



Grayson
GEORGIA

Zoning Ordinance

Revised
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Grayson Zoning Ordinance of 2005

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An ordinance establishing zoning regulations for the City of Grayson, Georgia, providing for the districting of the City for various uses; defining certain terms used herein; regulating the location, height, number of stories, size of buildings and other structures for residential, commercial, industrial, recreational, public and other purposes; creating districts for said purposes and establishing the boundaries thereof; providing for the administration, amendment, and enforcement of said regulations; providing for a Zoning Board of Appeals and defining its powers and duties; imposing penalties for violation of its provisions; and repealing all ordinances in conflict therewith; and other matters.

ARTICLE I PREAMBLE

SECTION 100: ENACTMENT

Pursuant to the authority conferred by Article 9, Section II, Paragraph IV of the Constitution of the State of Georgia, 1983, and pursuant to Chapter 66 of the Official Code of Georgia Annotated, "The Zoning Procedures Law" and for several purposes of promoting health, safety, order, prosperity, aesthetics, and the general welfare of the present and future residents of the City of Grayson; of improving the City's appearance; furthering traffic safety; protecting property against blight and depreciation; encouraging the most appropriate use of land, buildings, and other structures throughout the City; facilitating the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; and for other purposes, all in accordance with a comprehensive plan for the development of the City, the Mayor and Council of the City of Grayson do hereby ordain and enact into law the following Articles and Sections of the Zoning Ordinance of Grayson, Georgia.

SECTION 101: SHORT TITLE

These regulations shall be known and cited as the "Grayson Zoning Ordinance of 2005."

SECTION 102: JURISDICTION

These regulations shall govern the use of all land and the developments thereof within the incorporated areas of Grayson, Georgia.

ARTICLE II ADMINISTRATION

SECTION 200: ADMINISTRATION OF ORDINANCE

An Administrative Officer designated by the Mayor and Council shall administer and enforce this Ordinance and carry out the duties required. The Administrative Officer may be provided with the assistance of such other persons as the Mayor and Council may direct.

The Administrative Officer shall order discontinuance of illegal use of land, buildings or structures or of illegal additions, alterations or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions. If it is found that any of the provisions of this Ordinance are being violated, the Administrative Officer shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Such written notice shall not be a necessary condition precedent to enforcement of the Ordinance.

SECTION 201: PRE-APPLICATION MEETING AND REVIEW

A pre-building permit application meeting with the City of Grayson Planning Department must be held for all building plans prior to the submission for a building permit. The plans should clearly indicate all of requirements of this Ordinance being met. The plans should clearly show the location and calculations of all requirements of this Ordinance. All plans must be submitted to the City of Grayson staff for review.

Groups of buildings on the same parcel of land may be reviewed and permitted as a single project rather than individual buildings. Grouping of similar buildings is encouraged to minimize the number of reviews required and to allow for originality and design flexibility.

SECTION 202: BUILDING PERMITS REQUIRED

No building or other structure shall be erected, moved, added to, or structurally altered without a building permit being issued. No building permit shall be issued for work in the City except in accordance with the provisions of this Ordinance.

All applications for building permits for uses other than one-family and duplex dwellings shall be accompanied by plans in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon, the sizes and locations on the lot of any existing buildings or structures, the shape, size, height, use, and the location of the lot of the building or structure to be erected, moved, added to or structurally altered and such other information as may be necessary to provide for the enforcement of this Ordinance.

If compliance does not result, the building permit shall be refused by the Administrative Officer.

SECTION 203: CERTIFICATE OF OCCUPANCY REQUIRED

A Certificate of Occupancy issued by the City is required prior to the use or occupancy of:

A. Any lot or change in the use thereof.

- B. A building hereafter erected or a change in the use or tenancy of an existing building.
- C. A change in any lawful nonconforming use. The Certificate of Occupancy shall state specifically wherein the nonconforming use fails to meet provisions of this Ordinance.

No Certificate of Occupancy shall be issued unless the lot or building or structure and use comply with all provisions of this Ordinance, all Georgia and Gwinnett Department of Transportation regulations and standards, all minimum standard building codes and State or County Fire Marshall regulations.

A temporary Certificate of Occupancy may be issued by the administrative official for a period not exceeding six months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may include such conditions and safeguards as will protect the safety of the occupants and the public.

The Administrative Officer shall maintain a record of all Certificates of Occupancy, and a copy shall be furnished upon request to any person having a proprietary or tenancy interest in the building or land involved.

SECTION 204: EXPIRATION OF BUILDING PERMIT

If the work described in any building permit has not begun within ninety (90) days from the date of issuance thereof, said permit shall expire.

If the work described in any building permit has not been substantially completed within two years of the date of issuance thereof, said permit shall expire and be canceled by the Administrative Officer. Written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new building permit has been obtained.

SECTION 205: PROVISIONS OF ORDINANCE TO BE MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals or general welfare. Whenever the provisions of any other statute or covenants require more restrictive standards than those of this Ordinance, the provisions of such standards shall govern.

SECTION 206: PENALTIES FOR VIOLATION

Any person who violates this ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than one thousand (\$1,000.00) dollars and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the City from taking such, other lawful action as is necessary to prevent or remedy any violation.

SECTION 207: REMEDIES

If any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or if any building, structure or land is used in violation of this Ordinance, the Mayor and Council of Grayson, the Administrative Officer, the City Attorney or any adjacent or other property owner or anyone else who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action in proceeding to stop.

SECTION 208: SEVERABILITY CLAUSE

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid. The Mayor and City Council hereby declares that it would have adopted the remaining parts of the Ordinance if it had known that such part or parts thereof would be declared or adjudged invalid or unconstitutional.

SECTION 209: REPEAL OF CONFLICTING ORDINANCES

All Ordinances or parts of Ordinances in conflict with this Zoning Ordinance are hereby repealed.

**ARTICLE III [AMENDED 3-15-2010]
INTERPRETATION AND DEFINITIONS**

SECTION 300: INTERPRETATIONS

For the purpose of this ordinance, the following interpretations shall apply:

All words used in the present tense include the future tense. All words in the plural number include the singular number, and all words in the singular number, include the plural number, unless the natural construction of the wording indicates otherwise. The word "shall" is mandatory and not discretionary. The word "used" shall be deemed also to include "designed, intended or arranged to be used." The word "person" includes the words "individuals", "corporations", "partnerships", "firms", and "associations".

SECTION 301: DEFINITIONS

For the purpose of this Ordinance certain words and terms used herein shall be defined and interpreted as follows:

ACCESSORY USE: A structure or use detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use. Examples of accessory uses include, but are not limited to free standing garages, storage buildings, tennis courts, and satellite dish antennas.

ACRE: A measure of land containing 43,560 square feet.

ADMINISTRATIVE OFFICER: For the purposes of this ordinance, the Administrative Officer shall be the City Administrator and the enforcement officer of this ordinance.

ADULT ENTERTAINMENT: Adult entertainment, as defined in the City's Adult Entertainment Establishments Ordinance, as amended, by an employee(s) at a properly licensed adult entertainment establishment.

ADULT ENTERTAINMENT ESTABLISHMENT: A commercial establishment licensed in accordance with the City's Adult Entertainment Establishments Ordinance, as amended, where adult entertainment, as defined in said ordinance, is sponsored, allowed, encouraged, condoned, presented, sold, or offered to the public.

ALTERATION, BUILDING OR STRUCTURAL: Any change in the supporting members of a building (such as bearing walls, columns, beams, or girders), except such changes as may be required for its safety; any addition to a building; any change in use from that of one zoning district to another; or of a building from one location to another.

ALTERNATIVE TOWER STRUCTURE: Man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

ANIMATED SIGN: Any sign or portion thereof including sign faces involving motion, flashing, blinking, rotation or varying light intensity.

ANTENNA: Any exterior apparatus designed for the sending and/or receiving of electromagnetic waves for telephonic, radio, television, or personal wireless services. For the purposes of this ordinance the term "antenna" does not include any tower and antenna under seventy (70) feet in total height which is owned and operated by an amateur radio operator licensed by the Federal Communications Commission, any satellite earth station antenna one meter in diameter or less, or any satellite earth station antenna two meters or less in diameter which is located in a commercial or industrial zoning district.

AUTOMOBILE SALES: The use of a building, land area, or other premise for the display and sale of new or used automobiles, light trucks or vans, motorcycles, trailers, or recreational vehicles, and including repair work as an accessory use.

AUTOMOBILE SERVICE STATION: Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels; servicing and repair of automobiles; and including as an accessory use the sale and installation of lubricants, tires, batteries, mufflers, and similar accessories. Only minor services are rendered. An automobile service station is not a repair garage nor a body shop.

BANNER: A piece of fabric or similar material that is attached to a pole, enclosed in a frame, or mounted in any other manner as a temporary sign device.

BED AND BREAKFAST: Overnight accommodations and morning meal in a dwelling unit provided to transients for compensation.

BILLBOARD: A free-standing sign with a sign area of more than 200 square feet.

BOARD: The Zoning Board of Appeals of the City of Grayson, Georgia.

BOARDING OR ROOMING HOUSE: A dwelling in which meals and lodging only are furnished for compensation to not more than ten non-transient persons.

BREWERY: means a building or establishment for brewing beer or other malt liquors, especially the building where the brewing is done.

BREW PUB: is a restaurant in which beer or malt beverages are manufactured or brewed subject to state law barrel production limitations for retail sales directly to consumers.

BUFFER: A portion of a lot or a land area used to visually separate one use from another through the use of vegetation, screening, and distance; to shield or obstruct noise, light, glare, or visual or other conditions. A buffer is measured from the common property line of the different uses and is also known as a "buffer strip".

BUILDABLE AREA: The portion of the lot remaining after required yards (building setback lines) have been provided.

BUILDING: Any structure attached to the ground which has a roof and which is designed for the shelter, housing, or enclosure of persons, animals, or property of any kind.

BUILDING ELEVATION: The area of the face of a building (height multiplied by width).

BUILDING, PRINCIPAL: A building in which is conducted the principal use of the lot on which said building is situated.

BUILDING HEIGHT: The vertical distance measured from the mean ground level at the front of the building to the highest point of the roof or parapet.

BUILDING INSPECTOR: The official appointed by the City Council of the City of Grayson and charged with the responsibility of permit and certificate of occupancy issuance.

BUILDING PERMIT: Permission of the City of Grayson for the construction, repair, alteration, or addition to a structure.

BUILDING SETBACK LINE. A line which represents the required distance between the nearest part of a building or structure, excluding steps, porches, and similar fixtures, from street right-of-way lines and lot boundaries in which a structure may not be erected.

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

CERTIFICATE OF OCCUPANCY: A permit issued by the an official appointed by the City of Grayson indicating that the use of the building and land in question is in conformity with this ordinance and will be used in compliance with all applicable codes and ordinances.

CITY: The City of Grayson, Georgia.

CITY ARBORIST: The agent of the City of Grayson having primary enforcement responsibilities under this ordinance and charged with the responsibility for approval of all landscape plans for land development in Grayson required pursuant to this ordinance. The Administrative Officer or his designee shall be charged with the duties of City Arborist.

COUNCIL: The City Council of the City of Grayson, Georgia.

COMMERCIAL ZONING DISTRICT: A zoning district that does not permit as a principal permitted use any type of single family or multifamily use.

COMMISSION: The Planning Commission of the City of Grayson, Georgia.

COMPREHENSIVE PLAN: The most recent City of Grayson Comprehensive Plan as required by the Department of Community Affairs.

CONDITIONAL ZONING: The attachment of special conditions to a rezoning which are not spelled out in the text of this ordinance. Conditions can include restrictions as to use, size, design and development timing and can be stipulated by the Mayor and Council as a means to mitigate potential adverse impacts which could be expected to occur without imposing such conditions.

CONDOMINIUM: A multifamily dwelling or row house in which each dwelling unit is owned and financed by the occupant, but in which halls, entranceways and underlying lands are owned jointly.

CURB CUT: A means of vehicular access between private property and an abutting public street.

DIAMETER AT BREAST HEIGHT (DBH): A standard measure of tree size. The tree trunk diameter is measured in inches at a height of four and one-half (4½) feet above the ground. If a tree splits into multiple trunks below four and one-half (4½) feet, then the trunk is measured at its most narrow point beneath the split.

DISTILLERY: means a building or establishment for the manufacturing of distilled spirits or spirituous liquor, especially the building where the distillation is done.

DRIVE-IN RESTAURANT: Any place or premises used for sale, dispensing, or service of food, refreshments, or beverages in automobiles, including those establishments where customers may eat or drink the food, or beverages on the premises.

DWELLING, SINGLE FAMILY: A detached residential designed for and occupied by one family only.

DOUBLE FACED SIGN: A sign which has two display areas against each other or where the interior angle formed by the display areas is 60 degrees or less, where one face is designed to be seen from one direction and the other face from another direction.

DWELLING, TWO FAMILY: A detached residential building containing two dwelling units, designed for occupancy by not more than two families. Also known as a "duplex".

DWELLING, MULTIPLE FAMILY: A residential building designed for, or occupied by, three or more families, with the number of families in residence not exceeding the number of dwelling units provided.

DWELLING UNIT: One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, for rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, sleeping and toilet facilities.

ENTRANCE SIGN: A permanent sign located on private property near a public street or private driveway entrance to a residential development, residential subdivision development or non-residential subdivision development.

FAA: The Federal Aviation Administration.

FCC: The Federal Communications Commission.

FAMILY: One or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such family shall contain over six persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a separate family of families. The term "family" does not include any organization or institutional group.

FARM ANIMALS: As used herein shall mean and include cattle, horses, goats, sheep, swine and other hoofed animals; poultry, ducks, geese and other live fowl; and rabbits, mink, foxes and other fur or hide-bearing animals customarily bred or raised in captivity for the harvesting of their skins. The term farm animal shall not include the purebred Vietnamese potbellied pig.

FARM WINERY: A winery which makes at least 40% of its annual production from agricultural produce grown in the state where the winery is located and; is located on the premises, a substantial portion of which is used for agricultural purposes, including the cultivation of grapes, berries, or fruits to be utilized in the manufacture or production of wine by the winery; or is owned and operated by persons who are engaged in the production of a substantial portion of the agricultural produce used in its annual production.

FENCE: An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or demarcate areas of land.

FLAG: A sign consisting of any fabric containing distinctive colors, patterns, logos or symbols, used as the symbol of a government or any other entity or organization.

FLASHING SIGN: See Animated Sign.

FLOOR AREA: The floor area a building is the gross horizontal area of the floors as measured from the exterior face of exterior walls. Finished, heated floor area measurements exclude carports, basements, attics, and open porches unless they are finished and heated.

