be removed by the Jurisdiction and all costs charged to the owner of the premises upon which such sign was located, or the owner of the sign itself.
- b. Should any sign become insecure or in danger of falling or otherwise unsafe in the opinion of the Chief Building Official, the owner or person or firm maintaining the sign shall, upon written notice from the Chief Building Official, forthwith in the case of immediate danger and in any case within 10 days, remove such sign or secure it in a manner approved by the Chief Building Official. Any such sign not removed or secured within 10 days from the written notice may be removed by the Jurisdiction and all costs charged to the owner, agent, or person having beneficial interest of the building or premises upon which such sign was located, or in the sign itself.
- c. If any sign is installed, erected, or constructed in violation of this Ordinance, the owner or person or firm maintaining the sign shall, upon written notice from the Chief Building Official within 10 days, remove such sign or bring it into compliance with this Ordinance. Any such sign not removed or properly altered within 10 days from the written notice may be removed by the Jurisdiction and all costs charged to the owner, agent, or person having beneficial interest of the building or premises upon which such sign was located, or in the sign itself.



## Article 6. Subdivision and Project Standards

Section 6.1.	General
Section 6.2.	Preliminary Plat and Development Plan Approval for Subdivisions
Section 6.3.	Final Subdivision Plat Approval
Section 6.4.	Required Improvements in Subdivisions
Section 6.5.	Subdivision Design Standards
Section 6.6.	Common Project Design Standards
Section 6.7.	Design Standards for Streets
Section 6.8.	Off-Street Parking
Section 6.9.	Inter-Parcel Parking
Section 6.10.	Street Access Control
Section 6.11.	Sight Triangle
Section 6.12.	Construction Activities and Construction Sequencing
Section 6.13.	Soil Erosion and Sedimentation Control
Section 6.14.	Flood Damage Protection
Section 6.15.	Storm Water Management
Section 6.16.	Buffers
Section 6.17.	Landscaping
Section 6.18.	Tree Conservation
Section 6.19.	Protection of Natural Waters

### 6.1. GENERAL

#### 6.1.1. PURPOSE OF ARTICLE 6

This Article sets out:

- a. The minimum requirements and standards for construction of land development projects, including general principals of design and layout and requirements for such public facilities as streets and utilities.
- b. The requirements that apply to carrying out the land development process, including: site grading and land disturbance activities; addressing flood hazard and environmentally sensitive areas; the installation of streets, drainage facilities and public utilities; and building construction.
- c. The standards that control the separation between incompatible uses, landscaping and tree conservation, the provision of vehicular parking and access, and other requirements relating to a site design for an individual property.

#### 6.1.2. APPLICABILITY

All persons proposing construction within the public right-of-way or within easements dedicated to the City of Rome or Floyd County shall perform all construction in accordance with these specifications and standard design drawings.

#### 6.1.3. STANDARDS INCORPORATED BY REFERENCE

- a. Unless otherwise specially set forth herein, all of the materials, methods of construction, and workmanship for the work covered in reference to street construction

and storm drainage construction shall conform to the latest standard specifications of the State Department of Transportation.

- b. Design criteria and standards for streets and traffic control not specifically set forth herein shall conform to the latest edition of the *ASHTO Policy on Geometric Design of Highways and Streets* and the *U. S. Manual of Uniform Traffic Control Devices*, as appropriate.
- c. Construction plans for all facilities covered by these regulations shall conform to the *Rome-Floyd County Standard Drawings*, where applicable.

#### **6.1.4. SUBDIVISION DEVELOPMENT OVERVIEW**

- a. City-County Coordination.

In order to assure full coordination between all affected departments and agencies and to increase efficiency in the processing of permits, all applications for subdivision platting, shall be submitted to the Public Works Department of the respective jurisdiction for handling.

- b. Subdivisions with Public Improvements.

The division of land into two or more lots that will require the construction or extension of public streets, water, or sanitary sewerage (other than the direct connection of buildings to existing facilities) shall be conducted as follows:

- (1) Project Approval is granted by the Public Works Department upon review and approval of a Preliminary Subdivision Plat.
- (2) A Development Permit is issued by the Chief Building Official based on the review and approval by the Public Works Department of a Development Plan for construction of the subdivision.
- (3) Receipt by the Public Works Department of accurate surveys of the as-built condition of public improvements is required in order to allow filing of a Final Plat.
- (4) Approval of a Final Subdivision Plat by the Planning Commission will authorize recordation of the plat with the Clerk of the Superior Court.
- (5) After recordation of the Final Plat, the lots may be sold and building permits on the lots may be obtained.
- (6) A maintenance period will extend for one year after acceptance of all public improvements, as described in Section 6.4.7.

c. Minor Subdivisions.

The division of land into four or fewer lots, each of which will be adequately served by existing public streets, water, and sanitary sewerage; and which meet all other requirements of the Ordinance, shall be conducted as follows:

- (1) Administrative Approval of a Final Subdivision Plat by the Planning Director will authorize recordation of the plat with the Clerk of the Superior Court.
- (2) After recordation of the Final Plat, the lots may be sold and building permits on the lots may be obtained.

d. Private Subdivisions.

The procedures for approval of private subdivisions are the same as those for subdivisions with public improvements.

- e. Multi-family and Non-residential projects are approved for development in accordance with the procedures described in Article 2.

## **6.2. PRELIMINARY PLAT AND DEVELOPMENT PLAN APPROVAL FOR SUBDIVISIONS**

The Public Works Department must first approve the preliminary plat prior to either public or private subdivision activity, prior to the issuance of a development permit and prior to the initiation of any land disturbing or construction activities.

### **6.2.1. RESPONSIBILITY**

- a. The Director of Public Works is responsible for administering the review and approval for preliminary subdivision plats. The Director of Public Works shall forward a copy of the project approval application to appropriate City or County Departments, the Georgia Department of Transportation, or others as appropriate, for their review and comment. The Director of Public Works shall provide all comments to the applicant for resolution, who shall work with each City or County Department or other agency as necessary to resolve all issues.
- b. A preliminary plat may be prepared by a professional engineer, a land surveyor, or a landscape architect registered to practice in the State of Georgia.

### **6.2.2. PROCEDURE FOR PROJECT APPROVAL**

- a. An application for subdivision approval may be processed independently or in conjunction with an application for issuance of a development permit.

- b. An application for project approval shall be submitted to the Public Works Department by the property owner or their authorized representative. The application shall include:
  - (1) A properly completed application form, as furnished by the Public Works Department, requesting review for project approval.
  - (2) Copies of the preliminary subdivision plat showing the entire ownership drawn to the specifications of this Section, in a number as required by the Public Works Department.
  - (3) Copies of the development plans prepared in accordance with the requirements of this code, in a number as required by the Public Works Department.
  - (4) Payment of all applicable application and review fees, as established by the Governing Body from time to time.
- c. The Public Works Department shall review the application for completeness at the time of submission. Incomplete applications will be returned to the applicant.
- d. Within two weeks following receipt of the application, the Public Works Department shall return to the applicant, on the drawing or in writing, all comments related to compliance with this Development Code.
- e. The owner shall be responsible for compliance with all codes, regulations, and zoning requirements and for the satisfaction of all the noted and written comments.
- f. The Public Works Department may not approve any preliminary subdivision plat whereon is shown a lot or situation that would clearly require a variance to order to be reasonably useable, whether due to the presence of flood plain, unusual configuration, zoning compliance, lack of public utilities, or for any other reason.
- g. When the Public Works Department has determined that the preliminary subdivision plat is in compliance with the requirements, purpose, and intent of this Development Code, it shall be approved. The Director or his designee shall sign and date the **CERTIFICATE OF PROJECT APPROVAL** stamped or printed on a reproducible copy of the preliminary subdivision plat. One copy of the approved drawing shall be transmitted to the applicant and one copy shall be retained by the Public Works Department.
- h. The Certificate of Project Approval shall remain in effect for a period of twelve (12) consecutive months after which time it shall become null and void and a new Certificate may be required if either no permit has been issued or a permit has been issued but no development activity has begun.

### **6.2.3. GENERAL STANDARDS**

- a. The proposed name of the development and proposed street names shall not duplicate or too closely approximate, phonetically, the name of any other street in the city or county. If shown to the contrary, the Public Works Department may refuse to accept such development or street names. The development may use letter designations in place of proposed street names at the option of the applicant.
- b. The preliminary plat shall be prepared on a boundary survey of the entire tract to be subdivided or developed showing the location of the boundaries and dimensions of the tract to be developed.
- c. The preliminary subdivision plat shall be clearly and legibly drawn at a scale of 100 feet or less to one (1) inch. The recommended maximum dimensions of the sheet size is 36 inches by 48 inches and the minimum dimensions of 17 inches by 22 inches; however, the Director of Public Works may approve other sheet sizes and scales as appropriate.
- d. For property of over 100 acres, a smaller scale may be used where, in the judgment of the Director of Public Works, presentation of detailed data is not necessary to evaluate the entire project. It is the intent of this provision that in all cases sufficient information shall be provided for an adequate evaluation of the public and private improvements.

### **6.2.4. PRELIMINARY PLAT REQUIREMENTS**

- a. Proposed name of development. If the proposed development is a private subdivision, "Private Subdivision" shall be included in the title.
- b. Name and address of the property owner and developer.
- c. Name, address, and telephone number of the applicant.
- d. Date of survey, north point and graphic scales, source of datum, date of plan drawing, and revision dates, as appropriate.
- e. Proposed use of the property.
- f. Location (Land District and Land Lot) and size of the property in acres (or in square feet if less than an acre).
- g. Location sketch of the property in relation to the surrounding area with regard to well-known landmarks such as arterial streets, railroads, or others. Sketches may be drawn in freehand and at a scale sufficient to show clearly the information required, but not less than one inch equal to 2,000 feet. U.S. Geological Survey maps may be used as a reference guide for the location sketch.

- h. Name and boundary of former approved subdivision if any or all of the land in the preliminary subdivision plat or site plan has been previously subdivided, showing boundaries of the lots to be re-subdivided.
- i. Zoning district classification of the subject property and all adjacent properties, and zoning district boundaries as appropriate.
- j. Delineation of required buffers, landscape areas, tree protection areas, and river corridor buffers, as possible.
- k. Rezoning or conditional use application number, date of approval, and conditions of approval, as applicable. Variances obtained on the property by application number, date of approval, and conditions of approval, as applicable.
- l. Recorded deed names of adjoining property owners or subdivisions.
- m. Natural features within, affecting, or affected by the property, including wetlands, drainage channels, bodies of water, wooded areas, and other significant natural features such as rock outcroppings. On all water courses entering or leaving the property, the direction of flow shall be indicated. The 100-year flood plain and wetlands, if any, shall be outlined. The location of the site within a protected groundwater recharge area shall be noted if applicable.
- n. Man-made features within and adjacent to the property, including street right-of-way and pavement widths, names of existing streets, all easements, city and county political boundary lines, and other significant information such as location and dimensions of bridges, utility lines, existing buildings to remain, and other features.
- o. The proposed projected layout including:
  - (1) For subdivisions, lot lines and street right-of way lines, with proposed street names or letter designations and right-of-way widths, along with the front building setback line and the dimension of its length on each lot (i.e., the lot width).
  - (2) For multi-family and nonresidential development site plans, the outline and location of all buildings, and the location of all minimum building setback lines, outdoor storage areas, buffers, parking areas, driveways, curb cuts, and designated fire lanes.
- p. The proposed phasing of the development if it is proposed to be built in sections.
- q. A statement as to the source of domestic water supply.

- r. A statement as to the provision for sanitary sewage disposal. For those properties that will not be served by a public sanitary sewerage system, written approval by the Floyd County Health Department shall be submitted.
- s. The approximate location of proposed storm water detention facilities.
- t. Such additional information as may be reasonably required to permit an adequate evaluation of the development activity proposed in the application.

**6.2.5. DEVELOPMENT PLAN REQUIREMENTS**

a. General Requirements.

(1) Persons seeking to undertake development activity shall not commence or proceed until development plans are approved and a Development Permit is issued by the Chief Building Official. The process for approval of a development permit is presented in Article 2.5.

(2) The development plans for a project shall conform in all respects with the requirements of this Development Code, and shall contain each of the plans in this Section as appropriate to the project, including:

(a) Erosion and Sediment Control Plan

(b) Grading Plan

(c) Storm water Management Plan

(d) Street Improvement Plan

(e) Buffer Plan

(f) Public Utility Plan

(3) All development plans and supporting studies shall be prepared by or under the supervision of a professional engineer registered in Georgia.

b. Provide the Erosion and Sediment Control Plan, Grading Plan, Storm water Management Plan, and Buffer/Landscaping/Tree Conservation Plan in accordance with all requirements in this Section, as well as, Article 2 of this Development Code.

c. Street Improvement Plan.

(1) Centerline profiles and typical street sections of all proposed streets shall be required. Profiles shall be drawn on the standard plan and profile sheet with plan section showing street layout, and pavement and right-of-way width, curvature,

and required drainage facilities. Typical street sections shall be provided for street widening.

- (2) Where sanitary sewer or storm water sewers are to be installed within a street, the grade, size, location and bedding class of pipe, and the location and invert elevation of manholes shall be indicated on the road profile.
- (3) Centerline profiles covering streets shall include elevations at 50 foot intervals or such distance as may be adequate to provide continuity consistent with the standards required by this Development Code for street improvements, but no less than 200 feet.
- (4) All plan elevations shall be coordinated and sited into U. S. Coast and Geodetic Survey or Georgia Department of Transportation bench marks where feasible or into reference monuments established by the Federal Emergency Management Agency.
- (5) A street striping plan, showing striping in accordance with the *Manual on Uniform Traffic Control Devices*, latest edition as published by the Federal Highway Administration, shall be prepared for any street newly constructed or widened to four (4) or more lanes.

d. Public Utility Plan.

(1) Sewage Disposal Plan

- (a) If connection to a public system is proposed, sewage disposal plans are to include:
  - 1) Sanitary sewerage plans, including profiles of all mains and outfalls, lift station and force main details, typical manhole construction details, and other information as may be required by the Director of Public Utilities.
- (b) For projects approved by the Governing Body to be served by on-site sewage disposal systems, location of septic tank, extent of drain field and attendant structures, location of percolation tests or soil data test locations, and other information shall be shown as required by the County Health Department.

(2) Domestic Water Supply Plan.

For projects to be served by public water, the domestic water supply plan shall depict all water system improvements, water mains, fire hydrants, valves and other appurtenances, and other information as may be required by the Director of Public Utilities.

**6.2.6. EVIDENCE OF PROJECT APPROVAL**

Each preliminary subdivision plat shall carry the following certificates printed or stamped on the plat.

- a. Signed approval from the County Health Department (if septic tanks will be allowed by the Governing Body).
- b. Certificate of Project Approval, to read as follows:

<p><b>CERTIFICATE OF PROJECT APPROVAL</b></p> <p>All applicable requirements of the Rome-Floyd County Unified Land Development Code relative to the project approval having been fulfilled, approval is hereby granted by the Public Works Department, subject to further compliance with all provisions of said Development Code.</p> <p>_____</p> <p>Public Works Director (or designee)</p> <p>Date _____</p> <p>This Certificate of Project Approval shall expire 12 months from the date of approval if a development permit has not been issued or a development permit has been issued but development activity has not been commenced.</p>
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**6.2.7. ISSUANCE OF DEVELOPMENT PERMIT**

- a. Upon approval of the Preliminary Plat and Development Plans, the Chief Building Official shall issue a Development Permit authorizing development activities to begin based on the approved documents and in accordance with Article 2 of this Development Code.
- b. Development permits for subdivisions shall expire if the development activity described in the permit is not begun within 12 months of the date of issuance. Renewal of the permit after expiration shall be in accordance with the requirements of Article 2 of this Development Code.
- c. If the subdivision is located outside of the city, certification is required by the Community Development Department that the proposed subdivision has applied for installation of street lighting in accordance with the County street lighting ordinance.

**6.3. FINAL SUBDIVISION PLAT APPROVAL**

**6.3.1. RESPONSIBILITY**

- a. The Director of Public Works shall be responsible for coordination of the approval process for all final subdivision plats for public and private subdivisions.
- b. The final subdivision plat shall be certified and sealed by a registered land surveyor.

- c. The owner is responsible for compliance with all code requirements of this Development Code. Approval of a final subdivision plat and acceptance of the public improvements and dedications therein shall not relieve the owner of this responsibility.

### **6.3.2. PROCEDURES FOR FINAL PLAT APPROVAL**

- a. Prior to submission of an application for final subdivision plat approval, one of the following conditions must be met:
  - (1) For minor subdivisions, the Public Works Director shall have certified that all lots are adequately served by existing streets and public utilities; or,
  - (2) All public improvements shall have been properly installed and completed in accordance with all requirements and standards of this Development Code; or
  - (3) A guarantee in lieu of completed improvements shall have been received by the Public Works Department and approved by the Governing Body as provided under Article 6.4.6. of this Development Code.
- b. Prior to submission, the applicant shall provide to the Public Works Department:
  - (1) As-built surveys for all public improvements as required by this Article if the installation of said improvements varies from the approved development plans.
  - (2) Payment for materials and installation of traffic signs and street name signs. Payment of the cost of street striping or signalization, if required and not completed by the owner, shall also be included in the application.
  - (3) A maintenance bond providing adequate surety for the maintenance of all public improvements required by this Development Code in the subdivision for a period of 12 months following the date of final acceptance of said improvements.
- c. Application for a final subdivision plat approval shall be made to the Public Works Department. The application shall include:
  - (1) A properly completed application form, as furnished by the Public Works Department, requesting final subdivision plat review.
  - (2) The original, two (2) reproducible copies, and nine (9) prints of the final subdivision plat drawing prepared in conformance with the specifications in this Section.
  - (3) Payment of all applicable final subdivision plat application and review fees, as established by the Governing Body from time to time.

- (4) Evidence of payment for traffic and street name signs, and maintenance bond, to the Public Works Department.
- d. The Public Works Department shall review the application for completeness within five (5) business days of submission. Incomplete applications will be returned to the applicant.
- e. Within two (2) weeks following receipt of the application, the Public Works Department shall indicate on the drawing or in writing all comments related to compliance with this Development Code. The Director of Public Works shall have sole authority to determine the applicability of any provisions of this Development Code to the final plat.
- f. The owner shall be responsible for compliance with all codes, regulations, and zoning requirements, and for the satisfaction of all the noted and written comments of the Public Works Department. Resubmission of all revised drawings shall be made to the Public Works Department.
- g. When all of the requirements of this Development Code, and any conditions of zoning approval, have been met, the Director of Public Works shall certify approval with signature and date on the plat.
- h. Once the final subdivision plat has been so certified, it shall be forwarded to the Planning Commission for approval after which the Director of Planning shall sign and date the CERTIFICATE OF FINAL PLAT APPROVAL stamped or printed on a reproducible copy of the final subdivision plat. The plat shall then be recorded by the Planning Department, or by the applicant with the Planning Director's approval, with the Clerk of the Superior Court. An executed original of the approved drawing shall be transmitted to the applicant.
- i. The final subdivision plat shall be submitted in digital form in a file format compatible with the Planning Department's GIS mapping system.

### **6.3.3. GENERAL STANDARDS**

- a. The final subdivision plat shall be drawn on an appropriate material and sheet size, and using minimum line weights and letter heights as required by Georgia law for the recordation of maps and plats (O.C.G.A. § 15-6-67, as amended), and as acceptable to the Clerk of the Superior Court.
- b. The final subdivision plat shall substantially conform to the preliminary subdivision plat and may constitute only that portion of the approved preliminary subdivision plat that the owner proposes to record at any one time, provided that such portion conforms to the requirements of this Development Code.

#### **6.3.4. FINAL PLAT REQUIREMENTS**

The final subdivision plat shall contain the following information:

- a. All data required by Georgia law pertaining to the recordation of maps and plats (O.C.G.A. § 15-6-67, as amended).
- b. Name of the subdivision. If the development is a private subdivision, "Private Subdivision" shall be included in the title.
- c. Street names including both the name and the suffix such as "Street," "Avenue," etc.
- d. Name of the former subdivision if any or all of the property has been previously subdivided.
- e. Location sketch.
- f. Lot lines with dimensions to the 1/100 (0.01) foot; necessary internal angles, arcs, and chords; and tangent or radii of rounded corners.
- g. Building front setback lines with dimensions as to length across each lot and distance from the street right-of-way.
- h. Lots or sites numbered in numerical order and blocks lettered alphabetically.
- i. Location, dimensions and purpose of all easements, if required, and any areas to be reserved, donated, or dedicated to public use.
- j. A listing of the private covenants recorded with each lot or a statement of the location of such covenants recorded with each lot or a statement of the location of such covenants, if applicable.
- k. The extent of any area of special flood hazard, as defined in this Development Code.
- l. The street address number of each lot, as assigned by the local government.
- m. All maps or plats shall show the width and the former widths, if pertinent, of all rights-of-way adjacent to any point of reference.
- n. Curve data shall be required for all curves of greater than ten degrees on new roads. Pertinent data including radius, central angle, and tangent distance must be given for regular curves on pre-existing roads.
- o. All land lot lines, land district lines, land section lines, and city and county boundaries intersecting or adjacent to the surveyed property shall be indicated by lines drawn upon the plat with appropriate words and figures.

- p. All plats shall show the state plane coordinates of at least two permanent monuments thereon, when a United States Coastal and Geodetic Survey monument is within 500 feet of any point on the property platted, or any point of reference shown thereon.

### **6.3.5. PRIVATE SUBDIVISION REQUIREMENTS**

In addition to all other requirements of this Section, private subdivisions shall comply with the following:

- a. As part of any final subdivision plat submission, the following documents must be filed for approval with the Public Works Department as a part of the development plan.
  - (1) The form of all agreements between the developer and property owners relative to development standards and property ownership and common area ownership and maintenance with a written statement by the City or County Attorney that this document has been reviewed by that office.
  - (2) The form of all agreements between and among individual property owners relative to the ownership and maintenance of privately owned properties and common areas with a written statement by the City or County Attorney that this document has been reviewed by that office.
  - (3) Certification by the Director of Public Works that all improvements have been installed in accordance with the requirements of this Code.
- b. The following language shall appear on the plats, deeds, and covenants to be recorded which concern the subdivision: “Required notice to all subsequent property owners: The grantee herein recognizes that any and all means of ingress and egress to the property conveyed hereby, and any water or sewer utilities servicing the property which are provided by the grantor or his successors or assigns are considered to be private facilities not maintainable by any local government. Therefore, the property owner hereby agrees that he or she will be responsible for his or her share of the upkeep and maintenance of said private facilities, holding Floyd County and the City of Rome completely harmless of any necessity for such upkeep and maintenance.” A copy of the covenants as recorded must be provided to the Building Inspections Department prior to issuance of any building permits.

### **6.3.6. SURVEYOR AND OWNER CERTIFICATES**

Each Final Subdivision Plat shall carry the following certificates printed or stamped the plat and signed and dated in black ink.

- a. Surveyor’s Certificate, to read and be completed as follows:

**SURVEYOR'S CERTIFICATE**

It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property by me or under my supervision and that all monuments shown thereon actually exist.

The field data upon which this plat is based has a closure precision of one foot in \_\_\_\_\_ feet, and an angular error of \_\_\_\_\_ per angle point, and was adjusted using \_\_\_\_\_ rule.

This plat has been calculated for closure and is found to be accurate within one foot in \_\_\_\_\_ feet.

By (name): \_\_\_\_\_

Registered Georgia Land Surveyor No. \_\_\_\_\_

Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Date: \_\_\_\_\_

- b. Surveyor's Seal. The original final subdivision plat drawing shall bear the original signature, in black ink, of the registered land surveyor placed across the surveyor's seal in order to be valid and recordable.
  
- c. Owner's Certificate, to read and be completed as follows, and signed in black ink on the original drawing:

**OWNER'S CERTIFICATE**

State of Georgia  
County of Floyd

The undersigned certifies that he or she is the owner of the land shown on this plat and that the plat and the public improvements contained therein or associated therewith meet all applicable requirements and standards of the Rome-Floyd County Unified Land Development Code. The owner further acknowledges this plat and allotment to be his free act and deed, and dedicates to the public forever all areas shown or indicated on this plat as streets, easements or other public use areas, and all water system, sewerage and other public improvements as depicted on the as-built surveys for this subdivision, approved on \_\_\_(date)\_\_\_ .

Owner's name: \_\_\_\_\_

Owner's address: \_\_\_\_\_

\_\_\_\_\_ Date \_\_\_\_\_

(Owner's signature)

**6.3.7. CERTIFICATION BY HEALTH DEPARTMENT**

Certification by the Health Department that the water supply or sewerage systems installed or proposed to be installed fully meet the requirements of the Health Department's regulations. (These certifications may be submitted on a separate form as specified by the Planning Department.) The Health Department certification statement shall include written notice that each lot not on public sewer must have a septic tank permit prior to the start of construction. For developments with public sewerage and public water systems this certification may be omitted.

**6.3.8. CERTIFICATE OF FINAL SUBDIVISION PLAT APPROVAL**

The following shall be stamped or printed on the final subdivision plat for execution upon its approval by the Planning Commission.

**CERTIFICATE OF FINAL PLAT APPROVAL**

All requirements of the Rome-Floyd County Unified Land Development Code having been represented as being fulfilled by this plat and the related as-built surveys approved on     (date)    , the Rome-Floyd County Planning Commission hereby approves this plat for recordation by the Clerk of Superior Court and recognizes the owner's offer of dedication of all areas and public improvements shown thereon and on said as-built surveys on behalf of the public, subject to maintenance and guarantee by the owner for one year from the date of this approval.

Date \_\_\_\_\_

(Signature of Planning Director or Designee)

**6.4. REQUIRED IMPROVEMENTS IN SUBDIVISIONS**

**6.4.1. EXEMPTIONS**

The subdivision of land in the A-R district into four (4) or fewer lots, all of which have the minimum required frontage on a public street and meet all other minimum requirements of this Ordinance, shall be exempt from the improvement requirements of this section, except that a minimum right-of-way of fifty (50) feet shall be provided on all adjacent streets.

**6.4.2. MINIMUM REQUIREMENTS**

The following improvements shall be provided by the developer or at the developer's expense in every subdivision or development.

- a. Survey documentation of the public streets and lot lines in a subdivision.
- b. Streets providing access to a development and to all lots in a subdivision, including the extension of streets required to provide access to adjoining properties.
  - (1) Streets contained wholly within a subdivision shall be improved to the full standards contained in this Article. Existing streets that adjoin a subdivision shall be improved to the minimum standards provided in this Article from the centerline of the street along the subdivision's frontage as a project improvement. Right-of-way shall be dedicated to provide for street improvement, as prescribed in Article 6.6.1 of this Development Code.
  - (2) Streets within or adjacent nonresidential subdivisions, or serving residential subdivisions with 200 dwelling units or more shall be improved to collector street standards; however, adjacent streets that are classified as arterials shall be improved to arterial standards. All other streets shall be improved to local street standards.
  - (3) The Jurisdiction may participate in sharing the costs of construction and installation to the extent that improvements are needed to bring the street to a

higher level of classification than required to exclusively serve the subdivision or development.

(4) Curb and gutter or swale ditches along all roadways, as applicable.

- c. Storm water drainage and detention facilities.
- d. Sidewalks along each side of any curb and gutter street within or adjacent to a subdivision, or adjacent any development, if inside the City of Rome. Sidewalks are not required for developments located within the unincorporated areas of Floyd County.
- e. Street name signs, stop bars, and traffic control signs shall be installed by the Jurisdiction at the developer's expense.
- f. Where public water is available at the property being subdivided, public water service shall be provided to every lot in a subdivision and to every development for both domestic use and fire protection. Water mains shall be connected to the existing public water system and extended past each lot. When the water main is located in the street right-of-way and it will be necessary to cut into the street surface to serve the adjacent lot, a connection shall be stubbed out to the property line to serve each lot prior to surfacing the street. Water mains and fire hydrants shall be installed according to plans and specifications approved by the Public Works Director, the County Board of Health, and the State Department of Natural Resources Environmental Protection Division. Fire protection systems shall be installed to current Insurance Services Office (ISO) specifications and requirements. A contractor approved by the Jurisdiction shall install all elements of the water system, including mains, valves, and hydrants at the developer's expense. The Jurisdiction may participate in sharing the costs of construction and installation to the extent that pipe sizes are needed in excess of that size required to exclusively serve the subdivision or development.
- g. Fire hydrants shall be located along the streets in every subdivision and within every development project.
- h. Every lot in a subdivision and every development shall be connected to a public sanitary sewerage system unless on-site disposal is allowed by the Floyd County Health Department. Sewer lines shall be connected to the existing sanitary sewerage system and extended past each lot. Every element of the sanitary sewer system, including mains, lift stations, outfalls, and laterals shall be installed at the developer's expense by a contractor approved by the Public Utilities Department. The Jurisdiction may participate in sharing the costs of construction and installation to the extent that sewer mains or related improvements are needed in excess of the facilities required to exclusively serve the subdivision or development.
- i. Street lights in a subdivision in the unincorporated portion of the county, in accordance with County Ordinances.

### **6.4.3. PRIVATE SUBDIVISIONS**

Private subdivisions shall meet all requirements and standards that apply to public subdivisions except as follows:

- a. In private residential subdivisions the Typical Residential Roadway Cross-Section without Curb & Gutter, as shown in Figure 6.5, using green infrastructure/low impact development (GI/LID) engineering design may be used. (City Only)
- b. Reserved.

### **6.4.4. SURVEY MONUMENTS**

Concrete monuments with aluminum or brass marking shall be placed at all corners of the exterior boundaries of the subdivision being developed and shall be set flush or up to six (6) inches above the finished grade. Existing permanent monuments, which in the professional opinion of a registered land surveyor, or the city or county engineer are of sufficiently durable construction may be maintained in lieu of a new concrete monument as described above. All other street or lot corners or angle points and points of curve in each street shall be marked with an iron pipe or surveyor's marker at least 24 inches long and driven no less than one (1) inch or up to six (6) inches above the finished grade. All such monuments shall be properly set in the ground and shall be approved by a registered land surveyor prior to the time of a final plat approval by the Planning Commission.

### **6.4.5. STREETS**

- a. A publicly approved street, that has been opened and accepted for maintenance; that has been designated by the city or county as a public street; or whose construction has been guaranteed, as provided under Article 6.4.6 of this Development Code, and meeting the requirements of this Article, shall serve every development and every lot within a subdivision.
- b. Every subdivision shall have access to the public street system via a paved roadway. Subdivision projects containing more than 200 lots must have at least two points of access.
- c. When land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged and designed so as to provide access to those areas not presently served by streets.
- d. No subdivision or development shall be designed in a way that would completely eliminate street access to adjoining parcels of land.

- e. Where, in the opinion of the Public Works Department, it is necessary to provide for street access to adjoining property, proposed streets shall be extended by dedication of right-of-way to the boundary of such property through the development.
- f. Where an arterial street adjoins or is included in a residential subdivision, the responsible city and/or county engineer may limit access to the arterial street. Lots that abut the arterial shall be provided with another means of access, such as (1) platting reverse frontage lots, (2) platting a separate street parallel to the arterial, or (3) platting a loop street or cul-de-sac.

#### **6.4.6. GUARANTEE IN LIEU OF COMPLETED IMPROVEMENTS**

No final subdivision plat shall be approved by the Rome/Floyd County Planning Commission or accepted for recordation by the Clerk of the Superior Court until one of the following conditions has been met:

- a. All required improvement have been constructed or funded in a satisfactory manner and approved by the Director of Public Works, or
- b. The Governing Body has received in escrow 110% of the estimated cost of installation of the required improvements, and has approved an executed contract for installation of the improvements by a qualified contractor. The executed contractor shall call for completion of the improvements within one (1) year of approval of the final subdivision plat.

#### **6.4.7. ACCEPTANCE OF PUBLIC IMPROVEMENTS**

- a. If construction of any required public improvements was deferred at the time of final plat approval, said work must be completed during the one-year maintenance period for the subdivision.
- b. Prior to end of the maintenance period, a final acceptance inspection of the public improvements shall be conducted by the Public Works Department.
- c. The owner must correct all defects or deficiencies in materials or workmanship and make such repairs as necessary to approximate the as-built condition of the improvements.
- d. Upon certification by the Public Works Director that the public improvements depicted on the as-built surveys are in conformance with the specifications of this Development Code and are in good repair, the Governing Body shall accept the public improvements into perpetual maintenance.

### **6.5. SUBDIVISION DESIGN STANDARDS**

#### **6.5.1. SUITABILITY OF THE LAND**

Land physically unsuitable for subdivision or development because of flooding, poor drainage, steep slopes, rock formations, or other such features that may endanger health, life or property, aggravate erosion, increase flood hazard, or necessitate excessive expenditures of public funds for supply and maintenance of services shall not be approved for subdivision or development unless adequate methods are formulated by the developer for solving the problems. Such land shall be set aside for such uses as shall not involve such a danger.

#### **6.5.2. CONFORMANCE TO THE COMPREHENSIVE PLAN**

- a. All proposed subdivisions shall conform to the Comprehensive Plan and development policies in effect at the time of submission to the Public Works Department.
- b. All highways, streets, and other features of the Comprehensive Plan shall be platted by the developer in the location and the dimension indicated on the Comprehensive Plan.
- c. In subdivisions or developments related to or affecting any State or U.S. numbered highway, the Public Works Department shall require the approval of the Georgia Department of Transportation and Public Works Department.

#### **6.5.3. NAME OF SUBDIVISION**

The name of each subdivision must have the approval of the Public Works Department. The name shall not duplicate nor closely approximate the name of an existing subdivision.

#### **6.5.4. BLOCKS**

- a. Length:
  - (1) Residential Blocks.
    - (a) Blocks shall be at least 600 feet but not more than 1,800 feet in length, except as the Building Inspection Department considers necessary to secure efficient use of land or desired features of street pattern.
    - (b) In blocks greater than 1,000 feet in length, the Building Inspection Department may require one or more public easements of not less than 20 feet in width to extend entirely across the block for pedestrian crosswalks, fire protection, or utilities.
  - (2) Nonresidential Blocks.
    - (a) Blocks for other than residential use shall be of such length and width as may be suitable for the prospective use, including adequate provisions for off-street parking and service.

b. Width:

Blocks shall be wide enough to allow two rows of lots, except where reverse frontage lots on arterial streets are provided, or when prevented by topographic conditions or size of the property, or for lots along the periphery of the subdivision, in which case the Building Inspection Department may approve a single row of lots.

### 6.5.5. LOTS

a. Authority of Health Department.

Nothing contained in this Article shall be construed as preventing the Health Department, after study of the conditions existing in a proposed subdivision, from requiring that all or any portion of the area of such subdivision shall not be built upon or that the minimum lot sizes set forth in this Ordinance are inadequate and must be increased to ensure the protection of the public health. The developer is encouraged to consult with the Health Department regarding lot size requirements prior to submitting a development plan.

b. Adequate building sites.

Each lot shall contain a site large enough for a normal building that will meet all building setback requirements and not be subject to flood or periodic inundation.

c. Street frontage.