FOOTCANDLE - A footcandle of light is a uniformly distributed flux of one (1) lumen on a surface of one (1) square foot in area.

GOVERNING BODY: The City Council of the City of Grayson.

GROUND COVERAGE: The area of a zoning lot occupied by all buildings and impervious surfaces expressed as a percentage of the gross area of the zoning lot.

GROUND COVER: A category of plants usually ranging from a few inches to a foot or more in height. Some ground covers are excellent for preventing soil erosion; others are helpful in carrying out design patterns.

GROUND SIGN: A permanently affixed sign that is wholly independent of a building for support.

GROUP HOME: A residential dwelling composed of not more than six (6) nonrelated individuals with one or more surrogate parents. The group home functions as a single housekeeping unit.

GROWLER SHOP: Growler means a container used to transport draft beer that is not to exceed sixty-eight (68) ounces and not less than twelve (12) ounces and is filled with beer from a keg or a tax-determined tank by a licensee, or an employee of a licensee with a license issued by the city. A growler shop is an establishment licensed by the city for sale of package malt beverages in growlers that are sealed on the licensed premises with a tamper-proof plastic cap and may not be thereafter opened or consumed on the premises.

HANGING SIGN: A sign that is wholly or partly dependent upon a building for support, and which projects more than twelve (12) inches from such building.

HEIGHT: When referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

HOME OCCUPATION: A lawful activity commonly carried on within a dwelling by a member or members of the family who occupy the dwelling where the occupation is secondary to the use of the dwelling for living purposes and the residential character of the dwelling is maintained.

IMPERVIOUS SURFACE: Any paved, hardened or structural surface, including but not limited to, buildings, dams, decks, driveways, parking area, patios, streets, swimming pools, tennis courts, walkways, and other structures.

IN PERPETUITY: The state or condition of lasting forever, continuing forever, or occurring continually.

INDIRECTLY ILLUMINATED SIGN: A sign illuminated by an external light source directed primarily toward such sign.

INOPERABLE VEHICLE: Any motorized vehicle incapable of immediately being legally driven.

INTERIOR PROJECT DIRECTIONAL SIGN: A sign with the purpose of providing more definitive directional information concerning the whereabouts of a specific building or project. Interior project directional signs shall not exceed thirty-two (32) square feet in size or eight (8) feet in height, and shall be located within the interior of the project but no closer than 100 feet

from the exterior public street entrance of a non-residential project, at a street intersection or along a private driveway within the project. These signs shall be shown on the site or design plans when the project is permitted and specifically approved by the City Administrator with the approval of the plan.

INTERNALLY ILLUMINATED SIGN: A sign illuminated by an internal light source.

JUNK OR SALVAGE YARD: A place where waste, discarded or salvaged metals, building materials, paper, textiles, used plumbing fixtures, used cars or trucks in inoperable condition are bought, sold, exchanged, stored, baled, or cleaned.

KENNEL: Any place that regularly breeds, boards, trains, buys, sells, trades or lets for hire any dog.

KENNEL, NONCOMMERCIAL: Any location where the boarding, caring for and keeping of five (5) or fewer dogs or cats or other small animals or combinations thereof is carried on outside a dwelling on a lot of less than one (1) acre in size, or, up to ten (10) dogs or cats or other small animals or combinations thereof is carried on outside a dwelling on a lot of at least one (1) acre in size, not for commercial purposes, but, for example, as a hobby such as the raising of show and hunting dogs. Litters of animals less than twelve (12) months of age are excluded from total number. Litters of animals shall be limited to one (1) per property at one time. All structures excluding fences used as a noncommercial kennel shall be located at least fifty (50) feet from any property line.

LAND USE PLAN: An element of the Comprehensive Plan of the City of Grayson.

LANDSCAPE PLAN: A plan that identifies areas of tree preservation and methods of tree protection as well as all areas of replanting.

LOADING SPACE, OFF-STREET: Space logically and conveniently located for bulk pickups and deliveries.

LOT: A zoning lot unless the context shall clearly indicate a contrary definition.

LOT FRONTAGE: The portion of a lot adjacent to a street.

LOT, CORNER: A lot situated at the intersection of two streets, or bounded on two or more adjacent sides by street right-of-way lines.

LOT, INTERIOR: A lot other than a corner lot or a through lot.

LOT, THROUGH: A lot having frontage on two streets that are approximately parallel.

LOT LINE: A boundary of a lot. Lot line is synonymous with property line.

LOT WIDTH: The distance between side lot lines measured at the required front yard line on a line parallel with a line tangent to the street right-of-way line.

LOT OF RECORD: Land designated as a separate and distinct parcel in a subdivision, the plat of which has been recorded in the Office of the Clerk of the Superior Court of Gwinnett County, or a parcel of land, the deed to which was recorded in said office prior to the adoption of this Ordinance.

MOBILE HOME: A mobile home is a factory fabricated transportable building consisting of units designed to be incorporated at a building site on a permanent foundation into a structure to be used for residential purposes.

MONOPOLE TOWER: A telecommunications tower consisting of a single pole.

MONUMENT-TYPE SIGN: A freestanding sign with a solid, decorative base and/or frame. The base shall be at least as wide as the sign and/or frame upon it. Decorative base materials shall be stone, brick, stucco, or alternative like materials at City's discretion. No support posts shall be exposed.

MULTI-FACED SIGN: A sign structure with more than two sign faces situated so that each sign face is facing a different direction.

NONCONFORMING SIGN: Any sign lawfully existing on the effective date of this ordinance, or amendment thereto, that renders such sign nonconforming because it does not conform to all the standards and regulations of the adopted or amended ordinance.

NONCONFORMING USE OR STRUCTURE: Any building, structure, or use of land lawful at the time of passage or amendment of this Ordinance which does not conform, after the passage or amendment of this Ordinance with the use regulations of the district in which it is located.

OPEN SPACE. Any portion of property designated and reserved which shall be used solely for active or passive recreational uses or for landscaped, undisturbed and vegetated areas.

ORNAMENTAL TREES: Small growing trees, attaining a mature height of less than forty (40) feet, grown primarily for aesthetic purposes. Common ornamental trees in this area include Dogwood and Bradford Pear trees.

OUTDOOR ENTERTAINMENT DISTRICT: means the area or areas of the City, designated by the City Council, in which growler shops, restaurants and tasting rooms are an acceptable land use, and where alcoholic beverages may be carried outside of the premises covered by a license, in accordance with the requirements of the Grayson Code of Ordinances.

PARKING SPACE, OFF-STREET: An off-street parking space consisting of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room.

PERSONAL CARE HOME: A residence or building composed of related or nonrelated individuals with one or more surrogate parents that function as a single housekeeping unit. All personal care homes shall be approved and licensed by the Georgia Department of Human Resources.

PET: An animal owned or kept for pleasure rather than for sale, which is an animal of a species customarily bred and raised to live in the habitat of humans and is dependent upon them for food and shelter; except that farm and wild animals shall not be deemed pets.

POINT OF SOURCE LIGHT ELEMENT: Any element portion or device of any sign which emits any visible light. This includes, but is not limited to, bulbs or any light emitting element which are incandescent, halide, pressurized elemental gaseous, halogen, fluorescent, LED and gaseous tubing such as neon and like gasses.

PORTABLE SIGN: Signs which are mounted or attached to ~~by~~ vehicles, trailers, movable structures, or attached to sign structures which are not securely anchored into the ground, or any sign which may be transported or is designed to be transported. Such signs include, but are not limited to, “A” and “T” type, sidewalk; sandwich; trailer signs; curb type signs; banners; signs and/or devices which are held by or attached to individuals that display or represent services, products, or businesses; searchlights; or other commercial advertisement attached to vehicles and trailers which offer products or services. Exceptions: Signs, which are painted, bolted, screwed or magnetically attached to the top, sides or rear of the vehicle stating only the name, address, business logo and telephone number of a business, and which do not project beyond the extreme edges of the vehicle.

PREEXISTING TOWERS AND ANTENNAS: Any tower or antenna for which a permit has been properly issued prior to the adoption of this ordinance.

PRINCIPAL PERMITTED USE: That use of a lot which is among the uses allowed as a matter of right under the zoning classifications.

PRIVATE DEED RESTRICTIONS OR COVENANTS: Private deed restrictions or covenants are imposed on land by private landowners to bind and restrict the land owned by present owners and subsequent purchasers. They are enforced only by the land owners involved and not by the city or other public agency.

RECREATION FACILITY: A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities.

REVEGETATION: The replacement of trees and landscape plant materials into the minimum required landscape areas, as determined by this Ordinance, conditions of zoning approval, or the Tree Preservation Ordinance.

ROAD FRONTAGE: The distance, measured in a straight line, from the two farthest property corners located on the same public right-of-way.

ROOF SIGN: A sign projecting over the coping of a flat roof, or over the lowest edge of a gable, hip or gambrel roof, and supported by or attached to said roof.

SETBACK, FRONT YARD: The distance between the minimum or maximum front building line and the front lot line extending the full width of the lot.

SETBACK, REAR YARD: The distance between the minimum or maximum rear building line and the rear lot line extending the full width of the lot.

SETBACK, SIDE YARD: The distance between the minimum or maximum side building line and the side lot line.

SHOPPING CENTER: A group of commercial establishments having a building composition that is an architectural unit and is not a miscellaneous assemblage of stores. It is typically planned, developed, owned, and managed as a unit. Shopping centers are classified by type, each distinctive in its own function:

- Neighborhood Shopping Center - provides for the sale of convenience goods (foods, drugs, etc.) and personal services (laundry, dry cleaning, barbering, etc.) for the day to day living needs of the immediate neighborhood.
- Community Shopping Center - in addition to the convenience goods and personal services of the neighborhood center, provides a wider range for the sale of soft lines (apparel, etc.) and hard lines (hardware and appliances) making more depth of merchandise and services available.
- Regional Shopping Center - provides for general merchandise, apparel, furniture and home furnishings in full depth and variety. It is built with multiple full line department stores as the focal point.

SIGN: An object, device, display, or structure, or part thereof including sign face, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.

SIGN AREA: The entire area within a continuous perimeter, enclosing the extreme limits of sign display, including any frame, post, border or base structure. The term “continuous perimeter,” as used in this definition, shall be deemed to include the entire are of the sign from the top of the structure to the ground level. Curved, spherical, or any other shaped sign face shall be computed on the basis of actual surface area. The calculation for a double faced sign shall be the area of one face only where the sign faces are parallel or where the interior angle formed by the faces is sixty (60) degrees or less. The area of the larger side shall be computed in cases in which the two sides do not coincide. For a multiple sided sign, the sign area of all sides shall not exceed twice the maximum permitted sign area.

SIGN FACE: The area or display surface of a sign which is used for the message.

SIGN HEIGHT: The distance in vertical feet from the elevation of the adjacent dedicated public street, edge of pavement, to the highest point of the sign structure. For property with an elevation higher than the adjacent public street, the height shall be measured from ground level at base of sign to the highest point of the sign structure. The ground shall not be altered for the sole purpose of providing additional sign height.

SIGN STRUCTURE: Poles, beams, columns, posts, foundations, or other means providing structural support for the sign surface area to which the sign is affixed.

SITE DEVELOPMENT PERMIT: A permit issued that authorizes the commencement of development on a given tract of land in Grayson.

SPECIAL USE: A Special Use is a use that would not be appropriate generally without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, or general welfare. Such uses may be permitted in such Zoning Districts as Special Uses, if specific provisions for such Special Uses are made in this Ordinance.

SPECIMEN TREE: Any tree which has been determined by the City to be of high value because of its type, size, age, and/or historical significance, or other professional criteria, and has been so designated in administrative standards established by the City. This is usually a plant with desirable form, foliage, fruit, or flower that can be emphasized although isolated.

STREAM, PERENNIAL: A watercourse having a source, terminus, banks, and channel through which water flows on a continuous basis as depicted on the most recent United States Geological Survey 7.5 - minute quadrangle map (scale 1:24,000).

STREAMER: Any long, narrow flag, banner, tubular device, tinsel or roping which is self-supporting or attached from any structure.

STREET: A right-of-way for vehicular traffic that affords the principal means of access to abutting properties. The various classifications of streets are defined as follows:

- Arterial - A street used primarily for fast and heavy traffic flow; is of considerable continuity; and is used as a traffic artery to interconnect areas and major activity centers.
- Major Collector - A street carrying traffic from activity centers and minor collector streets to arterial streets and streets of higher classification.
- Minor Collector - Principal entrance streets to subdivisions and the main thoroughfares providing circulation within a subdivision serving a network of four or more local streets.
- Local - A street used primarily in residential subdivisions for access to abutting properties as opposed to the collection and dispersion of traffic.

- Cul-De-Sac - A local street with only one outlet, closed and terminated by a vehicular turnaround.

STRUCTURE: A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on above, or below the surface of land or water.

SUBDIVISION DIRECTIONAL SIGN: A sign which provides directions to property for sale, lease or rent.

SUBSTANTIAL BUILDING PERMIT: A nonresidential building permit issued by the City of Grayson with a total value in excess of fifty (50%) percent of the Gwinnett County Tax Assessor's one hundred (100%) percent appraised value of the existing improvements only. The aggregate value of all building permits issued to the property over the previous twelve months shall be included in this calculation.

(Example: The 100 percent appraised value of the improvements of a 10,000 square foot shopping center is assessed by Gwinnett County at \$250,000. The owner decides to build phase two of the shopping center, which includes an additional 6,000 square feet of space. The low bid on the job is \$200,000. Does this equate to a Substantial Building Permit? $\$200,000 / \$250,000 = 80.00\% > 50.00\%$ Yes, this is a substantial building permit.)

TELECOMMUNICATIONS FACILITIES: Refers to antenna and towers, either individually or together.

TEMPORARY SIGN: A sign of a non-permanent nature.

TOWER: A structure, such as a lattice tower, guy tower, or monopole tower, constructed as a free-standing structure or in association with a building, other permanent structure or equipment, on which is located one or more antenna intended for transmitting or receiving analog, digital, microwave, cellular, telephone, personal wireless service or similar forms of electronic communication. The term includes microwave towers, common carrier towers, and cellular telephone towers.

TOWNHOUSE: A town house or row house is a semidetached, multiple-story house in which each family occupies multiple stories.

TRAILER, CAMPER (MOTOR HOMES): A vehicle, including a motor home, designed and/or maintained for use as a temporary dwelling or sleeping place for travel or recreation purposes exclusively, having no foundation other than wheels or jacks.

TRAILER PARK (CAMPER): A parcel of land which is used solely for the rental or lease of lots for transient campers, trailers, motor homes, or temporary parking of any other recreational vehicle that is not a mobile home.

TREE: Any self supporting wood perennial plant which at maturity attains a trunk diameter of four (4) inches or more measured at a point four and one half (4½) feet above the ground level and which normally attains a height of at least twenty five (25) feet at maturity, usually with one main stem or trunk and many branches.

TREE DENSITY UNIT: A unit of measure used to prescribe and calculate required tree coverage on a site. Unit measurements are based upon tree size.

USE: The purpose or purposes for which land or building is designed, arranged, or intended, or to which said land or building is occupied, maintained or leased.

VARIANCE: A variance is a relaxation of the terms of the Grayson Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area, location, and size of a structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.

WALL SIGN: A sign applied to or mounted to the wall or surface of a building or structure, the display surface which does not project more than twelve (12) inches from the outside wall of such a building or structure. The total lettering on one side of a building shall constitute one wall sign.

WATERSHED: A drainage area or basin in which all land and water areas drain or flow toward a downstream collection area such as a stream, river, lake, or reservoir.

WINDOW: An opening made in the wall of a building to admit light and air, and/or to furnish a view; provided, however, that as such term is used herein, the term “window” shall not include the framework for such opening, but shall only include the glass or translucent portion of such opening. Glass doors are to be considered windows for the purposes of administration of this Article.

WINDOW SIGN: Any type of sign that is located in proximity of, or attached to, the interior or exterior surfaces of a window, and is intended primarily to be viewed from the exterior of the premises. Merchandise located within a window shall not be considered a window sign, as long as there are no commercial messages attached to or associated with the display of merchandise.

WINE CENTER: An establishment that has been granted a license to sell beer for consumption only on the premises, to sell wine for consumption on the premises, to sell wine by the package for carryout purposes, and to operate a wine tasting room. Such an establishment shall meet the stipulations as defined in ARTICLE XI of the Code of City of Grayson, Georgia.

YARD: A required open space located on the same lot as the principal building, unoccupied, and unobstructed except for accessory uses and for shrubs and fences.

ZONING LOT: A single tract of land, located within a single block, which at the time of filing for a building permit or a certificate of occupancy, is designated by the owner or developer as a tract to be used, developed, or built upon as a unit, under single or unified ownership or control,

and assigned to the particular use, building or structure, for which the building permit or certificate of occupancy is issued and including such area of land as may be required by the provisions of this ordinance for such use, building or structure.

**ARTICLE IV
PROVISION FOR OFFICIAL ZONING MAP
ESTABLISHMENT OF DISTRICTS**

SECTION 400: OFFICIAL ZONING MAP

The City of Grayson is hereby divided into zoning districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Administrator, and bearing the seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in the Grayson Zoning Ordinance of 2005," together with the date of adoption of this Ordinance.

SECTION 401: AMENDMENT TO MAPS

If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the Mayor and Council, with an entry in the minutes of such council meeting as follows: "On _____ (month) ____ (day), _____ (year) by official action of the Mayor and City Council, the following change (changes) was (were) made to the Official Zoning Map: (brief description of nature of change or changes)", which entry shall be signed by the Mayor and attested by the City Administrator. No amendment to this ordinance is official until such change and entry is made on said map.

No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this ordinance.

Regardless of the existence of copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the City Administrator shall be the final authority as to the current zoning status of the City.

SECTION 402: REPLACEMENT OF OFFICIAL ZONING MAP

In the event that the Official Zoning Map becomes damaged, destroyed, lost, difficult to interpret because of the nature or number of changes and additions or the Mayor and Council deem an updated Official Zoning Map to be necessary, the Mayor and City Council may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map. The new Official Zoning Map shall be identified by the signature of the Mayor attested by the City Administrator and bearing the seal of the City under the following words: "This is to certify that is the Official Zoning Map of the City of Grayson and this map supersedes and replaces any previously adopted Zoning Map."

Unless the previous Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant remaining parts thereof, shall be preserved, together with all available records pertaining to its adoption or amendment.

SECTION 403: RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

Because of the scale of the Official Zoning Map, there may be uncertainty with respect to the location of the boundaries of any Zoning District in Grayson, Georgia. In the event uncertainty exists, the following rules shall apply:

- A. Where possible, a rezoning file, which includes a correct legal description and minutes of the Mayor and City Council public hearing shall be used for delineating zoning boundaries.
- B. Where a Zoning District boundary line is shown as approximately following a corporate limits line, a militia district line, a land lot line, a lot line or the center line of a street, a county road, a state highway, an interstate highway, or a railroad right-of-way or such lines extended, then such lines shall be construed to be the Zoning District boundary lines.
- C. Where a Zoning District boundary line is shown as being set back from a street, a county road, a state highway, an interstate highway, or a railroad right-of-way, and approximately parallel thereto, then such Zoning District boundary line shall be construed as being at the scaled distance from the center line of the street, county road, state highway, interstate highway, or railroad right-of-way and as being parallel thereto.
- D. Where a Zoning District boundary line divides a lot, the location of the line shall be the scaled distance from the lot lines. In this situation, the requirements of the Zoning District in which the greater portion of the lot lies shall apply to the balance of the lot except that such extension shall not include any part of a lot that lies more than fifty feet beyond the Zoning District boundary line.
- E. In the case of a through lot fronting on two approximately parallel streets that is divided by a Zoning District boundary line paralleling the streets, the restrictions of the Zoning District in which each frontage of the through lot lies shall apply to that portion of the through lot.
- F. Where Zoning District boundaries are in doubt, the Administrative Officer shall make such interpretation using the appropriate scale from the Official Zoning Map.

SECTION 404: DISTRICTS LISTED

For the purposes of this Ordinance the incorporated area of Grayson, Georgia is divided into Zoning Districts designated as follows:

R-100 Single-Family Residence District

This zoning district is intended primarily for one-family residences and related uses. This district is designed to stabilize and protect the residential characteristics of the district and to encourage a suitable family life on large size lots.

R-100 Modified Single-Family Residence District

The purpose of the Modified single family development is to permit a procedure for development that will result in an improved living environment; that will promote more economic subdivision layout; that will encourage ingenuity and originality in subdivision and site design; and that can preserve open space to serve recreational, scenic, and public service purposes, and other purposes related thereto.

CS Conservation Subdivision Single-Family Residence District

The purpose of this single-family residential district is to encourage development designed to preserve and protect environmental resources, scenic vistas, and natural and cultivated landscapes; to enhance land, water, air, and tree/vegetation resources by minimizing the area of land disturbance, reducing impervious surface, optimizing stream buffers, preserving vegetation cover and encouraging the provision of open space; to reduce infrastructure maintenance costs as a result of efficient community design; to provide open space and pedestrian linkages and wildlife corridors among residential communities; to encourage recreation opportunities; to preserve significant historical and archeological features; and to preserve and protect contiguous undeveloped areas within the development.

RM Multifamily Residence District

This district is intended primarily for two-family and multifamily dwellings. Because these areas are served by public utilities and facilities, a moderate density of development can be supported.

OI Office-Institutional District

The Office-Institutional district is intended to encourage the location of suitable business and professional enterprises, medical and dental facilities and limited related retail and service activities in buildings of high character and in attractive surroundings. The Office-Institutional district may have direct access to State Highways or major arterial thoroughfares.

C-1 Neighborhood Business District

This district provides a location for convenient goods and services to satisfy the common and frequent needs of the residents of nearby residential neighborhoods provided all activities and display of goods are carried on within an enclosed building except as specified herein.

C-2 General Business District

This district provides for a wide range of retail and service establishments requiring a location accessible to large sectors of the community population provided all activities and display of goods are carried on within an enclosed building except as specified herein.

C-3 Central Business District

This district is designed to provide for the effective use of land situated in relationship to major highways and highway interchanges so efficient grouping of activities can develop to serve the traveling public. Front yard requirements are designed to provide for the safety of the traveling public by provision for adequate off-highway maneuvering and parking space.

PUD Mixed Use Planned Unit Development

This district is designed to encourage and allow more creative and imaginative design of development projects than is possible under certain zoning district regulations. Planned Unit Developments are intended to allow substantial flexibility in planning and designing a proposal. This flexibility often accrues in the form of relief from compliance with certain site and design requirements contained within this Ordinance. PUDs allow higher density and non-traditional site requirements and as such, require features not normally required of traditional developments.

Unlike “traditional developments,” PUDs require in-depth scrutiny and are often highly conditioned. Hence, more information is demanded about the proposal than would be required if development were being pursued under conventional zoning requirements. PUDs ensure the development will be in harmony with the character of the neighborhood in which the development is located. The PUD is not intended to circumvent the parameters of existing zoning, but rather to encourage ingenuity and resourcefulness in land planning. Planned Unit Development zoning is not intended to be used for speculative purposes to enhance the value of property. As such, approval of a PUD will be as a conditional use, based upon a detailed Master Development Plan submitted as part of the application. The Mayor and City Council may approve different percentages of land use mixtures, different density units, and different open space requirements based on the ingenuity and resourcefulness on the presented plan.

R4 PUD Single Family Residential Planned Unit Development

- a. An R4 PUD is a development that was zoned by the City as an R4 subdivision prior to the adoption of the Planned Unit Development zoning district.
- b. All R4 subdivisions zoned prior to the adoption of this Planned Unit Development Ordinance shall continue to exist and shall not be considered a non-conforming use under the provisions of the Grayson Zoning Ordinance.
- c. The preliminary or final plats that have been approved by the City for R4 subdivisions shall constitute the Master Development Plans for the R4 PUDs and hereafter shall not be significantly altered except by approval of the City through the normal zoning process.
- d. R4 PUD is no longer an available zoning classification in the City and the City shall not accept any applications for an R4 PUD or an R4 subdivision

M-1 Light Industry District

This district provides for a wide range of heavy commercial and light industrial uses, all of which shall be able to meet comparatively rigid specifications as to nuisance free performance. This district is comprised of lands that are located on or have ready access to a major street or State Highway and are well adapted to industrial development, but whose proximity to residential or commercial districts makes it desirable to limit industrial operations and processes to those that are not objectionable by reason of the emission of noise, vibration, smoke, dust, gas, fumes, odors, or radiation, and that do not create fire or explosion hazards or other objectionable conditions.

MH Manufactured Housing District

This district is intended exclusively for the placement of manufactured housing in an environment that will provide pleasant and otherwise satisfactory living conditions and additionally will not produce adverse effects upon neighboring properties.

Overlay Districts

Overlay Zoning Districts are supplemental to the base zoning district classifications established in this Ordinance. All development and building permits for a lot located in any Overlay Zoning District shall meet all of the requirements of the base zoning district in which it is located, and in addition, shall meet all of the requirements of the overlay district applicable to said lot. Where there is a conflict between the standards and requirements of the Overlay District and the base district, the standards and requirements of the Overlay District shall govern.

The City of Grayson has the following Overlay Districts:

UC Uptown Center Overlay District

The purpose of this District is to promote compact, pedestrian-friendly, mixed-use areas corresponding with the City's historic and revitalizing center of town along Grayson Parkway, S.R. 20, and Rosebud Road. The design and land use of this area should be generally consistent with preserving and reestablishing the center of town as a community focal point for social interaction and a commerce destination. New developments, whether they are redevelopments or new construction, should be designed to reflect these characteristics.

GH 20 Grayson/Highway 20 Overlay District

This district is intended to complement the Gwinnett County's Grayson/Highway 20 Corridor Overlay District. This District will promote a mixture of uses and densities that will include these characteristics - quality site design, lighting, architectural treatments, require interparcel access; to develop a sense of place that is aesthetically pleasing and to establish consistent and harmonious design standards for public improvements and private property development so as to unify the distinctive visual quality of the corridor.

SECTION 405: ANNEXATION

Any land subsequently annexed to the City shall be annexed in accordance with the procedures adopted by Mayor and Council that are based upon State law and are part of the Grayson City Code. It shall, immediately upon annexation, be classified into a zoning category compatible with adjacent zoning and land uses.

ARTICLE V GENERAL PROVISIONS

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

SECTION 500: APPLICABILITY TO LAND, BUILDINGS AND OPEN SPACE

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

SECTION 501: ADA COMPLIANCE

In addition to the regulations of this Ordinance, the ADA (Americans with Disabilities Act) Accessibility Guidelines for buildings and facilities shall also apply.

SECTION 502: HEIGHT AND DENSITY

No building or other structure shall hereafter be erected or altered to exceed the height or bulk limits of this Ordinance; to accommodate or house a greater number of families; to occupy a greater percentage of lot area; to have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any other manner contrary to the provisions of this Ordinance.

SECTION 503: LOT REDUCTION PROHIBITED

No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein except for a public purpose. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

SECTION 504: YARD AND OTHER SPACES

No part of a yard or other open space or off-street parking or loading spaces required about any one building shall be included as a part of the yard or off-street parking or loading spaces required for another building, except as specifically provided for herein.

SECTION 505: NATURAL VEGETATION

Natural vegetation shall remain on all properties until a development permit has been issued.

SECTION 506: ONE PRINCIPAL RESIDENTIAL BUILDING ON A LOT

Only one residential structure and permitted accessory building(s) may be erected on any one lot. The number of multiple-family, commercial or industrial structures per zoning lot is limited by the space limits, parking and density provisions of this ordinance.

SECTION 507: MINIMUM FLOOR AREA REQUIREMENTS

All single family residential structures in all zoning districts shall have a minimum finished, heated floor area of one thousand eight hundred (1,800) square feet. In RM zoning districts, all duplexes shall have a minimum finished, heated floor area of one thousand two hundred (1,200) square feet per unit; one-bedroom apartments shall have a minimum finished, heated floor area of nine hundred and fifty (950) square feet per unit; all two-bedroom apartments shall have a minimum finished, heated floor area of one thousand one hundred and fifty (1,150) square feet per unit; and all three-bedroom apartments shall have a minimum finished, heated floor area of one thousand three hundred and fifty (1,350) square feet per unit.

SECTION 508: STREET FRONTAGE REQUIREMENT

No residential structure shall hereafter be erected on a lot that does not abut for at least a distance of forty (40) feet as measured at the right-of-way upon an open street which shall be either a public street, a publicly approved street or a publicly maintained street.

In the event there exists a lot of record having less than forty (40) feet of frontage upon a public street, a publicly approved street or a publicly maintained street as of the effective date of this Ordinance, the property owner shall be entitled to only one (1) building permit, provided;

- A. No other principal building exists or is being constructed on said property;
- B. No other valid building permit has been issued prior to the effective date of this Ordinance and is currently valid;
- C. The property was and continues to be under single ownership since the effective date of this Ordinance;
- D. The property owner has acquired a twenty (20) foot access easement to a publicly maintained street, and said easement has been duly recorded and made part of the property deed; and
- E. In the event said property is divided, no additional permits will be issued.