Each lot must abut a street that has been opened and accepted for public maintenance; that has been designated by the City or County as a private street; or whose construction has been guaranteed, as provided under Article 6.4.6 of this Development Code, for a distance of no less than 60 continuous feet, except lots abutting cul-de-sac turnarounds which must have no less than 25 feet, and townhouse lots as provided in Section 4.1.23.

d. Arrangement.

Insofar as practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines.

e. Minimum lot dimensions and areas.

All lots proposed in a subdivision shall meet or exceed the area and dimensional requirements of the Development Code for the zoning district in which the lots are located.

f. Residential lots shall not be platted to front directly on the right-of-way of a major arterial, unless adequate provisions for access have been established.

g. City limits and lot lines.

Corporate boundary lines shall not divide lots.

h. Corner lots.

Corner lots shall be sufficiently large to permit the location of buildings so as to conform to the front building lines on both streets.

i. Double and reverse frontage lots.

Double frontage and reverse frontage lots should be avoided except where specifically required to provide separation of residential development from an arterial street or to overcome specific disadvantages of topography and orientation of property. An easement of at least 10 feet across which there shall be no right of access, shall be provided where required by the Building Inspection Department along the line of lots abutting such arterial streets, or to overcome the disadvantageous orientation of property.

j. Each lot shall have a viable home-site above the 100-year floodplain.

#### **6.5.6. STREETS**

a. The street pattern within a subdivision shall provide for the continuation or appropriate projection of the existing street pattern at the same or greater width, but in no case less than the required minimum width in the section of the community involved, unless the Building Inspection Department deems such extension undesirable.

b. Existing streets that adjoin a development or subdivision boundary shall be deemed a part of the subdivision. The proposed street system within a subdivision shall have the right-of-way of existing streets extended no less than the required minimum width. Subdivisions that adjoin only one side of an existing street shall dedicate one-half of the additional right-of-way needed to meet the minimum width requirement for the street. If any part of subdivision includes both sides of an existing street, all of the required additional right-of-way shall be dedicated.

c. Subdivision streets that intersect an arterial street shall do so at intervals of not less than 800 feet, or as required by the Georgia Department of Transportation, whichever is greater.

d. Reserve strips that prohibit access to streets from adjoining property shall be prohibited.

- e. Design standards for all subdivision streets shall meet all requirements for street construction in accordance with Article 6.6.

## **6.6. COMMON PROJECT DESIGN STANDARDS**

### **6.6.1 STREET ACCESS AND RIGHT-OF-WAY**

- a. Every development shall have access to the public street system via a publicly maintained roadway.
- b. Existing streets that adjoin a development shall be deemed a part of the development. Developments that adjoin only one side of an existing street shall dedicate one-half of the additional right-of-way needed to meet the minimum right-of-way requirement for the street. If any part of the development includes both sides of an existing street, all of the required additional right-of-way shall be dedicated.
  - (1) New developments on existing lots of record that adjoin only one side of an existing street shall dedicate one-half of the additional right-of-way width of 50 feet, which is the minimum right-of-way width for public streets under current city and county standards. If any part of the development includes both sides of an existing street, all of the required additional right-of-way shall be dedicated. In addition, if a deceleration is required, sufficient additional right-of-way shall be dedicated provide for the lane.
  - (2) New development on an existing lot of record that adjoins an existing street listed in the Floyd-Rome Urban Transportation Study (FRUTS), *Long Range Transportation plan (LRTP)*, and/or Transportation Improvement Program (TIP) shall dedicate the additional right-of-way necessary to provide for the planned improvement, except that only one-half of the additional right-of-way shall be dedicated if the development adjoins only one side of the street.

### **6.6.2 TURNING LANES**

Turning lanes shall be required at all entrances to subdivisions and multi-family, industrial, office and commercial developments that front on arterial streets and may be required on collector streets. Turning lanes shall be 11.5 feet in width plus curb and gutter for a minimum distance of 200 feet measured from the intersection of the right-of-way lines or the edge of the driveway.

### **6.6.3 SIDEWALKS**

- a. Sidewalks shall be provided along arterial and collector streets to provide a safe and convenient means for pedestrian movements if inside the City of Rome. Sidewalks are not required for developments located within the unincorporated areas of Floyd County.
- b. Where provided, sidewalks shall be located not less than one foot from the property line to prevent interference or encroachment by fencing, walls, hedges, or other plantings or structures placed on the property line at a later date. In single-family

residential areas sidewalks shall be no less than four (4) feet in width, constructed of concrete no less than four (4) inches in depth, and located no less than three (3) feet from the back of the curb. In commercial areas sidewalks shall be no less than five (5) feet in width, and constructed of concrete no less than four (4) inches in depth.

- c. Concrete shall be 2,000 PSI at 28 days strength.
- d. Sidewalks shall be backfilled and grassed.

#### **6.6.4 CURB AND GUTTER**

- a. In the unincorporated area of the county curb and gutter are required on new roads in residential subdivisions where the average width of lots are less than 200 feet and the average lot size does not exceed 1 ½ acres, and along all multi-family and nonresidential uses.
- b. Curb and gutter shall be required on all streets in the City, except where the road serves only as a collector for the development of property, and where access and public services to more than one parcel are provided from other streets.
- c. Where required, curb and gutter shall be provided as specified in the Design Standards for Streets. No variance of the requirement to provide curb and gutter shall be available unless specific approval is given by the Public Works Director, if inside the City of Rome. Due to unique circumstances created by topography within unincorporated Floyd County, alternatives to providing curb and gutter may be available, subject to approval by the Public Works Director.

#### **6.6.5 EASEMENTS**

Easements shall be required in connection with subdivisions or developments for the following purposes, among others:

- a. Utility Easements.

Whenever it is necessary or desirable to locate a public utility line outside of the street right-of-way, the line shall be located in an easement dedicated to the Jurisdiction for such purpose. Easements for water and sanitary sewers shall be a minimum of 20 feet wide, and may be required to be wider depending on the depth of the cut.

- b. Water course and Drainage Easements.

(1) A publicly dedicated storm water right-of-access or drainage easement is to be provided along any drainage channel, stream or water impoundment within a development. The easement shall to be substantially centered on the watercourse or shall surround the high water line of the impoundment, and shall be of such width as the Public Works Director deems necessary for adequate access by

maintenance equipment. All easements shall be no less than 20 feet wide when used as an open ditch. Piped storm drainage shall have a minimum easement width of 15 feet wide.

- (2) Drainage easements shall be opened at the time of development to control surface water runoff.
- (3) Drainage easements off the street right-of-way shall be clearly defined on the plat and deed of the individual property owner, and such property owner shall keep the easement free of obstructions and maintain that part of the easement within the property owner's boundary line so that free and maximum flow is maintained at all times.

c. Overlapping Easements.

Easements for water and sanitary and drainage purposes shall not overlap unless approved by the Public Works Department.

#### **6.6.6 UTILITIES**

a. Sanitary Sewerage.

- (1) Each developer shall be required to pay for the installation of a sanitary sewerage collection system connected to the public system serving his subdivision or development, if it is available in a timely manner. All dwellings shall connect to public sewer when such sewer is within 300 feet of the property being subdivided. No septic tanks shall be allowed if public sewerage is available. The layout and specifications of the system shall be in accordance with specifications approved by the Public Utilities Director, and shall be installed by a contractor certified by the State of Georgia for utility installation.
- (2) When the sewer is located in a street right-of-way and it will be necessary to cut into the street to serve the abutting lots, a connection shall be stubbed out to the property line to serve each lot prior to surfacing the street.
- (3) Where connection to the sanitary sewerage system is not feasible in the view of the Public Utilities Director, the lot shall contain adequate area for the installation and safe operation of a specific tank and disposal field, as approved by the county health officer.
- (4) Prior to the construction of any private community sewerage disposal system, the location, size, plans and specifications of such a facility shall be approved by the appropriate city and/or county official, the health department and the State Department of Natural Resources, Environmental Protection Division.

b. Public Water.

- (1) Each subdivision or development shall connect to the Jurisdiction's public water system where available, and shall provide service to each lot or the development as a whole, as appropriate, at the expense of the developer.
- (2) The layout and specifications of the system shall be in accordance with Jurisdiction specifications, as approved by the Public Utilities Director, and shall be installed by a contractor certified by the State of Georgia for utility installation.
- (3) Fire hydrants in subdivisions shall be installed and spaced no more than 1,000 feet apart, and meet the requirements of the Fire Department.
- (4) When the water main is located in the street right-of-way and it will be necessary to cut into the street surface to serve the abutting lot, a connection shall be stubbed out to the property line and a meter box installed to serve each lot prior to surfacing the street. Alternatively, lines may be bored at the builder's expense.

c. Location of Utilities in Streets.

(1) Above-Ground Utilities.

Telephone poles, street light poles, telephone junction boxes, and other public or private utility structures placed above ground within a street right-of-way must meet the Utilities Protection Standardized Street Profile.

(2) Underground Utilities.

Utilities placed underground shall be placed within the right-of-way as shown in Figure 6.1 at the end of this Article or in accordance with County standards for roads with swale ditches.

- (a) All utilities beneath pavement shall be installed and the ditch backfilled and thoroughly compacted before any pavement or base is installed, or the pipes shall be bored if installed after street construction.
- (b) All utility manholes and valve boxes shall be brought to the finished grade within the roadway section.
- (c) All utility locations shall correspond to the typical layout shown by Standard Drawings.
- (d) All private utilities that will cross under pavement shall be installed completely throughout the subdivision prior to any roadway base being applied. Installation of approved utility sleeves shall be considered as an alternate.

### **6.6.7 PAVEMENT CUTS**

- a. All utility street cuts within public rights-of-way shall be reviewed and approved by the appropriate engineering department before construction begins.
- b. Pavement cuts for the installation of utilities shall be avoided whenever possible. Utility crossing shall be bored across any arterial, subject to the approval of the Georgia DOT, and across any collector unless a pavement cut is approved by the Director of Public Works.
- c. Pavement cuts across local streets shall be permitted, provided the road is repaired with at least six (6) inches of 3,000 psi Portland cement and topped with at least two (2) inches of E or F hot plant mix asphaltic cement. The top of the concrete pad shall not exceed the elevation of the aggregate base course of the original road construction.
- d. Pavement cuts across local streets shall conform to Figure 6.2 at the end of this Article.

### **6.6.8. LIGHTING**

To reduce light trespass, obtrusive light, and light pollution; to conserve energy and resources; to reduce extreme variations of illumination, to which elderly drivers are particularly sensitive; and to enhance enjoyment of the night sky, the following standards shall apply to all exterior lighting with an illumination level above 230 lumens in residential zones and 500 lumens (600 lumens for fluorescent) in non-residential zones:

- a. All new or replacement lighting shall be of such a design, type, location, direction and shielding as to protect adjacent properties from excessive light. The level of lighting generated by a property shall not exceed 0.5 foot-candles beyond any property line shared with a residential use or 1.0 foot-candles beyond any property line shared with a non-residential or public use.
- b. No direct light shall be allowed onto adjacent residential property or public way.
- c. All permanent area lights shall be full cut-off fixtures, downward directed, and shielded so that the angle of luminance does not result in light projecting beyond the area being lit. Except for outdoor recreation attractions, lights may be mounted at a height of no more than 25 feet from grade.
- d. Accent lighting of structures and architectural features, such as steeples, monuments, or flagpoles, should be downward directed if feasible; however, upward directed lighting may be allowed provided light projecting above or beyond the feature is minimized.
- e. Light fixtures illuminating signs shall be downward directed and shielded so that the angle of luminance does not result in light projecting above or beyond the sign being lit.

Upward-directed sign lighting is prohibited except for monument signs of less than six (6) feet overall height.

- f. Lighting which presents a clear hazard to pilots, motorists, cyclists or pedestrians is prohibited.
- g. High intensity, laser, and any similar lighting is prohibited.
- h. Definitions:

Cutoff Fixture: An outdoor light fixture shielded or constructed in such a manner that no more than two and one half (2½) percent of the total light emitted by the fixture is projected above the horizontal plane of the fixture.

Direct Light: Light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a light fixture.

Foot-candles: A unit of measure of the intensity of light falling on a surface, equal to one lumen per square foot and originally defined with reference to a standardized candle burning at one foot from a given surface.

Indirect Light: Direct light that has been reflected or has scattered off of other surfaces.

Light Trespass: The shining of light produced by a fixture beyond the boundaries of the property on which it is located.

#### **6.6.9. CEMETERIES AND BURIAL GROUNDS.**

Georgia law (O.C.G.A.27-3-133; and 12-6-176) prohibits disturbance of any known burial place for human remains for development or for change of land use unless a permit is obtained from the governing body (City or County) or from the superior court. No such permit will be issued by the governing body without approved re-interment.

### **6.7. DESIGN STANDARDS FOR STREETS**

#### **6.7.1. GENERAL**

- a. Arterial Streets.

All major and minor arterial streets shall meet all design requirements of the Georgia Department of Transportation.

- b. Local and Collector Streets.

All local and collector streets shall comply with the design and construction requirements of this Ordinance.

c. Street Names.

- (1) Proposed streets that are obviously in alignment with others already existing and named shall bear the names of existing streets. In no case shall the name for a proposed street duplicate existing street names in the city or county, irrespective of the use of the suffix street, avenue, boulevard, road, pike, drive, way, place, court, or other derivatives.
- (2) The entire county is divided into four street number quadrants designated “N.E.,” “N.W.,” “S.E.,” and “S.W.” All streets shall bear the proper quadrant suffix.
- (3) All streets names are subject to the approval of the respective Public Works Department.
- (4) Property address numbers shall be provided by the Public Works Department.

d. Street name and traffic control signs.

Street name signs of a type approved by the Jurisdiction are to be placed at all intersections. Traffic control signs shall be placed by the Jurisdiction and conform to the *U.S. Manual on Uniform Traffic Control Devices*, latest edition.

**6.7.2. MINIMUM WIDTH OF RIGHT-OF-WAY**

Minimum width of right-of-way measured from lot line to lot line shall be as follows:

Table 6-1  
**Minimum Right-of-Way Width**

Street Classification	Width of Right-of-way
Major/Minor Arterial street	100 feet
Major/Minor Collector street	80 feet
Residential/Local street w/curb	50 feet
Local Street w/swale drainage	60 feet

**6.7.3. VERTICAL AND HORIZONTAL ALIGNMENT OF STREETS.**

a. Vertical alignment of streets.

- (1) The maximum grade and vertical curve allowed for a street are shown on the following Table, except that the grade across a cul-de-sac in all directions shall not

exceed one and one-half (1.5) percent. All streets shall have a minimum grade of one (1) percent.

Table 6-2  
**Vertical Alignment**

Street Classification	Maximum Grade	Maximum Curve
Arterial Street	8 percent	10 degrees
Major Collector	10 percent	15 degrees
Minor Collector	15 percent	20 degrees
Local Street	18 percent	25 degrees

- (2) All changes in grade shall be connected by a vertical curve so constructed as to afford a minimum sight distance, said sight distance being measured from the driver’s eyes, which are assumed to be three and one-half (3.5) feet in height above the pavement surface, to an object six (6) inches high on the pavement.

The minimum sight distance shall be as follows:

Table 6-3  
**Minimum Sight Distance**

Design Speed	Distance in Feet
20	210
30	320
40	420
50	530

b. Horizontal alignment of streets.

- (1) Where a deflection angle of more than 10 degrees in the alignment of a street occurs, the radius of curvature of the center line of said street shall not be less than as follows:

Table 6-4  
**Horizontal Alignment**

Street Classification	Maximum Grade
Arterial Street	10°
Major Collector Street	15°
Minor Collector Street	20°
Local Street	25°

- (2) Curved streets shall have a minimum tangent of 100 feet at intersections as measured from the centerline of cross streets. A tangent of at least 200 feet in

length shall be introduced between reverse curves on collector streets, and 100 feet on local streets.

(3) Adjoining street intersections shall be spaced at least 200 feet apart measured from edge of right-of-way to edge of opposing right-of-way. Street jogs with centerline offsets of less than 150 feet shall not be allowed.

(4) Intersections.

The centerline of no more than two streets shall intersect at any one point. All streets shall intersect at no less than sixty (60) degrees, and as neat a right angle as possible. The angle of intersection is to be measured at the intersection of the street centerlines. Such intersecting streets shall provide an uninterrupted line of sight from the center point of the intersection for not less than the minimum sight distance required in accordance with this Development Code.

(5) Islands at intersections shall be subject to individual approval by the appropriate engineer of the city and/or county. In no case shall anything extend more than three (3) feet above the back of the curb within the right-of-way of the intersecting street.

(6) Curb lines at street intersections shall have a radius of curvature of not less than 25 feet.

(7) Intersecting street right-of-way lines shall be rounded with a radius no less than 25 feet.

c. Design Speed.

Horizontal curves and super elevation shall be designed in accordance with the following minimum design speeds:

Table 6-5  
**Design Speeds**

Street Classification	Minimum Design Speed
Arterial street	55 mph
Major Collector Street	50 mph
Minor Collector street	45 mph
Local street	25 mph

#### **6.7.4. DEAD-END STREETS.**

- a. A cul-de-sac shall be no more than 1,600 feet long unless necessitated by topographic or other conditions and approved by the Building Inspection Department.
- b. Cul-de-sacs shall terminate in a circular turnaround having a minimum right-of-way of at least 100 feet in diameter and a paved turnaround with a minimum diameter of 80 feet to the edge of the pavement.
- c. A reverse curve joining a cul-de-sac turnaround to a street section is to have a right-of-way radius of 29 feet and a radius to the back of curb of 40 feet (42 feet to edge of pavement).
- d. A dead-end street other than a cul-de-sac shall not be allowed except as a temporary stage of construction of a street that is intended to be extended in a later stage of construction. Such temporary dead-end street shall be provided with a temporary turnaround having a diameter of 80 feet, within the right-of-way if:
  - (1) one or more lots front exclusively on the street; and,
  - (2) extension of the street is not under construction when the Final Plat is submitted for recording.
- e. Temporary turnarounds shall consist of a tack coat and one (1) inch of asphalt.

#### **6.7.5. ALLEYS AND SERVICE DRIVES.**

Alleys may be provided in residential blocks where the subdivider produces evidence satisfactory to the Planning Commission of the need for alleys. Where an alley has been specifically authorized or required by the Building Inspection Department, it shall comply with the following minimum design standards:

- a. The roadbed width shall be no less than 20 feet, containing a paved roadway of no less than 16 feet exclusive of gutters.
- b. Dead-end alleys shall be provided with a turnaround having a radius of at least 40 feet.

#### **6.7.6. HALF STREETS.**

Half streets are prohibited. Whenever a street is planned adjacent to the proposed subdivision tract boundary, the entire street right-of-way shall be platted within the proposed subdivision.

- a. Split Level Streets and One-way Streets

Streets which are constructed so as to have two traffic-ways, each at a different level within the same right-of-way, shall provide a paved traffic surface of at least 20 feet on each level and a slope between the two traffic-ways of not less than three (3) to one (1). One-way streets and split streets will be allowed when:

- (1) Topographic conditions are such that alternatives to the typical street construction would be more desirable.
- (2) The shape and size of the parcel could be more efficiently developed.

In either case, approval must be obtained from the Building Inspection Department and the appropriate Public Works Department.

**6.7.7. PAVEMENT DESIGN**

- a. Minimum width of pavement.

The minimum pavement width, measured from curb edge of gutter to edge of gutter (or edge of pavement to edge of pavement for swale ditch section) required for collectors and local streets shall be as follows:

Table 6-6  
**Minimum Pavement Width**

Street Classification	Width of Roadway
Collector street	28 feet
Local street	23 feet

- b. Street base.

- (1) Street base material shall conform to the following specifications:

Table 6-7  
**Street Base**

Street Base Type	Industrial-commercial streets	Residential streets
Graded Aggregate Base (GDOT Sec. 310)	8 inches	6 inches

- (2) For streets without curbs, the base shall extend at least 12 inches beyond the edge of pavement.

c. Asphaltic Concrete Pavement.

(1) Streets shall be paved with asphaltic concrete meeting the following standards:

Table 6-8  
**Pavement Topping**

Street Classification	Primer (gal per sq. yd.)	Binder	Topping
Industrial or Commercial street	0.25	3½" B	2" E or F
Collector street	0.25	N/A	2" E or F
Local street	0.25	N/A	2" E or F

**6.7.8. CURB AND GUTTER**

- a. Where required, curb and gutter shall be of vertical, roll back or “Rome” type and shall conform to D.O.T. standard Class B Curb Mix.
- b. Whenever necessary to permit the construction of a curb having a desirable radius without curtailing the sidewalk at a street corner to less than normal width, the property line at such street corner shall be round or otherwise set back sufficiently to permit such construction.
- c. Where curb and gutter are not required, a 60 foot street right-of-way with approved drainage facilities will be required. The appropriate city or county official shall, according to plans and specifications, approve installation of curb and gutter or alternative facilities.
- d. Curbing along streets shall meet the following standards:
  - (1) Developer’s engineer or surveyor shall set line and grade.
  - (2) One-half (1/2) inch expansion joints of pre-molded bitumastic expansion joint material shall be provided at all radius points and at intervals not to exceed 50 feet in the remainder of the curb and gutter.
  - (3) The appropriate engineer shall individually approve special curbing design (center islands, etc.).
  - (4) Curb and gutter shall be set true to line and grade and finished by skilled workers to the section shown on the plans.
  - (5) Inferior workmanship or construction methods resulting in unsightly curb and gutter will be cause for rejection of the finished work.
  - (6) All curbing shall be backfilled and grassed.

- (7) Adequate storm drainage structures shall be provided. The curb and gutter shall be constructed so as to present a smooth, even line both horizontally and vertically.
- e. Valley gutters shall not be allowed across streets at street intersections.

#### **6.7.9. STORM DRAINAGE**

- a. Street Cross Drains or Culverts.
  - (1) Pipe size for culverts under streets (street cross drains) shall be determined by design runoff and hydraulic capacity. The minimum allowable street cross drain diameter shall be 18 inches, with a minimum slope of one (1) percent.
  - (2) Street cross drains shall be constructed of Class III reinforced concrete.
  - (3) Street cross drains shall be sized to handle the runoff of a 25-year, 24-hour storm. Cross drains shall be designed to handle the peak rate of discharge associated with a 100-year storm with at least 1-foot of freeboard from the top of the roadway shoulder.
  - (4) Velocity at design flow shall be sloped so as to maintain a minimum velocity of at least three (3) feet per second but not more than the velocity that would cause erosion damage to the conduit.
  - (5) Street cross drain design shall be in accordance with the methods contained in the State Highway Standard 1030D, latest edition.
  - (6) Street cross drains carrying live streams shall extend to where the crown of the pipe intersects the street embankment slope and shall have flared end sections with a one (1) foot wide collar of six (6) inch thick concrete.
  - (7) Maintain full shoulder width across all cross drains as the minimum length.
  - (8) Street water shall be limited to a maximum distance as follows: 400 feet on grades up to seven (7) percent; 300 feet on grades from seven (7) to ten (10) percent; 250 feet on grades over ten (10) percent.
  - (9) Bridges shall be designed to span a 100-year storm frequency.
  - (10) Junction boxes having access to the pipe shall be constructed to meet the requirements of the Georgia DOT Standard 1030D (or most current).
- b. Traffic and Erosion.

Before any traffic over a storm drain is allowed the developer shall provide an adequate depth and width of compacted backfill to protect the structure from damage

or displacement. The developer shall remove any debris or silt that constricts the flow through a pipe as often as necessary to maintain drainage. All pipe structures shall be cleaned before the work is accepted. Any damage or displacement that may occur due to traffic or erosion shall be repaired or corrected at the developer's expense. The developer's obligation to clean and repair pipes ceases after acceptance of the system by the proper authority.

c. Inlets and Catch Basins.

- (1) Inlets and catch basins shall be designed in accordance with the Georgia Department of Transportation's *Drainage Manual for Highways*, latest edition, and in accordance with the Standard Drawings.
- (2) Frames and grates shall be as selected by the Public Works Director based upon site conditions.
- (3) Storm water catch basins shall be spaced as approved by the Public Works Department.
- (4) Catch basins shall be located at all low points of streets and as approved by the Public Works Department.

d. Piped Systems.

- (1) Design runoff and hydraulic capacity shall determine pipe size. The minimum allowable pipe diameter shall be 18 inches under a street and 15 inches under a driveway.

- (2) Minimum Clearance.

Minimum clearances are: One (1) foot between the bottom of the roadway base and the exterior crown of the culvert, and a minimum of six (6) inches between underground utilities and exterior crown of culverts.

- (3) Trench Construction.

Trench construction for storm drainage pipe shall be in accordance with standard drawings.

- (4) Storm drainpipes shall be constructed of Class III reinforced concrete pipe, if within the right-of way. Outside of the right-of-way, storm drainpipes may be constructed of aluminized Type II or steel corrugated pipe; or of smooth wall-corrugated PVC or HDPE plastic pipe.

- (a) Concrete Pipe.

- 1) Concrete pipe shall be reinforced within the right-of-way but may be plain pipe outside of the right-of-way.
- 2) Flat bottom and circular pipe sections shall be laid in a prepared trench with the socket ends pointing upstream. Sections shall be joined in accordance with manufacturer's recommendations.

(b) Corrugated Aluminum or Steel Pipe.

- 1) Metal pipe shall be fully bituminous coated.
- 2) Corrugated aluminum or steel pipe and pipe arches sections shall be laid in a prepared trench with outside laps of circumferential joints pointing upstream and with longitudinal joints at the sides. Coupling bands, fastened by two or more bolts, shall join the sections. The space between adjoining sections shall be not more than the width of one corrugation.
- 3) All damaged spots in galvanized coating that expose the base metal shall be repaired before the structure is backfilled. All damaged spots in bituminous coating that expose the base metal shall be re-coated with asphalt before the structure is backfilled.

(c) PVC or HDPE Plastic Pipe.

- 1) PVC and HDPE plastic pipe shall be seamless with a smooth inner wall and corrugated outer wall. PVC pipe shall meet the requirements of ASTM F949. HDPE pipe shall meet the requirements of AASHTO M252 or M294, Type S. The pipe shall be manufactured as a single extrusion with annular corrugations. Joints shall be bell and spigot type with elastomeric gasket seals.
- 2) Plastic pipe shall be laid in a prepared trench and adjusted to grade in accordance with ASTM D2321. Connections to manholes or other structures shall be made with a flexible connector secured with stainless steel bands, grouted in place according to the manufacturer's recommendations.

(d) Elongation.

Elongation of metal pipes shall be as shown on the plans. The contractor shall order the elongation of the vertical axis of the pipe to be done in the shop. Corrugated metal pipe shall be shipped with wire-tie in the pipe ends. Wire-ties shall be removed as soon as possible after the fill is completed.

- (5) The design of piped storm water collection systems shall be based upon conveyance of the peak rate of discharge associated with a 25-year, 24-hour storm.

- (6) Storm water pipes that do not carry live streams shall extend at least 50 feet beyond the front building setback lines, and may be required to extend farther where necessary to provide an adequately protected building site on the property.
- (7) Any storm drainage pipe dedicated to the public that extends outside of the street right-of-way shall be located within a 20 foot wide easement.
- (8) All storm drainage pipes shall be at least 18 inches below the surface and shall have a slope of at least one (1) percent. Sub-drainage will be installed to control the surplus ground water by intercepting side hill seepage or by lowering or regulating the ground water level where such conditions exist.
- (9) Pipe bedding shall be provided as specified in *Design and Construction of Sanitary and Storm Sewers*, prepared by the American Society of Civil Engineers (Manuals and Reports on Engineering Practice No. 37), latest edition.
- (10) Development storm drain outlet systems shall connect to a public storm water conveyance system or to a free-flowing stream. The developer shall be required to provide evidence of acceptable capacity to receive additional flow.
- (11) Under no circumstances shall structures be constructed over an existing or proposed storm drain, whether public or private.
- (12) Maximum continuous length of pipe shall be 300 feet.

e. Headwalls.

- (1) Headwalls or flared end sections with concrete collars are required at the inlet and outlet on all street cross drains and storm drain pipes.
- (2) Headwalls are to be pre-cast concrete, stone masonry with reinforced concrete footings, or poured-in-place, reinforced concrete with reinforced concrete footings.
- (3) Flared end sections shall be constructed of the same material as the drainage pipe to which they are being concreted.
- (4) High water elevation contour is to be based on a 25-year storm at the entrance of each head wall.
- (5) Energy dissipation devices, such as splash pads, rip-rap, stilling basins, etc., shall be provided at the outlet of every street cross drain and storm drainpipe.

f. Open Channels.

- (1) All storm water channels shall be designed to carry at least the 25-year frequency storm with one (1) foot of freeboard.
- (2) Velocity at design flow shall be not less than six (6) inches per second but not greater than four (4) feet per second. A higher velocity may be allowed if actions are taken that would avoid erosion or scouring of the channel.
- (3) All storm water channels must be designed to convey flows that prevent dwelling flooding, property damage, or public access and/or utility interruption.
- (4) The Public Works Director may determine that the expected long-term maintenance of a surface drainage system could prove impractical, and storm water pipe collection system may be required.
- (5) Any storm drainage channel that extends outside of the street right-of-way shall be located within a 20-foot wide easement.
- (6) In cases in which a subdivision or development is traversed by a stream, there shall be provided an easement extending ten (10) feet from each side of the stream bank.
- (7) All drainage easements, natural ditches, and drainage areas shall be grassed and/or rip-rapped as necessary to control erosion.
- (8) Cross drains under driveways shall meet the standards for street cross drains.

#### **6.7.10. Curb Ramp Design Standards**

In order to comply with the curb ramp design standards established by the Americans with Disabilities Act, all new construction funded by the City of Rome shall require installation of curb ramps. All new private commercial development, multi-family development, and residential subdivision development shall require curb ramp installation. When existing sidewalks or intersections are disturbed by utility repair or installation curb ramps shall be installed, and existing curb ramps shall be repaired.

### **6.8. OFF-STREET PARKING**

At the time of the establishment of any use, or erection of any building, or at the time that any principal building is enlarged or increased in capacity by adding dwelling units, guest rooms, seats or floor area, there shall be provided permanent off-street parking spaces improved with an asphalt or concrete surface in accordance with the following requirements:

#### **6.8.1. CENTRAL BUSINESS DISTRICT PARKING AND URBAN MIXED USE PARKING**

- a. Nonresidential uses.

Due to the availability of on-street parking in the downtown and urbanized areas that are devoted to customer use, off-street parking shall not be required for any nonresidential use in the C-B-C and U-M-U zoning districts.

b. Residential uses.

In the C-B-C and U-M-U districts, no off-street parking shall be required for three (3) or fewer dwelling units on a property. For more than three dwelling units, off-street parking shall be provided for the property at the rate of 1.25 spaces per dwelling unit (rounded up to the nearest whole number of spaces).

**6.8.2. DEDICATED TO PARKING USE**

Areas provided to meet the minimum requirements of this Section as to handicapped and other parking spaces, along with the aisles and driveways necessary to provide access to those spaces, shall not be used for any other purpose than the temporary parking of vehicles. Specifically, no such parking area may be used for the sale, repair, dismantling or servicing of any vehicles, equipment, materials, or supplies.

**6.8.3. COMBINATION OF REQUIRED PARKING SPACES**

The required parking spaces for any number of separate uses may be combined in one lot by the required spaces assigned to each use may not be assigned to another use, except as follows:

- a. One-half of the parking spaces required for a church, theater, or assembly hall whose peak attendance will be at night or on Sundays may be assigned to a use that will be closed at night or on Sundays.
- b. Parking spaces may be shared by more than one use if the Chief Building Inspector finds the total number of spaces will be adequate at the peak hours of the uses they serve.

**6.8.4. PROXIMITY OF OFF-STREET PARKING SPACES TO USE**

- a. All required parking for all uses shall be either on the same lot or within a walking distance of 500 feet of the main entrance to the building or use it is to serve, provided, however, that no required parking spaces may be located across any State or U.S. highway or arterial street from the use they are intended to serve.
- b. Where provision of the required parking spaces is not on the lot on which the principal use is located, the developer shall submit with his application for a development permit or building permit an instrument that subjects the parking spaces to the principal use they serve. The developer shall pay all necessary recording fees and the Building Inspection Department shall have the instrument recorded in the office of the

Clerk of Superior Court. Such parking spaces shall be within 300 feet of an entrance to the principal use.

### 6.8.5. REQUIREMENTS FOR DESIGN OF PARKING LOTS

a. Backing into streets.

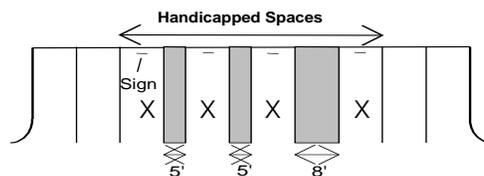
- (1) Except for parcels of land devoted to one-family, two-family, or townhouse residential uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain access.
- (2) In all cases, including parcels of land devoted to one-family, two-family, or townhouse residential uses, all areas devoted to off-street parking shall be so designed and of such size that no vehicle is required to back into an arterial or collector street.

b. Off-street parking lots.

- (1) No parking spaces may be located within the sight triangle required under Section 6.16.
- (2) No parking spaces shall be accessible from an access driveway within the first 20 feet of the driveway back from the street right-of-way line.
- (3) Every parking space shall provide a usable rectangular area at least nine (9) feet wide by 18 feet long. Access aisles shall not encroach into this minimum rectangular area. Every parking space shall be clearly demarcated.
- (4) Access aisles in parking lots must be at least 26 feet wide for two-way traffic, and 18 feet wide for one-way traffic. One-way traffic aisles must be clearly marked with directional arrows on the pavement at each intersection with another aisle.

c. Handicapped parking spaces.

- (1) Handicapped parking spaces shall have an adjacent aisle five (5) feet wide, and one in every eight (8) handicapped spaces shall be adjacent to an aisle eight (8) feet wide and the space shall be signed "van accessible." Handicapped parking space aisles shall be clearly demarcated.



- (2) Handicapped spaces shall be provided in each parking lot in the following ratio to the total number of spaces required for the use:

Table 6-9  
**Handicapped Spaces Required**

Spaces Required for Use	Minimum Number of Handicapped Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
1,001 and over	20, plus 1 for each 100 over 1,000

Source: Americans with Disabilities Act Accessibility Guidelines.

- (3) In addition to the requirements of this subsection, all handicapped parking shall comply with the requirements of the Federal Americans with Disabilities Act.