SECTION 509: CLASSIFICATION OF STREETS

For purposes of this ordinance, all of the streets, roads and highways in the City of Grayson except where otherwise noted, are classified as Principal, Major and Minor Arterials, Major and Minor Collectors, or local streets as shown on the Gwinnett County Long Range Road Classification Map.

SECTION 510: ACCESSORY USES

Accessory uses shall be permitted only in rear yards, except as otherwise provided in this Ordinance.

A. Residential

- 1. Permitted Front and Side Yard Accessory Uses. In residential districts accessory uses such as driveways, sidewalks, flagpoles, basketball goals, and decorative landscaping, stepping stones, fountains, birdbaths and houses, light posts, and bridges shall be permitted in the front, side, or rear yards.

2. Restricted Accessory Uses. In residential districts, all other uses not permitted by paragraph 1 of this section shall be located in the rear yard of the residence and shall be further restricted as follows:
 - a. Square footage limitation:
 - i. On lots one (1) acre or less, buildings shall not exceed a total floor area of seven hundred and fifty (750) square feet.
 - ii. On lots greater than one (1) acre, buildings shall not exceed a total floor area equal to forty (40%) percent of the square footage of the primary use.
 - b. Constructed accessory uses (buildings, swimming pools, tennis courts, and like uses) shall be set back not less than ten feet from any lot line.
 - c. Accessory uses shall meet all other building codes and regulations of Grayson, Gwinnett County, and the State of Georgia.
- B. Commercial. Accessory uses in commercial zoning districts shall adhere to the required setbacks of the zoning district.

In all zoning districts, no accessory use shall be permitted in public rights-of-way except mailboxes, sidewalks, driveways, light posts, and decorative landscaping.

SECTION 511: APPROVALS FOR DEVELOPMENT ON COUNTY OR STATE HIGHWAYS

For all developments fronting on or having access to a County or State street or highway, no building permit shall be issued until approval by the County or State Department of Transportation has been obtained and documented by the applicant for said development.

SECTION 512: CITY AND COUNTY APPROVALS THAT ARE REQUIRED

All City and County approvals that are required for the use of land and structures and for the location and operation of residences, businesses, and industries shall be obtained by the applicant and transmitted by applicant with his request for a building permit or an occupancy permit.

SECTION 513: SIDEWALKS REQUIRED

In all zoning districts, new developments shall install sidewalks along all rights-of-way. The sidewalks shall meet the dimensional requirements of each zoning district as specified herein. Installation of the sidewalk is required before the issuance of a Certificate of Occupancy for any building.

SECTION 514: BUILDINGS UNDER CONSTRUCTION

Nothing in this Ordinance shall require any change in the construction or intended use of a building which is legally under construction or for which a building permit has been issued as of the effective date of this Ordinance and the construction of which shall be diligently pursued until completion.

SECTION 515: DEVELOPMENT PROJECTS UNDER CONSTRUCTION

Nothing in this Ordinance shall require any change in development or proposed use of properties which are legally under construction or for which a development plan or preliminary plat has

been approved as of the effective date of this Ordinance provided that construction shall commence within one (1) year from the effective date of this Ordinance.

SECTION 516: PROHIBITED USES

A. The following uses are prohibited in all zoning districts of the City of Grayson:

1. Meat packing, slaughtering, eviscerating and skinning;
2. Poultry killing, plucking and dressing;
3. Rendering of byproducts of slaughtering and killing animals or poultry;
4. Yards for the sale, transfer or temporary holding of livestock;
5. Use of equipment which causes off-site radio or television interference; and
6. Landfills and junkyards.
7. Outside storage on any property that is not customarily incidental and subordinate to the principal building or is not otherwise permitted by Article XI.

B. Hours of Operation

1. No business operation is allowed in the Uptown Center Overlay District between the hours of twelve (12) o' clock midnight and five (5) o' clock a.m. This time restriction shall not apply to automated machinery (e.g., bank ATM's, pay phones, vending machines, etc.).
2. No business operation is allowed in any zoning district, other than the Uptown Center Overlay District, between the hours of twelve (12) o' clock midnight and five (5) o' clock a.m. without being granted a Special Use Permit. This time restriction shall not apply to automated machinery (e.g., bank ATM's, pay phones, vending machines, etc.).

The Board of Appeals does not have the authority to grant a variance or a special exception to allow any of the uses listed above in paragraphs A or B.

ARTICLE VI EXCEPTIONS

SECTION 600: HEIGHT EXCEPTIONS, GENERAL RULE

Any structure hereafter erected or altered shall comply with the height limitations of the district in which it is located except as specified below.

SECTION 601: STRUCTURES EXCLUDED FROM HEIGHT LIMITATIONS

The height limitations of this Ordinance shall not apply to church spires, belfries, flag poles, monuments, cupolas, domes, ornamental towers, nor to observation towers not intended for human occupancy, or water towers. These exceptions shall not apply in the vicinity of airports. Telecommunication antennas and towers are regulated by Article XVI.

SECTION 602: WALLS AND FENCES

The setback requirements of this ordinance shall not prohibit any necessary retaining wall or fence except that in a residential district:

- A. Front yard fences and walls shall not exceed four (4) feet in height and shall not extend into public right-of-way.
- B. Front yard fences shall not be made of wire, woven metal, or chain link unless located on property of an agricultural or undeveloped use or of a lot size larger than three (3) acres.
- C. Ornamental or decorative fences constructed of brick, stone, stucco, split rail, wood or wrought iron and not constructed of exposed block, tires, junk or other discarded material shall be permitted within the front yard setback.
- D. No fence shall exceed six (6) feet in height within a rear or side yard.

Community and public recreation facilities, within a subdivision, shall be exempt from the requirements of this section.

SECTION 603: YARD SPACE, GENERAL RULE

Any building, structure or use hereafter erected, altered or established shall comply with the yard space requirements of the district in which it is located except as specified below. The required yard space for any building, structure, or use shall be contained on the same zoning lot as the building, structure or use and such required yard space shall fall entirely upon land in a district or districts in which the principal use is permitted.

SECTION 604: SUBSTANDARD LOTS OF RECORD

Any lot of record existing at the time of adoption or amendment of this Ordinance, which has an area or width which is less than required by this Ordinance, shall be subject to the following exceptions and modifications.

- A. Adjoining Lots. When two (2) or more adjoining and vacant lots within a non-approved development with continuous frontage are in a single ownership at the time of application, and such lots have a frontage or lot area less than is required by the district in which they are located, such lots shall be re-platted so as to create one (1) or more lots which conform to the minimum frontage requirements of the district.

- B. Lots Not Meeting Minimum Lot Size Requirements. When a lot has an area or frontage which does not conform to the requirements of the district in which it is located, but was a lot of record at the effective date of this Ordinance, such lot may be used for any use allowed in the zoning district in which it is located provided that all other requirements of this Ordinance are met.

SECTION 605: FENCES AND HEDGES, CORNER VISIBILITY

On corner lots within all zoning districts, no fence, shrubbery, or other obstruction to traffic line of sight vision shall exceed a height of two and one-half (2½) feet within the triangular area formed by the intersection of right-of-way lines at two points measured twenty (20) feet along the property line from the intersection. Within said triangle there shall be no sight obscuring wall, fence or foliage higher than thirty (30) inches above grade or in the case of trees, foliage lower than eight (8) feet. Vertical measurement shall be made at the top of the curb on the street or alley adjacent to the nearest side of the triangle or if no curb exists, from the edge of the nearest traveled way.

SECTION 606: FENCES AND HEDGES, MEASUREMENT RULE

Heights of fences, hedges, and other continuous foliage shall be measured from the adjacent top of the street curb, surface of an alley, or the official established grade thereof, whichever is higher. Along interior lot lines, the measurement shall be from the average grade of the lot line of the parcel on which the fence is located.

SECTION 607: FENCES AND HEDGES, EXCEPTION

The Mayor and Council or Board of Appeals may approve, or may direct as a condition for granting approval, that fences or plantings of a height in excess of these regulations be placed as shielding between different uses, or between like uses upon agreement between the parties affected thereby, provided that no such approval shall have the effect of reducing corner visibility as provided for herein.

SECTION 608: PERMITTED ENCROACHMENTS UPON REQUIRED SETBACKS

The following setback encroachments are permitted as follows:

- A. Cornices, eaves, chimneys, porches, bay windows, or other similar architectural features may extend in to the required front, side and rear yard provided such extensions do not exceed three (3) feet. Decks and patios may extend into the side or rear yard no closer than ten (10) feet from any property line. Steps and landings may extend into the required setbacks provided such extensions do not exceed ten (10) feet for the front yard, three (3) feet for the side yard and no closer than ten (10) feet from the property line in the rear yard.
- B. When a canopy is utilized in connection with a commercial or industrial use in districts where such uses are permitted, such canopy may occupy a portion of the required yard setback adjacent to streets, subject to the following provisions:
1. No portion of a canopy shall be closer than ten feet from any street right-of-way line when measured vertically, nor closer than twenty (20) feet from the face of the curb of the street.
 2. No canopy shall occupy more than fifty (50%) percent of a required yard over which it extends.

SECTION 609: RECREATION FACILITIES

Subdivision, commercial and public recreation facilities are subject to the following requirements.

1. Parking:

- a. Subdivision Recreation Facility - one (1) space per ten (10) dwelling units.
- b. Commercial & Public Recreation Facility - A minimum of twenty (20) spaces, except that golf courses shall require twenty (20) spaces per each nine (9) holes.

2. Fences:

- c. Commercial and public recreation facilities, within a subdivision, shall be exempt from requirements of Section 602.

ARTICLE VII MISCELLANEOUS PROVISIONS

SECTION 700: STRUCTURES TO HAVE ACCESS

Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

SECTION 701: REQUIREMENTS FOR MOVING A BUILDING

No dwelling unit or other permanent structure shall be relocated within the City unless, when relocated, it meets all requirements of this Ordinance and other City code requirements. The relocation must be approved by the City of Grayson prior to the transportation of the structure.

SECTION 702: TEMPORARY BUILDINGS

A temporary building or buildings for use in connection with a construction project or subdivision development shall be permitted on the land on which the project is being constructed during the duration of the construction period. Temporary buildings related to a subdivision development shall be removed when one hundred (100%) percent of all lots are occupied. In the event that no activity occurs at the construction site within a consecutive three (3) month period, all buildings shall be removed.

A temporary building may also be used as a temporary office for a future user of the property on which it is to be located. All such buildings shall secure an annual permit. The City shall hold the Certificate of Occupancy for the last structure until all temporary buildings are removed.

SECTION 703: PARKING, STORAGE, OR USE OF MAJOR RECREATIONAL EQUIPMENT

For the purpose of this section, major recreational equipment is defined as including boats and boat trailers, travel trailers, pickup campers or coaches (designed to be mounted on automobile vehicles), motorized dwellings tent trailers, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not. Such major recreational equipment may be parked or stored in side or rear yards or in a carport or enclosed buildings, provided however, that such equipment may be parked anywhere on residential premises for a period of not more than twenty four (24) hours during loading or unloading. In the case of a corner lot, no such equipment may be parked or stored in the side yard on the street side of the lot. No such equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot or in any location not approved for such use.

SECTION 704: PARKING IN SINGLE-FAMILY DISTRICTS

This section shall apply to all single family residential zoning classifications, which include the following classifications: R-100, R-100 Modified, MH, and the detached residential portion of any PUD development. Parking any automobile, motorcycle, motor vehicle or trailer shall not be allowed in the front yard, side yard or rear yard of a residence unless said automobile, motorcycle, motor vehicle or trailer is parked on a concrete or asphalt driveway or parking area. Therefore, it shall be unlawful to park any automobile, motorcycle, motor vehicle or trailer on

the grass, lawn or dirt areas in the yard of any residential structure located within the corporate boundaries of the City of Grayson. For newly constructed houses in residential subdivisions, the paved parking area shall be sized to accommodate a two- or three-car garage. Additional paved parking areas are allowed provided no more than thirty-five (35%) percent of the front and side yards may consist of a concrete or asphalt driveway or parking area and the remaining percentage shall be grass or landscaped areas.

SECTION 705: PARKING AND STORAGE OF CERTAIN VEHICLES

In all residential districts the parking of any vehicle larger than a pickup truck or van or any vehicle in excess of two thousand (2,000) pounds load capacity as identified or defined by the manufacturer (other than recreational vehicles) is prohibited except when the following provisions apply:

- A. Such vehicle may park within a fully enclosed structure that meets all other criteria of the zoning district.
- B. Such vehicle may park on the side or to the rear of the primary residential structure on the lot provided that the lot is three (3) acres or larger, but in no case may be closer than one hundred (100) feet from any property line.

This section shall not apply to vehicles that park or stand in residential districts for less than eight (8) hours unless engaged in the loading or unloading of the vehicle.

SECTION 706: MULTI-WHEELED VEHICLES AND BUSES

Automotive vehicles having more than four wheels, major recreational equipment, school, and other buses are prohibited from parking on residential streets or within public rights-of-way. This section shall not apply to vehicles that park or stand in residential districts for less than eight (8) hours unless engaged in the loading or unloading of the vehicle nor shall it apply to franchised or regulated utility vehicles.

SECTION 707: INOPERATIVE VEHICLES

Any automobile, truck, vehicle or trailer of any kind or type, without a valid license plate attached thereto, shall not be parked or stand on any private property or public roads and is hereby found to create a condition tending to reduce the value of private property, to promote blight and deterioration, and invite plundering and vandalism, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects, and to be injurious to the health, safety and general welfare and, when on city streets, to create a traffic hazard and endanger public safety.

This section shall not be the exclusive regulation of abandoned, wrecked, dismantled, or inoperative vehicles or contrivances within the incorporated limits of the City of Grayson, but shall be supplemental and in addition to the other regulations and regulatory codes, ordinances, statutes, or provisions of law heretofore and hereinafter enacted by County, City, State, or other legal entity or agency having jurisdiction.

- A. An inoperative or junk condition shall include, but not be limited to any automobile, vehicle, trailer of any kind or type, or contrivance or part thereof, the condition of which is one or more of the following:

1. Wrecked.
 2. Dismantled.
 3. Partially dismantled.
 4. Inoperative.
 5. Abandoned.
 6. Discarded.
 7. One which does not have a valid license plate attached thereto.
- B. The following conditions allow the parking or standing of an inoperative vehicle on any property within the incorporated limits of the Grayson:
1. One or two junked vehicle(s) enclosed within a building on residentially zoned property provided the occupant of the home is in the process of reconditioning the vehicle(s) for his (her) personal use.
 2. It shall be on the premises of a business enterprise operated in a lawful manner for the purpose of repairing, reconditioning or remodeling of the vehicles in conformance with the requirements of an automobile repair garage or other such similar use. Such vehicles shall not be stored for the purpose of salvage or parts but shall be in continual process of repair or reconditioning.
 3. It shall be on the premises of a business enterprise operated in a lawful manner and licensed as a junk yard under the provisions of this Ordinance.

SECTION 708: KEEPING AND RAISING OF FARM ANIMALS

The keeping and raising of all farm animals and fowl and use of private stables shall be limited to property having a minimum lot area of three (3) acres which is not part of a platted subdivision. Any structure, pen, corral or other building appurtenant to the keeping and raising of farm animals must be located a minimum of one hundred (100) feet from any property line. The keeping and raising of farm animals and fowl shall be subject to all regulations promulgated by the Gwinnett County Health Department.

SECTION 709: HOME OCCUPATIONS

- A. It is the intent and purpose of this section to provide for certain types of restricted occupational uses within residential districts. Only such uses will be allowed which:
1. Are incidental to the use of the premises as a residence;
 2. Are compatible with residential uses; and
 3. Do not detract from the residential character of the neighborhood.
- B. In any building used for residential occupancy, businesses may be conducted provided that:
1. The primary use of the unit is a dwelling;
 2. The following standards are complied with in full at all times:
 - a. No person other than a resident of the dwelling unit is engaged or employed in the home occupation, and the number of residents employed shall not exceed two (2);
 - b. No mechanical or electrical equipment is to be utilized except that which is necessarily, customarily, or ordinarily used for household or leisure purposes;
 - c. No toxic, explosive, flammable, combustible, corrosive, radioactive, or other restricted materials are used or stored on the premises;
 - d. There are no outside operations, storage, or display of materials or products;

- e. No alteration of the residential appearance of the premises occurs, including the creation of a separate entrance to the dwelling or utilization of an existing entrance exclusively for the business;
 - f. No process is used which is hazardous to public health, safety, or welfare;
 - g. Visitors, customers, or deliveries shall not exceed that normally and reasonably occurring for a residence including not more than two (2) business visitors an hour in an eight (8) a day and not more than two (2) manufacturer or wholesaler direct deliveries of products or materials a week;
 - h. No on-street parking associated with the business is permitted;
 - i. One business vehicle may be utilized in the business. Business vehicles larger than a pickup truck or domestic van shall meet the requirements of Section 705;
 - j. The home occupation shall be restricted to fifteen (15%) percent of the dwelling and shall not exceed one hundred and fifty (150) square feet of floor area. Said home occupation use shall be clearly secondary to the use of the dwelling for dwelling purposes.
- C. The following uses shall be allowed as home occupations:
1. Architectural service
 2. Art studio
 3. Attorney
 4. Business office (sending and receiving mail and telephone calls, no retail sales)
 5. Consulting services
 6. Data processing, typing, word-processing
 7. Direct sale product distribution (Amway, Avon, Tupperware, etc.)
 8. Dressmaking, sewing, tailoring
 9. Engineering service
 10. Financial planning, investments
 11. Flower arranging
 12. Gardening, landscape maintenance
 13. Hobby breeders
 14. Home crafts (including ceramics with kiln up to 6 cubic feet)
 15. House cleaning service
 16. Individual music and dance lessons
 17. Insurance sales or broker
 18. Interior design
 19. Jewelry making or repair, jeweler
 20. Mail order (not including retail sales from site)
 21. Real estate sales or broker
 22. Sales representative (office only)
 23. Security service/systems
 24. Video Recording
 25. Wood working
 26. Any other use in conformity with the standards set forth in paragraph B above.
- D. The following uses shall be prohibited as home occupations:
1. Any uses not in conformity with the standards set forth in paragraph B above.
 2. Ambulance service
 3. Appliance repair (except when working at customers' homes)

4. Automotive detailing, washing services (except when working at customers' homes)
5. Automotive repair
6. Dance or aerobic exercise studios, massage studios or services.
7. Kennels
8. Medical or dental office
9. Palm reading, fortune telling
10. Tow truck services
11. Veterinary uses (including grooming or boarding)

SECTION 710: SIGHT OBSCURING CONTAINER ENCLOSURES

For office, commercial and industrial uses, trash and recycling dumpsters must be enclosed on three sides by a decorative wall or fence. Chain link type fencing is not acceptable as an enclosure.

SECTION 711: WAIVER OF REQUIREMENTS

The requirements of this ordinance may be waived by following the procedure for amending the Official Zoning Map set forth in Article XVIII.

**ARTICLE VIII
NONCONFORMING USES**

SECTION 800: GENERAL RULE

Within the Zoning Districts established by this Ordinance or amendments that may later be adopted there might exist land, structures, and uses of land and structures in combination which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendment. Nonconforming uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. It is the intent of this ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival.

To avoid undue hardship, the lawful use of any building or land use at the time of enactment of this Ordinance may be continued even though such use does not conform with the provisions of this Ordinance except that the nonconforming building or land use shall not be:

- A. Changed to another nonconforming use;
- B. Reestablished after discontinuance of six (6) months or more;
- C. Repaired, rebuilt, or altered after damage exceeding fifty (50%) percent of its replacement cost at the time of destruction. Reconstruction to begin within six (6) months after damage is incurred; or
- D. Enlarged or altered in a way which increases its nonconformity, except that a nonconforming use may be extended into an additional area of the building or structure that existed at the time of passage or amendment of this Ordinance.

Also to avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance.

SECTION 801: NONCONFORMING LOTS OF RECORD

Nonconforming Lots of Record are also known as Substandard Lots of Record and their use is regulated by Section 604 of this Ordinance.

SECTION 802: EXPANSION, MODIFICATION, REMODELING OR RECONSTRUCTION

Anyone desiring to expand, modify, enlarge, remodel, or reconstruct any nonconforming building beyond the amount permissible by Section 800 may make application for a waiver of requirements in accordance with Section 711.

ARTICLE IX SITE DESIGN

SECTION 901: GENERAL APPLICATION

The following Site Design Standards shall apply to all zoning districts, except where indicated in Section 910 (Grayson HWY/SR 20 Design Standards).

SECTION 902: MINOR DEVIATIONS

The elements mandated in this Article are intended to be followed as outlined below. In the event the intent of this Ordinance can be achieved with minor deviations which do not substantially impact the goals or intent of the mandates of these Sections, the City of Grayson Planning Department has the authority to modify the specific provisions.

If substantial modifications or changes are necessary, any person, firm, group or organization may apply for relief from these requirements to the City of Grayson Council. Any application for an alternate architectural arrangement shall be accompanied with proposed elevations, building materials, and/or renderings necessary for the Council to make a determination whether the alternate proposal meets the intent of these requirements. The Council, as part of an approval, may include conditions, modifications or requirements necessary to mitigate any part of their decision. The City may establish filing requirements, fees and deadlines as needed.

SECTION 903: SIDEWALKS, LANDSCAPE AND SIDEWALK ZONES

- A. Public sidewalks shall be located along both sides of all streets and shall have minimum widths as specified in the Street Type Dimensions Table. Sidewalks shall consist of two zones: a landscape zone and a sidewalk clear zone.
- B. Landscape zone requirements.
 - 1. Said zone shall be located immediately adjacent to the curb and shall be continuous.
 - 2. This zone may be used for street trees, street lights, street furniture, pedestrian lights, landscaping, grass or additional pavement or other similar elements. (For all requirements for lighting, see Section 908).
 - 3. Street furniture.
 - a. Sidewalks for all non-residential development shall be constructed with an additional three (3) foot by eight (8) foot pad within the landscape zone approximately every three hundred (300) linear feet to accommodate future pedestrian amenities such as benches, planters, trash receptacles and bicycle parking racks. All such required amenities shall be decorative, commercial-quality fixtures. Design and placement of any of these amenities shall be reviewed and approved by the Gwinnett or Georgia Department of Transportation.
 - b. Said decorative, commercial-quality benches and trash receptacles shall be required to be placed within the specified pad for all retail and office developments.
- C. Sidewalk clear zone requirements.
 - 1. Said zone shall be located immediately contiguous to the landscape zone and shall be continuous.
 - 2. Said zone shall be hardscape, and shall be unobstructed for a minimum height of eight (8) feet.

3. Utilities shall be placed underground or to the rear of structures to allow for unobstructed use of sidewalks.

D. Street tree planting requirements:

1. Street trees are required and shall be planted in the ground a maximum of fifty (50) feet on center or grouped one hundred and twenty (120) feet on-center within the landscape zone and spaced equal distance between street lights.
2. All newly planted trees shall be a minimum of four (4) inches in caliper measured thirty-six (36) inches above ground, shall be a minimum of twelve (12) feet in height, shall have a minimum mature height of forty (40) feet, and shall be limbed up to a minimum height of eight (8) feet.
3. Trees shall be planted six (6) feet from back-of-curb subject to review and approval of the Georgia or Gwinnett Department of Transportation.
4. Trees shall have a minimum planting area of thirty-two (32) square feet. All plantings, planting replacement and planting removal shall be approved by the City Planner.
5. The area between required plantings shall either be planted with ground cover or shall be paved as approved by the City Planner.
6. Street tree species shall be consistent for an entire block length. Species shall be permitted to change on separate block faces but not on individual block faces. The following tree species shall be permitted:
 - a. Willow Oak
 - b. Overcup Oak
 - c. Nuttall Oak
 - d. Pin Oak
 - e. Shumard Oak
 - f. Lacebark Elm
 - g. Japanese Zelkova
7. All newly planted street trees shall be permitted to meet the tree density requirements of Article XV.

SECTION 904: STREET TYPE DIMENSIONS

- A. The dimensions of all landscape zones, sidewalks, minimum building heights and front yards are governed by street designation and not by use or zoning district to ensure consistency of the streetscape experience
- B. The following table shall apply for all landscape zone, sidewalk, minimum building height and front yard dimensions. For all lot area, maximum building height, side yard and rear yard requirements, refer to Article XI.

| STREET TYPE DIMENSIONS TABLE | Grayson/ Highway 20 | Uptown Center Overlay District streets | All other streets |
|-------------------------------------|----------------------------|---|--------------------------|
| Landscape Zone | See Sec. 910 | Compatibility rule | 3 ft min |
| Sidewalk Clear Zone | See Sec. 910 | Compatibility rule | 5 ft min |
| Height of Building | 18 ft min | Compatibility rule | 15 ft min |
| Front Yard | 72 ft min | Compatibility rule | 20 ft min |

C. Compatibility rule.

1. For the purposes of these regulations as they apply to the Uptown Center Overlay District streets, “Compatibility rule” shall be defined as not exceeding both the greatest degree of measurement nor the lesser degree of measurement for the specific block face of the parcel when more than twenty five (25%) percent of the block contains existing structures. In this case, all landscape zones, sidewalks, building heights and front yards shall be no less than the lesser measurement on the block and no greater than the largest measurement on the block. In this way, these elements of any given parcel shall always be consistent with the established pattern of the existing block.
2. In such case that parcels in the Uptown Center Overlay District are located on blocks with less than twenty five (25%) of the block containing existing structures, said parcel shall meet the street type dimensional requirements of Grayson/Highway 20 Overlay District.

SECTION 905: FRONT YARD

A. Front yard general requirements.

1. The area between any building facade, parking garage, or parking lot and the required sidewalk, when no intervening building exists, shall be defined as the front yard.
2. The square footage contained within the front yard, which meets all the following front yard requirements, may be counted towards the open space requirements of Article XI.
3. All detention ponds or similar water detention facilities within front yards shall be located in underground systems and structures such as concrete vaults, sixty (60) inch pipe systems or similar facilities.

B. Non-residential front yards.

1. Shall be designed to permit and encourage pedestrians to walk on the surface of the front yard excluding fountains, pedestrian furniture, public art and similar elements.
2. Automobile parking in front yards shall be prohibited except where permitted by Section 1301.

C. Residential front yards.

1. When sidewalk level residential units are provided, front yards shall be landscaped with the exception of terraces, porches, stoops and walkways, which may occupy a maximum of two-thirds (2/3) of the front yard area;
2. Terraces, porches and stoops shall have a maximum finished floor height of twenty-four (24) inches above finished-grade, unless existing topographical considerations render this requirement unreasonable;
3. Automobile parking shall be permitted only on the permitted accessory driveway. Said accessory driveway cover a maximum of thirty-five (35%) percent of the total lot area.

SECTION 906: RELATIONSHIP OF BUILDING TO STREET.

A. The primary pedestrian entrance for pedestrians to access all sidewalk level uses and business establishments with public or private street frontage and shall have the following characteristics:

1. Shall face and be visible from the public street when located adjacent to such street. When located adjacent to a street that functions as an arterial street or a collector street, said entrance shall face and be visible from such street.
2. Shall be directly accessible and visible from the sidewalk adjacent to such street.
3. Shall remain unlocked during business hours for non-residential uses.

SECTION 907: SITE DESIGN

A. Blocks and Street Infrastructure.

1. Non-residential developments with more than six hundred (600) feet of frontage along a single street shall be divided by public or private streets into blocks having a maximum length of six hundred (600) feet, as measured from street curb to street curb.
2. Public or private streets used to divide properties into blocks shall meet all of the street and sidewalk designations of this Ordinance.
3. Inter-parcel vehicle access points shall be provided between all contiguous commercial and office tracts. The Mayor and City Council may waive this requirement only if it is demonstrated that an inter-parcel connection is not feasible due to traffic safety or topographic concerns.

B. Automobile uses.

1. Drive-through service windows and drive-in facilities shall not be located between a building and the street.
2. Gasoline fuel dispenser structures and associated vehicular services such as air pumps and car washes shall not be located between a building and the street.

C. Screening.

1. Dumpsters and loading areas.

- a. Screening for all non-residential developments shall consist of three solid walls of brick construction, at least eight (8) feet in height, with one hundred (100%) percent solid metal or wooden gates.
- b. Dumpsters shall be placed in the rear yard and may be located five (5) feet from the property line if the adjoining property is zoned non-residential and five (5) feet from all applicable buffers if the adjoining property is zoned residential.
- c. Loading dock entrances for non-residential uses shall be screened so that loading docks and related activity are not visible from the public right-of-way.
- d. For loading and dumping activities located within one hundred and fifty (150) feet of a single-family residential property shall only be permitted to undertake said activities during normal business hours (7am-10pm).
- e. All dumpsters, dumpster pads, and dumpster enclosures shall be kept clean, closed, and free of debris.