**6.8.6. OFF-STREET PARKING REQUIREMENTS BY USE**

In all zoning districts other than the C-B-C zoning district, the minimum number of off-street parking spaces required for each type of land use shall be determined by the following, in addition to the number of spaces required for handicapped parking.

a. Residential uses:

- (1) Single-family and two-family dwellings (including patio homes, manufactured, and mobile home): Two (2) spaces per dwelling.
- (2) Multi-family dwellings (dwelling unit types allowed in the M-R and C-C zoning districts): Two (2) spaces for each dwelling unit.
- (3) Retirement Community: One and one-half (1.5) space per unit.
- (4) Group residences, nursing homes, convalescent homes, personal care home: in residential districts (A-R, S-R, HT-R, LT-R, D-R): one (1) space for each four (4) beds plus two (2) spaces for staff and visitors. In all other districts where personal care homes are allowed, the parking requirement shall be two (2) spaces for each five (5) beds or fraction thereof.

b. Office uses:

- (1) General and professional offices, studios, insurance and real estate offices: Three (3) spaces for 1,000 square feet of gross floor area.
- (2) Medical and dental clinics: Five (5) spaces for each 1,000 square feet of gross floor area.

c. Retail services and sales uses:

- (1) Amusement parlor, recreational attraction, roller skating or ice skating rink: Five (5) spaces for each 1,000 square feet of gross floor area.
- (2) Automobile service station, automotive service business, auto and truck repairs or maintenance: Three (3) spaces for each service bay, plus one (1) space for each 200 square feet of gross floor area devoted to retail sales or showroom.
- (3) Automobile, truck, manufactured home, recreational vehicle, and utility structure sales: One (1) space for each 600 square feet of gross floor area of indoor sales and showroom space, plus one (1) space for each 2,500 square feet of outdoor display area, plus three (3) spaces for each service bay devoted to vehicle repairs or maintenance.
- (4) Banks and other financial service establishments: Four and one-half (4.5) spaces for each 1,000 square feet of gross floor area.
- (5) Bar or nightclub: One (1) space for each three (3) seats.
- (6) Bowling center: Four (4) spaces for each bowling lane.
- (7) Daycare center: One (1) space for each 400 square feet of gross floor area.
- (8) Funeral home: Thirty-five (35) spaces for each viewing room.
- (9) Furniture and carpet sales: One and one-half (1.5) spaces for each 1,000 square feet of gross floor area.
- (10) Health club or fitness center: Four and one-half (4.5) spaces for each 1,000 square feet of gross floor area.
- (11) Hospital: One and three-quarters (1.75) spaces for each bed licensed for patients' use, exclusive of bassinets.
- (12) Motels, hotels, and bed and breakfast inns, rooming houses and boarding houses: One (1) space for each room to be rented, plus spaces as required under this Section for meeting space or restaurants open to the public.

- (13) Motion picture and other theaters: One (1) space for each three (3) seats.
- (14) Restaurant with seating (indoor or outdoor): One (1) space for each three (3) seats.
- (15) Restaurant without seating (indoor or outdoor): One (1) space per 100 square feet of gross floor area, minimum ten (10) spaces.
- (16) Shopping center:
  - (a) Gross floor area of 25,000 to 100,000 square feet: Four (4) spaces per 1,000 square feet of total, plus three (3) spaces per 100 seats in a movie theater, plus ten (10) spaces per 1,000 square feet of food service area.
  - (b) Gross floor area of 100,000 to 200,000 square feet: Four (4) spaces per 1,000 square feet of total, plus three (3) spaces per 100 seats above the initial 450 in a movie theater, plus six (6) spaces per 1,000 square feet of food service area.
  - (c) Gross floor area of 200,000 to 400,000 square feet: Four (4) spaces per 1,000 square feet of total, plus three (3) spaces per 100 seats above the initial 750 in a movie theater.
  - (d) Gross floor area of 400,000 to 600,000 square feet: Four and one-half (4.5) spaces per 1,000 square feet of total, plus three (3) spaces per 100 seats above the initial 750 in a movie theater.
  - (e) Gross floor area of more than 600,000 square feet: Five (5) spaces per 1,000 square feet of total, plus three (3) spaces per 100 seats above the initial 750 in a movie theater.
- (17) Supermarket: Four (4) spaces for each 1,000 square feet of gross floor area.
- (18) Retail sales and services businesses not listed above: One (1) space for each 200 square feet of gross floor area and permanent outdoor sales area.
- (19) Mini-warehouses: 1 space for every 25 units, plus 1 for every 200 square feet of gross floor area devoted to office use.
- (20) Indoor Athletic Training or Fitness Facility: Three (3) spaces for each 1,000 square feet of gross floor area.
- (21) Recreational Vehicle Park and Campground: One and one-half (1.5) spaces per campsite.

d. Semi-public uses:

- (1) Auditoriums, places of worship, stadiums, and similar places of public assembly: One (1) space for each three (3) seats, or for each 12 feet of benches, or for each 25 square feet of usable floor area in the public assembly room (whichever is greater).
- (2) Civic clubs, private clubs, lodges, libraries, museums, and fraternal lodges: One (1) space for each 100 square feet of gross floor area.
- (3) Schools:
  - (a) Elementary and Middle School: Two (2) spaces for each classroom.
  - (b) High School: Five (5) spaces for each classroom.
  - (c) Two-year College, Business or Vocational School: Twenty (20) spaces for each classroom.
  - (d) Four-year Colleges or Universities: Ten (10) spaces per classroom.
  - (e) Other schools: as determined by the Director of Building Inspection.
- e. Industrial and manufacturing uses:
  - (1) Wholesale and office-warehouse uses: One (1) space for each 200 square feet of gross floor area devoted to sales or office use, plus one (1) space for each 2,000 square feet of gross floor devoted to storage.
  - (2) Warehouse, transfer, and storage uses: One (1) space for each 2,000 square feet of gross floor area and outdoor storage area.
  - (3) Manufacturing uses: Two and one-half (2.5) for each 1,000 square feet gross floor area.

## **6.9. INTER-PARCEL ACCESS REQUIREMENTS**

### **6.9.1. INTERNAL ACCESS EASEMENTS REQUIRED**

For any office or retail sales or services use, the property owner shall grant an access easement as described in this Section to each adjoining property that is zoned or used for an office or retail sales or services use. The purpose of the easement is to facilitate movement of customers from business to business without generating additional turning movements on the public street.

### **6.9.2. ACCESS EASEMENT PROVISIONS**

- a. The easement shall permit automobile access from the adjoining property to driveways and parking areas intended for customer or tenant use; but parking spaces may be restricted to use by the owner’s customers and tenants only.
- b. The granting of such easement shall be effective upon the granting of a reciprocal easement by the adjoining property owner.
- c. Upon the availability of access to driveways and parking areas of the adjoining lot, pavement or other surfacing of the owner’s driveways and parking areas shall be extended to the point of access on the property line.

**6.9.3. RELIEF**

The Governing Body’s Manager or Director of Public Works or their designee may grant an exception to the requirements of this article upon a determination that the proposed land use is such that adverse impact of the required easement on use of the property would outweigh the reduced impact on the public street provided by the reciprocal easements; or that changes in grade of other physical obstacles make interparcel connection unreasonable.

**6.10. STREET ACCESS CONTROL**

**6.10.1. APPROVAL REQUIRED**

No curbs or medians on public streets or rights-of-way shall be cut or altered for access without a curb cut permit issued by Public Works Department.

**6.10.2. DRIVEWAY CONNECTIONS**

- a. Vehicular access from properties to streets shall comply with the following dimensional requirements, measured at the right-of-way line.

Table 6-10  
**Driveway Width Requirements**

	Maximum Driveway Width*	Minimum Driveway Width	
		Two-Way	One-Way
Single-Family Residence	25 feet	8 feet	8 feet
Multi-Family Res. and mobile home parks	36 feet	26 feet	12 feet
Commercial & Industrial	36 feet	30 feet	16 feet

\* Includes divided entrances with center islands.

- b. Driveway aprons.

Driveway connections shall be provided between the edge of the pavement or back of curb to the right-of-way line. No property may be afforded access from a public street except as follows:

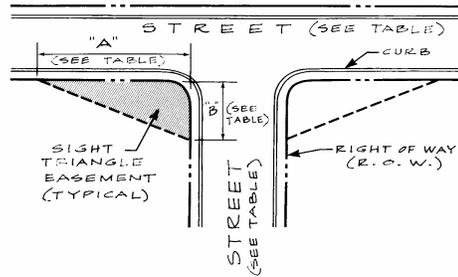
- (1) Curb and gutter streets shall be provided with a driveway apron constructed of 3,000 psi concrete at least six (6) inches thick. Sidewalks, where provided, shall be warped to the driveway apron and are to be identified across the driveway apron by construction joints or control joints.
- (2) Swale ditch section streets shall be provided with a driveway apron constructed of 3,000 psi concrete at least six (6) inches thick, or asphaltic concrete of the same thickness and type as the paving course(s) for the street.
- (3) All driveway aprons shall have a radius connecting the driveway to the curb line or pavement edge as follows:

Table 6-11  
**Driveway Apron Radii**

Land Use	Minimum Driveway Radius
Single-Family Residential	5 feet
Commercial or Multi-Family	15 feet
Industrial	25 feet

- (4) All driveway aprons shall slope away from the roadway to the right-of-way line (for curb and gutter streets) and to the centerline of the drainage ditch (for swale ditch sections).

### 6.10.3. LIMITATIONS ON ACCESS



- a. Requirements of the Georgia Department of Transportation shall apply whenever more restrictive than the standards in this code.
- b. No point of access shall be allowed within 35 feet of the right-of-way line of any street intersections for single-family and two-family residential lots and within 50 feet for multi-family and nonresidential properties.
- c. In office, commercial and industrial zoning districts, no curb cut shall be less than 40 feet from another curb cut, measured along the right-of-way line, nor less than 20 feet from any property line. In cases of practical difficulty, these distances may be reduced upon approval of the Director of Public Works if adequate traffic safety conditions can be maintained.
- d. Along State or U.S. highways, no more than one (1) point of vehicular access from a property shall be permitted for each 300 feet of lot frontage, or fraction thereof.
- e. Along major streets other than State or U.S. highways, no more than two (2) points of vehicular access from a property to each abutting public street shall be permitted for each 200 feet of lot frontage, or fraction thereof; provided however, that lots with less than 100 feet of frontage shall have no more than one point of access to any one public street. The Public Works Department shall determine whether the points of access may be unrestricted or will have to be designed for right-in, right-out traffic flow.

### 6.10.4 SWALE DITCHES WITHIN THE UNINCORPORATED AREAS OF THE COUNTY

- a. In addition to the aforementioned requirements of Section 6.10 Street Access Control, these standards are hereby enacted to supplement driveway access within unincorporated areas of the county. Before the grading, paving, construction, and repair of any driveway, the Chief Building Official must be notified and must make, or cause to be made, an inspection thereof; and the proposed improvements must receive approval of Floyd County Public Works.
- b. All work shall conform to the following specifications and standards. These standards are implemented by Floyd County for the purpose of ensuring proper driveway installation and avoiding future problems with the county road system.

(1) Driveway Standards:

- a) Maximum driveway width shall comply with Section 6.10.2 Driveway Connections, table 6-10.
- b) Angle of driveway into the county road right-of-way must be between sixty (60) and ninety (90) degrees.
- c) Maximum grade, which shall be permitted, is fifteen (15) percent with the right-of-way.
- d) The driveway surface connecting the county road must have a minimum five (5) percent slope down and away from the edge of pavement for the lesser of a distance of six (6) feet, or to the centerline of a roadside ditch, to prevent surface water drainage from the driveway flowing into the county road surface.
- e) The driveway shall not obstruct or impair drainage in roadside ditches or roadside areas. The driveway piping shall be adequate for surface water drainage along the roadway and in no case less than fifteen-inch-diameter pipe.
- f) Driveway pipe, if required, shall be Class III reinforced concrete and shall have a minimum installed length of twenty-four (24) feet.
- g) No landscaping, fences, terraces, or other natural or artificial features adjacent to the driveway shall impair visibility from approaching vehicular traffic where that visibility is a threat to safety.
- h) The driveway shall be located on the property so as to provide proper sight distance. Minimum sight distance requirements must comply with Section 6.7.3. Vertical Alignment of Streets, table 6-3.

(2) Application for permit.

- (a) The Office of the Floyd County Engineer shall be responsible for issuance of driveway permits separate from other building permits.
- (b) Upon application for a driveway permit, the Applicant will be given two (2) stakes to mark the proposed driveway location at the site.
- (c) Floyd County Public Works will inspect the location and state the required pipe size and other special notes on the location of the driveway.
- (d) Any property with an existing driveway that requires a building permit for a new construction shall comply with these requirements herein.

(3) Driveway Connection Installation: With the exception of State Routes, all driveway connection installations within unincorporated Floyd County will be inspected by Floyd County Public Works.

(c) At the request of the Applicant, Floyd County Public Works will install driveway connections on the road right-of-way. A fee schedule for materials and installation shall be set by the Floyd County Board of Commissioners for any driveway with pipe up to 36 inches in diameter. All fees shall be paid in full at the Office of the Floyd County Engineer.

(d) The Applicant may elect to install their own driveway connection; however, Floyd County Public Works must inspect and approve any driveway connection not installed by them. Any development that fails to comply with the driveway standards herein shall not receive a final electrical inspection until such time that the driveway has been inspected and approved by Floyd County Public Works.

(4) Maintenance of Driveway:

(a) The Public Works Department will be responsible for the maintenance of the drainage pipe under the driveway and will also be responsible for providing a smooth transition from the county road to the driveway with the road right-of-way.

(b) The property owner is responsible for maintaining the surface of the driveway and any associated improvements to the property, which has encroached upon the county right-of-way such as landscaping, fences, etc.

(c) If any improvements encroaching on the county right-of-way are found to be in violation of this section or are a safety hazard, the property owner will be notified in writing to remove such improvement. If the property owner does not comply within a reasonable period of time, the Floyd County Public Works will remove such improvement.

(5) Variances:

(a) A variance may be requested in cases where these requirements might create an undue hardship.

(b) Before a variance can be considered, a letter must be submitted to the Public Works Director stating the reasons for requesting a variance.

(c) Within five (5) working days, a decision on granting the variance will be made by the Public Works Director. The party requesting the variance will be notified by letter if the variance is to be granted or not. Any special conditions attached to the variance will also be stated in this letter.

- (d) The decision of the Public Works Director may be appealed to the County Manager, who shall have the authority to reverse the decision. An appeal to the County Manager shall be decided in a timely manner.
- (e) If the decision of the Public Works Director is upheld by the County Manager, the applicant may further appeal to the Board of Commissioners by submitting a written notice of appeal. An appeal submitted to the Board of Commissioners shall be considered and decided within thirty (30) days.

**6.11. SIGHT TRIANGLE**

- a. A sight triangle (typical) shall be defined at every street intersection with another street.
  - (1) At public street intersections, the sight triangle is delineated by the two intersecting street right-of-way lines and a line connecting the right-of-way lines at the points indicated in the Sight Triangle Table. The connecting points shall be measured from the right-of-way lines extended to their point of intersection.

Table 6-12  
Sight Triangle Table  
(See Drawing)

When Intersecting With:	"A" Distance Required (feet)			"B" Distance Required
	Local Street	Collector	Arterial	
Local Street	30	100	150	30
Collector	30	100	150	100
Arterial	30	100	150	150

- b. Within the sight triangle, the planting of trees or other vegetation or the location of structures exceeding 30 inches in height that would obstruct the clear sight across the area of the easement shall be prohibited.

**6.12. CONSTRUCTION ACTIVITIES AND SEQUENCING**

**6.12.1. GENERAL**

- a. Clearing and grading shall not proceed until issuance of an approved development permit by the Building Inspection Department.
- b. Grading shall be done in accordance with the lines and grades drawn on the approved grading plan.

### **6.12.2. EROSION AND SEDIMENTATION CONTROL MEASURES (SEE SECTION 6.13.)**

Required erosion and sedimentation control measures must be installed in accordance with the most recent locally adopted erosion and sedimentation control ordinance and the approved soil erosion and sedimentation control plan prior to any major development activity and as development progresses.

### **6.12.3. INSTALLATION OF STORM DRAIN FACILITIES**

Construction of the storm drain facilities shall be initiated as part of the grading of the site and in accordance with the approved storm water management plan. Storm water detention facilities shall be constructed prior to the installation of any other site improvements, and may be utilized under proper design as sedimentation basins during development. Installation of all other storm drainage pipes, culverts, headwalls, and ditches, shall be coordinated with the construction of streets and other site improvements, as appropriate.

### **6.12.4. EARTHEN EMBANKMENTS**

Earthen embankments shall be placed in uniform layers not to exceed a compacted thickness of six (6) inches per layer and shall be compacted to a density of 95 percent of the maximum laboratory dry weight per cubic foot as determined by AASHTO Method T-99 in areas where structures, parking lots and drives, streets, and utilities are to be placed. All other embankments are to be compacted to at least 90 percent. Proof rolling shall be accomplished prior to placement of embankments to detect soft spots.

### **6.12.5. SLOPES AND SHOULDER IMPROVEMENTS**

- a. The maximum slope for all fill or cut slopes shall be 2:1.
- b. The depth of cut shall be construed to be the maximum cut or fill occurring in any one section of cut or fill. The slope on cut or fill shall be uniform throughout for each section of cut or fill. When a cut is made in rock that requires blasting, slope may be changed to vertical slope upon the written approval of the appropriate City or County Engineer.

### **6.12.6. STREET CONSTRUCTION AND UTILITIES**

- a. Basic Requirements for All Streets.

(1) Grading.

- (e) All streets, roads, and alleys shall be graded to their full width by the developer so that pavement extensions or sidewalks, where required or if installed, can be constructed on the same level plane.
- (f) Preparation of roadway: Before grading is started the entire area to be paved shall be first cleared of all stumps, roots, brush, and other objectionable materials. In all areas to be graded or filled, the developer shall stockpile the topsoil later to be spread in all disturbed areas.
- (g) Grading shall be accurately done to the lines and grades shown on the plans. Embankments shall be placed in uniform layers not to exceed six (6) inches and compacted to a density of 95 percent of the maximum laboratory dry weight per cubic foot as determined by an approved method. Proof rolling shall be accomplished prior to placement of embankments to detect soft spots.

(2) Slopes and Shoulder Improvements.

- (a) The minimum width for all shoulders from back edge of the curb shall be eight (8) feet. All shoulders shall slope one-fourth (.25) inch to the foot toward the roadway.
- (b) On streets with swale ditch drainage, the shoulders shall slope three-quarters (.75) inch to the foot away from the roadway for at least five (5) feet to the drainage channel.
- (c) When all construction is completed, all slopes and shoulders shall be cleared of all rubbish and shall have a stand of grass to prevent undue erosion, either by sprigging or seeding.
- (d) If any sections of the subgrade are composed of unsuitable or unstable material, such material shall be removed to the depth directed by the appropriate Public Works Department and replaced with suitable, thoroughly compacted material.
- (e) When the street is to be used for construction traffic before paving work is completed, a layer of No. 5 stone can be laid as a traffic surface if the developer so desires.
  - (1) This material shall not be used as part of the base material.
  - (2) If may be worked into the subgrade; or it shall be removed before the base course is set up for paving.
  - (3) Provision shall be made to drain low points in road construction when the final paving surface is delayed.

(f) Abutting property shall be suitably sloped to the right-of-way line.

(3) Protection of Cut or Fill Slopes.

Immediately after grading and filling and re-spreading of topsoil, all areas of disturbed soil shall be fertilized and seeded (or in steep areas sodded or otherwise appropriately treated) with suitable vegetative cover to retard erosion.

(4) Installation of Utilities.

(a) After grading is completed and approved, the curb lines or edge of pavement lines, as applicable, shall be staked by the developer's Registered Land Surveyor. Before any base is applied, all of the underground utilities-water mains, sewer mains, gas mains, or any other underground utilities, and all service connections related thereto-shall be installed completely and provided throughout the length of the street and across the flat section. Service connections for sanitary sewer and water shall be extended to the right-of-way lines.

(b) No private improvements, such as private lawn sprinkler systems, yard lighting, and the like, shall be installed within a public right-of-way except by authorization of the Public Works Director. Such authorization, if issued, shall require the owner to assume all repair costs of the owner's facilities should they become damaged.

(5) Preparation of subgrade.

Prior to placement of the street base, the subgrade shall be compacted to 95 percent density.

(6) Street base, curbing, and paving.

Street base, curbing, and paving shall be installed by the developer in accordance with the requirements and standards of this Development Code.

b. Testing Requirements.

It is the responsibility of the developer to insure that all required tests are made and reported to the Public Works Department. The cost of all testing and quality control shall be performed at the expense of the developer by qualified testing laboratories.

Table 6-13  
**Testing Requirements**

Type of Test to be Performed	Minimum Number of Tests	Testing Standards
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Sub-grade Compaction	Each 500 linear feet of roadway	95% Max Density ASTM-1557 Field Tests ASTM D-1556 F-2922 and D-2167
Base Compaction	Each 500 linear feet of roadway	100% Max Density ASTM-1557 Field Tests ASTM D-1556 F-2922 and D-2167
Asphalt Density	Each 1,000 linear feet of roadway	92% Laboratory Density
Asphalt Thickness	Each 500 linear feet of roadway	Deficient in thickness not more than ¼"

### 6.12.7. TRAFFIC CONTROL DEVICES AND STREET LIGHTS

- a. Streets signs, traffic control signs, and devices such as striping and signalization, shall be provided through payment of fees to the Public Works Department. Traffic control devices may also be installed by the developer after receiving written approval from the Director of Public Works.
- b. The installation of all street lighting fixtures within the City right-of-way must be approved by the Public Works Director prior to such installation.
- c. Outside of the City, street lights are to be installed by the developer in accordance with the County's requirements regarding street lighting.

### 6.13. SOIL EROSION AND SEDIMENTATION CONTROL

#### 6.13.1. EXEMPTIONS

- a. This Section shall apply to any land-disturbing activity undertaken by any person on any land except for the following:
  - (1) Surface mining, as same as defined in O.C.G.A. § 12-4-72.
  - (2) Granite quarrying and land clearing for such quarrying.
  - (3) Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, and other related activities, which result in minor soil erosion.
  - (4) Single-family detached dwellings, as follows:
    - (a) The construction of single-family residences, when such are constructed by or under contract with the owner for his or her own occupancy; or
    - (b) The construction of single-family residences not a part of a platted subdivision, a planned community, or an association of other residential lots consisting of

more than two lots and not otherwise exempted under this paragraph; provided, however, that construction of any such residence shall conform to the minimum requirements as set forth in this Section.

For single-family detached dwelling construction covered by the provisions of this subparagraph, there shall be a greenway zone between the residence and any state waters classified as trout streams pursuant to Article 2 of Chapter 5 of the Georgia Water Quality Control Act. In any such greenway zone, no land-disturbing activity shall be constructed between the residence and the point where vegetation has been wrested by normal stream flow or wave action from the banks of the trout waters. For primary trout waters, the greenway zone shall be at least 50 horizontal feet, and no variance to a smaller greenway shall be granted. For secondary trout waters, the greenway zone shall be 50 horizontal feet, but the EPD Director may grant variances to no less than 25 feet. Regardless of whether a trout stream is primary or secondary, for first order trout waters, which are streams into which no other streams flow except for springs, the greenway shall be at least 25 horizontal feet, and no variance to a smaller greenway shall be granted.

- b. Where this Section requires compliance with the minimum requirements of this Development Code and the most recently adopted local Erosion and Sedimentation Control Ordinance, issuing authorities shall enforce compliance with the minimum requirements as if a development permit had been issued and violations shall be subject to the same penalties as violations by development permit holders.

### **6.13.2. MINIMUM REQUIREMENTS FOR EROSION AND SEDIMENTATION CONTROL**

- a. General Provisions.

Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities. Therefore, plans for those land-disturbing activities which are not excluded by this Section shall contain provisions for application of soil erosion and sediment control measures. The provisions shall be incorporated into the erosion and sediment control plan. Soil erosion and sedimentation control measures shall conform to the requirements of this Section. The application of measures shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion and sediment pollution during all stages of any land-disturbing activity.

- b. Best Management Practices.

- (1) Best managements practices as set forth in this Section shall be required for all land-disturbing activities. Proper design, installation, and maintenance of best management practices shall constitute a complete defense to any action of the EPD Director or to any other allegation of noncompliance with paragraph (2) of this

subsection or any substantially similar terms contained in a development permit for the discharge of storm water. As used in this subsection, the terms “proper design” and “properly designed” mean designed to control soil erosion and sedimentation for all rainfall events up to and including a 25-year, 24-hour rainfall event.

- (2) A discharge of storm water runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation of any development permit for each day on which such discharge results in the turbidity of receiving waters being increased by more than 25 nephelometric turbidity units for waters supporting warm water fisheries or by more than ten (10) nephelometric turbidity units for waters classified as trout streams. The turbidity of the receiving waters shall be measured in accordance with guidelines issued by the EPD Director.
- (3) Failure to properly design, install, or maintain best management practices shall constitute a violation of any development for each day on which such failure occurs.
- (4) The EPD Director may require, in accordance with regulations adopted by the Board of Natural Resources, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land-disturbing activities occur.

c. Minimum Requirements.

Land-disturbing activities shall, at a minimum, be undertaken using best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the *Manual for Erosion and Sedimentation Control in Georgia* in effect at the time the land-disturbing activity was permitted, as well as the following:

- (1) Stripping of vegetation, re-grading and other development activities shall be conducted in a manner so as to minimize erosion.
- (2) Cut-fill operations must be kept to a minimum.
- (3) Development plans must conform to topography and soil type so as to create the lowest practical erosion potential.
- (4) Whenever feasible, natural vegetation shall be retained, protected, and supplemented.
- (5) The disturbed area and the duration of exposure to erosive elements shall be kept to a practical minimum.

- (6) Disturbed soil shall be stabilized as quickly as practical.
- (7) Temporary vegetation or mulching shall be employed to protect exposed critical areas during development.
- (8) Permanent vegetation and structural erosion control measures shall be installed as soon as practical.
- (9) To the extent necessary, sediment in run-off water must be trapped by the use of debris basins, sediment basins, silt traps or similar measures until the disturbed areas is stabilized. As used in this paragraph, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of this Section.
- (10) Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping surface of fills.
- (11) Cuts and fills may not endanger adjoining property.
- (12) Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners.
- (13) Grading equipment must cross flowing streams by means of bridges or culverts except when such methods are not feasible and provided, in any case, that such crossings are kept to a minimum.
- (14) Land-disturbing activity plans for erosion and sedimentation control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent waters beyond the levels specified in Subsection 6.13.2.b(2).
- (15) Land-disturbing activities shall not be conducted within the 100-year flood plain except in compliance with Section 6-14 of this Development Code.

d. Greenways.

- (1) Along State Waters: Land-disturbing activities shall not be conducted within 100 feet of the banks of a major river tributary as established under Section 6.19 of this Code, or within 25 feet of the banks of any other state waters, as measured from the point where vegetation has been wrested by normal stream flow or wave action, except:
  - (a) Where the EPD Director determines to allow a variance that is at least as protective of natural resources and the environment; or

- (b) Where otherwise allowed by the EPD Director; or
  - (c) Where a drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented; provided however, that greenways of at least 25 feet established pursuant to the Metropolitan River Protection Act shall remain in force unless a variance is granted by the EPD.
- (2) Along Trout Streams: Land-disturbing activities shall not be conducted within 100 horizontal feet, as measured from the point where vegetation has been wrested by normal stream flow or wave action, of the banks of any state waters classified as “trout streams” unless a variance for such activity is granted by the EPD Director, except where a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented.
- e. The fact that land-disturbing activity for which a development permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this Development Code or the terms of the development permit.

#### **6.14. FLOOD DAMAGE PREVENTION**

The flood damage protection ordinances enforced by the City of Rome (adopted in October of 2009 as Section 10-1 thru 10-7 of the Code of the City of Rome) and Floyd County (adopted in September of 2009 as Section 2-6-30 thru 2-6-36 of the Code of Floyd County) were both approved by the Georgia Department of Natural Resources in March of 2010. These ordinances may be revised from time to time and will be readopted every 10 years, as mandated by the State of Georgia.

## **6.15. STORMWATER MANAGEMENT**

### **6.15.1. APPLICABILITY AND EXEMPTIONS**

- a. All persons proposing development or construction in the jurisdiction shall prepare a Storm water Management Plan. No final subdivision plat shall be approved and no development or building permit shall be issued until and unless the Storm water Management Plan has been reviewed and approved by the Director of Public Works, except as exempt below.
- b. The following development activities are exempt from the provisions of this Section and the requirement of providing a storm water management plan:
  - (1) Agricultural land management.
  - (2) Additions or modifications to existing single-family detached dwellings.
  - (3) Developments with a total land area of 0.4 (four-tenths) of an acre or less.
  - (4) Residential development consisting of single-family houses, each on a lot of three (3) acres or greater.
  - (5) Residential development consisting of single-family houses, each on a lot of 1 to 3 acres where it is demonstrated that each lot will have no more than 10% impervious surface.
  - (6) Single-family residential construction on a lot platted prior to March 26, 1991.

### **6.15.2. VARIANCES**

Requests for variances from the requirements of this section shall be made in accordance with Article 2.11.

### **6.15.3. STORMWATER MANAGEMENT PLAN**

- a. The Storm water Management Plan shall be prepared under the supervision of, and certified by, a professional engineer registered in the state and consistent with all provisions of the most currently adopted local storm water management ordinance. The Storm water Management Plan shall also address Water Quality as required by General NPDES Storm water Permit No. GAG610000, or the currently adopted General NPDES Storm water Permit for the State of Georgia applicable to the City of Rome and Floyd County.
- b. The Storm water Management Plan shall include sufficient information to evaluate the environmental characteristics of the affected areas, the potential impacts of the proposed development on water resources, and the effectiveness and acceptability of

measures proposed for managing storm water runoff. The developer shall certify on the drawings that all clearing, grading, drainage, construction, and development shall be conducted in strict accordance with the plan.

- c. The minimum information submitted for support of a Storm water Management Plan shall be as follows:

(1) Site plan.

Provide a site plan drawn to a scale of not less than one inch equals 50 feet with the following characteristics and information:

- (a) Graphic scale, north arrow, and date. The north arrow shall be identified as magnetic, true, or grid north.
- (b) Vicinity map showing the site location relative to surrounding landmarks, highway intersections, rivers, and streams.
- (c) Topography showing existing and proposed elevations in accordance with the following:
  - 1) For sites smaller than one (1) acre in size, show the direction of drainage and spot elevations at all breaks in grade and along drainage channels or swales at selected points not more than 100 feet apart.
  - 2) For sites of one (1) acre and larger with slopes of less than approximately two (2) percent, show contours at intervals of not more than two feet and spot elevations at all breaks in grade along drainage channels or swales at selected points not more than 100 feet apart.
  - 3) For sites of one (1) acre and larger with slopes of more than two (2) percent, show contours with an interval of not more than five (5) feet.
  - 4) Elevations shall be based on the datum plane established by the United States Coastal and Geodetic Survey.
- (d) Delineation of property lines and deed record names of adjacent property owners.
- (e) Locations and right-of-way of streets, roads, railroads and utility lines, either on or adjacent to the property to be developed. Specify whether utility lines are in easements or rights-of-way and show the location of towers and poles.
- (f) Size and location of existing sewers, water mains, drains, culverts or other underground facilities within the tract or within the right-of-way of streets or

roads adjoining the tract. Grades and invert elevations of sewers shall be shown.

(g) Location of existing buildings and other improvements.

(h) Proposed conditions:

- 1) Layout of proposed streets, roads, alleys, drives, paved areas and public crosswalks, with widths and road names or designations.
- 2) Preliminary plans of storm sewer system with grade, pipe size and location of outlet.
- 3) Location of proposed buildings and other improvements.
- 4) Certification by a registered land surveyor or professional engineer attesting that the site plan has been prepared in conformity with the minimum standards of this Section.

(2) An adequate drainage system for the property or development, including necessary ditches, pipes, culverts, drains, inlets, bridges, etc., shall be provided for the proper drainage of all surface water. The location and size of all proposed drainage improvements shall be designed in accordance with and meet all standards relating to Storm water Drainage under Article 6 of this Development Code. The Storm water Management plan shall include:

- (a) Location and profiles of all storm drainage pipes and slopes of receiving channels. Hydraulic grade lines to be shown on all pipes that cross streets and on all detention basin outfalls.
- (b) Storm water detention facility design and construction details.
- (c) Location and typical construction details of all inlets and catch basins, headwalls and other drainage structures.
- (d) The 100-year ponding limits above each street cross drain.
- (e) The hydrologic and hydraulic analysis required for the system design under Article 6.15.4.
- (f) When required by the Director of Public Works, provides a soils investigation for all sites proposed as ponds or impoundments or for storm water detention. Locate all soil borings on the site plan required in section 6.15.3 a (1) above.

- (g) Provide a reconstruction schedule for both temporary and permanent facilities. Reference the schedule to other development activities such as clearing, rough grading, construction, final grading, and vegetation establishment.
- (h) Provide a plan for maintenance of the Storm water and/or Water Quality facilities. Describe specific actions and a recommended schedule of maintenance required to maintain the facilities at a satisfactory level of service. All Storm water and/or Water Quality Facilities which will not be maintained by the City of Rome, or Floyd County, will require a Storm water Facility Maintenance Agreement to be executed and placed on record in the Office of Clerk of Superior Court of Floyd County prior to the issuance of a Certificate of Occupancy for the project, or the approval of a Final Plat.
- (i) Provide a cost estimate for construction of the Storm water/Water Quality management facilities. Provide a separate estimate of the annual cost for maintenance of the proposed facilities.

#### **6.15.4. HYDROLOGIC AND HYDRAULIC ANALYSIS**

- a. Analyses and design shall be performed in accordance with the publication entitled Manual for Erosion and Sediment Control in Georgia published by the Soil and Water Conservation Commission, and the most recent edition of the Georgia Storm water Management Manual.
- b. In order to obtain a Development Permit, a hydrology report shall be prepared that includes appropriate calculations for the 2-year, 10-year, 25-year, and 100-year design frequency storms. The report shall show detailed calculations indicating the formula used, along with co-efficient of run-off, the time of concentration, the rainfall intensity, the discharge velocity, and the source of all data used.
- c. The hydrology report shall include a map outlining the areas and showing the acreage of all on-site and off-site drainage basins contributing flow through the project for both the pre- and post- development conditions.
- d. Runoff peak rate of discharge for drainage areas up to 50 acres in size may be calculated using the Rational Method. Flows from drainage areas larger than 50 acres in size shall be calculated using the SCS Method.
- e. Rainfall intensities used in hydrologic analyses shall not be less than those shown by applicable rainfall curves published within the most recent edition of the Georgia Storm water Management Manual by the National Oceanic and Atmospheric Administration (NOAA) for the city and county area. Those curves are on file and available for inspection in the Department of Engineering Services.

- f. Runoff coefficients used for pre- and post- development activity conditions for the Rational Method shall be consistent with local conditions. For the SCS method, the runoff curve numbers found in the most recent edition of the Georgia Storm water Management Manual for Erosion and Sediment Control in Georgia shall be used.
- g. Hydraulic capacity for open channel flow, pipes, and ditches shall be determined using the Manning Equation.
- h. The controlled release of storm water runoff shall be required for all developments or construction in order to prevent any increase in excess of 10 percent of 1 cubic foot per second of the predevelopment rate of runoff for a ten-year frequency storm. Where controlled release is required, such releases shall prevent any increase in the predevelopment rate of runoff of less frequent storms up to and including the 100-year storm event.