SECTION 908: SITE LIGHTING (served by underground electrical systems)

A. All exterior lighting, except on individual residential lots of record, whether on public or private property shall comply with these regulations.

1. All lighting installations shall comply with the Illumination Engineers Society (IES) regulations and specifications.
2. All buildings, developments and projects of any kind, whether public or private, and all streetscape lighting, shall have a lighting plan submitted to the City for approval prior to any installation.
3. All luminaries, other than public-rights-of-way (ROW) luminaries shall be full cut-off type. Period luminaires (e.g. carriage lamps) mounted on buildings may be approved on a case-by-case basis by the City Planner.
4. Only the following outdoor lighting luminaries, as described in the following table, are approved for installation on public rights-of-way and parking lots.

Other outdoor lighting (e.g., bollards, path lighting, under canopy lighting, security lighting, sports field lighting, etc.) shall be approved on a case-by-case basis by the City Planner.

5. All existing developments are “grandfathered in” to their existing lighting type, and are not required to update to these current standards unless a complete redevelopment of the site is required.

| LOCATION OF LIGHTING | LIGHT FIXTURE/COLOR | | POLE TYPE/COLOR | LIGHT SOURCE | MAXIMUM POLE HEIGHT |
|--|--|--|--|--|----------------------------|
| Pedestrian Lighting Public ROW Arterial/Major Collector Streets | “Sol-Lux Radiance” (King Luminaires) Black Trim | | Hapco B103754 Georgetown Series w/ receptacle at top Black | LED (light emitting diode) w/ a maximum of 4000K | 16 ft |
| Subdivision Street & Pedestrian Lighting | “Sol-Lux Radiance” (King Luminaires) Black | | Hapco B103754 Georgetown Series Black | LED (light emitting diode) w/ a maximum of 4000K | 16 ft |
| Parking Lot Lighting | “Solitaire LED Pendant – K803” w/ Deep Dish Lens (King Luminaires) Black | | Hapco B106845 York Series Lighting Pole Black | LED (light emitting diode) w/ a maximum of 4000K | 24 ft |

SECTION 909: UPTOWN CENTER OVERLAY DISTRICT DESIGN STANDARDS

- A. Additional criteria. In addition to the requirements for all underlying zoning districts, the following additional criteria shall be applied to new and renovated structures within Uptown Center Overlay District:
 1. Parking surface: “Grasscrete” or “Grasspave” or other approved porous paving or grass paving systems, shall be permitted to be used except where handicapped spaces shall necessitate otherwise. Said approved porous paving or grass paving system shall be permitted to be counted towards open space requirements subject to approval of the City.
 2. Signs: Signs shall not be internally illuminated.
 3. Street furniture: Decorative, commercial quality, bicycle racks, benches and trash receptacles shall be required for all retail and office developments, subject to the approval of the City prior to installation.

SECTION 910: GRAYSON/HIGHWAY 20 OVERLAY DISTRICT DESIGN STANDARDS

In addition to the requirements for all underlying zoning districts, certain additional design criteria shall be applied to all parcels that directly abut/adjoin Grayson Hwy/SR 20. The design standards will apply to the area from the edge of pavement or back of curb of SR 20 to the front foundation wall of all buildings. This area shall be divided into certain zones: Sidewalk Clear Zone, Bermed Landscaped Zone, Vehicular Access Zone and Pedestrian Zone. (Note: These designations and standards, as described in this Section, are applicable only to the Grayson Hwy/SR 20 corridor.) Figures 910.1 and 910.2 illustrate these zones. These zones are more particularly described as follows:

A. General Applicability

As previously mentioned, these standards shall be applied to all parcels that abut/adjoin and/or have frontage on Grayson Hwy/SR 20. In addition, these standards shall be applied in manner prescribed below in the following situations:

1. Corner properties – when a parcel has frontage on Grayson Hwy/SR 20 and an intersecting public street, the design standards shall apply to the Grayson Hwy/SR 20 frontage only. At the point of intersection, the design standards shall transition to the standards applicable to the intersecting street.
2. Double frontage lots – when a parcel has frontage on Grayson Hwy/SR 20 and another public street, the design standards shall apply to the Grayson Hwy/SR 20 frontage only. The design standards applicable to the other street(s) shall apply.

B. Sidewalk Clear Zone Requirements

1. The Sidewalk Clear Zone shall be located between the edge of pavement/back of curb and shall extend to the right-of-way line (i.e., shoulder of the roadway). This zone shall be continuous along Grayson Hwy/SR 20.
2. Said zone shall be used for sidewalks and street lighting per Georgia DOT requirements.
3. Public sidewalks shall be located along both sides of Grayson Hwy/SR 20 and shall have a minimum width of five (5) feet.
4. Said sidewalk shall be placed within the sidewalk clear zone and shall be located within the right-of-way, two (2) feet from said line or per Georgia DOT requirements.
5. These sidewalks shall be hardscape and shall interconnect with sidewalks of intersecting streets. The sidewalks shall be unobstructed for a height of eight (8) feet.

C. Bermed Landscape Zone Requirements

1. Said zone shall be located immediately adjacent to the right-of-way line of Grayson Hwy/SR 20 and shall be continuous.

2. In addition to the earthen berm outlined in this Section, this zone may be used for street trees, pedestrian lights, shrubs and ground cover, grass and/or other similar elements. (For all requirements for lighting, see Section 908).
3. Pedestrian lights shall be two feet behind the right-of-way line within the Bermed Landscape Zone. Each land parcel fronting on Georgia Highway 20, shall install one (1) approved pedestrian light (see Section 908) every 120 feet (or portion thereof) of road frontage along S.R. 20. Such lighting shall be depicted on all plans and specifications submitted to the City for approval.
4. Said earthen berm shall be a minimum of fifteen (15) feet wide. The berm shall be three (3) feet in height, a minimum of three (3) feet wide across the top and shall have 2H:1V slopes on both sides of the berm.
5. Bermed Landscape Zone planting requirements:
 - a. Trees are required and shall be planted in the berm a maximum of fifty (50) feet on center or grouped one hundred and twenty (120) feet on-center within the landscape zone and spaced equal distance between street lights.
 - b. All newly planted trees shall be a minimum of four (4) inches in caliper measured thirty-six (36) inches above ground, shall be a minimum of twelve (12) feet in height, shall have a minimum mature height of forty (40) feet, and shall be limbed up to a minimum height of eight (8) feet.
 - c. Trees shall have a minimum planting area of thirty-two (32) square feet. All plantings, planting replacement and planting removal shall be approved by the City Planner.
 - d. The area between required plantings shall either be grassed or planted with ground cover as approved by the City Planner.
 - e. Tree species shall be consistent for an entire block length. Species shall be permitted to change on separate block faces but not on individual block faces. The following tree species shall be permitted:
 1. Willow Oak
 2. Overcup Oak
 3. Nuttal Oak
 4. Pin Oak
 5. Shumard Oak
 6. Lacebark Elm
 7. Japanese Zelkova
 - f. All newly planted street trees shall be permitted to meet the tree density requirements of Article XV.

D. Vehicular Access Zone

1. The Vehicular Access Zone shall be located immediately adjacent to the Bermed Landscaped Zone and shall be continuous.
2. Said zone shall be a minimum of forty-three (43) feet in width and a maximum of fifty-three (53') in width and shall consist of a minimum twenty-four (24) foot wide, two-way, access drive and one row of nineteen (19) foot deep parking stalls. The parking stalls shall be perpendicular to the access driveway (no angled parking allowed).
3. Said zone shall also be used for sidewalks to provide a minimum four (4) foot wide pedestrian access to buildings from the Sidewalk Clear Zone within the right-of-way of Grayson Hwy/SR. 20. This sidewalk shall be located adjacent to the curb cuts or driveway entrances and shall extend across the Vehicular Access Zone. Where the pedestrian path crosses the access drive, striping, stamped concrete or other decorative elements shall be used to warn motorists.
4. The Vehicular Access Zone may also include parking lot lighting as required by Section 908 of this Ordinance.
5. The access drive and parking stalls shall meet the design standards for construction, surfacing, drainage and materials of Section 1301 of this Ordinance. The parking stalls contained within this zone may be counted towards the minimum number of space required for the uses on the property and may be used to satisfy the handicapped space requirements.
6. Said access drive shall provide access for the single row of parking stalls from driveways and/or curb cuts, shall also interconnect with any drives that access the rear or sides of the property and shall extend to the property boundaries providing interparcel access.
7. The location of the single row of parking stalls shall stagger between buildings along Grayson Hwy/SR. 20 (i.e., one row adjacent to the Pedestrian Zone and at the next building the row shall be adjacent to the Bermed Landscape Zone - see Figure 910.1 for an illustration) to slow down vehicular traffic and to promote creative design.
8. Parking lot trees and other plantings as required by Article XV of this Ordinance may be located within this zone.
9. Underground detention, where permitted, shall be placed within the Vehicular Access Zone. Underground detention shall not be permitted within the Pedestrian Zone or the Bermed Landscaped Zone.

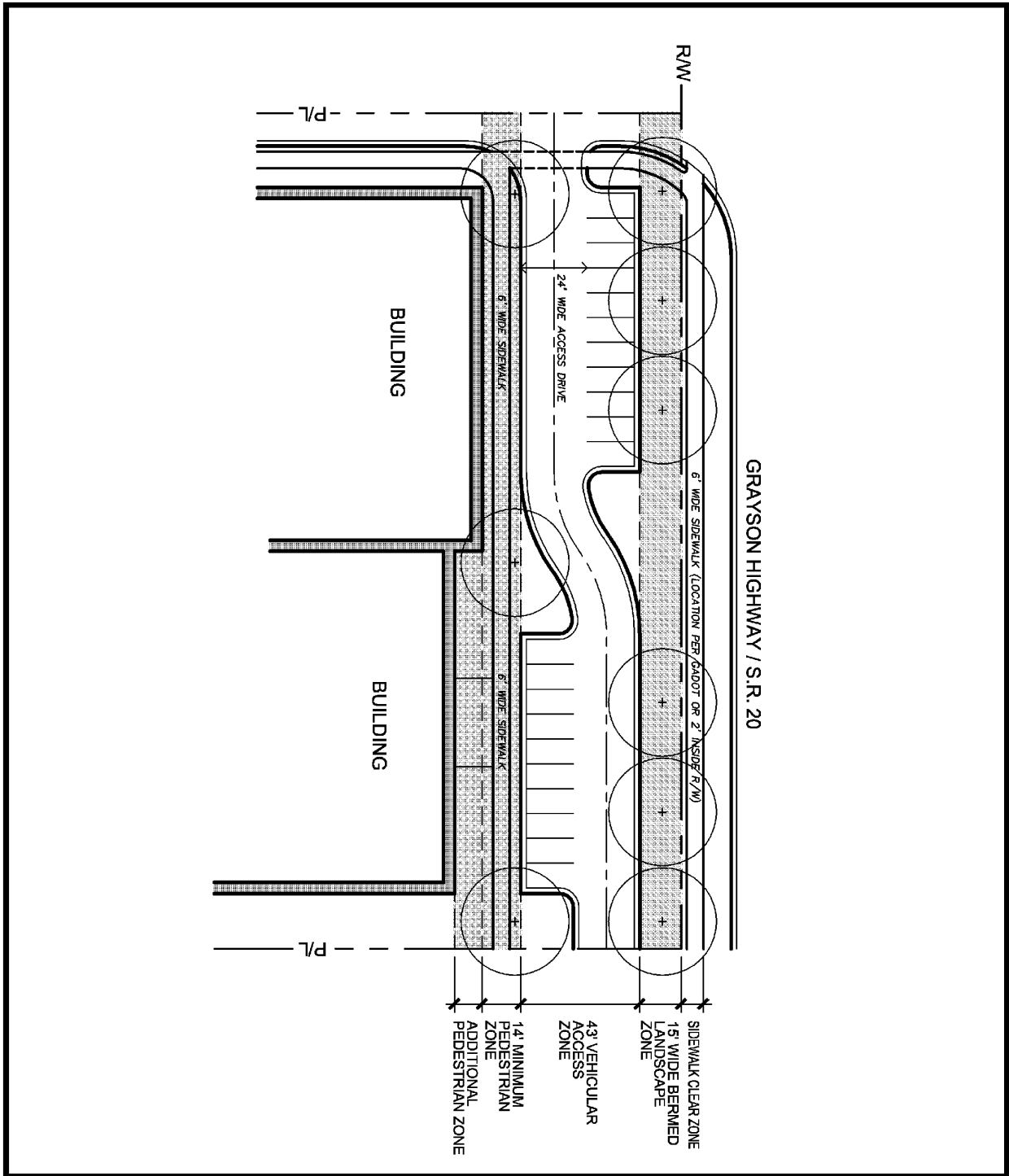
E. Pedestrian Zone

1. This zone is located immediately adjacent to the Vehicular Access Zone and shall be continuous.
2. Said zone shall be a minimum of fourteen (14) feet in width and shall consist of a minimum four (4) foot wide Landscape Zone, a six (6) foot wide Sidewalk Zone and a minimum four (4) foot wide Storefront Zone.

3. The pedestrian Landscape Zone shall be used for street furniture, pedestrian lighting, trees, landscaping, groundcover and grass.
 - a. Lighting shall be in accordance with Section 908 of this Ordinance.
 - b. Trees, landscaping and groundcover shall be selected and planted according to Article XV of this Ordinance. Tree grates are not required where all sidewalk width requirements are met, unless determined by the City Planner. Where tree grates are required or otherwise installed, they shall be a minimum of four-feet (4') by four-feet (4'). Where tree grates are not required or otherwise installed, tree planting areas shall be planted with an evergreen ground cover.
 - c. Street furniture.
 1. Within the pedestrian Landscape Zone, four (4) foot by eight (8) foot concrete pads shall be installed to accommodate pedestrian amenities such as benches, newspaper vending boxes, planters, trash receptacles and bicycle parking racks.
 2. One pad shall be provided for every 10 parking spaces required under Section 1302 of this Ordinance for buildings under 10,000 square feet in area. For buildings over 10,000 square feet, one pad will be required for the first 10 spaces and then one pad for every 25 spaces thereafter.
 3. When multiple pads are required, they may be combined or strategically placed to allow unobstructed access to the building entrance and to encourage gathering points.
 4. All such required amenities shall be decorative, commercial-quality fixtures. No Variance shall be considered regarding the bench or bicycle rack fixtures. Design of these elements shall be in accordance with the following table:

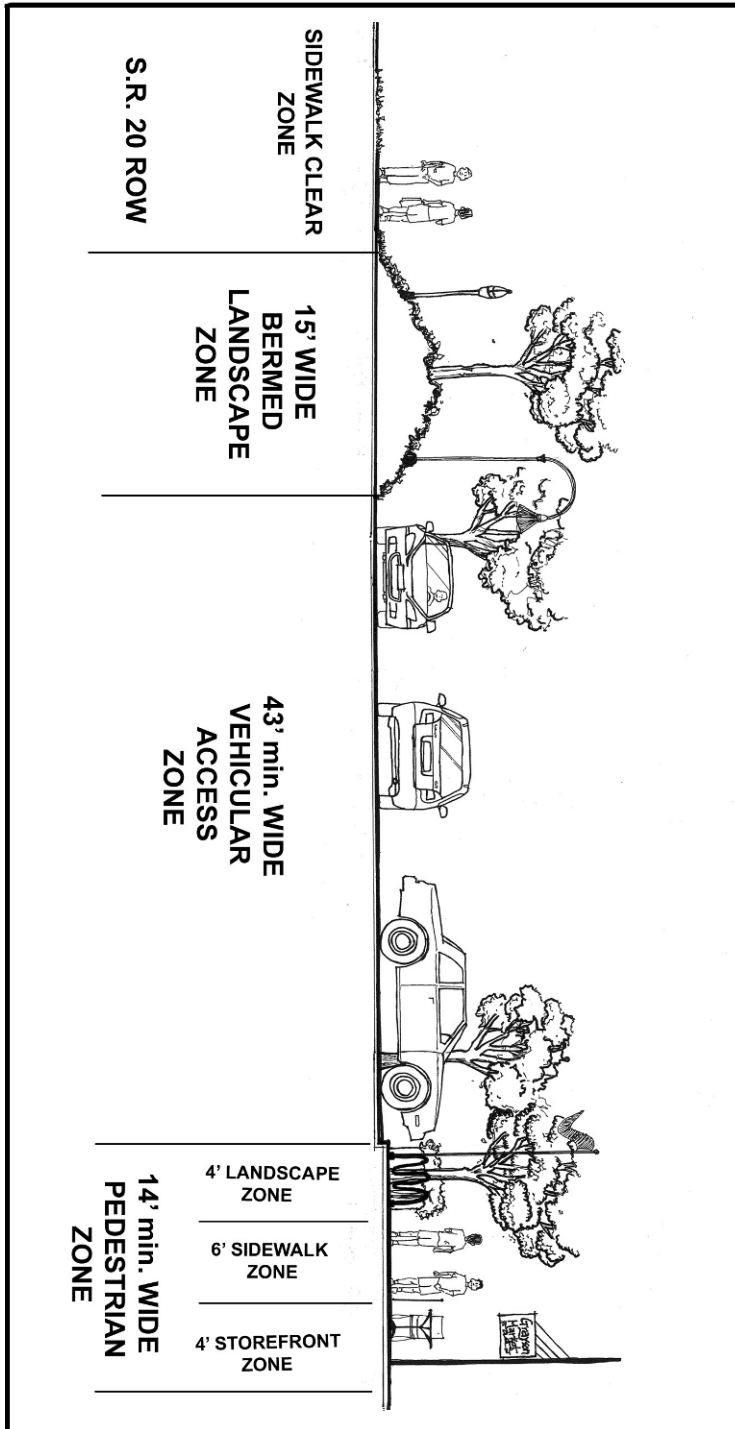
| <i>Street Furniture Element</i> | <i>Make</i> | <i>Model</i> |
|---------------------------------|------------------------------------|---|
| <i>Benches</i> | <i>Keystone Ridge Designs</i> | <i>Lamplighter Bench with back (L24,L26 or L28) Black only</i> |
| <i>Trash Receptacles</i> | <i>As approved by City Planner</i> | |
| <i>Planters</i> | <i>As approved by City Planner</i> | |
| <i>Bicycle Racks</i> | <i>Barco Products</i> | <i>Wave(GR6802 ground mount) Wave (GR6803 surface mount) Black only</i> |
| <i>Tree Grates</i> | <i>As approved by City Planner</i> | |

5. Placement of any of these amenities shall be reviewed and approved by the City Planner.
4. The Sidewalk Zone shall be hardscape and shall be unobstructed for a height of eight (8) feet. The sidewalk shall run continuously along the frontage of the building and shall interconnect with sidewalks of other buildings on the property and adjacent properties.
 - a. The materials used for the sidewalk may be concrete, stamped concrete, interlocking concrete pavers or a combination thereof and shall be installed in accordance with the Development Regulations.
 - b. The sidewalk shall provide access to building entrances and shall connect with sidewalks in the Vehicular Access Zone.
5. The Storefront Zone shall extend from the edge of the six (6) foot sidewalks to the foundation wall of the building, but shall be no less than four (4) feet in width. The Storefront Zone shall be continuous along the front wall of the building and may extend along the sides of the building if desired.
 - a. The Storefront Zone may contain a combination of hardscape and landscape elements. Hardscape elements shall be used at building entrances, service entrances and where it is necessary to access the six (6) foot sidewalk zone.
 - b. Awnings, porticos, arbors and other decorative elements may be used to cover this zone.
 - c. The Storefront Zone may be used for displays, plantings within containers, outdoor tables, sales racks or other uses, where permitted by this Ordinance or other City of Grayson Ordinances.



GRAYSON HIGHWAY / S.R. 20 FRONT YARD

FIGURE 910.1



**GRAYSON HIGHWAY/ S.R. 20
FRONT YARD CROSS SECTION**

FIGURE 910.2

ARTICLE X BUILDING DESIGN

SECTION 1000: INTENT AND PURPOSE

A. In an effort to maintain high quality, long-lasting and sustainable development within the City of Grayson, the City hereby adopts the following design guidelines and standards for all newly constructed and renovated buildings for the following purposes:

1. Maintain the historical look and feel of a turn of the century (1880-1930) Georgia village.
2. Foster architectural diversity and interest yet achieve and maintain a consistent, durable and pleasing aesthetic quality.
3. Protect and enhance the City's attractions to tourists and visitors and thereby strengthen the economy of the City.
4. Encourage civic pride and promote the use of buildings for education, pleasure, and general welfare of the citizens of Grayson.
5. To establish a means of review for new development or redevelopment design plans for the purpose of protecting the architectural and historic integrity of the City.

SECTION 1001: MINOR DEVIATIONS

The elements mandated in this Article are intended to be followed as outlined below. In the event the intent of this Ordinance can be achieved with minor deviations which do not substantially impact the goals or intent of the mandates of these Sections, the City of Grayson Planning Department has the authority to modify the specific provisions.

If substantial modifications or changes are necessary, any person, firm, group or organization may apply for relief from these requirements to the City of Grayson Council. Any application for an alternate architectural arrangement shall be accompanied with proposed elevations, building materials, and/or renderings necessary for the Council to make a determination whether the alternate proposal meets the intent of these requirements. The Council, as part of an approval, may include conditions, modifications or requirements necessary to mitigate any part of their decision. The City may establish filing requirements, fees and deadlines as needed.

SECTION 1002: ARCHITECTURAL CHARACTER

- A. The purpose of this section is to present an architectural vocabulary that will provide a general guideline for the development of commercial and public buildings. In general, Grayson requires turn-of-the-century (1880-1930) architectural styles, themes, massing and details.
- B. Any literal transplant of architectural styles not indigenous or compatible to this area is not acceptable. Similarly, a structure, monumental in scale or unduly formal or modern in character, and any corporate signature buildings or structures are not acceptable within the City of Grayson.

SECTION 1003: NON-RESIDENTIAL APPLICATION

The following Building Design regulations shall apply to RM, C-1, C-2, C-3, OI, MH, and M-1, zoning districts.

SECTION 1003.1: REVIEW AND APPROVAL

- A. All building plans for non-residential zoning districts shall be submitted to The City Architect for review and approval prior to being submitted for a building permit. The submission is to include the following:
1. Completed application form and design review fees paid to the City.
 2. Two sets of all floor plans to a minimum of 1/8"=1'-0" scale. The plans should show all dimensions windows, doors, etc..
 3. Two sets of all exterior building elevations to minimum of 1/8"=1'-0" scale. Drawings should indicate and label all building materials, features and exterior finish legend.
 4. Project site plan to a minimum of 1"=30'.
 5. One color drawings showing each exterior side of the building with all materials rendered correctly.
 6. One material sample board with all exterior building materials used.

SECTION 1003.2: PROPORTION AND SCALE

- A. Proportion: All development proposals shall indicate that the applicant has studied and reconciled the scale and proportions of buildings in the following situations:
1. Site.
 2. Adjacent and neighboring sites.
 3. Major streets from which the project will be accessed or viewed.
- B. Horizontal emphasis: Building proportions with horizontal emphasis shall be minimized. Vertical proportions that exaggerate building height shall instead be utilized wherever feasible.
- C. Varied Facades: The spacing of elements in facades shall be varied rather than repetitive, with a high priority placed on the three dimensional interplay of light and shadow.
- D. Scale.
1. Human Scale: Building elements and facades, especially at the ground or pedestrian level, shall be intimate and close to human size, so as to achieve a sense of human scale and interest.
 2. Overall Scale: A mixture of scales shall be permitted in less pedestrian areas, with some elements scaled larger for appreciation from the street.
- B. Building Massing: All new development proposals shall incorporate means of reducing the apparent size and bulk of the building. The following methods for reducing the apparent size and mass of larger buildings shall be required.
1. Continuous wall surfaces: Large or continuous wall surfaces shall be prohibited. Large building surfaces shall be relieved with a change of wall plane that provides strong shadow and visual interest. Pilasters and/or false windows shall be incorporated into the design so that horizontal walls are broken up at least every twenty (20) feet.
 2. Building Base: The building base shall be a shaded element that establishes a strong connection to the ground and site. The base is often a different material and/or color as in a water table or could be a larger element that incorporates individual awnings or coverings. Continuous arcades shall be prohibited.

3. Breaking Up Building Mass: Every building shall reduce its perceived height and bulk by dividing the building mass into smaller scale components. Building wall offsets, including projections, recesses, and changes in floor level shall be used to add architectural interest and variety, and to relieve the visual effect of a simple long wall.
4. Variation in Building Silhouettes: Variation in the roofline of buildings is desirable. Offsets in pitched roofs and gables are encouraged. Parapets in building masses exceeding fifty (50) continuous linear feet shall be varied in height and project and shall use decorative elements such as crown moldings, dental, brick soldier courses, etc.

SECTION 1003.3: VISUAL PATTERNS AND COLOR.

- A. Shade and shadow: Recesses and projections shall be utilized to divide horizontal surfaces of buildings into smaller scale elements to produce strong shade and shadow.
- B. Projections: Projections shall be permitted for use to emphasize important architectural elements such as stairs, balconies, entrances, bays, etc.
- C. Reduce unrelieved Building Mass: The use of individual awnings, partial loggias (not full arcades), wide roof overhangs, etc., shall be permitted to be used to produce interesting shadow effects and reduce unrelieved building mass.
- D. Color: Building colors shall be carefully chosen so that each building compliments that of its neighbor. An entire block of buildings should blend together even though each building will possess its own identity.
 1. Main building: The main building color shall be of historic earth tones. Loud, bright, or contemporary colors shall be prohibited.
 2. Trim: Historically, building trim was of a natural stone or in the case of painted elements was painted in a decorative manner in a contrasting shade lighter or darker than the main building. The palette of trim colors shall be historic in nature such as navy, sage, maroon, slate gray, fawn, gold, etc.

SECTION 1003.4: ARCHITECTURAL DETAILS [AMENDED 7-16-2007]

- A. Surface detail, ornament, windows and doors that enrich the architectural character shall be required.
- B. Integration of details: Details shall be carefully considered to add interest and human scale. All visibly exposed sides of a building shall have an articulated base, course, and cornice.
- C. Trim: The trim adds detail and character to the façade. Said trim shall include the eaves, pediments, friezes, lintels, sills, belt courses, balustrades, quoins. Windows shall have capitals, arches, jack arches with keystones, etc.
- D. Windows and Glass:
 1. Large Window units:
 - a. Historic window units of the size and character of the time period shall be required. Said retail shop windows shall be limited to their glass size of approximately thirty six (36) square feet.
 - b. Window units shall be raised off of the floor.
 - c. Adjacent window units shall have a minimum of four (4) inch jambs separating them both horizontally and vertically.
 2. Operable Window Units: Operable windows shall be double hung.

3. Mullions: If mullions are used then simulated divided lights (SDL) shall be required. The window unit is made with the mullions permanently affixed to the exterior and interior of the glass with a spacer bar placed between the two panes of glass.
4. Window Frames:
 - a. Head and jambs shall be of a historic color and profile.
 - b. Traditional storefront systems shall be prohibited unless they have a permanent surface applied trim such as a snap on aluminum decorative trim, such as an Ogee profile.
 - c. Aluminum clad wood windows with historic details shall be permitted.
 - d. Wide brick moldings around the windows shall be required.
5. Glass: Clear or slightly tinted glass shall be required. Mirrored, colored or highly reflective shall be prohibited.
- E. Exterior Doors: Wood doors, or have the appearance of wood, with wide stiles, decorative hardware, raised panels, eight (8) feet or taller, shall be required.
- F. Building Materials: Only the following building materials shall be used in combination so that a consistent, attractive, and long lasting building design can be created.
 1. Walls: The main wall material shall be used on all four sides.
 - a. Brick: Only full thickness modular brick in earth tones shall be permitted. Thin veneer or painted brick shall be prohibited.
 - b. Stone: Natural stone veneer, Terra cotta or cast stone which simulates natural stone in chiseled, ground face, hammered, or smooth shall be required.
 - c. Stucco: Masonry hard coat or building code approved synthetic stucco (EIFS) is limited to three (3%) percent of the total wall area. Use is limited to decoration, trim, or where brick or stone cannot feasibly be supported such as in a dormer or second floor wall above a roof. Continuous EIFS banding around a building is prohibited.
 - d. CMU: Concrete masonry units shall be prohibited with the exception of colored split face CMU limited to three (3%) percent of the total wall area.
 - e. Siding: Wood, cementitious, or shakes shall be limited to upper floors only and not to exceed ten (10%) percent of total wall area. Metal siding either vertical or horizontal shall be prohibited.
 2. Trim.
 - a. Painted wood or synthetic (Fypon, polymers) painted shall be permitted.
 - b. Cast Stone or EIFS shall be permitted.
 - c. Aluminum clad wood.
 - d. EIFS shall be permitted in certain applications, but not as a continuous band around a building.
 3. Sloped Roof Materials: The following materials shall be permitted if visually seen from the ground.
 - a. Architectural random cut, shadow line and fiberglass asphalt shingles shall be permitted and shall have a minimum wind resistance of 110 mph.
 - b. Standing seam pre-finished metal roof in a historic color by this ordinance.
 - c. Copper standing seam metal roof.
 - d. Natural or artificial slate.
 - e. Wood shakes as permitted by this ordinance.
 - f. Cementitious or clay tile roof tiles.