#### **6.15.5. STORMWATER DETENTION FACILITIES**

- a. Reservoir routing methods shall be used for all detention facility design.
- b. The drainage system being developed shall have adequate capacity to bypass through the development the flow from all upstream areas for a storm of 25-year design frequency for the land off site and upstream under existing development. The 25-year flow rate is of record or computed using a runoff coefficient of not less than 0.50.
- c. The Public Works Department may permit several developers to construct joint facilities. The Public Works Department shall approve or disapprove the waiver of on-site drainage or detention facilities on the basis of the engineering feasibility of a combined facility. No use of land or occupancy of buildings within the properties served by these facilities shall be permitted until completion of the retention and drainage structures, except upon specific approval.
- d. The Public Works Department shall be authorized to approve of alternative methods of storm water detention based on appropriate engineering studies that do demonstrate equal or better performance in accordance with the jurisdiction's storm water management practices. Approved alternatives may include well maintained and landscaped lakes that may be provided to act jointly as detention reservoirs and recreation facilities or aesthetic focal points within forest preserve areas, public or private parks, housing developments, shopping centers, and industrial parks. Other control methods to regulate the rate of storm water discharge which may be acceptable include, but are not limited to, detention on flat roofs, parking lots, streets, lawns, underground storage, and oversized storm drains with restricted outlets.
- e. Detention facilities and drainage structures shall, where possible, use natural topography and natural vegetation. In lieu thereof these shall have planted trees and vegetation such as shrubs and permanent ground cover on their borders. All on-site facilities shall be properly maintained by the owner in such a way that they do not

become nuisances. Nuisance conditions shall include: improper storage resulting in uncontrolled runoff and overflow; stagnant water with concomitant algae growth, insect breeding, and odors; discarded debris, and safety hazards created by the facility's operation.

- f. Principal outlets such as weirs shall be constructed of concrete block or reinforced concrete with watertight joints. Outlet pipes shall be at least six (6) inches in diameter. Riser pipes, if used, shall be at least eight (8) inches in diameter.
- g. No portion of any detention facility shall be located in any required buffer, street right-of-way, or within a flood hazard.
- h. The 100-year ponding limits of a detention facility shall not encroach upon a public street.
- i. Storm water Detention Facilities.

Storm water detention facilities shall be constructed on a separate lot from all buildings in the development, and shall be dedicated to the City or County as a public improvement for maintenance in areas zoned AR, SR, HTR, LTR, and DR.

A dedicated access corridor of at least 25 feet in width shall be required to provide access to the detention facility from a public street.

Facilities shall be located on tracts of land designated on the recorded plat, with sufficient area around the perimeter to provide access for maintenance purposes and shall have an all-weather access road constructed from the public street to the detention facility. Said all-weather access road shall at a minimum be constructed of gravel and shall be approved by the Director of Public Works or their representative.

Facilities that do not exclusively serve residential developments located within areas zoned AR, SR, HTR, LTR, and DR, are the perpetual responsibility of the land owner.

- j. Detention facilities shall be enclosed with a minimum 4-foot high permanent fence around all facilities having a maximum water or undercut depth of more than four (4) feet or a bank slope greater than 1.5 to 1 and shall be equipped with a gate of sufficient width to permit entrance of equipment necessary to allow periodic maintenance activities. Fencing may be waived by the Director of Public Works in areas zoned other than residential and where the pond is more than 500 feet from a residential district or single or multi-family residence.
- k. Construction of the storm water management facilities shall be initiated as part of the grading of the site. Storm water detention facilities shall be constructed prior to the installation of any other site improvements, and may be utilized under proper design as sedimentation basins during development. Installation of all other storm drainage

pipes, culverts, headwalls, and ditches shall be coordinated with the construction of streets and/or other site improvements, as appropriate.

#### **6.15.6. MAINTENANCE RESPONSIBILITIES**

- a. It shall be the responsibility of the developer to maintain all facilities required by the storm water management plan during construction. The developer shall be responsible for removing temporary structures or facilities on the completion of the construction. The developer and all subsequent owners shall also be responsible for maintaining the permanent facilities identified by the storm water management plan to remain after construction is complete except as provided in Section 6-15.8 for residential developments located within areas zoned AR, SR, HTR, LTR, and DR.
- b. Should an owner fail to maintain the storm water management facilities in a state of service intended by the storm water management plan, then the Director of Public Works shall notify the owner in writing of the deficiencies and specific minimum maintenance requirements to remedy such deficiencies.
- c. If the owner fails to perform the required maintenance work within a reasonable period of time (30 days maximum) the owner shall be in violation of the provisions of this Code.

#### **6.15.7. STORMWATER PERFORMANCE SURETY**

- a. Upon approval of the Storm water Management Plan, but before the issuance of a building permit or subdivision plat approval, the applicant shall be required to post a performance bond, cash escrow, certified check, or other acceptable form of performance.
- b. The amount of the surety shall not be less than the total estimated construction cost of the facilities required by the Storm water Management Plan.
- c. The performance bond or other securities shall not be released until the following requirements have been met. The Director of Public Works shall:
  - (1) Perform a final inspection of the facilities and determine that they have been constructed in compliance with the Storm water Management Plan.
  - (2) Determine that all provisions of the Storm water Management Plan have been faithfully executed.
- d. A provision may be made for partial release of the amount of the bond pro rata upon completion and acceptance of various stages of development as specifically delineated, described and scheduled in the Storm water Management Plan. The applicant shall notify the Public Works Department upon completion of each stage that is ready for inspection.

### **6.15.8. ACCEPTANCE OF FACILITIES**

a. Developments and properties inside the City of Rome:

- (1) In the case of residential developments located within areas zoned AR, SR, HTR, LTR, and DR approved after December 2, 1985, the City shall assume responsibility for the functional maintenance of facilities one year after the release of the performance bond required by this Development Code. At the end of the developer's maintenance period all detention structures shall have a positive slope to the outlet in order to facilitate complete drainage.
- (2) Detention facilities in residential areas zoned AR, SR, HTR, LTR, and DR, constructed prior to December 2, 1985, will not be accepted for maintenance, as provided in Subsection a.(1), unless individually approved by and at the discretion of the City Commission and unless suitable access easements are provided.
- (3) Prior to acceptance of a detention facility for functional maintenance, an all-weather access road access easement shall be constructed in accordance with Article 6.15.5.

b. Developments and properties in Unincorporated Floyd County:

- (1) In the case of single-family residential subdivisions approved after March 26, 1991, the County shall assume responsibility for the functional maintenance of facilities one year after the release of the performance bond required by this Development Code. At the end of the developer's maintenance period all detention structures shall have a positive slope to the outlet in order to facilitate complete drainage.
- (2) Detention facilities in single-family residential subdivisions constructed prior to March 26, 1991, will not be accepted for maintenance, as provided in Subsection b. (1), unless individually approved by and at the discretion of the County Commission and unless suitable access easements are provided.

### **6.15.9. INSPECTION AND ENFORCEMENT**

The Chief Building Official shall have the power and authority to perform any inspection necessary to insure conformance with this section and to employ Stop Work and/or Cease and Desist Orders until compliance with this section has been satisfied. Such inspection and enforcement shall be conducted in accordance with Article 7.5 of this Code.

### **6.15.10. VIOLATIONS AND PENALTIES**

Any person or developer who fails to comply with the requirements of this section is subject to the penalties described in Article 7.5 of this Code, including but not limited to revocation of permits and forfeiture of performance surety.

#### **6.15.11. NPDES REQUIREMENTS**

All construction of off-site or on-site improvements shall adhere to National Pollution Discharge Elimination system (NPDES) best management practices to prevent deleterious material or pollutants from entering the City or County storm drain systems.

## 6.16. BUFFERS

### 6.16.1. BUFFERS REQUIRED

A buffer shall be required in any multi-family or nonresidential development project along a side or rear lot line that abuts a less intense land zoning district, as follows:

Table 6-14  
**Situations Where Buffer Required**

Provide a buffer on the lot of

Along a side or rear lot line next to	1- or 2-Family Residential	Multi-Family	Office or Commercial	Light or Heavy Industrial
1- or 2-Family Residential		■	■	■
Multi-Family			■	■
Office or Commercial				■
Light or Heavy Industrial				

■ = buffer required

### 6.16.2. BUFFER DESIGN STANDARDS

a. General.

Buffer areas shall contain no driveways, parking areas, patios, storm water detention facilities, or any other structures or accessory uses except for a fence, wall, or earthen berm constructed to provide the visual screening required to meet the standards of this Ordinance. Underground utilities may be permitted to cross a buffer if the screening standards of this Ordinance will be subsequently achieved. Required vehicular access through a buffer may be allowed as a condition of a zoning, Special Use, or Planned Development approval by the Governing Body.

b. Natural Buffers.

Natural buffers may contain deciduous or perennial vegetation, but shall contain evergreen shrubs and trees suitable to local growing conditions that will provide an opaque visual screen during all seasons of the year.

c. Structural Buffers.

Structural buffers shall meet the following criteria:

- (1) Structural buffers shall be vegetated throughout the minimum area required for the buffer around in fences or walls and upon any earthen berms, which may include grass, ground covers, shrubs, and trees.
- (2) All earthen berms shall have a maximum side slope of two (2) horizontal to one (1) vertical. Earthen berms shall not be constructed within the drip line of any existing trees that will remain on the property.
- (3) Trees shall be located or planted within any structural buffer at a density of no less than one tree for each 20 feet of buffer length or portion thereof. New trees shall have a caliper of no less than two (2) inches upon planting, and may be clustered for decorative effect following professional landscaping standards for spacing, location, and design.
- (4) Fences and freestanding walls shall present a finished and decorative appearance to the abutting property, and shall be located no closer to the property line than two (2) feet. Shrubs, ground covers, or other vegetation shall be provided between the fence or wall and the property line so as to provide a decorative effect, following professional landscaping standards for spacing, location, and design.
- (5) Fences used in buffers must be made of rot-resistant material or protected from deterioration with water-proofing material.

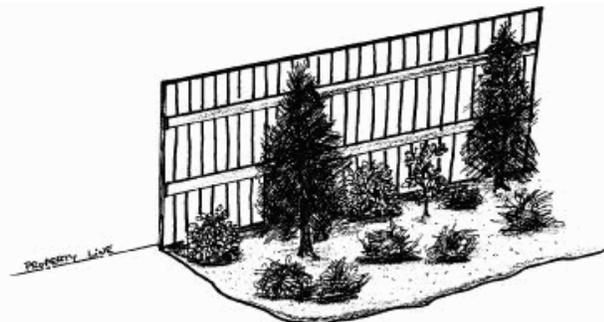
d. Examples of Buffers.

The following illustration provides examples of natural and structural buffers. Other solutions meeting the minimum requirements of this Section are also acceptable, if approved by the Building Official.

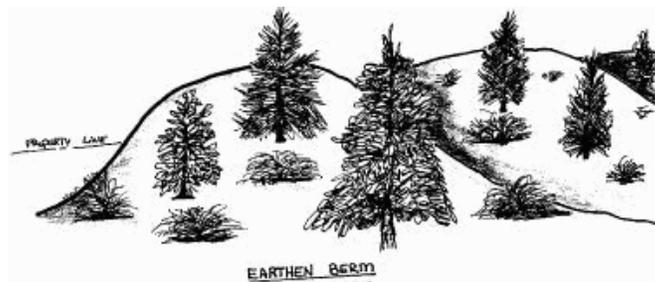


NATURAL BUFFER

Natural buffers may contain deciduous or perennial vegetation, but shall contain evergreen shrubs and trees suitable to local growing conditions that will provide an opaque visual screen during all seasons of the year.



STRUCTURAL BUFFER WITH VEGETATION



EARTHEN BERM

### **6.16.3. MINIMUM BUFFER REQUIREMENTS**

A buffer required by this Ordinance shall meet the following criteria:

a. Width of Buffer.

(1) Side Lot Line. Buffer required along any side lot line shall be no less than the minimum required width of the side principal building setback, or ten (10) feet, whichever is greater.

(2) Rear Lot Line. Buffers required along any rear lot line shall be no less than the minimum required width of the rear principal building setback, or ten (10) feet, whichever is greater.

b. Minimum Required Screening.

Minimum required screening shall consist of a natural buffer utilizing existing vegetation or a natural structural buffer, whichever provides an opaque visual screen to a height of six (6) feet, or any combination of existing and replanted vegetation which can be reasonably be expected to create an opaque visual screen six (6) feet high with two growing seasons.

c. Maintenance.

Every buffer required by this Ordinance shall be maintained by the owner of the property where the buffer is located, so as to provide an opaque visual screen to the height of six (6) feet on a continuous, year-round basis.

### **6.16.4. BUFFER MODIFICATIONS**

a. The Board of Adjustment having jurisdiction may reduce the width of the buffer to no less than 15 feet if the buffer includes the combination of fence, vegetation, and berm that will provide effective separation and adequate visual and audial screening.

b. Buffers may be located on the site to best achieve the screening required.

c. The Board of Adjustment having jurisdiction may waive a buffer requirement if the Comprehensive Plan anticipates future development on the adjoining property in a land use category such that a buffer would not be required by this Ordinance.

## **6.17. LANDSCAPING**

### **6.17.1 LANDSCAPING STRIPS**

a. Frontage Landscape Strips.

A minimum 20 foot wide landscape strip shall be provided along the full length of any street frontage of a multi-family or nonresidential development (except in the C-B-C zoning district).

- (1) Frontage landscape strips shall contain no structures, parking areas, patios, storm water detention facilities, or any other accessory uses except for the following:
  - (a) Retaining walls or earthen berms constructed as part of an overall landscape design.
  - (b) Pedestrian-oriented facilities such as sidewalks and bus stops.
  - (c) Underground utilities.
  - (d) Driveways required in order to access the property.
  - (e) Signs otherwise permitted by this Code.
- (2) One tree shall be provided within the frontage landscape strip for every 40 feet of length of street frontage, or portion thereof. Such trees may be deciduous or evergreen, but must be of a type that is suitable to local growing conditions and that will normally reach at least 12 inches at diameter breast height upon maturity. The trees may be clustered for decorative effect following professional landscaping standards for spacing, location, and design.
- (3) All portions of a frontage landscape strip shall be planted in trees, shrubs, grass, or ground cover, except for those ground areas that are mulched or covered by permitted structures.
- (4) Upon planting, new trees shall have a caliper of no less than two (2) inches, and may be clustered for decorative effect following professional landscaping standards for spacing, location, and design.
- (5) Plant materials in the frontage landscape strip are not to extend into the street right-of-way unless specifically allowed by the Public Works Department.

b. Side Yard Landscape Strips.

A minimum of five (5) foot wide landscape strip shall be provided along any side lot of a nonresidential development (except in the C-B-C zoning district). The landscape strip is to extend from the front principal building setback line to the rear of the property (unless a buffer is required along the side lot line).

- (1) Side yard landscape strips shall contain no structures, parking area, patios, storm water detention facilities, or any other uses except for the following:

- (a) Retaining walls or earthen berms constructed as part of an overall landscape design.
  - (b) Underground utilities.
  - (c) Driveways required to access neighboring property.
- (2) All portions of a side yard landscape strip shall be planted in trees, shrubs, grass, or ground cover, except for those ground areas that are mulched or covered by permitted structures.
  - (3) The side yard landscape strip shall contain at least one (1) tree for every 40 feet of length, or be planted in a continuous hedge or junipers (except for approved access drives and utility easements).

### **6.17.2 PARKING LOT TREES.**

Deciduous shade trees shall be provided within any parking lot designed or intended to accommodate five (5) cars or more, in accordance with the requirements of this Section.

- a. One deciduous shade tree shall be provided within the parking lot for every 20 parking spaces, or portion thereof. There shall be a maximum distance of one hundred (100) feet between any parking space and shade tree. Trees provided to meet the minimum requirements of any landscape strip or buffer may not be counted toward this requirement.
- b. A landscaping island shall be located at the end of every parking bay between the last parking space and an adjacent travel aisle or driveway. The island shall be no less than eight (8) feet wide for at least one-half the length of the adjacent parking space. The island shall be planted in trees, shrubs, grass, or ground cover except those areas that are mulched.
- c. Tree planting areas shall be no less than eight (8) feet in width and shall provide at least 100 square feet of planting area per tree. No tree shall be located less than 2 ½ feet from the back of the curb. All parking lot landscape islands shall be curbed with minimum 6-inch high vertical curbs. The barrier may contain breaks to help manage storm water runoff, if approved by the Public Works Manager or Director, or their designee.
- d. Landscaping islands and tree planting areas shall be well drained and contain suitable soil and natural irrigation and characteristics for the planting materials they contain.
- e. Sustainable design features, such as the creation of storm water swales, are encouraged for all landscaping islands. Such features that are designed to function as infiltration cells that are approved by the Governing Body's Public Works Manager or Director, or their designee, may credit towards storm water detention requirements.

### **6.17.3 LANDSCAPING PLAN**

For each multi-family residential and non-residential development where front yard or side yard landscaping is required a landscaping plan shall be approved as part of the permitting process. The landscaping plan shall show all existing and proposed features, including trees, buffer, and other relevant features of the landscape that will be part of the final landscaping design. Native plant materials, protection of existing trees and vegetation, and retention of existing natural features should be integrated into the landscaping plan to the maximum extent possible.

- a. Landscaping shall be installed in accordance with the approved landscape plan.
- b. Landscaping shall be maintained as needed. Plants that have died shall be replaced in kind.

### **6.18. TREE CONSERVATION**

#### **6.18.1 APPLICABILITY**

- a. Tree Conservation Zone.

The tree conservation zone applies to the entirety of a tract of land for which no tree conservation plan has been approved. After such approval, the tree conservation zone shall correspond to that part of a tract of land designated on said approved plan.

- b. Exemptions.

Any construction, paving, or other activity on a property that will damage trees in a public right-of-way is subject to the restrictions under "Protection of existing trees," below.

Otherwise, the tree conservation zone shall not apply to the following:

- (1) A lot on which a single-family or two-family dwelling is being constructed.
- (2) A lot on which this Code imposes no yard requirements and permits 100% coverage of the lot by the buildings.
- (3) Property already occupied by an owner-occupied single-family or two-family dwelling, unless nonresidential uses or additional dwelling units are proposed for such property.
- (4) Public utility companies conducting operations on public and utility rights-of-way and easements or on site for electric power substations and similar facilities, which operations are for the purpose of assuring uninterrupted utility service?

(5) Property in use for the following:

(a) Tree farming: The planting, cultivating, and harvesting of trees in a continuous cycle as a regular practice on a tract of land; not including the removal of trees for purposes of development.

(b) Agricultural activities:

1) Good-faith commercial production of agricultural products, including horticultural, floricultural, dairy, livestock, poultry, and apiarian products; and

2) Clearing trees for the purpose of planting crops, providing pasture for livestock, or constructing buildings accessory to production of agricultural products.

#### **6.18.2 MEASUREMENT STANDARD: “TREE UNITS”**

- a. The diameter of a tree’s trunk will be measured and a value assigned in “tree units” in accordance with Tables 6-15 and 6-16. The values assigned to trees of the same size will be different for existing and new trees, as indicated in the two Tables.
- b. One “unit” is not the same as one “tree.” For existing trees, the “units” assigned is the cross-sectional area of the trunk at DBH in square feet. For new trees, credit is given reflecting a size that will be achieved after several years of growth.

Table 6-15  
**Table of Values for Existing Trees<sup>26</sup>**

DBH* (inches)	Tree Units	DBH* (inches)	Tree Units
1 to 4	.1	28	4.3
5 to 6	.2	29	4.6
7	.3	30	4.9
8	.4	31	5.2
9	.5	32	5.6
10	.6	33	5.9
11	.7	34	6.3
12	.8	35	6.7
13	.9	36	7.1
14	1.1	37	7.5
15	1.2	38	7.9
16	1.4	39	8.3
17	1.6	40	8.7
18	1.8	41	9.2
19	2.0	42	9.6
20	2.2	43	10.1
21	2.4	44	10.6
22	2.6	45	11.0
23	2.9	46	11.5
24	3.1	47	12.0
25	3.4	48	12.6
26	3.7	49	13.1
27	4.0	50	13.6

\* Diameter Breast Height

Table 6-16  
**Table of Values for New (Replacement) Trees**

Generally		Large Species <sup>27</sup>	
Caliper	Tree Units	Caliper	Tree Units
1	.4	1	.5
2	.5	2	.6
3	.6	3	.7
4	.7	4	.9
5	.8	5	1.1
6 & above	1.0	6 & above	1.3

### **6.18.3 SIGNIFICANT TREE: DEFINED**

- a. A significant tree is a tree in fair or better condition which has been determined to be of a high value by a knowledgeable person because of its species, size, age, or other professional criteria. A tree is considered in fair or better condition if:
  - (1) its life expectancy is greater than 15 years;
  - (2) it has a relatively sound and solid trunk with no extensive decay or hollow with less than 29 percent radial tip die-back; and
  - (3) it has no major insect or pathological problems.
- b. Hardwood trees such as oaks and hickories and soft-wood trees such as pines and cedars whose diameters are 18 inches DBH or more and small hardwoods such dogwoods, redbuds, or sourwoods, whose diameter are 8 inches DBH or more shall be considered significant trees due to size. A tree of lesser size than the preceding shall be significant if it is a rare or unusual species or is of historical significance or is specifically used by design as a landscape focal point of the project.

### **6.18.4 NUMBER OF TREES UPON COMPLETION OF DEVELOPMENT**

- a. Upon completion of development, all properties shall have a number of trees equivalent to 15 units per acre of development site (not including land areas covered by buildings).
- b. Existing significant trees or any other trees 10 inches+ DBH or larger that are in excess of the required 15 units per acre of development site (not including land area covered by buildings) but outside the construction area (buildings, accessory uses, parking area) shall not be removed unless adjacent development would cause irreparable damage to the critical root zones.
- c. Where the proposed construction area (the buildings, accessory uses, parking area) is so large that the number of trees equivalent to 15 units per acre of development site (not including land area covered by buildings) can't be accommodated, the tree conservation area shall be established by removing parking spaces in excess of the minimum number required, placing additional planting islands within the development area, or reducing the area to be occupied by buildings.
- d. Counting Parking Lot and Buffer Trees.

Trees required by this Code in relation to parking lot landscaping or the provision of a structural buffer may be included in calculating the required 15 units per acre. However, trees existing or planted in a natural buffer required under this Article are not to be counted as part of the minimum 15 units per acre requirement.

### **6.18.5 CRITERIA FOR REPLACEMENT TREES**

- a. Spacing and the potential size of species chosen shall be compatible with spatial limitations of the site.
- b. The species must be ecologically compatible with the specifically intended growing site.
- c. The trees must have the potential for size and quality comparable to those removed.
- d. The trees must be compatible in extent of crown and root systems at maturity with nearby utilities.
- e. Planting preference shall be given to specimens no more than three (3) inches DBH.
- f. Where trees must be added to achieve the required 15 units per acre of development site (not including land area covered by buildings), pines may not comprise fifty percent or more of the required units. Where existing pines already compromise fifty (50) percent or more of the required units, no more pines may be credited toward the required units.
- g. Authority for questions of tree characteristics shall be publications of the Georgia Forestry Commission, publications of the Cooperative Extension Service of the University of Georgia College of Agriculture, or other authority acceptable to the Planning Director.

## **6.19. PROTECTION OF NATURAL WATERS**

### **6.19.1 WATERSHED PROTECTION**

- a. Protected Water Supply Watersheds; Defined.

The Oostanaula River, Etowah River, Armuchee Creek, and Woodward Creek watersheds are recognized above their respective City of Rome and Floyd County municipal water supply intakes. All lands within the Oostanaula River, Etowah River, Armuchee Creek, and Woodward Creek watersheds located within a 7-mile radius upstream of the City of Rome and Floyd County municipal water supply intakes are established as protected watershed areas.

- b. Protected Watershed Areas; Restrictions.

(1) Within a protected watershed area: Any new facility that handles hazardous materials of the types listed in Section 312 of the Resource Conservation and Recovery Act of 1976 (excluding underground storage tanks) and amounts of 10,000 pounds or more of on any one day, shall perform their operations on impermeable surfaces having spill and leak collection systems as prescribed by DNR.

- (2) For Large Water Supply Watersheds, the corridors of all perennial streams within a 7-mile radius of the reservoir boundary shall be protected as follows;
  - (a) A buffer shall be maintained for a distance of 100 feet on both sides of the stream as measured from the stream banks.
  - (b) No impervious surface shall be constructed within a 150-foot setback on both sides of the stream as measured from the stream banks.
  - (c) Septic tanks and septic tank drain fields are prohibited in the 150-foot setback.
- (3) Small Water Supply Watersheds are protected as follows:
  - (a) The corridors of all perennial streams within a 7-mile radius upstream from a public water supply intake of a reservoir:
    - 1) A buffer shall be maintained for a distance of 100 feet on both sides of the stream as measured from the stream banks.
    - 2) No impervious surface shall be constructed within a 150-foot setback on both sides of the stream as measured from the stream banks.
    - 3) Septic tanks and septic tank drain fields are prohibited in the 150-foot setback.
  - (b) The corridors of all perennial streams beyond a 7-mile radius upstream from a public water supply intake of a reservoir are protected as follows:
    - 1) A buffer shall be maintained for a distance of 50 feet on both sides of the stream as measured from the stream banks.
    - 2) No impervious surface shall be constructed within a 75-foot setback on both sides of the stream as measured from the stream banks.
    - 3) Septic tanks and septic tank drain fields are prohibited in the 75-foot setback.
  - (c) No new sanitary landfills are allowed unless they have synthetic liners and leachate collection systems.
  - (d) New hazardous waste treatment or disposal facilities are prohibited.

## **6.19.2 RIVER CORRIDOR BUFFER**

- a. Major River Corridors Recognized.

The portions of the Coosa, Etowah, and Oostanaula Rivers, flowing through Floyd County, are hereby recognized as natural and cultural resources requiring conservation under Section 12-2-8, Official Code of Georgia Annotated.

b. River Tributary Corridors Recognized.

All portions of Horseleg Creek, Silver Creek, Armuchee Creek, Little Dry Creek, Big Dry Creek, Big Cedar Creek, Johns Creek, Dykes Creek, and Woodward Creek flowing through Floyd County, are hereby recognized as natural and cultural resources requiring conservation under Section 12-2-8, Official Code of Georgia Annotated.

c. River Corridor Greenway Established.

In order to preserve the quality of the water and viability of the rivers as animal habitats and important recreation resources to the region, a natural vegetative greenway is established as follows:

- (1) The greenway shall include all lands within 100 feet of each major river and 40 feet of each river tributary, inclusive of any islands, as measured horizontally from the uppermost part of the river bank.
- (2) No land may be used, and no vegetation shall be disturbed, within the greenway by building construction, development activity, septic tanks or septic tank drainage fields, the handling of hazardous wastes, or for any other purpose except for the following permitted uses:
  - (a) Land uses existing prior to the adoption of this Code.
  - (b) A single-family dwelling, provided that:
    - 1) Each dwelling shall be located on a lot having an area of at least two (2) acres, not including any area that lies between the banks of the protected area.
    - 2) Only one dwelling is located on the lot.
    - 3) No septic tank drain field may be located within the River Corridor Greenway.
  - (c) Timber production and harvesting subject to the following conditions:
    - 1) Forestry activity shall be consistent with Best Management Practices established by the Georgia Forestry Commission.

- 2) Forestry activity shall not impair the drinking quality of the river water as defined by the Federal Clean Water Act, as amended.
- (d) Wildlife and fisheries management activities consistent with the purposes of Section 12-2-8, as amended, of Article 1, Chapter 2, Title 12 of the Official Code of Georgia Annotated (O.C.G.A.).
- (e) Public road and utility crossings meet all requirements of the Georgia Soil Erosion and Sedimentation Control Act.
- (f) Recreational usage consistent with either the maintenance of a natural vegetative greenway or with river dependent recreation such as a boat ramp.
- (g) Agricultural production and management, provided that: the activity is consistent with Best Management Practices established by the Georgia Soil and Water Conservation Commission; will not impair the drinking quality of the river water; will be consistent with all State and Federal laws; and will be consistent with all regulations promulgated by the Georgia Department of Agriculture.
- (h) Public wastewater treatment and natural water quality treatment or purification.
- (i) Utilities, other than public water or sewerage facilities, provided that:
  - 1) The utilities shall be located as far from the riverbank as reasonably possible.
  - 2) Installation and maintenance of the utilities shall be such as to protect the integrity of the greenway as is reasonably possible.
  - 3) Utilities shall not impair the drinking quality of the river water.
- (j) Other uses permitted by the zoning district and by DNR under Section 404 of the Clean Water Act.
- (3) The natural vegetative greenway shall be restored as quickly as possible following any land-disturbing activity within the River Corridor Greenway.

### **6.19.3 WETLANDS PROTECTION**

#### **a. Protected Wetlands; Defined.**

- (1) “Wetlands” are freshwater areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar freshwater areas.

- (2) Protected wetlands are those wetlands identified and mapped in the Comprehensive Plan, based on criteria defined, identified and mapped by the Georgia Department of Natural Resources (DNR), or based on other credible data provided by a qualified Professional Engineer.

b. Protected Wetlands; Restrictions.

Within any protected wetlands area, the following shall apply:

- (1) Alteration or degradation of a protected wetland requires prior approval by the U.S. Army Corps of Engineers under Section 404 of the Federal Clean Water Act.
- (2) Hazardous or toxic waste receiving, treatment, or disposal facilities are prohibited.
- (3) Sanitary landfills are prohibited.
- (4) Land uses that may be allowed if permitted by the zoning district and by the Section 404 permit include:
  - (a) Timber production and harvesting.
  - (b) Wildlife and fisheries management.
  - (c) Camping, hiking, hunting, and fishing recreation facilities.
  - (d) Public wastewater treatment and natural water quality treatment or purification facilities.
- (5) Other uses permitted under Section 404 of the Federal Clean Water Act.

#### **6.19.4 GROUNDWATER RECHARGE AREA PROTECTION**

a. Protected Groundwater Recharge Areas; Defined.

- (1) Significant recharge areas.

Significant recharge areas are defined by the Georgia Department of Natural Resources (DNR) using criteria developed by them, and have been mapped on DNR's Hydrologic Atlas 18 (1989 edition, or as may be amended by DNR from time to time).

- (2) Pollution susceptibility category.

Categories of relative vulnerability of an aquifer to pollution (classified as "higher," "average," or "lower") are defined by the DNR using criteria developed

by them, and have been mapped on DNR's Hydrologic Atlas 20 along with the most significant recharge areas.

b. Protected Groundwater Recharge Area Restrictions; General.

Within any significant recharge area, as defined and delineated by the DNR, the following shall apply:

- (1) New hazardous waste treatment or disposal facilities are prohibited.
- (2) New sanitary landfills, if permitted, shall have synthetic liners and leachate collection systems.
- (3) Any new facility that involves the treatment, storage, or disposal of hazardous waste, if permitted by DNR and the zoning district, shall perform such operations on an impermeable surface having a spill and leak collection system.
- (4) Any new facility that handles hazardous materials of the types listed in Section 312 of the Resource Conservation and Recovery Act of 1976 (excluding underground storage tanks) and in amounts of 10,000 pounds or more on any one day, shall perform their operations on impermeable surfaces having spill and leak collection systems as prescribed by DNR.
- (5) A new above ground chemical or petroleum tank must have secondary containment of 110% of the volume of the tank or 110% of the volume of the largest tank in a cluster of tanks. This requirement does not apply to:
  - (a) Any tank having a maximum capacity of less than 660 gallons; and,
  - (b) Any tank used for agricultural purposes, provided in complies with all Federal requirements.

c. Protected Groundwater Recharge Area Restrictions; By Classification.

(1) Lower Pollution Susceptibility Areas.

Within a significant recharge area classified as having "lower" susceptibility to pollution, the following applies:

- (a) New agricultural waste impoundment sites larger than 50 acre-feet must be lined. The liner must be constructed of compacted clay having a thickness of one (1) foot and a vertical hydraulic conductivity of less than  $5 \times 10^{-7}$  cm/sec or other criteria established by the U.S. National Resource Conservation Service.

- (b) A new home served by a septic tank/drain field system must be approved by the County Health Department and must have a lot or space that is at least 110% of the minimum lot or space size required by Table MT-1 of the Department of Human Resource's *Manual for On-Site Sewage Management Systems*.
- (c) A new manufactured home park served by a septic tank/drain field system must be approved by the County and must have a lot or space that is at least 110% of the minimum lot or space size required by Table MT-2 of the Department of Human Resource's *Manual for On-Site Sewage Management Systems*.

(2) Average Pollution Susceptibility Areas.

Within a significant recharge area classified as having "average" susceptibility to pollution, the following applies:

- (a) New agricultural waste impoundment sites larger than 15 acre-feet must be lined. The liner must be constructed of compacted clay having a thickness of one (1) foot and a vertical hydraulic conductivity of less than  $5 \times 10^{-7}$  cm/sec or other criteria established by the U.S. Natural Resource Conservation Service.
- (b) A new home served by a septic tank/drain field system must be approved by the County Health Department and must have a lot or space that is at least 125% of the minimum lot or space size required by Table MT-1 of the Department of Human Resource's *Manual for On-Site Sewage Management Systems*.
- (c) A new manufactured home park served by a septic tank/drain field system must be approved by the County and must have a lot or space that is at least 125% of the minimum lot or space size required by Table MT-2 of the Department of Human Resource's *Manual for On-Site Sewage Management Systems*.

(3) Higher Pollution Susceptibility Areas.

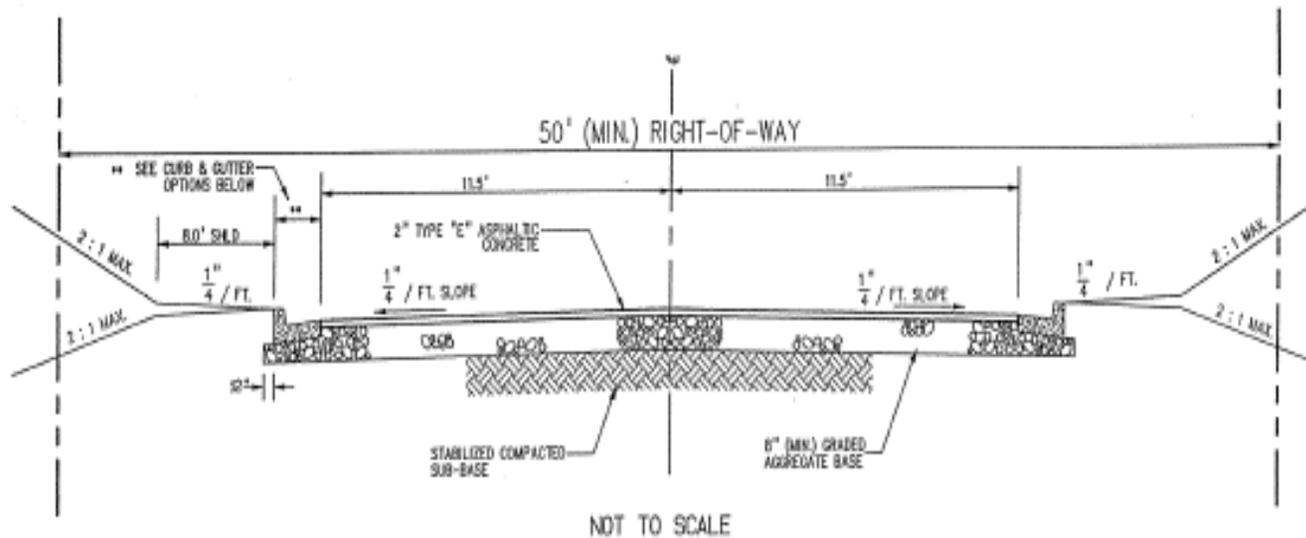
Within a significant recharge area classified as having "higher" susceptibility to pollution, the following applies:

- (a) All new agricultural waste impoundment sites must be lined. The liner must be constructed of compacted clay having a thickness of one (1) foot and a vertical hydraulic conductivity of less than  $5 \times 10^{-7}$  cm/sec or other criteria established by the U.S. Natural Resource Conservation Service.

- (b) A new home served by a septic tank/drain field system must be approved by the County Health Department and must have a lot or space that is at least 150% of the minimum lot or space size required by Table MT-1 of the Department of Human Resource's *Manual for On-Site Sewage Management Systems*.
- (c) A new manufactured home park served by a septic tank/drain field system must be approved by the County and must have a lot or space that is at least 150% of the minimum lot or space size required by Table MT-2 of the Department of Human Resource's *Manual for On-Site Sewage Management Systems*.
- (d) Spray irrigation of wastewater or the land spreading of wastewater sludge's must be approved by DNR.
- (e) Permanent storm water infiltration basins are prohibited.
- (f) New wastewater treatment basins (except for mining settling basins) must have an impermeable liner and be approved by DNR.



FIGURE 6.3  
**TYPICAL RESIDENTIAL ROADWAY  
 CROSS-SECTION  
 WITH CURB & GUTTER**



**CURB & GUTTER OPTIONS FOR RESIDENTIAL ROADWAYS**  
 NOTE: ALL CURB OPTIONS SHALL HAVE A MINIMUM OF 2" COMPACTED GRADED AGGREGATE BASE UNDER THE CURB & GUTTER

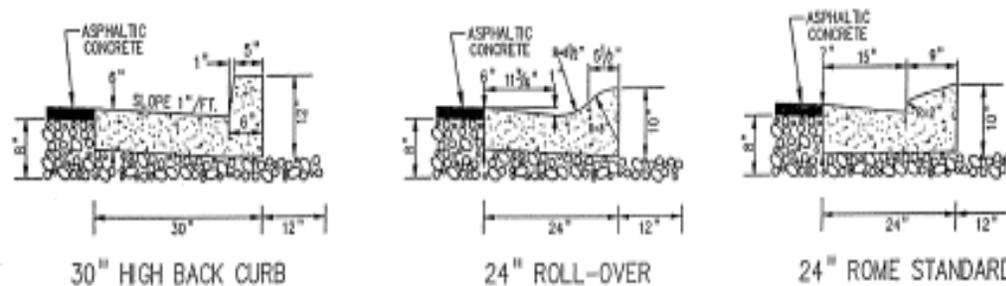


FIGURE 6.4  
 TYPICAL RESIDENTIAL ROADWAY  
 CROSS-SECTION  
 WITHOUT CURB & GUTTER

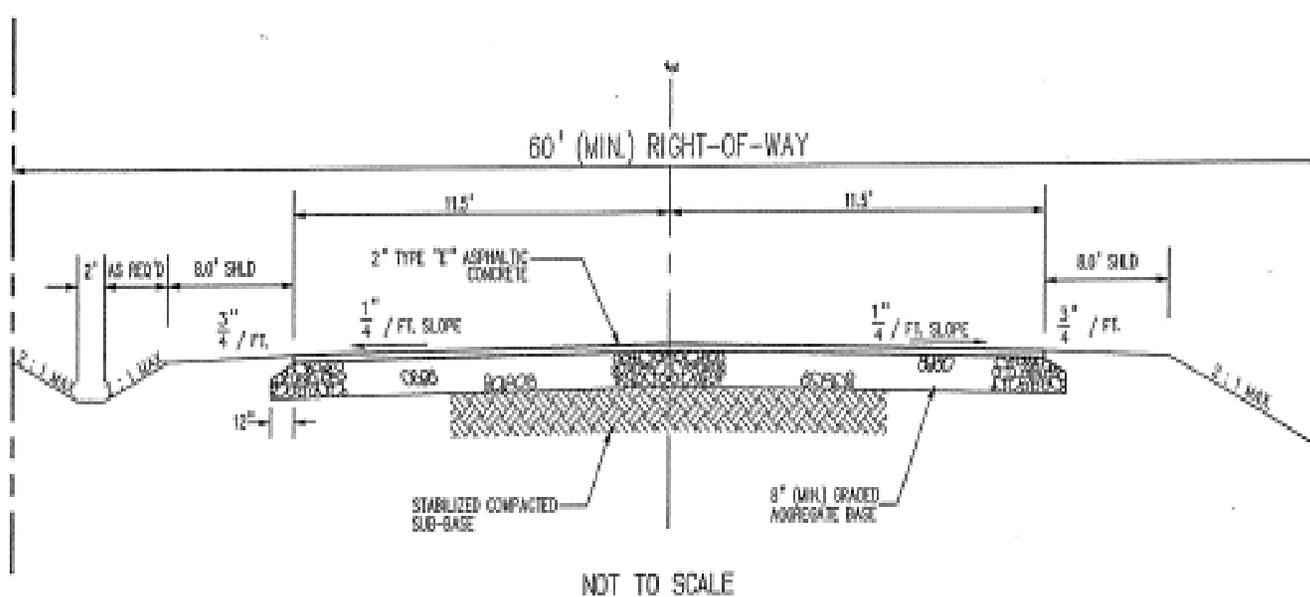
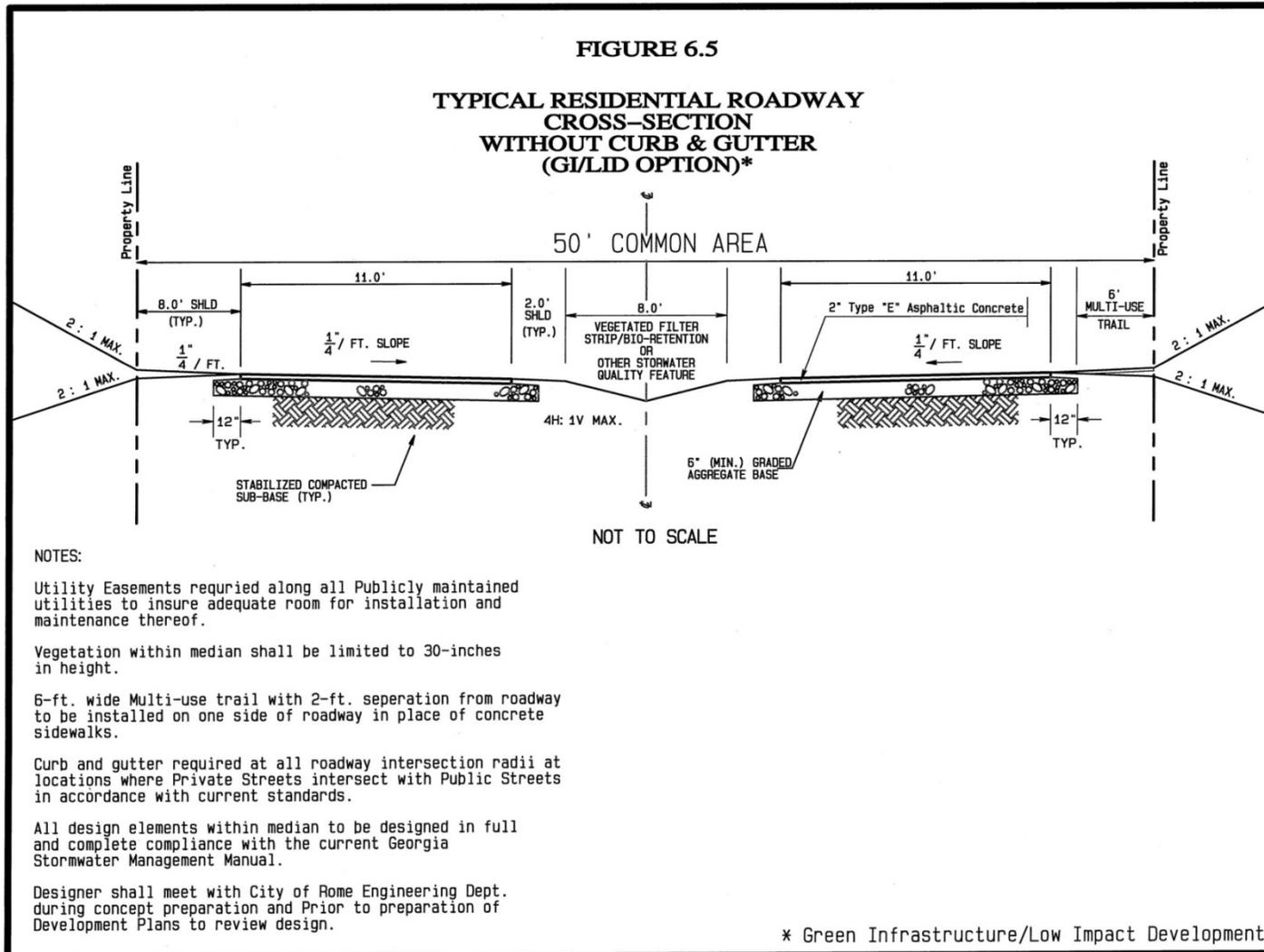


FIGURE 6.5 (CITY ONLY)



## **6.20 RESIDENTIAL CLUSTER SUBDIVISION OPTION**

### **6.20.1 PURPOSE AND INTENT**

It is the purpose and intent of Article 6.20 to encourage the preservation of open space within residential development; to protect culturally and environmentally critical resources; to provide flexibility to allow creative developments; to provide for a permanent, interconnected open space network; to encourage efficient development that minimizes removal of vegetation, disturbance of soil, and encroachment into environmentally sensitive areas while reducing the need for infrastructure construction; to encourage street design that decreases traffic speed; to encourage neighborhood interaction; and to promote construction of convenient and accessible trails and sidewalks within a subdivision and connecting to adjacent communities, businesses and other facilities in order to reduce reliance on automobiles.

### **6.20.2 APPLICABILITY**

The Residential Cluster Subdivision Option is available for the following zoning districts:

- a. H-TR High-density Traditional Residential,
- b. L-TR Low-density Traditional Residential,
- c. NOC Neighborhood Office Commercial (where small scale, low activity, neighborhood oriented businesses may be permitted in a residential setting),
- d. S-R Suburban Residential (where public water is available), and
- e. A-R Agricultural Residential (where public water is available) zoning districts.

### **6.20.3 COMPLIANCE WITH APPLICABLE ORDINANCES**

Compliance with all applicable City of Rome and Floyd County ordinances, regulations, or codes is required; however, when in conflict, this Article shall prevail. Final plat and Cluster Development Plan approval shall be by the Planning Commission.

### **6.20.4 LAND RESERVE AREA REQUIREMENT**

- a. Each subdivision developed under this option shall include Land Reserve Area equal to no less than 40% of the gross acreage of the parcel. The Land Reserve Area shall be designated on the Cluster Option Plan and recorded on the final plat.

- b. Definition: The Land Reserve Area is defined as the portion of the subdivision that has been set aside for permanent protection. Activities within Land Reserve Areas are restricted in perpetuity through the use of an approved legal instrument.
- c. Land Reserve Area Configuration: The minimum standards for Land Reserve Areas are:
  - (1) The minimum dimension at any point shall be 50 feet (measured along the chord if on an arced boundary) and at least 75% of the Land Reserve Area shall be in a contiguous tract.
  - (2) All lots within the subdivision shall be provided with safe, convenient pedestrian access to the Land Reserve Area.
  - (3) The Land Reserve Area shall provide connectivity with any adjacent Land Reserve Areas.
  - (4) Where trails and sidewalks connecting the Land Reserve Area cross internal subdivision streets or public streets, access points shall be directly across from each other. Crossings and access points shall be clearly identified to pedestrians and motorists and may include traffic control devices, bridges, and tunnels.
  - (5) Natural vegetation and soils within the Land Reserve Areas shall be protected from disturbance during development activities, except as permitted in Article 6.20.
  - (6) Development in the Land Reserve Area designated as Primary and Secondary Critical areas shall be limited to passive recreation facilities such as trails/sidewalks, picnic areas, benches, fishing and non-power boat launching platforms, or playgrounds.
  - (7) Non-critical areas approved for Land Reserve Area protection by the Planning Department staff may also be used as community gardens, playing fields, landscaped storm water management areas (ponds, swales, rain gardens, etc.), drain or drip field for a community sewage treatment system, crop growing, or pastures.
  - (8) In no case shall more than 10% of the Land Reserve Area so used be covered with impervious surface.
  - (9) Improvements must be constructed and maintained using methods and materials designed to be low impact and to have little or no adverse impact on the environment.
  - (10) Mature trees within the Land Reserve Area shall not be harvested or removed, unless such harvesting or removal is recommended by a Certified Forester or by

the Georgia Forestry Commission in order to control disease or insect infestation, or to eliminate danger to persons or property.

- (11) No motorized vehicles, including, but not limited to, motor bikes, four wheelers, and motorcycles, shall be allowed within the Land Reserve Area, except that maintenance vehicles shall be permitted to carry out activities approved by the owner; and electrically powered scooters, wheelchairs, and golf carts shall be permitted to use hard surfaced trails and facilities within the Land Reserve Area.
- d. Form of Land Reserve Area: The Land Reserve Area shall consist of Primary Critical Preservation Areas, Secondary Critical Preservation Areas, and Other Preservation Areas (as approved by the Planning Department Staff).

Primary Critical Preservation Areas: Primary Critical Preservation Areas form the core of the Land Reserve Areas and are required, if present, to be included within the Land Reserve Area. These include, but are not limited to:

- (1) Cemeteries, historic sites, archaeological sites, and other culturally important areas.
- (2) Habitat for rare, threatened or endangered species as defined by the Georgia Department of Natural Resources.
- (3) Wetlands as identified by the National Wetlands inventory maps prepared by the U.S. Fish and Wildlife Service, the County Soil Survey maps prepared by the United States Department of Agriculture (USDA) Natural Resources Conservation Service, or by means of a certified wetlands delineation using data from the U.S. Army Corps of Engineers, pursuant to the Clean Water Act.
- (4) Alluvial soils and 100-year floodplains as identified by the federal Emergency Management Agency; however, floodway areas shall not count toward the Land Reserve Area minimum because development is not allowed.
- (5) Existing lakes, rivers, streams, ponds, as approved by the governing body; however, such areas shall not count toward the Land Reserve Area minimum because development is not practical.
- (6) Riparian and watershed protection buffers as required by Article 6.19 of this Code.
- (7) Existing slopes that exceed 25% over a contiguous areas of at least 5,000 square feet.

Secondary Critical Preservation Areas: Secondary Critical Preservation areas shall also be counted as part of the Land Reserve Area to the maximum extent possible. Secondary Critical Preservation Areas include, but are not limited to, the following:

- (8) Stands of significant trees as defined by Article 6.18.3 of this Code. At least 50% of the trees in the stand must meet the definition of “significant tree”.
- (9) Individual existing healthy trees greater than 8 inches caliper, as measured from their outermost drip line.
- (10) Other significant natural features and scenic view sheds, with the approval of Planning Department Staff.

Other Preservation Areas: With Planning Department Staff approval, land that does not meet the definition of “Primary Critical Preservation Area” or “Secondary Critical Preservation Area” may be set aside as part of the Land Reserve Area.

- e. Land Reserve Area Protection: The required Land Reserve Area shall be protected in perpetuity from further development or unauthorized use by a conservation easement held by a qualified conservation organization as defined in the Georgia Uniform Conservation Easement Act, O.C.G.A. 44-10-1 et seq.; or by the local government. The easement documentation shall include photos and maps to record the status and condition of the Land Reserve Area.
- f. The City of Rome and Floyd County reserve the right to enforce all instruments and conservation easements, and to charge the cost of enforcement or corrective activities to the responsible party. Such costs shall become a lien on any properties titled in the name of the owner of the Land Reserve Area.
- g. Ownership of Land Reserve Areas: All Land Reserve Areas shall be permanently protected and held in fee simple interest by:
  - (1) A qualified conservation organization as defined in The Georgia Uniform Conservation Easement Act, O.C.G.A. 44-10-1 et seq.;
  - (2) A homeowners association established in accordance with the Georgia Property Owners Association Act, O.C.G.A. 44-3-220 et seq.; or
  - (3) A land trust.

## **6.20.5 DEVELOPMENT STANDARDS**

- a. Housing Density: The maximum number of lots in the subdivision shall be determined by either one of the following two methods:
  - (1) Calculation: The maximum number of building lots shall be determined by dividing the area of the parcel, minus property located within the floodway, required river and tributary greenway buffers, bodies of open water that exceed 5,000 square feet of contiguous area, wetlands as defined by the Army Corps of

Engineers pursuant to the Clean Water Act, or existing utility easements, by the minimum lot size specified by the zoning district.

- (2) Yield Plan: The maximum number of building lots is based on a conventional subdivision design plan, prepared by the applicant, in which the area of the parcel, minus property located within the floodway, required river and tributary greenway buffers, bodies of open water that exceed 5,000 square feet of contiguous area, wetlands as defined by the Army Corps of Engineers pursuant to the Clean Water Act, or existing utility easements, is subdivided in a manner intended to yield the highest number of lots possible. The plan does not have to meet all of the formal requirements of a subdivision plan, but must show a plan capable of actual construction.

Density Bonus: Regardless of which of the above density determination methods is used, up to 10% more lots may be created under the cluster option, provided that lot width, frontage, and setback requirements are met.

- b. Lots: All building lots created under this subdivision option shall front on an open, publicly maintained interior road that is classified as a “local” or a “collector” road.
- c. Lot Area: No minimum building lot area shall apply, as long as lot width, lot frontage, and building setback requirements are provided; except that lot sizes are subject to approval by the Floyd County Health Department if private sewer systems are used.
- d. Lot Dimensions: The minimum building lot width shall be 50 feet, the minimum frontage requirement shall be 25 feet.
- e. Setbacks: Front building setbacks shall be a minimum of 10 feet from the property line along local roads, 15 feet from the property line along collector roads, and 25 feet from the property line along arterial roads. Rear building setbacks shall be a minimum of 10 feet from the property line.

Side yard setbacks shall be a minimum of 5 feet from the property line; however, at the discretion of the developer, side yard setbacks may be reduced below 5 feet if a minimum separation of 10 feet between structures is provided. If side yard setbacks are reduced below 5 feet, the final plat shall delineate the buildable area of each building lot that will accommodate 10 feet of separation between structures.

All structures shall be setback a minimum of 25 feet from the outer boundary line of the subdivision.

- f. Sidewalks: If sidewalks are provided on both sides of all streets adjacent residential lots, the width of the paved street may be reduced to 20 feet for local streets, and 25 feet for collectors. Subdivision sidewalk systems shall connect with existing, adjacent sidewalks. Provision shall be made for sidewalk connection with future, adjacent development if practical.

- g. Multi-Use Trails: If a Multi-Use Trail at least 10 feet wide, with separation from driving lanes, is provided on one side of all streets adjacent residential lots, with safe and convenient, marked crossing points; the width of the paved street may be reduced to 20 feet for local streets, and 25 feet for collectors. Where sidewalks would otherwise be required, a Multi-Use Trail at least 10 feet wide on one side with safe and convenient, marked crossing points may be provided in lieu of sidewalks.
- h. Streets: New streets shall follow a rectilinear or curvilinear pattern to ensure interconnectivity and walkability. New streets shall align with existing, adjacent streets. Street segments ending in cul-de-sacs shall serve no more than 8 buildings lots. Provision shall be made for street connection with future, adjacent development if practical.

Excepting specific design standards listed in Article 6.20, streets and sidewalks shall be constructed in conformance with the standards listed in Article 6.6 and 6.7.

- i. Within the area of the subdivision that is designated for building lots, all reasonable efforts shall be made to preserve mature vegetation and other natural features.

#### **6.20.6 REQUIRED DOCUMENTS**

An application for Planning Commission approval of the cluster option subdivision shall include the following documents. Planning Department Staff shall ensure the completeness of the submitted documents.

- a. Cluster Development Plan: A Cluster Development Plan shall be created by the Developer and shall include the following elements:
  - (1) Property Boundaries
  - (2) Streams, rivers, lakes, wetlands as described elsewhere in this Article, and all other hydrologic features
  - (3) Topographic contours of no less than 10 feet intervals
  - (4) All Primary and Secondary Critical Preservation Areas labeled by type, as described elsewhere in this Article; photographed and described
  - (5) General vegetation characteristics
  - (6) General soil types
  - (7) Planned location of Land Reserve Areas, with dimensions and areas
  - (8) Existing and proposed roads, sidewalks, trails, and transit stops
  - (9) Locations and dimensions of any developed areas within Land Reserve Areas,

- (10) Connections with existing streets, green space, trails, public areas, commercial areas, recreation areas, or Land Reserve Areas within adjacent developments
- (11) Location, size, and number of proposed lots with buildable area delineated.
- (12) Proposed utility sites and corridors if outside of ROW area.

The Cluster Development Plan, as amended and approved by the Planning Commission, shall be binding on the developer.

b. Land Reserve Area Maintenance, Management, Ownership and Protection Plan (MMOPP): The MMOPP shall include the following elements and shall be recorded as a permanent instrument following approval of the Cluster Option Subdivision by the Planning Commission.

- (1) Clearly delineated Land Reserve Areas with clear description of the property boundary by survey with a written legal description
- (2) Description of features to be permanently protected
- (3) Legal name and address of owner
- (4) Legal name and address of easement holder
- (5) List of parties with rights to enforce the easement (owner of the property, holder of the easement (if any), and the governing body)
- (6) Method of transferring the easement if necessary
- (7) Proposed uses, with restrictions as applicable
- (8) Provision for inspections of the property by the owner, the holder of the easement (if any), and the governing body
- (9) Provision for maintenance of the Land Reserve Area including responsible party and projected budget
- (10) Provision for amendment only with the express written permission of the property owner, the holder of the easement (if any), and the governing body.
- (11) Provision for transfer of the Land Reserve Area ownership if necessary.

The MMOPP shall be approved by the Planning Department staff prior to final approval by the Planning Commission.

c. Homeowners Association Requirements: If the Land Reserve Area will be held, protected and managed by a Homeowners' Association, the developer shall include in the MMOPP a Description of the Homeowners' Association that includes:

- (1) By-laws
- (2) Method and plan for maintenance of the Land Reserve Areas
- (3) Mandatory membership of each landowner
- (4) Responsibility for maintenance, insurance and taxes on the Land Reserve Area
- (5) Provision for transfer of ownership of the Land Reserve Area in case of dissolution of the association

The Description of the Homeowners' Association shall be approved by the Planning Department Staff prior to final approval by the Planning Commission.

#### **6.20.7 APPROVAL OF FINAL PLAT**

Approval of the final plat and subdivision by the Planning Commission shall be conditioned on the acceptance of the conservation easement by a qualified conservation organization, as described in Article 6.20.4.

#### **6.20.8 TAX ASSESSMENT OF LAND RESERVE AREAS**

Once an approved, legal instrument for permanent protection of Land Reserve Areas is in place, and the final plat and subdivision have been approved by the Planning Commission, the Floyd County Tax Assessor shall reassess the value of the open space.

#### **6.20.9 VARIANCES AND SPECIAL EXCEPTIONS**

Notwithstanding the provisions of Article 2.11, variances, special exceptions, or appeals from any of the requirements, standards, and conditions of this article must be approved by the Planning Commission.

# Article 7. Administration and Enforcement

Section 7.1.	Purpose of Article 7
Section 7.2.	Schedules and Fees
Section 7.3.	Rome/Floyd County Planning Commission
Section 7.4.	Board of Appeals and Adjustments
Section 7.5.	Inspection and Enforcement
Section 7.6.	Violation and Penalties

## 7.1. PURPOSE OF ARTICLE 7

This Article sets out the structure for administering and enforcing this Development Code, including the creation, powers, and duties of the Planning Commission, and the responsibilities and procedures of the Chief Building Official in carrying out enforcement activities.

## 7.2. SCHEDULES AND FEES

From time to time, the City Commission and the County Board of Commissioners may adopt fees for the issuance of permits, the submission of applications, and such other activities and authorizations as regulated by this Development Code, and may adopt schedules of dates, times, and places appropriate and necessary to regulate the application, review, and hearing processes required by this Development Code, as applicable within each jurisdiction.

## 7.3. ROME-FLOYD COUNTY PLANNING COMMISSION

### 7.3.1. CREATION

The Rome-Floyd-County Planning Commission is hereby created and established as authorized by Article IX, Section II, of the 1983 state constitution. The planning commission shall be organized and empowered as set out in this article.

### 7.3.2. MEMBERSHIP OF THE PLANNING COMMISSION

- a. The planning commission shall consist of ten voting members, none of whom is a member of either City Commission or the County Board of Commissioners, and two nonvoting ex officio members, one of whom shall be a member of the City Commission, appointed by that body, and the other shall be a member of the County Board of Commissioners, appointed by that body. Five of the voting members shall be appointed by the City Commission, and five of the voting members shall be appointed by the County Board of Commissioners.
- b. The members shall serve five-year staggered terms and until their successors are appointed as provided for in this section.

- c. Any vacancy in membership shall be filled for the unexpired term by the governing body that originally appointed that member. The appointing body shall also have the authority to remove its appointed member for cause, on written charges, after a public hearing. All members shall serve without compensation but may be reimbursed for actual expenses incurred in connection with their official duties.

### **7.3.3. ORGANIZATION OF THE PLANNING COMMISSION**

- a. The planning commission shall elect its chair, first vice-chair, and second vice-chair from among its appointed members. The term of the officers shall be one year, or until they are re-elected or their successors are elected. The planning commission shall appoint a secretary who may be an officer or employee of the city, the county, or the planning commission. The planning commission shall determine its time of meetings and shall make its own rules of procedure, including any rule providing for termination of membership by reason of nonattendance at meetings. All meetings of the planning commission at which official action is taken shall be open to the public, and all records of the planning commission shall be of public record.
- b. The planning commission may appoint such employees and staff as it may deem necessary for such work and may cooperate with, contract with, or accept funds from federal, state, or local, public or semipublic agencies or private individuals or corporations; may expend such funds. And may carry out such cooperative undertakings and contracts. The expenditures of the planning commission, exclusive of gifts and contract receipts, shall be within the amounts appropriated for the purpose by the governing bodies of the city and the county.

### **7.3.4. PROCEEDINGS OF THE PLANNING COMMISSION**

- a. The Planning Commission may adopt such by-laws, rules, or procedures as appropriate and not in conflict with this Development Code.
- b. The Planning Commission shall meet each month in accordance with its schedule of meeting dates, times, and places. Other meetings of the Planning Commission shall be held at the call of the Chairman if there is business to be brought before it, or at such other times as the Planning Commission may determine. All meetings of the Planning Commission shall be open to the public.
- c. All Planning Commission members attending a meeting shall vote on each matter placed before it. A member may abstain from voting only in the instance of a conflict of interest, the nature of which must be stated for the record.
- d. A majority of the entire Planning Commission shall constitute a quorum.
- e. The Director of Planning shall serve as secretary to the Planning Commission. The secretary shall cause minutes of its proceeding to be kept, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall

cause records of its examinations and other official actions to be kept, all of which shall be of public record.

- f. The results of each Planning Commission meeting as to their actions and recommendations shall be forwarded by the Director of Planning to the City Commission or County Board of Commissioners, as appropriate, and posted in a public place at the Planning Department's office.

### **7.3.5. POWERS AND DUTIES OF THE PLANNING COMMISSION**

- a. The Planning Commission shall have the duty and responsibility to conduct a public hearing on each application for rezoning or special use approval, to review the application in accordance with the standards and procedures set for elsewhere in this Development Code, and make such recommendations to the City Commission or the County Board of Commissioners as it deems appropriate on each application.
- b. The Planning Commission shall also have the duty and responsibility to conduct a public hearing on any proposed amendment to the text of this Development Code, to review such proposed amendment in accordance with the standards and procedures set forth elsewhere in this Development Code, and to make such recommendation to the City Commission or the County Board of Commissioners as it deems necessary.
- c. The Planning Commission shall also have the authority to initiate on its own motion a zoning change, or an amendment to the text of this Development Code when, in its determination, such changes are appropriate for consideration.
- d. The Planning Commission shall also have the authority and responsibility to review the provisions of the City's Comprehensive Plan from time to time, and to make such recommendations to the City or County as it deems appropriate.
- e. The Planning Commission shall also have such other powers, duties, or responsibilities as assigned to it by the City Commission or the County Board of Commissioners

## **7.4. BOARD OF ADJUSTMENTS**

### **7.4.1. ESTABLISHMENT**

- a. A Board of Adjustments for the City of Rome and for Floyd County is hereby created. The Board of Adjustments shall consist of seven (7) members, who shall be residents of the jurisdiction they serve.
- b. Each Governing Body shall appoint three (3) members. The seventh member will be alternately appointed by the City or County Commissions with each successive term beginning with the County. Each member shall serve for terms of three (3) years. The Board of Adjustments shall elect a Chairperson and Vice-Chairperson.

- c. A member of the Board of Adjustments may be appointed to successive terms, and shall continue to serve if their term expires until a successor is appointed.
- d. A member may be removed from the Board Adjustments by a majority vote of the Governing Body for cause, for absenteeism at three successive called meetings, or for other reasons, the Governing Body may deem appropriate upon written charges and after public hearing.
- e. A chairperson shall be appointed every other one year in alternate terms by the City and then by the County, such that each jurisdiction has its respective appointment in the Chairperson's position every other one year.
- f. When a position becomes vacant before the end of a term, the Governing Body shall appoint a new member for the duration of the term remaining consistent with the original appointment.

#### **7.4.2. PROCEEDINGS OF THE BOARD OF ADJUSTMENTS**

- a. Each Board of Adjustments shall elect a Vice-Chairperson from its members, who shall serve for one year or until re-elected or until their successor is elected. The Vice-Chairperson shall preside at meetings in the absence of the Chairperson.
- b. The Vice-Chairperson shall be from among those appointments of the jurisdiction opposite the Chairperson's appointment and may be expected to succeed the Chairperson for the full term appointment as Chair.
- c. The Chairperson or, in their absence, the Vice-Chairperson or other member designated to conduct an official meeting, may administer oaths and compel the attendance of witnesses.
- d. Each Board of Adjustments may adopt such bylaws, rules, or procedures as appropriate and not in conflict with this Development Code.
- e. Each Board of Adjustments shall meet each month in accordance with its schedule of meeting dates, times, and places. Other meetings of the Board of Adjustments shall be held at the call of the Chairman if there is business to be brought before it, or at such other times as the Board of Adjustments may determine. All meetings of the Board of Adjustments shall be open to the public.
- f. All Board of Adjustments members attending a meeting shall vote on each matter placed before it. A member may abstain from voting only in the instance of a conflict of interest, the nature of which must be stated for the record.
- g. A majority of the entire Board of Adjustments shall constitute a quorum. The affirmative vote of at least three (3) members of the Board of Adjustments shall be necessary to approve any decision or recommendation.

- h. The Director of Planning shall serve as secretary to the Board of Adjustments. The secretary shall cause minutes of its proceedings to be kept, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall cause records of its examinations and other official actions to be kept, all of which shall be of public record.
- i. The results of each Board of Adjustments meeting as to their actions and determinations shall be posted in a public place at the Planning Department's office.

#### **7.4.3. POWERS AND DUTIES OF THE BOARD OF ADJUSTMENTS**

- a. Each Board of Appeals and Adjustments shall have the duty and responsibility to conduct a public hearing and to make a final decision in accordance with the procedures and provisions of this Development Code on each application for an appeal from an administrative decision, a special exception, a hardship variance, a flood protection variance, or an interpretation.
- b. Each Board of Adjustments shall also have such other powers, duties, or responsibilities as assigned to it by the Governing Body.
- c. In exercising its powers regarding an appeal of an administrative decision, the Board of Adjustments may, in conformity with the provisions of this Development Code, reverse or affirm, wholly or partly, or may modify the order requirements, decisions, or determination of the administrative official, and to that end shall have the power to direct issuance of a permit.

### **7.5. INSPECTION AND ENFORCEMENT**

#### **7.5.1. ENFORCEMENT OFFICER**

- a. The Chief Building Inspector shall have the power to conduct such investigations as he may reasonably deem necessary to assure or compel compliance with the requirements and provisions of this purpose to enter at reasonable times upon any property for the purpose of investigation and inspection.
- b. No person shall refuse entry or access to any authorized representative or agent of the City, the County, the Georgia Soil & Water Conservation Commission, the Coosa River Soil & Water Conservation District, or the Georgia Environmental Protection Division who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper, or interfere with any such representative while in the process of carrying out his official duties.

#### **7.5.2. LAND DEVELOPMENT ACTIVITIES**

- a. Periodic Inspections.

The Chief Building Inspector will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the erosion and sedimentation control plan and if the measures required in the plan are effective in controlling erosion and sedimentation. If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined herein has failed to comply with the approved erosion and sediment control plan, with development permit conditions, or with the provisions of this Development Code, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this Development Code.

b. Stop-Work Orders.

Upon notice from the Chief Building Inspector, work on any project that is being done contrary to the provisions of this Development Code or in a dangerous or unsafe manner, shall be immediately stopped. Such notice shall be in writing and shall be given to the owner of the property, his authorized agent or the person or persons in charge of the activity on the property, and shall state the conditions under which work may be resumed. Where in the opinion of the Chief Building Inspector an emergency exists, no written notice shall be required.

### **7.5.3. LAND USE AND SITE DESIGN STANDARDS**

a. Inspection.

If the Chief Building Inspector finds that a provision of this Development Code relating to the use of occupancy of land or buildings, or relating to the site design standards of this Development Code, or relating to a condition of approval established in connection with a grant of variance of zoning change is being violated, he shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Upon continuing noncompliance, or initially in the case of an immediate threat to the public health or safety, the Chief Building Inspector shall have the authority to issue citations before a court of competent jurisdiction.

b. Cease and Desist Orders.

The Chief Building Inspector shall order discontinuance of illegal use of land, buildings or structures; removal or relocation of illegal buildings or structures or of illegal additions, alterations or structural changes; discontinuance of illegal work being done; or shall take any other appropriate or necessary action to ensure compliance with or to prevent violation of the provisions of this Development Code.

## **7.6. VIOLATION AND PENALTIES**

### **7.6.1. PENALTIES FOR LAND DEVELOPMENT VIOLATIONS**

- a. Failure to obtain a development permit for land disturbing activity.

If any person commences any land-disturbing activity requiring a development permit as prescribed in this Development Code without first obtaining said development permit, the person is subject to revocation of his business license, work permit, or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of both the City and the County.

- b. Bond Forfeiture.

If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved erosion control and sediment control plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this Development Code and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one under the provisions of this Development Code. The Public Works Director may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land disturbing activity and bring it into compliance.

- c. Fine or Imprisonment.

Any person violating any provisions of an approved erosion and sediment control plan, development permit authorization, or stop-work order shall, upon conviction by a court of competent jurisdiction, be fined not more than \$1,000.00 or imprisoned for not more than six (6) months, or both, or sentenced to community service, and in addition, shall pay all costs and expenses involved in the case. Each day during which the violation or failure or refusal to comply continues shall constitute a separate violation.

### **7.6.2. PENALTIES FOR VIOLATION OF LAND USE PROVISIONS OR SITE DESIGN STANDARDS**

- a. Violation of any provision of this Development Code relating to the use of land or applicable site design standards, including violation of conditions of approval established in connection with grants of variance or zoning changes, or any other provisions of this Code, shall constitute a misdemeanor.
- b. Any person found guilty of violating such land use provisions or site design standards of this Development Code shall, upon conviction by a court of competent jurisdiction,

be fined not more than \$1,000.00 or imprisoned for not more than six (6) months, or both, or sentenced to community service, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense

c. Additional Remedies.

Nothing contained in this section shall prevent the City or County, as appropriate, from taking such other lawful actions as are necessary to prevent or remedy any violation, such as injunction, mandamus, or other appropriate action.

## Article 8. Definitions

The following is a list of all definitions of terms included within the text of this Unified Land Development Code. Refer to Section 1.5. regarding the interpretation of figures, words and phrases as used in this Code. Any word or phrase not herein defined but defined elsewhere in this Code shall be given that meaning. All other words or phrases shall be given their common ordinary meaning unless the context clearly requires otherwise.

**Academic School:** See under “School.”

**Access:** A way or means of approach to provide physical entrance to a property.

**Accessory Dwelling Unit:** A second dwelling unit incorporated within either a single-family detached dwelling or a private garage for use as a complete, independent living unit with facilities within the Accessory Dwelling Unit for cooking eating, sanitation, and sleeping, separate from such facilities within the primary residence.

**Accessory Farm Structure:** Any building or other structure commonly used for agricultural purposes in relation to an active farming operation, such as a barn or stable, poultry house, silo, water tank, farm equipment storage shed, or irrigation system.

**Accessory Structure Setback Line:** A line delineating the minimum allowable distance between a property line or the right-of-way line of an abutting street and an accessory structure.

**Accessory Use or Structure:** A use or structure that is permitted on a property in conjunction with a principal use. An accessory use is incidental to the principal use and would not exist independent of the principal use.

**Addition (to an existing building):** Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition which is connected by a firewall or is separated by independent perimeter, load-bearing walls is new construction.

**Agricultural Operations:** The raising, harvesting, marketing, or storing products of the field or orchard; feeding, breeding, or managing livestock (including but not limited to cattle, swine, equine, goats, sheep, and rabbits) or poultry (including but not limited to chickens, ducks, turkeys, and ratites); producing and/or storing feed for use in the production of livestock or poultry; the production of aqua cultural, horticultural, dairy, livestock, poultry, eggs, and apiarian products; forestry land management practices including harvesting trees; and constructing farm buildings and farm ponds. These activities may also involve the application of pesticides, herbicides, fertilizers, and animal wastes and irrigation, tillage of the soil and harvesting of crops. Execution of these activities may create noise, odors, and dust at any time of any day of the week.

**Amusement or Recreational Attraction:** A business establishment offering leisure time activities such as billiard or pool hall, bingo parlor, go-cart track, miniature golf, golf driving range, judo or karate instruction, softball field, batting cage, or skating rink.

**Amusement Park:** A business establishment that groups together a number of leisure time activities such as mechanical rides, amusement devices, refreshment stands, and picnic grounds.

**Amusement Parlor:** A business establishment providing leisure entertainment utilizing video games, pinball machines, or other coin-operated amusement devices.

**Animal Feeding Operation:** A lot or facility where animals are stabled or confined and fed or maintained for a total of 45 days or more in any 12 month period. Growth or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

**Animal Unit:** (definition only applies in the City of Rome). As determined by the U.S. Environmental Protection Agency and periodically revised. Currently, one animal unit consists of:

1 slaughter or feeder cattle

0.7 mature dairy cows (milked or dry)

2.5 swine each weighing over 55 pounds

0.5 horses

10 sheep or lambs

55 turkeys

100 laying hens or boilers in facility with continuous watering

30 laying hens or broilers in facility with liquid manure system

5 ducks

Note: Dry litter poultry houses not included.

**Applicant:** A property owner or their authorized representative who has petitioned the City or County for approval of a zoning change, development permit, building permit, hardship variance, special exception or appeal, or any other authorization for the use or development of their property under the requirements of this Development Code.

**Application:** A petition for approval of a zoning change, development permit, building permit, hardship variance, special exception or appeal, or any other authorization use or development of a property under the requirements of this Development Code.

**Aquifer:** Any stratum or zone of rock beneath the surface of the earth capable of containing or producing water from a well.

**Area of Shallow Flooding:** A designated AO or VO zone of the City’s flood insurance map (FIRM) with base flood depths from 1 to three feet where a clearly deemed channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

**Area of Special Flood Hazard:** The land in the flood plain within a community subject to a 1 percent or greater chance of flooding in any given year.

**Artisans or Crafts Studio:** A facility for:

Creation or production of unique, hand-made, or one of a kind works or products for individual retail or special order purchase by professional painters, drawers, sketchers, sculptors, costumers, jewelers, musicians, dancers, potters, carpenters, or other artists or craftspeople, as differentiated from mass production; where the production of such goods employs 6 or fewer full-time individuals; and where the production process is characterized by no emissions of noxious odors, dust, fumes, gas, noise or vibration outside of any building.

Teaching of artistic or craft process by professional artists or craftspeople.

**Automobile Parking Lot, Commercial:** An area or structure dedicated to the temporary storage of automobiles or other vehicles, for periods of less than 24 hours for a fee, operated as the principal use of the property or structure.

**Automobile Sales and Service:** The use of any building or premises for the display and sale of new or used automobiles, panel trucks, vans, or busses, and which may include any repair service conducted as an accessory use. See also “Boat Dealers,” Motorcycle Sales and Service,” and “Recreational Vehicle Dealer.”

**Automobile Service Station:** Buildings and premises where gasoline or diesel fuel is dispensed at retail for automobiles, recreation vehicles, and motorcycles, and where in addition at least one of the following services is rendered:

- (1) Sale, replacement, or servicing of spark plugs, oil, water hoses, brake fluids, batteries, distributors, tires, carburetors, brakes, fuel pumps, or automotive parts or accessories, etc.
- (2) Uses permissible at an automobile service station shall not include major mechanical and body work, straightening of body parts, painting, welding, or storage of automobiles not in mechanically operable condition. See “Automobile Repair Shop” where major mechanical and body work activities are allowed.

**Automotive Repair Shop:** The use of a building or premises for repair of automobiles or other motorized vehicles, or the installation or repair of equipment or parts on motorized vehicles such as mufflers, brakes, tires, radios, transmissions, glass, and engines, or engine parts. Automotive Repair Shops also include:

- (1) **Automotive Paint or Body Shop:** The use of a building or premises for the repair of automotive bodies and/or major mechanical works, straightening of body parts, painting welding, or storage of automobiles not in operable condition.
- (2) **Tire Re-treading or Repair Shop:** The use of a building or premises for the repairing or re-treading of automotive tires.

**Automotive Service Business (excluding Repair):** The use of a building or premises for the servicing of automobiles, including sales, installation, and servicing of minor parts such as lights, belts, hoses, wipers, tires, batteries, air or oil filters, spark plugs, fuses, brakes, glass, radios, and air conditioners; diagnostic and emissions testing, and replacement of fluids such as oil, water, brake fluid, transmission fluid, Freon, wiper fluid, and etc.

**Awning:** A roof-like cover that projects from the wall of a building for the purpose of shielding a doorway, walkway, or window from the elements. Awnings are often made of fabric or flexible plastic supported by a rigid frame, and may be retracted into the face of the building.

**Awning or Canopy Sign:** See “Building Sign.”

**Bank, Savings and Loan, or Credit Union:** A financial depository institution or related banking facility that accepts money for deposit into accounts from the general public or other financial institutions, and may include personal or business loans, wire transfers, and safe deposit boxes as accessory uses.

**Banner:** A sign other than an official flag, made of paper, cloth, thin plastic, or similar lightweight material and usually containing a message or logo.

**Bar or Tavern:** An establishment primarily engaged in the retail sale of alcoholic drinks, such as beer, ale, wine, and liquor, for consumption on the premises, and which may also serve food as a substantial portion of its business.

**Base Flood:** The flood having a one (1) percent chance of being equaled or exceeded in any given year.

**Basement:** That portion of a building having its floor sub-grade (below ground level) on all sides.

**Bed and Breakfast Inn:** A business establishment operated within a dwelling by the owner-occupant, offering one to ten units for temporary lodging and one or more meals to the traveling public while away from their normal places or residence. See also “Hotel or Motel.”

**Berm:** A mound of earth, or the act of pushing earth into a mound.

**Best Management Practices (BMP's):** A collection of structural measures and vegetative practices which, when properly designed, installed, and maintained, will provide effective

erosion and sediment control for all rainfall events up to and including a 25-year, 24-hour rainfall event.

**Block:** An area of land bounded by such features as streets, rivers, railroads, or the development project boundary.

**Boarder:** An individual who lives in part of a dwelling unit at the behest of the resident family and is provided lodging or lodging and meals for pay or other consideration on a temporary basis.

**Board of Appeals and Adjustments:** The duly appointed Board of Appeals and Adjustments of the City of Rome or the duly appointed Board of Appeals and Adjustments of Floyd County, as appropriate to the jurisdiction within which an appeal is taken.

**Boarding House:** See “Rooming or Boarding House.”

**Boat Dealer:** The use of any building or premises for the display and sale of new or used motorboats or other watercraft, and which may include the sale of marine supplies or outboard motors and repair service conducted as accessory uses.

**Breakaway Wall:** A wall that is not part of the structural support of the building and is intended to through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

**Brewpub:** As defined in Georgia State Code 3-1-2, any eating establishment in which beer or malt beverages are manufactured or brewed, subject to production limits – 10,000 barrels per year for on-site consumption, 5,000 barrels per year for sale to a licensed wholesale dealer – for retail consumption on the premises and solely in draft form. As used in this paragraph, the term “eating establishment” means an establishment which is licensed to sell distilled spirits, beer, malt beverages, or wines and which derives at least 50 percent of its total annual gross food and beverage sales from the sale of prepared meals or food; Provided, however, that barrels of beer sold to licensed wholesale dealers for distribution to retailers and retail consumption dealers, as authorized pursuant to subparagraph © of paragraph (2) of Georgia State Code Section 3-5-36, shall not be used when determining the total annual gross food and beverage sales.

**Buffer:** An area of natural vegetation or man-made construction, which is intended to provide a visual and dimensional separation between dissimilar land uses.

- (1) **Natural Buffer:** A visual screen created by vegetation of such density so as to present an opaque visual separation when viewed from one side to the other throughout the year.
- (2) **Structural Buffer:** A visual screen created through construction of a solid wooden fence, decorative masonry wall, earthen berm, or combination of fence or wall with an

earthen berm, which may be supplemented with vegetation, so as to present an opaque visual separation when viewed from one to the other throughout the year.

**Buildable Area of Lot:** That portion of a lot bounded by and interior to the required rear, side, and front building setback lines.

**Building:** Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

**Building Code:** The technical codes approved for enforcement under the Georgia Uniform Codes Act (O.C.G.A. 8-2-20 *et seq.*) by the respective Governing Bodies.

**Building Floor Area:** The total floor area of all heated spaces within a building as measured within the outside of the exterior walls, exclusive of uncovered porches, terraces, and unheated stairwells, storage areas, garages, and loading docks.

**Building Height:** The vertical distance measured to the highest point of a building from the average finished grade across those sides of a building that face the street.

**Building Inspections Department:** References to action by the “Building Inspections Department” shall mean action by that administrative official of the Building Inspections Department of the City of Rome to whom responsibility for that action has been assigned by the Chief Building Inspector also known as the Chief Building Official.

**Building Materials Sales:** An establishment offering lumber or other construction materials used in buildings for sale to contractors or the general public.

**Building Sign:** A sign that in any manner is fastened to, projects from, or is placed or painted upon the exterior wall, window, door, or roof of a building. The term “building sign” includes but is not limited to the following:

- (1) **Awning or Canopy Sign:** A sign imposed or painted or suspended beneath any awning or canopy.
- (2) **Façade or Wall Sign:** A sign that is fastened directly to or is placed or painted directly and extends from the surface of the wall no more than 18 inches.
- (3) **Incidental Sign:** An announcement or other display providing information about the occupancy or conduct of business permitted on a premises, such as logos of credit cards accepted on the premises, hours of operation, a “closed” or “open” sign, emergency contact person name and telephone number, street address, “help wanted,” “no loitering or solicitations,” security system notices, notices required by law, and similar information.

- (4) **Projecting Sign:** A sign affixed to a wall and extending more than 18 inches from the surface of such wall, usually perpendicular to the wall surface.
- (5) **Roof Sign:** A sign that is mounted on, applied to, or otherwise structurally supported by the roof of a building.
- (6) **Window Sign:** A sign that is placed on or behind a window pane and intended to be viewed from outside the building.

**Building Tree Line:** The lines extending from the corners nearest a street to the side lines of the lot (not including a street right-of-way), parallel to the right-of-way line or to the chord of that line.

**Business or Vocational School:** See under “School.”

**Business, Professional, or Trade Association:** See under “Membership Organization.”

**Business Service:** The use of a building or premises primarily for rendering a service to other business establishments on a contract or fee basis, such as advertising, credit reporting, computer programming, photocopying, and employment services.

- (1) **Miscellaneous Business Service Establishment:** An establishment offering such business services as private security, photo finishing, appraisals, map drafting, paralegal, press clipping, recording studio, repossession, and telephone answering.

**Caliper:** The diameter of a tree (usually nursery stock) measured at a point six (6) inches above the ground or top of root ball for up to and including four (4) inch caliper trees, and at a point 12 inches above the ground or top of root ball for larger sizes.

**Canopy:** A roof-like structure supported by columns or projecting from a building and open on at least three sides.

**Carwash:** The use of a building or premises primarily for washing automobiles, recreation vehicles, and motorcycles, whether by hand or mechanical means.

**Cemetery:** A facility for the burial of deceased human beings or animals.

**Center Line:** That line connecting the succession of midpoints between the identifiable limits of any improvements on the ground or of any easement.

**Chief Building Inspector:** The Chief Building Inspector of the City of Rome and Floyd County, also known as the Chief Building Official.

**Church or Place of Worship:** See under “Membership Organization.”

**Civic, Social, or Fraternal Association:** See under “Membership Organization.”

**Clinic:** An establishment where medical or dental patients, who are not lodged overnight, are admitted for examination or treatment requiring less than an hour recovery time.

**Common Party Wall:** A wall used jointly by contiguous structures, erected upon a line dividing two parcels of land, each of which is a separate real estate entity.

**Community Garden:** Land used to grow flowers, vegetables, or fruit; cultivated and managed by members of a community for their own use or to produce food to donate to other community members; **with a minimum lot size of 7,500 square feet and 10 feet of setback on any side adjacent a residentially zoned property.** Such a garden may have plots for individual use or plots for communal use; and have as accessory uses small sitting areas, gathering areas, no more than four off-street parking spaces, or play areas. (NOTE: text in bold would apply to the incorporated area of the City of Rome ONLY)

**Comprehensive Plan:** The Comprehensive Plan adopted pursuant to the Georgia Planning Act of 1989, which includes Floyd County and the City of Rome, as amended from time to time.

**Concentrated/Confined Animal Feeding Operation (CAFO):** (city definition) A lot or facility, together with any associated treatment works, where animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period; and where crops, vegetation, forage growth, or post-harvest residues are not sustained over any portion of the confinement area; and where 1,000 animal units (as defined elsewhere in this article) or more are confined, as currently defined by the State of Georgia, Rules and Regulations for Water Quality Control (Chapter 3.391).

County definition: Concentrated/Confined Animal Feeding Operation (CAFO): This term shall have the same meaning as set forth in subsection (b) of 40 C.F.R. Section 122.23, as amended.

**Condition of Zoning Approval:** A requirement adopted by the governing body at the time of approval of a zoning change, placing greater or additional requirements or restrictions on the property provided in this Development Code in order to reduce an adverse impact of the zoning change and to further the protection of the public health, safety, or general welfare.

**Condominium:** A multi-family unit, the interior of which is owned by an individual. Common walls and exterior common space of the development is maintained in undivided unit owners.

**Congregate Personal Care Home:** See under “Personal Care Home.”

**Construction Contractor:** An establishment engaged in the construction of buildings, engaged in heavy construction (such as streets, bridges, or utilities), or specialized in construction trades as plumbing, heating and air-conditioning, electrical wiring, masonry, roofing or gutters, well drilling, or house painting.

**Construction Sign:** A sign identifying the contractors, engineers, architects, or financial institutions involved in the building construction or development of a property.

**Convalescent Home:** An intermediate care facility primarily engaged in providing inpatient nursing and rehabilitative services to residents who require watchful care and medical attention or treatment, but not on a continuous basis, although staff is on duty 24-hours per day.

**Convenience Gas Station:** A building or premises where gasoline, diesel fuel, and oil may be dispensed at retail with no automobile repair facilities. Uses permissible also include the sale of cold drinks, packaged foods, tobacco, and similar household convenience goods for station customers.

**County Health Officer:** The Floyd County Health Department officer responsible for approval of on-site sewage disposal systems.

**Critical Root Zone:** The land area circular in shape and centered on the trunk of a tree, the radius of which circle is determined by the farthest extent of the drip line from the trunk.

**Cul-de-sac:** A dead end street that terminates in a permanent turnaround and not intended for future extension.

**Curb Break or Curb Cut:** Any interruption or break in the line of the street curb for the purpose of connecting a driveway to a street, or otherwise to provide vehicular access to abutting property.

**Custom Order and Specialty Shop:** A business establishment that offers handmade or special order merchandise, one of a kind original artwork, home furnishings or similar merchandise, but which maintains no inventory on site other than display items.

**Cut:** A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to excavated surface. Also known as "excavation."

**Cutting:** The removal of any soil or other solid material from a natural ground surface.

**Day Care Facility:** The use of a building or premises for the care and supervision of children or elderly adults who do not reside on the property, for periods of less than 24 hours.

- (1) **Day Care Center:** A day care facility that enrolls for pay, supervision, and non-medical care, 19 or more children or elderly adults with no overnight stays.
- (2) **Family Day Care Home:** An accessory use within a private residence operated by the occupant of the dwelling that enrolls for pay, supervision, and non-medical care, 5 or fewer children or elderly adults with no overnight stays, or no more than 6 children or

elderly adults if the structure meets the Building Code requirements for institutional uses.

- (3) **Group Day Care Home:** A day care facility that enrolls for pay, supervision, and non-medical care, 7-18 children or elderly adults with no overnight stays.

**Day Labor Hiring Center:** A facility at which job seekers congregate to be hired by the day or by the job for short periods of time by third parties. Job seekers must be present to receive and accept a job offer or to be transported to a job site, and typically return to the facility for payment. Related support and/or personnel services may be offered to job seekers.

**Dead-End Street:** A street connected to another street only at one end.

**Deflection Angle:** The angle between a deviation in the direction of the centerline of a street and the extension of the centerline along a straight course from the point from which the centerline changed direction.

**Design Variance:** An alteration or relaxation of the terms of this Chapter where such alteration will not be contrary to the public interest, convenience and welfare, and where, owing to conditions peculiar to the property over which the applicant for a variance has no control, a literal enforcement of these regulations would create unnecessary and undue hardship on the applicant in the use of the property.

**Developer:** The person, corporation, or other legal entity that undertakes the subdivision of property, the alteration of land or vegetation in preparation for construction activity, or the construction of streets, utilities, buildings, or other improvements required for the habitation or use of property.

**Development:** (1) A land development project involving the construction of streets, utilities, buildings, or other improvements required of the habitation or use of property, such as a residential neighborhood, an apartment complex, a store, or a shopping center; (2) any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials; (3) the act of constructing or carrying out a land development project, including the alteration of land or vegetation in preparation for construction activity.

**Development Permit:** The authorization necessary to initiate and conduct a land-disturbing activity and to carry out the planned development of land and structures.

**Diameter Breast Height (DBH):** The diameter of a tree trunk (usually a mature tree) measured at a height of 4 ½ feet above the ground. If a tree splits into multiple trunks below 4 ½ feet, the trunk is measured at its most narrow point beneath the split.

**Director of Planning:** The Director of the Rome-Floyd County Planning Commission.

**Director of Public Utilities:** The Director of the Water & Sewer Department of the City of Rome or the Floyd County Water Department, as appropriate to the jurisdiction where a development is proposed.

**Director or Public Works:** The Director of the Department of Public Works of the jurisdiction within which a development project is located.

**District:** The Coosa River Soil and Water Conservation District.

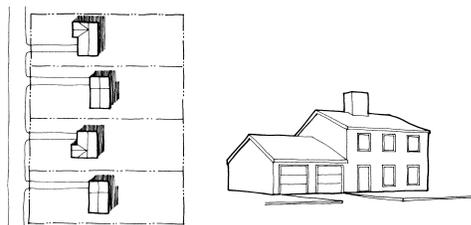
**Drainage Structure:** A device composed of a virtually non-erosive material such as concrete, steel, plastic, or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for storm water management, drainage control flood control purposes.

**Drip Line:** A perimeter formed by the points farthest away from the trunk of a tree where precipitation falling from the branches of that tree lands on the ground.

**Drive-In Motion Picture Theatre:** See Under Theatre.

**Dwelling:** A building or portion of a building arranged or designed to provide living quarters for one or more families on a permanent or long term basis/

- (1) **Single-Family Detached Dwelling:** A residential building, whether site built or a manufactured home or an industrialized building, designed for occupancy by one



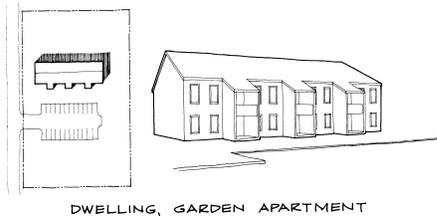
DWELLING, SINGLE-FAMILY DETACHED

family.

- (2) **Site-Built Single-Family Detached Dwelling:** A single-family detached dwelling constructed on the building site from basic materials and pre-assembled components delivered to the site, and which is constructed in accordance with all requirements of the Building Codes as adopted by the governing body and, if applicable, the Georgia Industrialized Building Act.
- (3) **Single-Family Attached Dwelling:** A zero-lot line single-family dwelling unit constructed on an individual lot attached to a dwelling unit on an adjoining lot where the units are attached by a common party wall. The common party wall in all units, including Type V construction, must be a parapet wall that meets the standards

adopted by the governing body and, if applicable, the Georgia Industrialized Building Act.

- (4) **Site-Built Single-Family Attached Dwelling:** A single-family attached dwelling constructed on the building site from basic materials and pre-assembled components delivered to the site, and which is constructed in accordance with all requirements of the Building Codes as adopted by the governing body and, if applicable, the Georgia Industrial Building Act.
- (5) **Two-Family Dwelling (Duplex):** A residential building whether site built, or manufactured or industry built home, designed for or occupied by two families, respectively, in separate dwelling units living independently of each other.
- (6) **Site-Built Two-Family Dwelling:** A dwelling constructed on the building site from basic materials and pre-assembled components delivered to the site, and which is constructed in accordance with all requirements of the Building Codes as adopted by the governing body and, if applicable, the Georgia Industrialized Building Act.
- (7) **Multi-Family Dwelling:** A residential building designed exclusively for occupancy by three or more families in separate dwelling units living independently of each other.
  - (a) **Townhouse:** A multi-family dwelling in which the dwelling units may adjoin one another only at the vertical walls and no dwelling unit may be located above another. Also referred to as a “townhome.”
  - (b) **Three-Family Dwelling (Triplex):** A residential building designed for occupied exclusively by three families, respectively, in separate dwelling units living independently of each other.
  - (c) **Garden Apartment Building:** A multi-family dwelling in which a dwelling unit may be located above another.



- (d) **Loft Dwelling:** A dwelling unit located in a building above the first floor, the first floor being used for nonresidential purposes such as stores or offices.

**Dwelling Unit:** One or more rooms connected together and constituting a separate, independent housekeeping establishment complete with provisions for cooking, eating, sleeping, bathing, and personal hygiene, and physically set apart, whether by doors, stairs, walls, or partitions, from any other dwelling unit in the same structure.

**Easement:** A strip of land on which the property owner has granted to another entity the right to use such land for specific purposes.

**Electronic Message Board:** A type of sign that presents its message through illumination of flashing, intermittent, or moving lights forming the letters, numbers, or symbols of the message, whether or not the message appears to move across the sign face.

**Elevated Building:** A non-basement building built to have the lowest floor elevated above the ground level by means of fill; solid foundation perimeter walls; pilings, columns, posts and piers, shear walls; or breakaway walls.

**Employment or Personnel Agency:** An establishment engaged in providing information and placement services to candidates seeking employment and/or clients looking for qualified employees. Candidates seeking employment register with the agency, but do not wait on-site or at a central location for assignments.

**EPD:** The Environmental Protection Division of the Georgia Department of Natural Resources.

**EPD Director:** The Director of the Environmental Protection Division of the Georgia Department of Natural Resources.

**Erosion:** The process by which land surface is worn away by the action of wind, water, ice, or gravity.

**Erosion and Sediment Control Plan:** A plan for the control of soil erosion and sedimentation resulting from a land-disturbing activity.

**Existing Construction:** Any structure for which the start of construction commenced before the effective date of the original ordinance from which this chapter derives.

**Family:** An individual or two or more persons living together as a household.

**Family Day Care Home:** See under “Day Care Facility”.

**Family Personal Care Home:** See under “Personal Care Home”.

**Farm Equipment Sales and Service:** The use of a building or premises primarily for the retail sale of vehicles and equipment used in agriculture, such as tractors, combines, brooders or thrashers, and which may include the sale of seed and feed or any farm equipment repair service conducted as an accessory use.

**Farm Winery or Distillery:** A facility in which wine or alcoholic spirits are produced from non-animal agricultural products (fruits, grains, or vegetables); at least some of which are

grown on the premises; in conjunction with an operating, conforming agricultural operation; and subject to production limits of 60,000 gallons per year.

**Farming:** See “Agricultural Operations”.

**Fence:** An artificially constructed barrier of wood, wire, wire mesh, or decorative metal erected to enclose, screen, or separate portions of a lot.

**Fill:** A portion of land surface to which soil or other solid material has been added: the depth above the original ground.

**Filling:** The placement of any soil or other solid material, either organic or inorganic, on a natural ground surface or excavation.

**Finished Grade:** The final elevation and contour of the ground after cutting or filling, and conforming to the proposed design.

**Fire Department:** A reference to action by the “Fire Department” shall mean action by that administrative official of the Rome Fire Department to whom responsibility for that action has been assigned by the Fire Chief or the State Fire Marshall, as applicable.

**Flood or Flooding:** A general or temporary condition of partial or complete inundation of normally dry land areas from the:

- (a) Overflow of inland or tidal waters; or
- (b) Unusual and rapid accumulation or runoff of surface waters from any source.

**Flood Hazard Boundary Map (FHBM):** An official map of a community, issued by the Federal Emergency Management Agency, where boundaries of the areas of special flood hazard have been defined as zone A.

**Flood Insurance Rate Map (FIRM):** An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

**Flood Insurance Study:** The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the flood boundary floodway map and the water surface elevation of the base flood.

**Floodway:** The channel of a river or other watercourse and the adjacent land areas that must be reversed in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

**Floor:** The top surface of an enclosed area in a building, including basement, i.e., to of slab in concrete slab construction or top or wood flooring in wood frame construction. The term does not include the floor or a garage used solely for parking vehicles.

**Freestanding Sign:** A sign permanently attached to the ground, which is wholly independent of any building or other structure. The term “freestanding sign” includes but is not limited to the following:

- (1) **Pole Sign:** A sign that is mounted on a freestanding pole or similar support such that the bottom of the sign face is at least six (6) feet above the ground.
- (2) **Ground Sign:** A freestanding sign, other than a pole sign, in which the bottom of the sign face is less than six (6) feet above the ground but not directly in contact with the ground.
- (3) **Monument Sign:** A freestanding sign in which the entire bottom of the sign face is in contact with the ground, providing a solid and continuous background for the sign face from the ground to the top of the sign.

**Freight Agency or Shipping Coordinator:** An establishment primarily engaged in the remote arrangement of freight or cargo transportation, and not located where the freight or cargo is handled, stored, or transported.

**Frontage or Street Frontage:** The width in linear feet of a lot where it abuts the right-of-way of any street from which access may be directly gained.

**Functionally Dependent Facility:** A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term “functionally dependent facility” does not include long-term storage, manufacture, sales, or service facilities.

**Funeral Home:** A building used for the preparation of deceased human beings for burial or cremation and for conducting funeral ceremonies, and where cremations may be conducted as a necessary use.

**Furniture or Equipment Rental Establishment:** A business establishment that rents or leases items of personal property such as furniture, tools, medical equipment, appliances, and construction equipment to the general public, but not including automobiles or trucks.

**Garden Apartment Building:** See under “Dwelling.”

**Garment Services:** A business establishment engaged primarily in such activities as linen supply, dressmaking, custom tailoring, or fur cleaning and storage.

**General Business Office:** See under “Office.”

**General Merchandise Store:** A retail establishment that sells a number of lines of merchandise, such as dry goods, apparel, furniture, small wares, hardware, and boutique foods. Such stores are also known as “department stores,” “variety stores,” and “country general stores.”

**Governing Body:** The Floyd County Commission or the Rome City Commission, whichever is appropriate to the context.

**Grading:** Altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stock piling, and shaping, or any combination thereof, and shall include the land in its cut or filled condition.

**Greenhouse:** A building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of plants for subsequent sale or for personal enjoyment.

**Greenway:** An area along the course of any state waters to be maintained in an undisturbed and natural condition, or which may contain limited minor land disturbances, such as trails and picnic areas.

**Gross Floor Area:** The total area of all floors of a building, measured from the outside planes of the exterior walls.

**Ground Anchor:** Any device at the manufactured home space designed to secure a manufactured home to the ground.

**Ground Elevation:** The original elevation of the ground surface prior to cutting or filling.

**Group Residence:** A dwelling unit occupied by several unrelated persons as their normal place of residence, but in which separate cooking facilities are not provided for such resident persons. A retirement community, nursing home, personal care home, hotel or motel, rooming or boarding house, or bed and breakfast inn shall not be deemed to be a group residence as herein defined.

**Guest House:** An accessory use to a dwelling designed and intended for the temporary housing of visitors to a property at the behest of the property residents for no fee or other consideration.

**Handicapped Parking Space:** A space laid out and designated by signage in accordance with the requirements of the Federal Americans with Disabilities Act.

**Health Club or Fitness Center:** A business that provides facilities for aerobic exercises, such as running and jogging tracks, exercise equipment, game courts, gymnasium, or swimming facilities.

**Health Department:** The Floyd County Health Department.

**Health Services Facility:** An establishment primarily engaged in outpatient health services and counseling, such as kidney dialysis center, blood bank, alcohol or drug treatment center, or childbirth preparation center.

**Highest Adjacent Grade:** The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a building.

**Home Occupation:** Any activity carried out for profit by the resident and conducted as an accessory use in the resident's dwelling unit.

**Home Office:** A home occupation that is limited to an office use and does not involve visits or access by the public, suppliers, or customers, and does not involve the receipt, maintenance, repair, storage, or transfer of merchandise at the home.

**Hospital:** The use of a building or premises for the provision of diagnostic health services and medical or surgical care to inpatients and out-patients suffering from illness, disease, injury, deformity, and other physical or mental afflictions, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities.

**Hotel or Motel:** A business establishment offering temporary lodging to the traveling public while away from their normal places of residence, and often including a restaurant as an accessory use. See also "Bed and Breakfast Inn."

**Household:** An individual living alone or a group of individuals living together in a single dwelling unit, sharing common use of and access to all living and eating areas, bathrooms, and food preparation areas, who mutually combine their efforts and share responsibilities for domestic chores such as child rearing, cleaning, and cooking in a permanent and long-term relationship, as contrasted to one in a transient relationship who pays for lodging such as a boarder.

**Impermeable:** Something (such as a layer of rock) that water cannot be passed through or be absorbed by.

**Impervious Surface:** A man-made structure or surface that prevents the infiltration of storm water into the ground below the structure or surface, such as a building, paved road or driveway, parking lot, deck, swimming pool, or patio.

**Indoor Athletic Training or Fitness Facility:** a facility that provides low density and/or guided athletic training or fitness activities such as CrossFit training, cheerleading, and gymnastics.

**Industrialized Building:** See under "Modular Home".

**Industrialized Home:** A dwelling manufactured in accordance with the Georgia Industrialized Building Act (O.C.G.A. Title 8, Chapter 2, Article 2, Part 1) and the Rules of the Commissioner of the Georgia Department of Community Affairs issued pursuant thereto. State approved buildings meet the State Building and Construction Codes and bear an insignia of Approval issued by the Commissioner.

**Inflatable Sign:** A sign that is intended to be expanded by air or other gas for its proper display or support.

**Intersection:** (1) The place where two streets cross; (2) The point where at which the centerline of a street intersects the centerline of another street or railway.

**Junkyard or Salvage Yard:** A building or premises used primarily for the collecting, storage, or sale of water, paper, rags, scrap metal, or other discarded material; or for the collecting, dismantling, storage, or salvage of machinery or vehicles not in running condition, or for the sale of parts thereof.

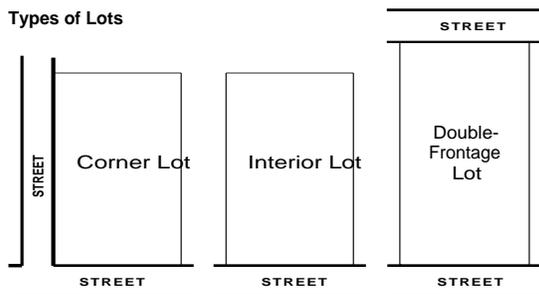
**Jurisdiction:** That area over which each governing body has authority for planning, zoning, and developmental permitting under the Constitution of the State of Georgia.

**Kennel:** A shelter where dogs or cats are bred, raised, trained, or boarded as a business.

**Land-Disturbing Activity:** Any activity that 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 land but not including agricultural practices as described in Section 8.3.2.a.(5).

**Livestock:** Animals used for the production of food or products or for recreation, such as cattle, sheep, goats, hogs, poultry, ratites, or equines.

**Lot:** Parcel or tract of land held in single ownership.

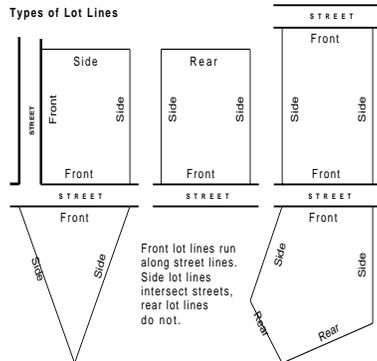


(1) **Corner Lot:** Any lot bounded by two (2) streets at their intersection.

(2) **Double-Frontage Lot:** A lot bounding on two (2) or more streets, but not at their intersection, so that it is not a corner lot.

(3) **Interior Lot:** A lot having frontage on only one street.

**Lot Area:** The total horizontal area included within lot lines.



**Lot Lines:** The boundary dividing a given lot from the street, an alley, or adjacent lots.

- (1) **Front Lot Line:** Any boundary line of a lot that abuts a street right-of-way line. A lot adjacent to more than one street will have more than one front lot line.
- (2) **Rear Lot Line:** Any boundary line of a lot that does not intersect with a street right-of-way line and is not a front lot line.
- (3) **Side Lot Line:** Any boundary line of a lot that intersects with a street right-of-way line and is not a front lot line.

**Lot of Record:** A lot which is part of a subdivision recorded in the office of the Clerk to Superior Court, or a lot described by metes and bounds, the description of which has been so recorded.

**Lot Width:** The distance measured along the front principal building setback line between intersecting lot lines.

**Major Street or Major Thoroughfare:** An arterial or collector street (see under "Street Classifications.")

**Manual for Erosion and Sediment Control in Georgia:** A publication of the same name published by the Georgia Soil and Water Conservation Commission, and as amended or supplemented from time to time.

**Manufactured Home:** A structure that is transportable in one (1) or more sections, built on a permanent chassis and has been designed to be used as a dwelling with or without permanent foundation. This structure, when connected to the required utilities, which includes plumbing, heating and air conditioning, and electrical systems contained therein, bears a label certifying that it is constructed in compliance with the National Manufactured Housing Construction and

Safety Standards Act, U.S. Public Law 93-383. This definition is different than that of a “mobile home” below.

**Manufactured Home Development:** A general category of development that includes manufactured home subdivisions and manufactured home parks.

**Manufactured Home Lot/Site:** A plot of ground within a manufactured home park designated for the placement of not more than one (1) manufactured home of single-family occupancy.

**Manufactured Home Owner:** The person who has legal title to the manufactured home.

**Manufactured Home Park:** A parcel of land designed and/or intended for the lease or rental of spaces for the placement of two (2) or more manufactured homes.

**Manufactured Home Park Street:** A street that affords principal means of access to manufactured home lots/sites or auxiliary buildings from any adjacent county maintained street.

**Manufactured Home Skirting:** Installation of approved material from the exterior base of the manufactured home to the ground, that may or may not provide support to the home. Acceptable materials include masonry, brick, rock, materials manufactured for such purposes, or other appropriate durable materials. The materials shall be secured, as necessary, to assure stability, to minimize vibrations, to minimize susceptibility to wind damage, and to compensate for possible frost heave. An access opening not less than 18 inches in any dimension and not less than three (3) square feet in area shall be provided and shall be located so that any water supply and sewer drain connections located under the home are accessible for inspection. Such access panel or door shall not be fastened in a manner requiring the use of a special tool to remove or open same.

**Manufactured Home Underpinning:** See “Manufactured Home Skirting” above.

**Manufacturing:** The creation of finished goods from raw materials or intermediate component parts.

- (1) **Heavy Manufacturing:** The extraction of natural resources or the transformation of raw materials through mechanical or chemical means into basic products for subsequent assembly, fabrication, or use in the production of finished goods.
- (2) **Light Manufacturing:** The finishing, fabrication, or assembly of previously manufactured parts into a final product or component products ready for retail sale. Light manufacturing is characterized by no emissions of noxious odors, dust, fumes, gas, noise, or vibration outside of any building.

**Mean Sea Level:** The average height of the sea for all stages of the tide. It is used as a reference for established various elevation within the flood plain or for airport zone

elevations. For purposes of this Section, the term “mean sea level” is synonymous with the Nation Geodetic Vertical Datum (NGVD).

**Medical or Dental Office:** See under “Office.”

**Membership Organization:** An organization that operates on a membership basis for the promotion of the members’ interests.

- (1) **Business, Professional, or Trade Association:** A private organization that promotes the interests of business groups, such as the Chamber of Commerce; professions, such as the Bar Association; or members of a trade, such as a labor union.
- (2) **Church or Place of Worship:** A religious organization operated for worship, religious training or study, and including convents, monasteries, shrines, and temples.
- (3) **Civic, Social, or Fraternal Association:** An organization dedicated to public activities of a civic and non-profit nature, such as an alumni association, American Legion, Hibernian Society, Masonic Lodge, or Oddfellows.
- (4) **Political Organization:** An organization established to promote the interests of a local, state, or national political part or candidate.

**Metropolitan River Protection Act (MRPA):** A state law referenced as O.C.G.A. § 12-5-440 et seq., which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.

**Mini-Warehouse:** A structure containing separate storage spaces of varying sizes leased or rented on an individual basis to the general public.

**Miscellaneous Business Service Establishment:** See under “Business Service.”

**Miscellaneous Personal Service:** See under “Personal Service Establishment.”

**Miscellaneous Retail Stores:** See under “Retail Store.”

**Mobile food vehicle:** A unit mounted on or pulled by a motorized vehicle where food including prepackaged foods and beverages for individual portion service are prepared, stored, served, or dispensed.

**Mobile food vehicle park:** any property allowing as a primary use a site for more than one mobile food vehicle to serve food and/or drink to customers for consumption on- or off-site; where rent is charged. A set-up fee, registration fee, or participation fee for special events shall not be considered to be rent.

**Mobile Home:** A transportable, factory-built home, designed to be used as a year-round residential dwelling and built prior to enactment of the Federal Manufactured Housing

Construction and Safety Standards Act of 1974, that became effective June 15, 1976. In many cases mobile homes were built to a voluntary industry standard of the American National Standards Institute (ANSI) – A119.1 Standards for Mobile Homes. This definition differs from that of a “manufactured home” above.

**Mobile Home Court:** See “Manufactured Home Park.”

**Mobile Home Inspection:** An inspection conducted according to the requirements set forth in this article.

**Modular Home:** A factory fabricated, transportable structure, consisting of a single section or multiple sections called modules, to be constructed on top of a permanent foundation at the site for residential use. This structure is constructed in compliance with the standards adopted by the State Commissioner of Community Affairs in accordance with the Georgia Industrialized Buildings Act. A label bearing the Commissioner’s insignia will be affixed to the structure certifying the design and construction of the structure complies with the requirements of the Commissioner’s rules.

**Motion Picture Theater:** See under “Theater.”

**Motor Freight Truck Terminal:** A building or premises where trucks load and unload cargo and freight and where the cargo and freight may be broken down or aggregated into smaller or larger loads for transfer to other vehicles or modes of transportation.

**Motor Vehicle Dealers, Miscellaneous:** A business establishment primarily engaged in the sale of motorized vehicles and related equipment other than automobiles, motorboats, motorcycles, or recreational vehicles, such as aircraft dune-buggies, go-carts, snowmobiles, and utility trailers, and which may include a repair service conducted as an accessory use.

**Motorcycle Sales and Service:** The use of any building or premises for the display and sale of new or used motorcycles, scooters or mopeds, and which may include any repair service conducted as an accessory use.

**Multi-Faced Sign:** A sign structure that contains two or more sign face surfaces that are located on different sides of the structure and are separated from each other at their nearest point by no more than three feet.

**Multi-Tenant Nonresidential Development:** A single office, commercial, or industrial property that is designed or intended for occupancy by two or more separately-owned principal businesses having no corporate relationship.

**National Geodetic Vertical Datum (NGVD):** As corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the flood plain.

**Natural Ground Surface:** The ground surface in its original state before any grading, excavation or filling.

**Nephelometric Turbidity Units (NTU):** Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloidal dispersed particles are present.

**New Construction:** Any structure for which the start of construction commenced after the effective date of this Development Code.

**Nonconforming Use:** A use or activity that was lawfully established prior to the adoption, revision, or amendment of this Ordinance, but which, by reason of such adoption, revision, or amendment, is no longer a use or activity permitted by right or no longer meets or conforms to the requirements of this Ordinance.

**Nonconforming Structure:** A structure or building whose size, dimensions, or location on a property were lawful prior to the adoption, revision, or amendment of this Ordinance, but which, by reason of such adoption, revision, or amendment, no longer meets or exceeds one or more such requirements of this Ordinance.

**Nonconforming Sign:** A sign that was lawfully erected and maintained prior to the adoption, revision, or amendment of this Ordinance, and by which reason of such adoption, revision, or amendment fails to conform to all applicable regulations and restrictions of this Ordinance.

**Nursery School:** See “Day Care Facility.”

**Nursing Home:** A skilled nursing care facility primarily engaged in providing full-time convalescent or rehabilitative care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves and require continuous care under the direction of a physician. See in contrast “Convalescent Home.”

**Office:** The use of any building or premises primarily for conducting the affairs of a business, profession, service, industry, or government, and generally furnished with desks, tables, files, and communication equipment.

- (1) **General Business Office:** An office used primarily for the administrative or legal affairs of a company.
- (2) **Medical or Dental Office:** An office occupied and maintained for the provision of services by a person licensed by the State of Georgia to practice in the healing arts for humans, such as a physician, surgeon, dentist, or optometrist.
- (3) **Professional Office:** An office occupied by a member of a recognized profession and maintained for the provision of professional services, such as a lawyer, architect, city planner, landscape architect, interior designer, or engineer.

**One-Hundred-Year Flood Plain:** A land area subject to a one (1) percent or greater statistical occurrence probability of flooding in any given year.

**Opaque:** Impenetrable to view, or so obscuring to view that features, buildings, structures, and uses become visually indistinguishable.

**Open Space:** An essentially unimproved area of land or water permanently set aside through dedication designation, or reservation for passive recreation or enjoyment.

- (1) **Common Open Space:** Useable land area of a site that is available to all occupants of a development on a continuing and permanent basis and is not covered by buildings (except recreational structures) or public rights-of-way.
- (2) **Public Open Space:** Land reserved for leisure and/or recreational use but dedicated in fee simple to a governing body or agency to be responsible for operation and maintenance; therefore, such land is not for the exclusive use of the residents of a specific development.

**Operator:** The entity that is legally responsible for operation of the mobile food vehicle, or mobile food vehicle park.

**Outdoor Display Area:** A portion of a property outside of any building where merchandise, goods, or other items are placed in public view for the purpose of direct sale or lease to customers.

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

**Outparcel:** A lot deeded separately from a larger tract for individual development, but generally sharing access with the larger tract. Outparcels are most generally associated with shopping centers.

**Overlay Zone:** A geographical area that encompasses one or more underlying zoning districts and that imposes additional requirements above that required by the underlying zone.

**Parking Aisle:** The traveled way, which is not the public right-of-way, by which cars enter and depart.

**Parking Area:** Any public or private area at grade or within a structure used for the express purpose of temporarily parking automobiles and other vehicles otherwise in operation for personal or business use.

**Parking Bay:** Three or more parking spaces adjacent to one another and aligned side-by-side.

**Parking Garage:** An accessory building or portion of a principal building used only for the private storage of motor vehicles as an accessory use. See also “Automobile Parking Lot, Commercial.”

**Parking Space:** A space identified and set aside for the temporary parking of an automobile or other motor vehicles.

**Passive Park:** A publicly or privately owned greenspace where recreational opportunities are limited to walking/running/biking trails or sidewalks, roofed or open picnic facilities, children’s playgrounds, fishing piers, interactive fountains, park benches, artistic exhibits, and open space; as opposed to athletic playing fields, sports complexes, neighborhood or community recreation centers, or commercial amusement or recreational attractions.

**Pawn Shop:** A type of used merchandise store in which merchandise is offered as collateral for obtaining loans and wherein such merchandise is offered for sale in recompense for default of loan repayment.

**Perennial Stream:** A stream that flows throughout the whole year. Perennial streams may be identified as shown as such on a United States Geologic Service Quad map.

**Performing Arts Theatre:** See under “Theatre.”

**Personal Care:** Protective care and watchful oversight of a resident who needs a watchful environment but does not have an illness, injury, or disability that requires chronic or convalescent care such as medical or nursing services. Protective care and watchful oversight means a 24 hour responsibility for the well-being of the resident, which includes at least a daily awareness by the management of the resident’s functioning and whereabouts, the making and reminding a resident of appointments, the ability and readiness to intervene if a crisis arises for the resident, supervision in areas of nutrition and medication, and actual provision of transient medical care.

**Personal Care Home:** A place of residence for adults where lodging, meals, and personal care are provided 24 hours per day, seven days per week and where federal and/or state licensing or permitting is required.

- (1) **Family Personal Care Home, Individual or Family:** A personal care home in a family type residence that is non-institutional in character and offers care for 1 to 4 adults.
- (2) **Personal Care Home, Group:** A personal care home that is non-institutional in character and offers care for 5 to 15 adults.
- (3) **Personal Care Home, Congregate:** A personal care home that offers care to 16 or more adults.

**Personal Enrichment School:** See under “School.”

**Personal Service Establishment:** A business primarily engaged in providing a service generally to individuals, such as a laundry, portrait photographic studio, or beauty or barber shop.

- (1) **Miscellaneous Personal Service:** An establishment offering such personal services as tax return preparation, clothing or costume rental, dating service, hair removal or replacement, or tanning salon.

**Planning Commission:** The duly appointed Rome-Floyd County Planning Commission. References to the Planning Commission pertain only to the appointed board acting in their official capacity.

**Planning Department:** References to action by the “Planning Department” shall mean action by that administrative official of the Rome-Floyd County Planning Commission to whom responsibility for that action has been assigned by the Director of Planning or the Planning Commission.

**Plant Nursery:** Land or greenhouses used to raise flowers, shrubs, trees, and other plants for sale to distributors or for subsequent replanting by the owner, a landscape company, or others.

**Political Organization:** See under “Membership Organization.”

**Pollution Susceptibility:** The relative vulnerability of an aquifer to being polluted from spills, discharges, leaks, impoundment, applications of chemicals, injections, and other human activities in a recharge area.

**Premises:** An area of land with its appurtenances and buildings, which, because of its unity of use, is one unit of real estate.

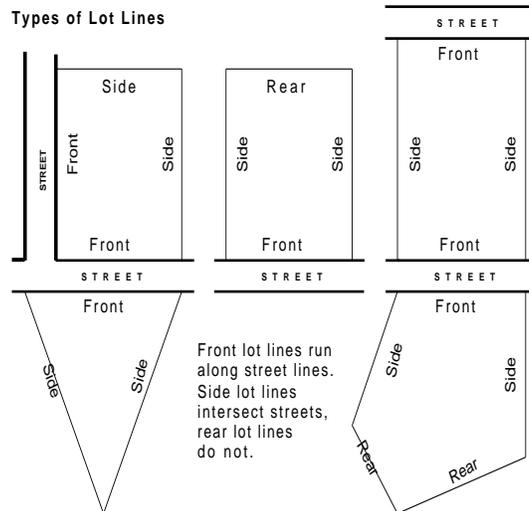
**Presiding Official:** The person chairing a meeting of the Planning Commission, Board of Appeals and Adjustments, or the Governing Body in their official capacity.

**Principal Building:** A building in which is conducted a principal use.

**Principal Building Setback Line:** A line delineating the required minimum allowable distance between a property line or the right-of-way line of an abutting street and a principal building on a lot.

- (1) **Front Building Setback:** The required minimum allowable distance between the right-of-way of any abutting street and any part of a principal building on a lot. The front setback distance is applied along the full length of the right-of-way line and is parallel to it. If the required minimum lot width is not achieved at the required minimum front setback then the front setback is to be established at that point beyond the required minimum setback at which the required minimum lot width is achieved.

- (2) **Rear Building Setback:** The required minimum allowable distance between a rear lot line and any part of a principal building on a lot. The rear building setback extends along the full length of the rear lot line (if any).



- (3) **Side Building Setback:** The required minimum allowable distance between a side lot line and any part of a principal building on a lot. The side building setback extends along the side lot line between the front building setback and a rear building setback (if any).

**Principal Freestanding Sign:** The main freestanding sign on a property, other than a billboard.

**Principal Use:** The specific, primary purpose for which land or a building is used.

**Professional Engineer:** An engineer licensed and registered to perform the duties of a professional engineer (P.E.) by the State of Georgia.

**Professional Office:** See under “Office.”

**Prohibited Use:** A use that is not permitted in a zoning district by right, as an accessory use, or as a conditional use.

**Project:** The entire proposed development project regardless of the size of the area of land to be disturbed.

**Project Entrance Sign:** A sign located at a discernable entrance into a particular subdivision, development, or office or industrial park.

**Projecting Sign:** See “Building Sign.”

**Property or Parcel of Land:** See “Lot.”

**Property Owner:** Person(s) having a fee simple interest of 50% or more in real estate.

**Public Improvement:** The construction, enlargement, extension, or other construction of a facility intended for dedication to and maintenance by the public, including but not limited to a street, curb and gutter, sidewalk, cross drain, catch basin, traffic control and street name sign, or other roadway appurtenance other than a driveway apron connection; domestic water supply system main, fire hydrant valve or other appurtenance other than a supply line to a building; or sanitary sewerage main or outfall, lift station, force main, manhole, or other appurtenance other than a drain line from a building.

**Public Open Space:** See under “Open Space.”

**Public Utility:** A utility owned and operated by a public agency or authority.

- (1) **Public Sewerage System:** A sanitary sewerage for the collection of water borne wastes complete with a sewage treatment plant that is owned and operated by a public agency or authority.
- (2) **Public Water System:** A system for intake, treatment, and distribution of potable water that is owned and operated by a public agency or authority.

**Public Utilities Department:** References to action by the “Public Utilities Department” shall mean action by that administrative official of the Water & Sewer Department of the City of Rome or the Floyd County Water Department, as appropriate to the jurisdiction where a development is proposed, to whom responsibility for that action has been assigned by the Director of the respective Departments.

**Public Works Department:** References to action by the “Public Works Department” shall mean action by that administrative official of the of the Rome or Floyd County Public Works Department to whom responsibility for that action has been assigned by the Director of the respective Public Works Departments.

**Public Works Director:** The Director of the Department of Public Works of the Jurisdiction, or his designee, whose duties include the review and approval of construction plans for public streets.

**Publicly Dedicated:** Land or improvements that has or have been transferred by plat or deeded to and accepted by the Jurisdiction for public use and maintenance.

**Real Estate Sign:** A sign offering a property or premises for sale or lease.

**Recharge Area:** Any portion of the earth’s surface where water infiltrates into the ground to replenish an aquifer.

**Record and Video Tape Sales:** A business Establishment primarily engaged in the retail sale (but not rental) of prerecorded music, movies, or other audio or video programs. See also “Video Tape Rental Store.”

**Recreation Facility, Community:** A swimming pool, tennis court, or other recreation facility owned by or provided for the use of the residents of a subdivision, apartment project, or other residential development.

**Recreation Facility, Private:** An accessory use to a dwelling designed and equipped for the conduct of personal leisure time activities such as a swimming pool, tennis court, deck, or patio. See also “Community Recreation Facility.”

**Recreational Vehicle:** A motorized camper, converted bus, tent trailer, motor home, or other similar vehicular or portable structure used or designed for temporary portable housing or occupancy while on vacation or other recreational trip and provided with sleeping accommodations.

**Recreational Vehicle Dealer:** The use of any building or premises for the display and sale of new or used recreational vehicles, and which may include any repair service conducted as an accessory use.

**Recreational vehicle parks or campgrounds:** A commercial operation designed for temporary lodging where members of the travelling public possessing recreational vehicles or tents may rent a campsite by the night or week; and where the intent is not to establish permanent residence.

**Recycling Center:** A use operated exclusively for the collection and temporary storage of used paper, glass, metal, and similar materials suitable for reprocessing, which are transported elsewhere for separating, processing, or storage.

**Registered Land Surveyor:** A land surveyor licensed and registered to perform the duties of a registered land surveyor (R.L.S.) by the State of Georgia.

**Repair Shop, Miscellaneous:** A business establishment primarily engaged in specialized repair services such as bicycle repair, leather goods repair, lock and gun repair, musical instrument repair, septic tank cleaning, furnace cleaning, and taxidermists.

**Reserve Strip:** A strip of or tract of land reserved for the purpose of controlling or limiting access from properties to abutting streets.

**Residential Cluster Development:** A cluster of attached and detached single-family dwelling units developed on a single lot.

**Restaurant:** an establishment in a site built or “brick and mortar” structure where food is prepared and served on the premises for consumption on or off the premises:

- (1) **Custom Service:** An establishment where food and drink are prepared to individual order, ordered and served at the table, and consumed primarily within the principal building or in established outdoor dining areas:

- (2) **Drive-In or Drive Through:** Any establishment, building, or structure where food or drinks are served for consumption, either on or off the premises, by order from or service to persons either over an interior counter, outside the structure or from an outdoor service window or automobile service window, or by delivery. This definition shall not include otherwise permitted restaurants where outdoor table service is provided to customers in established outdoor dining areas or where drive-through or take-out service is provided incidental to a Custom Service Restaurant.

**Retail Store:** An establishment principally engaged in offering a category of similar goods or products for sale to the general public, such as a grocery store, hardware store, pharmacy, clothing shop, home furnishings store, office supplies store, and the like.

- (1) **Miscellaneous Retail Stores:** Retail stores such as florists, tobacco stores or newsstands, optical goods stores, artists' supplies, stamp and coin shops, pet stores, telephone stores, and home swimming pool or hot tub stores.

**Retirement Community:** An age-restricted residential development that offers significant services and facilities for the elderly, including social and recreational activities, personal care services, or health facilities limited to use by the development's residents. At least 80% of the units must be occupied by residents 55 years old or older.

**Right-of-Way:** Land reserved for and immediately available for use as a street or other public purpose.

**Roadbed:** That portion of a street improved for vehicular travel, measured from back of curb to back of curb, or from edge of pavement to edge of pavement for swale ditch roads.

**Roadway Drainage Structure:** A device such as a bridge, culvert, or ditch, composed of a virtually non-erodible material such as concrete, steel, plastic, or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

**Roof Sign:** See "Building Sign."

**Rooming or Boarding House:** A dwelling unit within which a resident family or manager offers lodging or lodging and meals to two or more unrelated adults in exchange for monetary compensation or other consideration.

**School:** A facility used for education or instruction in any branch of knowledge.

- (1) **Academic School:** A private educational facility offering instruction following the same curriculum used in a public kindergarten, elementary, secondary, trade or technical, or higher education facility, and accredited to award diplomas as such.

- (2) **Business or Vocational School:** A business establishment offering courses of instruction oriented to improving business skills or securing employment in a specific field, such as data processing, secretarial or office services, banking, commercial art, nursing, real estate, truck driving, or other trade or vocation.
- (3) **Personal Enrichment School:** A business establishment offering courses in the arts or personal skills, not necessarily related to employment, such as automobile driving, drama, ceramics, cooking, diction, languages, modeling, music, public speaking, or reading.

**Sediment:** Solid material, both organic and inorganic, that is in suspension, is being transported or has been moved from its site of origin by air, water, ice, or gravity as a product of erosion.

**Sedimentation:** the process by which eroded material is transported and deposited by the action of water, wind, ice, or gravity.

**Semi-Public Use:** A use owned or operated by a non-profit, religious, or eleemosynary institution for the purpose of providing educational, cultural, recreational, religious, or social services to the general public.

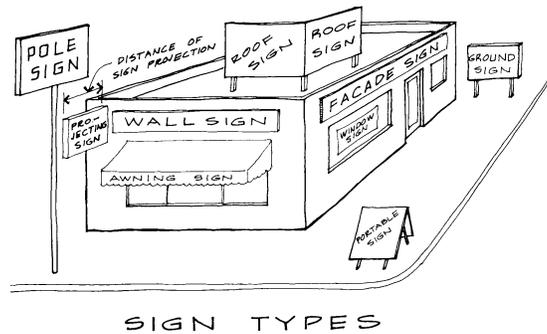
**Setback:** The shortest straight line distance between a street right-of-way line and the nearest point of a structure or building or projection there from (excluding roof overhangs of 18 inches or less.)

**Setback, Minimum:** The shortest distance allowed between a street right-of-way or any other lot line and any principal or accessory building on a lot. Minimum setback requirements for buildings are associated with the type of lot line from which the setback is taken; for instance, a “side yard setback” is measured from a side lot line.

**Shade Tree:** A broadleaf tree having an average height at maturity of at least 20 feet and having a broad spread relative to its height (excluding trees with pyramidal, conical, or columnar crown) and a dense canopy, so as to provide shade to structures or parking areas in the summer months.

**Shopping Center:** A commercial development containing at least three retail sale or service establishments located in one building, the total gross floor area of which is 25,000 square feet or greater.

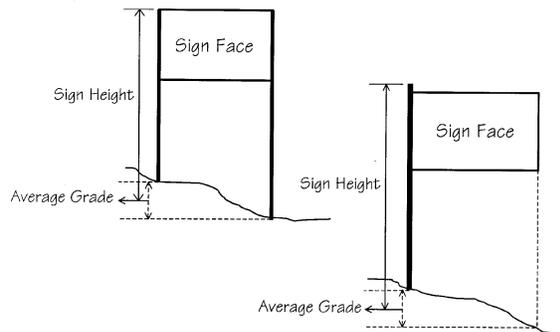
**Sign:** The term “sign” shall mean any structure, display, or device that is used to advertise, identify, direct, or attract attention to a business, institution, organization, person, idea, product, service, event, or location by any means, including words, letters, figures, design characteristics, symbols, logos, fixtures, colors, movement, or illumination.



**Sign Face:** That portion of the surface of a sign structure where words, letters, figures, symbols, logos, fixtures, colors, or other design elements are or may be located in order to convey the message, idea, or intent for which the sign has been erected or placed. The sign face may be composed of two or more modules on the same surface that are separated or surrounded by portions of a sign structure not intended to contain any advertising message or idea and are purely structural or decorative in nature.

**Sign Face Module:** Each portion or unit of a sign face that is clearly separable from other such units by virtue of the expression of a complete thought, message, logo, or idea.

**Sign Height:** The vertical distance to the highest point of a sign structure, as measured from the grade at the base of the structure or directly below a projecting structure.



**Sign Structure:** All elements of a freestanding sign, including the sign face, background, or decorative elements related to the presentation of the sign’s message, and the structural supports.

**Single-Family Detached Dwelling:** See under “Dwelling.”

**Soil and Water Conservation District Approved Plan:** An erosion and sediment control plan approved in writing by the Coosa River Soil and Water Conservation District.

**Solar Farm:** Multiple solar panels converting the energy of the sun into electricity and selling it for distribution through a utility company's service grid.

**Solar Panel Array:** Single or multiple solar panels converting the energy of the sun into electricity almost entirely for the use of an office, residential, industrial, or agricultural development or operation as an accessory use.

**Solar Panel Installation:** Less than 10 solar panels or 300 square feet, whichever is less, converting the energy of the sun into electricity for the sole use of a single-family dwelling or duplex as an accessory use.

**Solid Waste Transfer Station:** A facility where refuse and garbage (but no hazardous waste) is delivered for compaction or aggregation and loaded on trucks for shipment to a remote landfill or other disposal facility.

**Special Outdoor Event:** A festival, carnival, or exhibition produced for a limited time by or on behalf of a non-profit organization or in conjunction with special promotional activities of a business.

**Sports Facility, Commercial:** The use of any building, structure, or premises for the conduct of a professional or semi-professional sport, such as a boxing pavilion, racetrack, stadium, or sports field where admission is charged in order to pay the players or fund a prize purse.

**Stabilization:** The process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice, or gravity.

**Start of Construction:** The initiation of new construction or a substantial improvement, as follows:

- (1) **For New Construction:** The date the development permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start of construction means the first placement of permanent construction of a building, including a manufactured home, on a site, such as pouring slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets or walkways; the excavation for a basement, footings, piers or foundations, or erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main building.
- (2) **For a Substantial Improvement:** The date the building permit was issued, provided the actual start of construction was within 180 days of the permit date. The actual start of construction means the first alteration of any wall, ceiling, floor, or other structural

parts of a building, whether or not that alteration affects the external dimensions of the building.

**State Waters:** Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State which are not entirely confined and retained completely upon the property of a single individual, partnership or corporation.

**Storage:** The placement, keeping, or retention of vehicles, equipment, materials, goods, or products on a temporary basis for intermittent use or subsequent distribution or transfer.

**Street:** An improved way for the conveyance of motor driven, rubber-tired vehicles, such as automobiles and trucks. The term includes streets that have been opened and accepted by the jurisdiction as a “public” street, streets otherwise maintained by the jurisdiction, and streets that have been approved and designated by the jurisdiction as a “private” street.

**Street Classifications:** Streets are classified according to the function that they are to serve, the type, speed, and volume of traffic they will carry and the required standards of design. The classification of streets and roads are as follows:

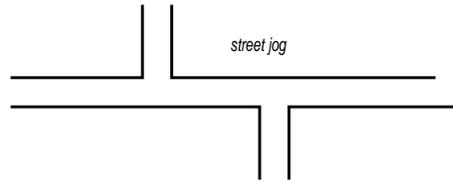
(1) Major streets include the following:

- (a) **Arterial Roads (Major):** A road intended to move through traffic to and from major areas of activity and/or as a route for traffic between communities or large areas. A minor function is to provide direct access to abutting property.
- (b) **Arterial Roads (Minor):** A road intended to collect and distribute traffic in a manner similar to major arterials, except that these roads service major activity centers, and/or are designed to carry traffic from collector streets to the major arterials. A minor function is to provide direct access to abutting property.
- (c) **Collector Streets:** Major streets that carry traffic between minor and arterial streets.

(2) Minor streets including the following:

- (a) **Local Streets:** Streets in residential subdivisions that primarily provide access to individual lots, do not carry through traffic, and serve fewer than 100 dwelling units.
- (b) **Alleys:** A public or private right-of-way that affords only a secondary means of access to abutting properties and not intended for general traffic circulation.

**Street Jog:** The incidence where two (2) streets or two (2) portions of a street are separated by a relatively short distance, usually at their intersection with another street. (See illustration



below.)

**Structural Erosion and Sedimentation Control Measures:** Measures for the stabilization of erodible or sediment producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sedimentation control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures, sediments traps, and land grading. Such measures can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.

**Structure:** Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include but are not limited to buildings, driveways, parking lots, walls, fences, signs, and swimming pools.

**Structure Height:** The vertical distance to the highest point of a structure, as measured from the average grade at the base of the structure or directly below a projecting structure.

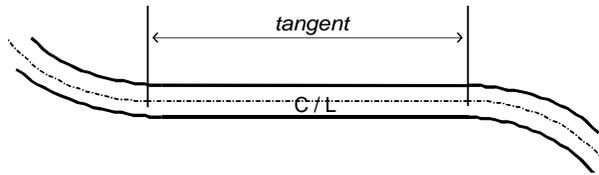
**Subdivision:** (1) The division of a property or tract of land into two or more tracts or lots; (2) a land development project in which two or more lots are created, along with the streets and utilities needed to support construction of buildings on the lots.

**Substantial Improvement:** Any combination of repairs, reconstruction, alteration, or improvements to a building, in which the cumulative cost equals or exceeds 50 percent of the market value of the building prior to improvement. The market value of the building should be:

- (1) The appraised value of the building prior to the start of the initial repair or improvement; or
- (2) In the case of damage, the value of the building prior to the damage occurring.

For the purpose of this definition, the term does not include any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

**Tangent:** The straight-line distance between the ending of one curve of a line (center line of a street) and the beginning of another curve of the same line (center line.) (See illustration below.)



**Temporary Special Event:** An activity that occurs sporadically for definitive periods of time or until a definitive ending, such as a grand opening or special sale, or a festival or bazaar.

**Temporary Use:** A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

**Tenant:** One who possesses or occupies land or buildings by title, under a lease, or through payment of rent; an occupant, inhabitant, or dweller of a place.

**Theater:** A building or premises devoted to showing motion pictures, or for live dramatic or musical performances.

- (1) **Drive-In Motion Picture Theater:** An open lot with its appurtenant facilities devoted primarily to the showing of motion pictures or other pre-recorded productions to the general public in an outdoor setting.
- (2) **Motion Picture Theater:** A building primarily used for the exhibition of movies or other pre-recorded productions to the general public in an indoor setting.
- (3) **Performing Arts Theater:** A building primarily used for the presentation of live performances of play or music.

**Tiny Home:** A custom-built, transportable structure designed to provide living quarters that may be constructed for one of the following uses:

- (1) **Modular Home:** This structure when it bears a label certifying it is constructed in compliance with the Georgia Industrialized Buildings Act and meets standards in this Code is allowed wherever site-built single-family dwellings are permitted if:
  - The structure is placed on continuous footings and foundations; and
  - Exterior walls of modular buildings are supported by continuous solid or fully grouted masonry or concrete footings and foundations; and
  - The towing tongue and wheels are removed from the structure.
- (2) **Manufactured Home:** This structure when it bears a label certifying that it is constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act, U.S. Public Law 93-383 and meets standards in this Code is allowed wherever manufactured housing units are permitted.

- (3) **Recreational Vehicle:** This structure is used or designed for temporary portable housing or occupancy while on vacation or other recreational trip and provided with sleeping accommodations.

**Tire Re-treading or Repair Shop:** See under “Automotive Repair Shop.”

**Townhouse:** See under “Dwelling.”

**Travel Trailer:** A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, having a body width not exceeding eight (8) feet.

**Triplex:** A three-family dwelling. See under “Dwelling: Multi-Family Dwelling.”

**Trout Streams:** All streams or portions of streams within the watershed as designed by the Game and Fish Division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. § 12-5-20, *et seq.* Streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown, or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.

**Truck Loading Docks:** A portion of a building designed for the loading and unloading of trucks.

**Truck Terminal:** See under “Motor Freight Truck Terminal.”

**Two-Family Dwelling:** See under “Dwelling.”

**Uniform Sign Plan:** Coordinated drawings and specifications that establish a unified design concept with regard to the location, materials, size, letter style, and color of all signs to be placed on a property.

**Unrelated:** When referring to persons, two or more people not related by blood, marriage, or adoption.

**Use:** The purpose for which land or a building or other structure is designed or arranged, or for which it is occupied. See also “Principal Use” and “Accessory Use or Structure.”

**Used Merchandise Store:** The use of a building or premises primarily for the retail sale of used merchandise or secondhand goods, such as used clothes, antiques, secondhand books or rare manuscripts, or items of architectural salvage, but not including used cars or other motorized vehicles. A pawn shop is a type of used merchandise store.

**Utility Company:** A private business providing electricity, natural gas, telephone, wireless communications, or other services under the regulation of the Georgia Public Services Commission or license of the federal government.

**Utility Company Substation:** A facility used for the transmission or distribution of services provided by a utility company, such as an electrical transformer station, telephone junction box, cable television box, or natural gas regulator station.

**Vegetative Erosion and Sedimentation Control Practices:** Practices for the stabilization of erodible or sediment-producing areas by covering the soil with:

- (1) Permanent seeding, sprigging, or planting, producing long-term vegetative cover; or
- (2) Temporary seeding, producing short-term vegetative cover; or
- (3) Sodding, covering areas with a turf of perennial sod-forming grass.

Such practices can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.

**Veterinary:** A hospital or clinic providing medical care and treatment for animals.

- (1) **Large Animal Veterinary:** A place where horses, cattle, sheep, or other animals normally kept in agricultural settings are given medical or surgical treatment and the boarding of animals is limited to short-term care.
- (2) **Small Animal Veterinary:** A place where dogs, cats, birds, or other animals normally kept as household pets are given medical or surgical treatment and the boarding of animals is limited to short-term care.

**Video Tape Rental Store:** An establishment primarily engaged in renting movies or other entertainment programs pre-recorded on tape, disks, or other media, to the general public for personal or household use.

**Wall Sign:** See “Façade or Wall Sign” under “Building Sign.”

**Warehouse or Indoor Storage Facility:** A building used primarily for the storage of goods and materials. See also “Mini-Warehouse.”

**Watercourse:** Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

**Water Supply Intake:** The point at which water is withdrawn from a river, stream, or lake to be sent to a treatment plant for public consumption.

**Water Supply Watershed:** The area upstream of a governmentally owned public drinking water supply intake.

- (1) **Large Water Supply Watershed:** One with 100 or more acres of land in the drainage basin upstream of the intake.
- (2) **Small Water Supply Watershed:** One with fewer than 100 acres of land in the drainage basin upstream of the intake.

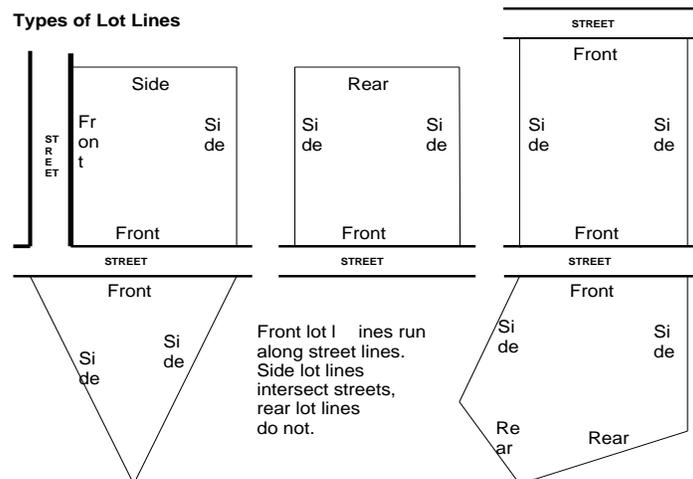
**Wetlands:** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

**Wholesale Trade Establishment:** A place of business primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

**Window Sign:** See “Building Sign.”

**Yard:** An area that lies between the principal building on a lot and the nearest lot line.

- (1) **Front Yard:** A yard situated along any public street right-of-way or private street easement.
- (2) **Rear Yard:** A yard situated along a rear lot line.
- (3) **Side Yard:** A yard situated along a side lot line, but not extending into a front or rear yard.



**Zoning Change:** An amendment to the Zoning Map (rezoning), approval of a special use, or approval of a change in the conditions of approval associated with a rezoning or special use.

**Zero-Lot Line:** The location of a building on a lot in such manner that one or more of the building's sides rest directly on a lot line.



# Article 9. Overlay Zoning Districts

Section 9.1.	Purpose of Article 9
Section 9.2.	Establishment and Designation
Section 9.3.	South Rome Redevelopment District
Section 9.4.	River Corridor Overlay District

## 9.1. PURPOSE OF ARTICLE

This Article establishes overlay zoning districts to guide development in specific areas within the City of Rome and unincorporated Floyd County. The purpose of overlay zoning districts is to allow the Governing Body to establish special land use regulations, standards, or procedures in areas with unique land use, site planning, building design, or environmental resource issues. Overlay zoning districts are also an appropriate mechanism to implement long-term goals and land use requirements of the City and County for a specific property, location, or to coordinate land use and design requirements unique to a large tract of land. Overlay zoning districts are intended to be applied only where special circumstances justify the modification of base zoning district regulations to achieve specific land use and design objectives.

## 9.2. ESTABLISHMENT AND DESIGNATION

Overlay zoning districts are established through “zoning change” procedures as established in Article 2 of this code and in conjunction with base zoning districts. Except as modified by the overlay zoning district, the provisions of the applicable base-zoning district shall apply to all development within the boundary of the designated area. If regulations conflict, the applicable overlay zoning district regulations shall prevail.

Whenever an overlay district is established, any subsequent application to change the base-zoning district shall not be construed to be an application to eliminate the overlay district for the property covered by the application. An intent to eliminate the overlay district on a given property shall be expressly stated to be part of the application.

## 9.3. SOUTH ROME REDEVELOPMENT DISTRICT

### 9.3.1. PURPOSE

The purpose of this district is to provide such additional standards and uses to the underlying zoning districts as needed to promote appropriate redevelopment in the South Rome Redevelopment District (SRRD), in conformance with the South Rome Redevelopment Master Plan, adopted by the City of Rome in August of 2004.

### 9.3.2. SOUTH ROME OVERLAY DISTRICTS MAP

Boundaries of the South Rome Overlay District and redevelopment areas shall be amended to and shown on the official zoning map of the city and county on the respective dates of adoption for this ordinance, and as subsequently amended thereafter

from time to time in conformance with this code. The South Rome Overlay District Map is hereby made a part of this Code, and all notations, references and other information shown on it shall be a part of this Code.

### **9.3.3. SOUTH ROME OVERLAY DISTRICT DEFINED**

The South Rome Overlay District shall include that property designated by the City of Rome as the South Rome Redevelopment Area. The overlay district shall be further divided into six (6) distinct redevelopment areas: Hillsboro Residential Neighborhood, Etowah Heights Area, Blacks Bluff Neighborhood, Northern Commercial Mixed-use, Central Commercial Mixed-use, and Southern Commercial Mixed-use.

The six redevelopment areas are established to insure that new development is attractive, pedestrian oriented, and compatible with the existing neighborhoods; while promoting the preservation of heritage resources and sense of place.

- a. Hillsboro Neighborhood Area (HNA)
  - (1) The HNA Area is bounded by the Coosa River on the north and west, South Broad Street and East Main Street to the east, and City of Rome municipal property to the south.
  - (2) The HNA Area is a traditional residential neighborhood built along a grid pattern. Residential architectural styles reflect the residential neighborhoods established prior to and during the 1940s with steeply pitched roofs and modest, but varied, architectural detailing. Single-family residences predominate, with scattered duplexes and some multi-family residential. Commercial development includes retail and service businesses, located mostly along the South Broad Street corridor. One legal non-conforming industry (zoned L-TR) occupies two lots adjacent the Coosa River, south of the residential area.
  - (3) Large tracts of institutional property are located within the HNA Area; including the Coosa Country Club, Myrtle Hill Cemetery, Shadyside Cemetery, Parks Hoke Park, and Anna K. Davie Elementary School.
- b. Etowah Heights Area (EHA)
  - (1) The EHA Area is bounded by the South Broad Street corridor on the west, the Northern Commercial – Mixed Use Area to the north, the Etowah River and Silver Creek to the east, and East Main Street/East 12<sup>th</sup> Street to the south.
  - (2) The EHA, which includes the Mount Aventine neighborhood, is one of the oldest established residential areas in Rome. Due to the area’s unique topography, this single-family residential neighborhood was developed along a curvilinear design. Residential architectural styles reflect the residential neighborhoods established prior to and during the 1940s with steeply pitched roofs and varied architectural detailing. Several excellent examples of Victorian, Queen Anne, and Craftsman architecture are located in this area. Commercial uses are limited in this area, and

are located mainly in the South Broad Street corridor. The Jewish cemetery is the only institutional use. The land on the eastern side is largely within the floodplain and is undeveloped

- (3) The Etowah Heights area includes a strip of residential property along both sides of Etowah Terrace. This neighborhood of historic, but generally run down houses, is further identified as the Etowah Terrace Arts Village (ETA V). Its location between the Mt. Aventine residential neighborhood and the Northern Commercial/Mixed Use Area; and between the river and Broad Street makes it an ideal area for redevelopment as a mixed use/residential neighborhood.

c. Blacks Bluff Neighborhood Area (BBNA)

- (1) The BBNA Area comprises the southern extremes of the South Rome Overlay District including the Blacks Bluff Road Corridor, Cave Spring Street Corridor, and the Anchor Duck mill houses.
- (2) This area is comprised mainly of mixed density, strip residential development and large tracks of institutional uses including City of Rome municipal property (zoned HI to accommodate a waste water treatment plant) and the Darlington School. No distinct architectural pattern is evident in this area with the exception of the Anchor Duck mill houses along Cave Spring Street and South McLin Street; and the Darlington School campus. Industrial and commercial development is interspersed with residential development along the street corridors.

d. Northern Commercial Mixed-use Area (NCMA)

- (1) The NCA is bounded on the north and west by South Broad Street, on the east by the Etowah River, and on the south by the Mt. Aventine Neighborhood Area.
- (2) The NCA Area includes a strip of mostly vacant commercial buildings along South Broad Street, and vacant lots. The buildings located in the commercial strip along South Broad Street are architecturally and geographically related to the downtown commercial district across the Charles Graves Bridge.

e. Central Commercial Mixed-use Area (CCMA)

- (1) The CCMA Area is centered on South Broad Street and the intersection of Black Bluff Road and East Main Street. The area is bounded by the Hillsboro, Etowah Heights, and Black Bluff Neighborhood Areas. The area currently includes a church, a contractor office and storage yard, and single-family residences.

f. Southern Commercial Mixed-use Area (SCMA)

- (1) The SCMA is bounded on the north by Etowah Terrace Area, on the east by the exiting rail line, on the west by Silver Creek, and on the south by the Black Bluff Neighborhood Areas.

- (2) The area is developed with several large unused industrial buildings. Some of these are empty, and some are used for a variety of commercial uses. The Silver Creek trail ends near this complex. The Floyd County Health Department building is located in the SCMA.

### 9.3.4. UNDERLYING ZONING DISTRICTS IN DESIGNATED AREAS

This section establishes appropriate underlying zoning district designations for each redevelopment area. Underlying zoning districts are shown in TABLE 9-1.

Table 9-1

#### APPROPRIATE ZONING DISTRICTS IN DESIGNATED AREAS

<b>UNDERLYING ZONING DISTRICT</b>	<b>REDEVELOPMENT AREAS WHERE APPROPRIATE</b>
<b>H-TR High-density Traditional Residential</b>	HNA, Portions of EHA between Mt. Aventine and East Main Street / East 12 <sup>th</sup> Street
<b>L-TR Low-density Traditional Residential</b>	BBNA, EHA. HNA - to accommodate Virginia Circle neighborhood and Coosa Valley Country Club ONLY
<b>S-R Suburban Residential</b>	BBNA - Southern portion of Black Bluff corridor only.
<b>D-R Duplex Residential</b>	HNA, EHA, BBNA.
<b>M-R Multi-family Residential</b>	HNA, EHA, BBNA - to accommodate existing use, and in areas where multi-family residential use provides a buffer between single-family and two family dwellings and more intensive uses such as businesses, institutions, or major streets or roads.
	NCMA, CCMA, SCMA - as part of a mixed use development
<b>N-O-C Neighborhood Office Commercial</b>	HNA, EHA, BBNA - mainly along major street corridors, to promote preservation and reuse of residential structures, and to provide retail and service businesses in close proximity to residential areas.
	EHA - as part of mixed use artist village in Etowah Terrace area.
<b>O-I Office/Institutional</b>	HNA, EHA, BBNA - along major corridors, on intersections, and to accommodate existing schools, churches, cemeteries, parks, or offices.
<b>C-C Community Commercial</b>	NCMA, CCMA, SCMA
	HNA, EHA, BBNA - along major streets where existing commercial structures provide retail and service businesses in close proximity to residential areas.
<b>H-C Heavy Commercial</b>	Shall be permitted within SCMA and BBNA to accommodate the existing legal, conforming heavy commercial uses.
<b>L-I Light Industrial</b>	Shall be permitted within SCMA.
<b>H-I Heavy Industrial</b>	Shall be permitted within SCMA and BBNA to accommodate the existing legal industrial uses.
<b>P-D Planned Development</b>	NCMA, CCMA, SCMA, BBNA.

### 9.3.5. DESIGN REQUIREMENTS IN DESIGNATED AREAS

- a. The provisions regarding design standards of the applicable underlying zoning district shall apply to all development within the boundary of the Overlay District; however, if regulations conflict, the applicable Overlay District regulations shall prevail.
- b. The following general standards shall apply to all redevelopment areas within the Overlay District:
  - (1) Requests for rezoning of property within the South Rome Overlay District shall be accompanied by a site plan showing the development proposed for the site. The site plan shall meet the requirements of Article 2.2.2, and include elevations for all primary structures.
  - (2) In addition to site plans and building plans that meet the requirements of Article 2.8.2, building permit applications shall include elevations for all primary structures. Permits for renovation, repair, or remodeling where the cost of the work does not exceed 50 percent of the structural value, as determined by the Chief Building Official, shall be exempt from this requirement.

The determination by the Chief Building Official as to whether or not the total cost of renovations is at least 50 percent of the structural value may be appealed to the Board of appeals and Adjustments.

For commercial, industrial, and multi-family residential developments a Uniform Sign Plan that meets the requirements of Article 5.4.3 shall also be submitted.

- (3) Infill on vacant lots shall be compatible in use, scale, height, exterior material, roof pitch, landscaping, orientation, setbacks, and design with existing development of a similar use on surrounding lots within 100 feet or on the same or opposite block.
- (4) Existing structures within the Overlay District should be preserved and adaptively reused. Demolition shall be undertaken only in response to health and safety issues as determined by the Building Official, or if specific redevelopment projects have special merit in terms of providing benefit to the community.
- (5) Sidewalks shall be placed along all street frontages when development occurs. Sidewalks that meet the requirements of this code; the standards for streetscaping, as defined in the *South Rome Redevelopment Master Plan*; and the designs, patterns, and materials used on adjacent and opposite properties are required on all streets adjacent to new non-residential and multi-family residential construction or renovation of non-residential and multi-family residential property in which the total cost of renovations are at least 50 percent of the total property value.
- (6) Unless otherwise specified, streets and sidewalks shall be constructed in conformance with the standards listed in Article 6.6 and 6.7.

- (7) Parking requirements shall be those associated with the underlying zoning district and use. However, requests for Special Exceptions to reduce the parking requirements for commercial and mixed use developments shall be considered favorably if adequate and feasible alternatives are proposed, such as available on-street or public parking, centralized shared parking, pedestrian/bike accessibility, and/or location on transit routes. The number of off-street parking spaces shall not exceed the minimum requirement by more than 5% unless the spaces will be shared. Shared parking arrangements shall be approved by the Building Official.

All parking for Multi-family and non-residential development shall meet the standards for required parking found in Article 6 of this code, including but not limited to surfacing, landscaping, and dimensions. These regulations shall apply to new parking areas, redeveloped parking areas, and to any enlargement of parking areas by 10 percent or more. The enlargement of any existing parking area by 10 percent or more shall require that existing and new parking areas conform to the standards for required parking found in Article 6. Multi-level parking structures are exempt from the interior planting requirements.

- (8) New construction, demolition, and renovation (in which the total cost of renovations are at least 50 percent of the structural value, as determined by the Chief Building Official) require review and approval by a panel consisting of the South Rome Redevelopment Agency Director or their designee, plus at least three of the following staff members; Director of Planning, Historic Preservation Planner, Director of Community Development, of the Chief Building Official; or their designee as required.

The determination by the Chief Building Official as to whether or not the total cost of renovations is at least 50 percent of the structural value may be appealed to the Board Adjustments.

The Chief Building Official shall notify the panel when a complete application for a permit has been submitted. The applicant may, at their request or at the request of the Chief Building Official, meet with the panel to discuss the project.

Failure of the panel to approve or deny an application within 14 days of submittal of a complete application shall constitute approval.

- c. Variations in development standards (from the standards listed in this code for each zoning district) are shown in TABLE 9-2.

Table 9-2 Variations in Development Standards	
UNDERLYING ZONING DISTRICT	DEVELOPMENT STANDARD VARIATIONS

<b>H-TR, L-TR</b>	<p>Front setback requirements of this code for residential structures shall not apply to any lot where the front setbacks on already built-upon lots within 100' of such lot or on the same or opposite block, within the same zoning district, and developed with similar uses, is less than the required setback. In such a case, the setback shall match the setback established by such already built-upon lots, or the average setback established by such already built-upon lots; provided that the minimum front setback shall be 10'.</p>
	<p>Attached garages and carports shall be located no closer to the right-of-way line of any street than the principal structure on the property.</p>
	<p>New residential structures shall be constructed with front doors and usable, covered porches that are oriented toward the street.</p>
	<p>Subdivisions - newly created lots shall match the average lot width provided by adjacent lots, or blocks of lots, with similar uses, provided that the minimum lot width shall be 50'.</p>
	<p>Minor subdivisions (4 or fewer lots) for attached or detached single family residential units that meet the size, width, and frontage requirements of this Code; and that are adequately served by existing streets, water and sewer shall not be required to provide curb and gutter on adjacent streets.</p>
	<p>New streets shall follow a linear or curvilinear grid pattern to ensure interconnectivity and walkability. New streets shall align with existing, adjacent streets. Street segments ending in cul-de-sacs shall serve no more than 8 building lots.</p>
<b>S-R</b>	<p>Front setback requirements of this code for residential structures shall not apply to any lot where the front setbacks on already built-upon lots within 100' of such lot or on the same or opposite block, within the same zoning district, and developed with similar uses, is less than the required setback. In such a case, the setback shall match the setback established by such already built-upon lots, or the average setback established by such already built-upon lots; provided that the minimum front setback shall be 10'.</p>
	<p>Minor subdivisions (4 or fewer lots) for attached or detached single family residential units that meet the size, width, and frontage requirements of this Code; and that are adequately served by existing streets, water and sewer shall not be required to provide curb and gutter on adjacent streets.</p>
	<p>New streets shall follow a linear or curvilinear grid pattern to ensure interconnectivity and walkability. New streets shall align with existing, adjacent streets. Street segments ending in cul-de-sacs shall serve no more than 8 building lots.</p>
<b>D-R</b>	<p>Front setback requirements of this code for residential structures shall not apply to any lot where the front setbacks on already built-upon lots within 100' of such lot or on the same or opposite block, within the same zoning district, and developed with similar uses, is less than the required setback. In such a case, the setback shall match the setback established by such already built-upon lots, or the average setback established by such already built-upon lots; provided that the minimum front setback shall be 10'.</p>
	<p>New residential structures shall be constructed with front doors and usable, covered porches that are oriented toward the street.</p>
	<p>Attached garages and carports shall be located no closer to the right-of-way line of any street than the principal structure on the property.</p>
	<p>Subdivisions - newly created lots shall match the average lot width provided by adjacent lots, or blocks of lots, with similar uses, provided that the minimum lot width shall be 50'.</p>

<b>D-R</b>	Minor subdivisions (4 or fewer lots) for attached or detached single family residential units that meet the size, width, and frontage requirements of this Code; and that are adequately served by existing streets, water and sewer shall not be required to provide curb and gutter on adjacent streets.
	New streets shall follow a linear or curvilinear grid pattern to ensure interconnectivity and walkability. New streets shall align with existing, adjacent streets. Street segments ending in cul-de-sacs shall serve no more than 8 building lots.
<b>M-R</b>	Each dwelling unit shall be provided with safe and convenient access to public sidewalks.
	Where trails are adjacent multi-family residential development sites, each dwelling unit shall be provided with safe and convenient access to them.
	Dwelling units shall be constructed with usable porches or balconies. Multifamily residential projects shall utilize creative designs that make multi-family residential development compatible with surrounding single-family structures.
	Multi-family residential development projects shall be designed and constructed in such a way that owner occupancy is possible (townhouses, attached single-family units, duplexes on individual lots, condominiums) whenever it is feasible to do so.
	All security lighting shall be designed to cast light downward. Light posts on private property shall not exceed 20' in height. Light poles and fixtures shall be compatible with the architecture of buildings on the property, and with the streetscaping elements on adjacent property.
<b>N-O-C</b>	Safe and convenient pedestrian access to front entrances shall be provided across parking lots and driving lanes.
	Where trails are adjacent, safe and convenient pedestrian access to main entrances shall be provided across parking lots and driving lanes.
	All security lighting shall be designed to cast light downward. Light posts on private property shall not exceed 20' in height. Light poles and fixtures shall be compatible with the architecture of buildings on the property, and with the streetscaping elements on adjacent property.
	Front setback requirements of this code for residential structures shall not apply to any lot where the front setbacks on already built-upon lots within 100' of such lot or on the same or opposite block, within the same zoning district, and developed with similar uses, is less than the required setback. In such a case, the setback shall match the setback established by such already built-upon lots, or the average setback established by such already built-upon lots; provided that the minimum front setback shall be 10'.
	New residential structures shall be constructed with front doors and usable, covered porches that are oriented toward the street.
	Attached garages and carports shall be located no closer to the right-of-way line of any street than the principal structure on the property.
	Subdivisions - newly created lots shall match the average lot width provided by adjacent lots, or adjacent blocks of lots, with similar uses, provided that the minimum lot width shall be 50'.
	New streets shall follow a linear or curvilinear grid pattern to ensure interconnectivity and walkability. New streets shall align with existing, adjacent streets. Street segments ending in cul-de-sacs shall serve no more than 8 building lots.
<b>N-O-C</b>	Minor subdivisions (4 or fewer lots) for attached or detached single family residential units that meet the size, width, and frontage requirements of this Code; and that are adequately served by existing streets, water and sewer shall not be required to provide curb and gutter on adjacent streets.

<b>O-I</b>	Safe and convenient pedestrian access to front entrances shall be provided across parking lots and driving lanes.
	Where trails are adjacent, safe and convenient pedestrian access to main entrances shall be provided across parking lots and driving lanes.
	Front building setbacks shall be 20' and shall be landscaped to the standards required by Article 6 of this code. Along South Broad Street, East Main Street, East 12 <sup>th</sup> Street, and Blacks Bluff Road a six foot front building setback may be provided if the setback area is streetscaped to meet the requirements of this code; the standards for streetscaping, as defined in the <i>South Rome Redevelopment Master Plan</i> ; and the designs, patterns, and materials used on adjacent and opposite properties
	No parking lots or areas shall be located closer to the right-of-way line of any street than the primary structure.
	All security lighting shall be designed to cast light downward. Light posts on private property shall not exceed 20' in height. Light poles and fixtures shall be compatible with the architecture of buildings on the property, and with the streetscaping elements on adjacent property.
	New streets shall follow a linear or curvilinear grid pattern to ensure interconnectivity and walkability. New streets shall align with existing, adjacent streets. Street segments ending in cul-de-sacs shall serve no more than 8 building lots.
<b>C-C</b>	Front building setbacks shall be 20' and shall be landscaped to the standards required by Article 6 of this code. Along South Broad Street, East Main Street, East 12 <sup>th</sup> Street, and Blacks Bluff Road a six foot front building setback may be provided if the setback area is streetscaped to meet the requirements of this code; the standards for streetscaping, as defined in the <i>South Rome Redevelopment Master Plan</i> ; and the designs, patterns, and materials used on adjacent and opposite properties
	No parking lots or areas shall be located closer to the right-of-way line of any street than the primary structure.
	Safe and convenient pedestrian access to main entrances shall be provided across parking lots and driving lanes.
	Where trails are adjacent, safe and convenient pedestrian access to main entrances shall be provided across parking lots and driving lanes.
	All security lighting shall be designed to cast light downward. Light posts on private property shall not exceed 20' in height. Light poles and fixtures shall be compatible with the architecture of buildings on the property, and with the streetscaping elements on adjacent property.
	New streets shall follow a linear or curvilinear grid pattern to ensure interconnectivity and walkability. New streets shall align with existing, adjacent streets. Street segments ending in cul-de-sacs shall serve no more than 8 building lots.
<b>L-I</b>	All security lighting shall be designed to cast light downward. Light posts on private property shall not exceed 20' in height
<b>H-I</b>	All security lighting shall be designed to cast light downward. Light posts on private property shall not exceed 20' in height.

- d. Variations in sign regulations (from the standards listed in this code for each zoning district) are shown in TABLE 9-3.

Table 9-3

**Permitted Signs-By Zoning District or Special Use**

**Principal Freestanding Sign – One Use or Two or More Uses on Property**

	<b>S-R, LT-R, HT-R</b>	<b>M-R, D-R</b>	<b>N-O-C</b>	<b>O-I, C-C</b>	<b>L-I, H-I</b>
Max. Number	1 per lot	1 per lot	1 per lot	1 per 200' of street frontage, max 3	1 per 200' of street frontage, max 3
Maximum height	3 feet	4 feet	4 feet	20 feet	20 feet
Maximum width	4 feet	5 feet	5 feet	8 feet	8 feet
Maximum face area	12 sf	20 sf	20 sf	80 sf	80 sf
Max. structure area	12 sf	20 sf	20 sf	120 sf	120 sf
Illumination	None	Indirect Only	Indirect Only	OK	OK

NOTE: Height of sign means, in the case of freestanding signs, the distance in vertical feet measured from the level of an adjacent street centerline to the highest point of the sign structure. The sign measured at its base shall not extend over 40 ft. in height above the centerline of any adjacent road.

**Building Sign:** Wall signs and awning, canopy, projecting, incidental, roof and window signs, etc.

	<b>S-R, LT-R, HT-R</b>	<b>M-R, D-R</b>	<b>N-O-C</b>	<b>O-I, C-C</b>	<b>L-I, H-I</b>
Total sign face area of <b>all signs</b> per wall	1 square foot	2 square feet	6 square feet	2 sf for each lineal foot of wall length	1 sf for each lineal foot of wall length
Maximum sign face area of largest sign per wall	1 square foot	2 square feet	6 square feet	2 sf for each lineal foot of wall length	1 sf for each lineal foot of wall length
Projecting Sign	Not Allowed	Not Allowed	6 sf	12 sf	Not Allowed
Hanging Sign	Not Allowed	Not Allowed	6 sf	6 sf	Not Allowed
Illumination	Indirect Only	Indirect Only	Indirect Only	OK – awning signs shall not be backlighted	OK

Note: Street frontage is defined in this Code as being a street “from which access may be directly gained.”

**9.3.6. PERMITTED USES IN DESIGNATED AREAS**

- a. The uses permitted by right and by special use permit, with or without limitations, of the applicable underlying zoning district shall apply to all development within the boundary of the Overlay District; however, if regulations conflict, the applicable Overlay District regulations shall prevail.
- b. Variations in use from those permitted in each underlying zoning district are shown in TABLE 9-4.

**Table 9-4  
PERMITTED USES IN DESIGNATED AREAS**

<b>UNDERLYING ZONING DISTRICT</b>	<b>USE VARIATIONS</b>
<b>H-TR, L-TR, S-R, D-R</b>	Passive parks, as defined in Article 8, shall be permitted by right
<b>M-R</b>	Nursing homes, convalescent homes, and assisted living facilities shall be permitted by right on lots of less than two acres if all other development standards are accommodated
<b>N-O-C</b>	<p>In addition to the uses that are permitted by right as listed in Article 3 of this code, grocery stores, laundromats, beauty and barber shops, and custom service restaurants with no drive through service (cafe, coffee shop, bakery) shall be permitted by right if they otherwise meet the standards required by Article 3 and 9 of this code, with no variances or special exceptions available.</p> <p>In addition to the uses that are permitted by right as listed in Article 3 of this code, and the uses listed elsewhere in this overlay district document, artisan and craft studios as defined in Article 8 of this code, art galleries, and retail sale of arts and craft items shall be permitted by right within the Etowah Terrace Arts Village area of the EHA if they otherwise meet the standards required by Articles 3 and 9 of this code, with no variances or special exceptions available</p> <p>Outdoor storage shall not be allowed. Outdoor display of produce or goods manufactured onsite for sale shall be permitted, provided that the display takes up no more than a 6' X 12' area adjacent an outer wall of the building, does not encroach on the public right-of-way, does not interfere with the use of required parking spaces, and does not interfere with the movement of vehicular or pedestrian traffic</p> <p>Passive parks, as defined in Article 8, shall be permitted by right</p>
<b>O-I</b>	<p>Day care centers for any number of persons shall be permitted by right, but limitations may apply (Article 4.1.9).</p> <p>Public plazas, passive parks, and trailhead facilities shall be permitted by right</p>
<b>C-C</b>	<p>Artisan and Craft Studios, as defined in Article 8 of this document</p> <p>Multi-family residential uses shall be permitted by Special Use Permit only as part of a mixed-use development</p> <p>Public plazas, passive parks, and trailhead facilities shall be permitted by right</p> <p>Special outdoor events (sales, grand openings, exhibits of arts or crafts) shall be permitted, not to exceed 6 times per year, and of no more than 3 days duration.</p> <p>Outdoor storage shall not be allowed. Outdoor display of produce or goods manufactured onsite for sale shall be permitted, provided that the display takes up no more than a 6' X 12' area adjacent an outer wall of the building, does not encroach on the public right-of-way, does not interfere with the use of required parking spaces, and does not interfere with the movement of vehicular or pedestrian traffic</p>
<b>L-I</b>	<p>Public plazas, passive parks, and trailhead facilities shall be permitted by right</p> <p>Special outdoor events (sales, grand openings, exhibits of arts or crafts) shall be permitted, not to exceed 6 times per year, and of no more than 3 days duration.</p>

#### **9.4. RIVER CORRIDOR DISTRICT**

##### **9.4.1. PURPOSE**

The rivers of Rome are an important but limited resource that should be utilized and protected for the benefit of the community. The intent of this district is to establish such additional standards and uses to the underlying zoning districts that will promote appropriate and sustainable development within the River Corridor; preserve the scenic, natural, cultural, and recreational resources within the corridor; and protect the health and ecological diversity of the Etowah, Oostanaula, and Coosa Rivers.

##### **9.4.2. RIVER CORRIDOR OVERLAY DISTRICT MAP**

Boundaries of the River Corridor Overlay District (RC) shall be amended to and shown on the Zoning Districts Maps, Rome-Floyd County, Georgia on the respective dates of adoption for this ordinance, and as subsequently amended thereafter from time to time in conformance with this code. The River Corridor Overlay District Map is hereby made a part of this Code, and all notations, references and other information shown on it shall be a part of this Code.

##### **9.4.3. RIVER CORRIDOR OVERLAY DISTRICT DEFINED**

The River Corridor Overlay District (RC) shall include that property designated by the City of Rome as shown on the Zoning Districts Maps, Rome-Floyd County, Georgia. This area shall include all property within 200 feet of the Etowah, Oostanaula, and Coosa Rivers.

##### **9.4.4. APPLICABILITY**

No structure or land within the River Corridor Overlay District (RC) shall hereafter be used, located, extended, converted or structurally altered except in full compliance with the provisions of this ordinance section regardless of previous development status. Legal non-conforming uses and structures shall be treated as specified in Article 1 of this code. Agricultural operations shall be exempt from this overlay zone.

##### **9.4.5. REVIEW OF DEVELOPMENT PLANS BY SPECIAL REVIEW PANEL**

Review of new construction, demolition, renovation, and land disturbance is required. A Special Review Panel consisting of at least three of the following staff members; Assistant City Manager, Director of Planning, Historic Preservation Planner, Director of Community Development, Environmental Services Director, and Chief Building Official or their designee shall accomplish such reviews. The Chief Building Official shall be responsible for distributing all plans and elevations to each member of the review panel. No permit shall be issued prior to approval by the special review panel. Decisions of the Special Review Panel may be appealed to the Zoning Board of Appeals.

##### **9.4.6. BUILDING AND SITE DESIGN**

The following standards shall apply to all development in the corridor, except single-family dwellings and duplexes on individual lots.

- a. Minimum building setbacks, landscaping requirements, and buffers shall conform to the requirements of the underlying zoning district. Additionally, no building shall be allowed within 100 feet of the Etowah, Oostanaula, and Coosa Rivers, except on previously developed property. On previously developed property, new development may infringe on the 100 foot river buffer only to the extent of the infringement by the previous development, including depth and area, and only if granted a variance by the Zoning Board of Appeals and Adjustments.
- b. All office buildings and retail sales and service establishments shall have a customer entrance facing the river or other architectural design addressing the river that is approved by the Special Review Panel.
- c. The outdoor storage of equipment and/or merchandise, when permitted, shall not be visible from public property or the rivers. The outdoor display of sales merchandise is permissible so long as it meets with other requirements of the code.
- d. In order to ensure the permanency of buildings, reduce the need for periodic maintenance and maintain a character which is commensurate with the public interest, the following materials shall be used as primary exterior building wall finishes on portions of the building which are visible from the river right-of-way: brick, stone, glass, wood, stucco, imitation stucco, pre-cast concrete, poured concrete, and/or split-face concrete block. Materials should be sealed or otherwise treated if they will be subjected to wet conditions in order to maintain a clean and finished appearance. Other materials may be used if approved by the Special Review Panel.
- e. Service and loading areas, outdoor sales and storage areas, trash receptacles, utility equipment, mechanical units and similar appurtenances shall be located so as to minimize visibility from the rivers and shall be visually screened from view from off the premises. Trash receptacles shall be located within a four sided structure which completely conceals the trash receptacle. The color and architecture of the structure shall be compatible with that of the building which it serves. Building orientation shall be such that loading and service areas do not face the river or public road, except in the case of double frontage lots, where such areas must be located in a rear or side yard, which faces the highway. All loading and service areas shall be screened from view from off the premises.
- f. Screening walls and fences shall match the color and materials of the building on the premises. Fences designed to create privacy or separation shall be made of masonry, ornamental metal, durable wood, vinyl that is designed and fabricated to appear as wood, or a combination of these materials. Chain link, plastic or wire fencing is not permitted for fences visible from public property, unless screened by landscaping.
- g. Development plans shall include site amenities that enhance safety and convenience of pedestrians and promote walking or bicycling as an alternative means of transportation. Site amenities may include bike racks, drinking fountains, canopies and benches.

- h. When multi-use trails exist or are planned, pedestrian access lanes shall link the multi-use trail with street sidewalks and with building entries through parking lots. Special paving, raised surfaces, bollards, or landscaping shall be used to separate pedestrian access lanes from traffic. Such lanes shall be a minimum of six (6) feet in width.

#### **9.4.7. APPROPRIATE LAND USES AND ZONING**

- a. Appropriate land uses may include residential, multi-family residential, office, retail sales and service, historical education/interpretation, and some light industrial uses. Heavy industrial uses are not appropriate in the River Corridor Overlay Zone. Other uses allowed in the underlying zoning district shall be allowed on property within the district.

Appropriate zoning districts in the River Corridor Overlay Zone may include Suburban Residential, Agricultural Residential, High Density Traditional Residential, Low Density Traditional Residential, Duplex Residential, Multifamily Residential, Neighborhood Office Commercial, Office Institutional, Community Commercial, and Light Industrial zoning districts.

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