G. Roof Requirements:

1. Flat Roofs: Flat roofs shall be of any material that meets the requirements of this ordinance as long it is not seen from the ground. All flat roofs shall have parapets on all four sides of sufficient height to hide to air handling equipment form the ground for a distance of one hundred (100) feet.
2. Pitched Roofs: Pitched roofs shall have a minimum pitch of 6:12. Gables and or dormers shall also be incorporated to add interest.
3. Mansard Roofs: Said roofs shall be prohibited.
4. Building mechanical and accessory features.
 - a. All ground mounted mechanical, HVAC and like systems shall be screened from the public street view (within one hundred (100) feet) on all sides by an opaque wall or fence made of brick, stucco or landscaping.
 - b. Back lit awnings, roof mounted lights, and/or roof mounted flag poles are not permitted. Satellite dishes shall be located and painted to blend with the background as much as practical.
 - c. For all commercial/retail buildings, roof mounted mechanical, HVAC and like systems shall be screened from the public right-of-way within one hundred (100) feet on all sides.
 - d. When building mechanical and accessory features are located on rooftops, they shall be incorporated in the design of the building and screened with building materials similar to the building.

SECTION 1004: RESIDENTIAL APPLICATION

The following Design Standards shall apply to the following zoning districts: R100, R100 Modified and the residential portions of any PUD.

SECTION 1004.1: Reserved.

SECTION 1004.2: R-100 DISTRICT DESIGN STANDARDS

The following regulations shall apply to the R-100 zoning districts:

- A. Building Materials: The only materials to be permitted are brick, natural or cultured stone, hard coat masonry stucco, building code approved synthetic stucco (EIFS), board and batten wood siding, natural wood horizontal siding or cementitious wood grain horizontal siding.
- B. Roof Requirements: Minimum pitch shall be 6:12.

SECTION 1004.3: R-100 MODIFIED DISTRICT DESIGN STANDARDS

The following regulations shall apply to the R-100 Modified zoning districts.

- A. Building Materials.
 1. Brick, natural or cultured stone, hard coat masonry stucco or building code approved synthetic stucco (EIFS), board and batten wood siding, natural wood horizontal siding or cementitious wood grain horizontal siding shall be permitted. The same material shall be used on at least the front and two sides.
 2. The rear side shall be any of the above listed building materials.
 3. Vinyl siding shall be prohibited.

B. Roof Requirements: Desired pitch shall be 10:12; however, pitch may be reduced if house plans are in keeping with surrounding houses. Any roof pitches below 10:12 are to be reviewed and may be approved / disapproved at the discretion of the Planning Director.

SECTION 1004.4: RESIDENTIAL PORTION OF PUD DESIGN STANDARDS

The regulations pertaining to any residential portion of a PUD are set forth in Section 1112.

SECTION 1005: MIXED USE AND MULTI-FAMILY APPLICATION

To be approved by special review and application of each individual development basis.

ARTICLE XI DISTRICT REGULATIONS

SECTION 1100: GENERAL USE REGULATIONS

- A. Table of Permitted and Special Uses. The uses set forth in the table below shall be permitted only as listed within each zoning district and only in the manner so listed. Any uses not listed in said table shall be prohibited, except as contained herein. Additionally, for any use not listed in said table, the Administrative Officer shall have the authority to determine the most appropriate zoning district (s) and/or Special Use Permit requirements for such use, after receiving documentation from the property owner adequately outlining and describing the specific details of the proposed use.
1. **P**: A permitted use.
 2. **S**: A use requiring a Special Use Permit subject to approval following the application procedures and requirements.
 3. **A**: An accessory use subject to the requirements specified and generally applicable to accessory uses.
- B. Any use not listed with the letter **P**, **S**, or **A** in a particular zoning district shall be prohibited in that zoning district, unless it is a non-conforming use lawfully established prior to the effective date of the ordinance or amendment that rendered it legally non-conforming.
- C. Any use listed with a **Y** in the column headed by the words “Supl. Use Stds.” in the table below shall satisfy the applicable supplemental use standards established in Section 1101, in addition to the development regulations of the district in which it is located.
- D. Those uses marked with an asterisk (*) in the Table of Permitted and Special Uses shall not exceed two thousand five hundred (2,500) square feet of floor area.
- E. For all telecommunications antennas and towers requirements see Article XVI.
- F. No outdoor storage is permitted except as specified herein.
- G. Those uses marked with a double asterisk (**) in the Table of Permitted and Special Uses shall not be allowed in the Uptown Center Overlay District.
- H. Those uses marked with a triple asterisk (***) in the Table of Permitted and Special Uses shall only be allowed in the Grayson/Highway 20 Overlay District southeastward of the intersection of Herring Boulevard to the city limits.
- I. For permitted and special uses in the PUD zoning district, refer to section 1112.
- J. Accessory uses.
1. Accessory uses for commercial development shall include those normally appurtenant to such development, as provided for in other sections of this Ordinance.
 2. Any accessory use normally appurtenant to a permitted use shall be allowed provided such use shall conform to all performance standards set forth for this district.

Table of Permitted and Special Uses

| Uses | Suppl. Use Stds. | R-100 | R-100 Mod | CS | MH | RM | OI | C-1 | C-2 | C-3 | M-1 |
|---|------------------|-------|-----------|----|----|----|----|-----|-----|-----|-----|
| Agricultural and Rural Recreation Uses | | | | | | | | | | | |
| Agricultural Uses (crop or animal production) | Y | P | | | | | | | | | |
| Beekeeping | Y | P | | | | | | | | | |
| Community Garden | Y | P | P | P | P | | | | | | P |
| Country Clubs and Golf Courses | Y | S | | | | | | | | | |
| Equestrian Facility, Riding Stables or Academy | Y | S | | | | | | | | | |
| Fishing Club or Fishing Pond | | P | P | | | | | | | | |
| Farm Winery | Y | S | | | | | | | | | |
| Forestry and Logging | | S | | | | | | | | | |
| Golf Driving Range | | S | | | | | | | S | P | P |
| Greenhouse or Plant Nursery (wholesale) | | | | | | | | | P | P | P |
| Kennel or Pet Boarding | | | | | | | | P | P | P | P |
| Livestock Sales Pavilion or Auction Facility | Y | P | | | | | | | | | |
| Livestock, keeping of (for personal utility) | Y | P | | | | | | | | | |
| Shooting and Archery Ranges and similar outdoor recreation facilities | | | | | | | | | S | S | S |
| Wild Animals, keeping of | Y | S | | | | | | | | | |
| Commercial and Retail Uses | | | | | | | | | | | |
| Adult Entertain. Est. | Y | | | | | | | | S | S | S |
| Ambulance or Medical Transport Company | | | | | | | | | S | P | P |
| Antique Shop | | | | | | | P* | P | P | P | P |
| Appliance Repair Shop | | | | | | | P* | P | P | P | P |
| Art and School Supply Store | | | | | | | P* | P | P | P | P |
| Auction House | | | | | | | | | P | P | P |
| | | | | | | | | | | | |

| Uses | Suppl. Use Stds. | R-100 | R-100 Mod | CS | MH | RM | OI | C-1 | C-2 | C-3 | M-1 |
|--|------------------|-------|-----------|----|----|----|----|-----|-----|-----|-----|
| Commercial and Retail Uses | | | | | | | | | | | |
| Automatic Teller Machine | | | | | | | P* | P | P | P | P |
| Automobile Accessories Sales & Installation**/** | | | | | | | | | P | P | P |
| Automobile Auction**/** | | | | | | | | | S | P | P |
| Automobile Body Repair and Painting**/** | | | | | | | | | | P | P |
| Automobile Brokerage**/** | Y | | | | | | P | P | P | P | P |
| Automobile Customization, Modification and Rebuilding**/** | | | | | | | | | | P | P |
| Automobile Parts Store (with Installation)**/** | | | | | | | | | S | P | P |
| Automobile Parts Store (without Installation)**/** | | | | | | | | | P | P | P |
| Automobile Repair Shop, Lubrication and Tire Store**/** | | | | | | | | | S | P | P |
| Automobile Sales and Related Service**/** | Y | | | | | | | | S | P | P |
| Accessory Uses and Structures | | A | A | A | | A | A | A | A | A | A |
| Bed and Breakfast Inn | Y | | | | | | P* | P | P | P | P |
| Bicycle Shop | | | | | | | P* | P | P | P | P |
| Billboard or Oversized Sign | Y | | | | | | | | S | S | S |
| Boat and Marine Equipment Sales and Service | | | | | | | | | | P | P |
| Book, Music and Media Store | | | | | | | P* | P | P | P | P |
| Building Materials Sales (wholesale) | | | | | | | | | | | P |
| Brewpub | Y | | | | | | | S | S | S | |
| Building Materials Sales (retail) | Y | | | | | | | | P | P | P |
| Camera/Photographic Supply Store | | | | | | | P* | P | P | P | P |

| Uses | Suppl. Use Stds. | R-100 | R-100 Mod | CS | MH | RM | OI | C-1 | C-2 | C-3 | M-1 |
|---|------------------|-------|-----------|----|----|----|----|-----|-----|-----|-----|
| Commercial and Retail Uses | | | | | | | | | | | |
| Car Wash (express-service)**/** | | | | | | | | | P | P | P |
| Car Wash and/or Detailing (full-service)**/** | | | | | | | | | P | P | P |
| Car Wash (self-service)**/** | | | | | | | | | P | P | P |
| Catering Service | Y | P | P | | | | | P | P | P | P |
| Cellular Phone Store | | | | | | | | P | P | P | |
| Check Cashing or Payday Loan Facility | Y | | | | | | | | | | S |
| Clothing, Apparel and Shoe Stores | | | | | | | | P | P | P | P |
| Convenience Store (with or without fuel pumps)**/** | Y | | | | | | | P | P | P | P |
| Copy, Blueprint or Printing Shop | | | | | | | | P | P | P | P |
| Department Store | Y | | | | | | | | P | P | P |
| Discount Department Store, Big-Box Specialty Store or Supercenter | Y | | | | | | | | P | P | P |
| Dollar or Variety Store | | | | | | | | P | P | P | P |
| Driving Instruction | | | | | | | | | P | P | P |
| DUI School | | | | | | | P | P | P | P | P |
| Electronics or Computer Stores | | | | | | | | P | P | P | P |
| Emissions Inspection Station**/** | Y | | | | | | | | P | P | P |
| Farmer's Market (off-site products) | Y | | | | | | P | P | P | P | P |
| Farmer's Market (on-site products only) | | S | | | | | | | | | |
| Fireworks Sales, principal use | Y | | | | | | | S | S | S | S |
| Fireworks Sales, ancillary use | Y | | | | | | | P | P | P | P |
| Florist or Flower Shop | | | | | | | | P | P | P | P |
| Food Store, Specialty (butcher, greengrocer, bakery) | | | | | | | | P | P | P | P |

| Uses | Suppl. Use Stds. | R-100 | R-100 Mod | CS | MH | RM | OI | C-1 | C-2 | C-3 | M-1 |
|---|------------------|-------|-----------|----|----|----|----|-----|-----|-----|-----|
| Commercial and Retail Uses | | | | | | | | | | | |
| Funeral Home | Y | | | | | | | | P | P | P |
| Furniture or Home Furnishings Store | | | | | | | | | P | P | P |
| Garden Supply Center | Y | | | | | | | P | P | P | P |
| Gift Shop or Greeting Card Shop | | | | | | | | P | P | P | P |
| Grocery Store | | | | | | | | P | P | P | P |
| Growler Shop | Y | | | | | | | | S | S | |
| Hair Salon, Beauty Parlor or Barber Shop | | | | | | | P | P | P | P | P |
| Hardware Store | | | | | | | | P | P | P | P |
| Health Club, Spa or Fitness Center | | | | | | | | P* | P | P | P |
| Home Improvement Store | | | | | | | | P | P | P | P |
| Hookah/Vapor Bar or Lounge | Y | | | | | | | | S | S | S |
| Hotel or Motel | Y | | | | | | | | P | P | P |
| Interior Decorating Shop | | | | | | | P* | P | P | P | P |
| Jewelry Store | | | | | | | | P | P | P | P |
| Laundry or Dry Cleaners | | | | | | | | P | P | P | P |
| Lawn and Garden Equipment Sales and Service | Y | | | | | | | | P | P | P |
| Locksmith | | | | | | | | | P | P | P |
| Lounge or Nightclub | | | | | | | | | | S | S |
| Massage, Therapeutic | Y | | | | | | | | S | S | S |
| Motorcycle, Scooter and ATV Sales and Related Service**/** | | | | | | | | | S | P | P |
| Motorcycle, Scooter and ATV Service Repair**/** | | | | | | | | | S | P | P |
| Motorcycle Parts, Apparel and Accessories Store**/** (without installation) | | | | | | | | | P | P | P |
| Movie Theater, Cineplex or Multiplex | | | | | | | | | P | P | P |
| | | | | | | | | | | | |

| Uses | Suppl. Use Stds. | R-100 | R-100 Mod | CS | MH | RM | OI | C-1 | C-2 | C-3 | M-1 |
|--|------------------|-------|-----------|----|----|----|----|-----|-----|-----|-----|
| Commercial and Retail Uses | | | | | | | | | | | |
| Musical Instrument Store | | | | | | | P* | P | P | P | P |
| Outdoor Sales, Storage or Display (retail) | | | | | | | | | S | S | S |
| Palm/Psychic Reading and Fortune Telling | | | | | | | | | S | S | S |
| Parking Garage or Lot | Y | | | | | | A | A | A | A | A |
| Pawn Shop | | | | | | | | | | | S |
| Pet Grooming | | | | | | | | P | P | P | P |
| Pet Shop or Pet Supply Store | | | | | | | | P | P | P | P |
| Pharmacy or Drug Store | | | | | | | P | P | P | P | P |
| Pools or Billiards Halls | Y | | | | | | | | S | S | S |
| Precious Metals Dealer | Y | | | | | | | | P | P | P |
| Recreation and Entertainment Facility (indoor) | | | | | | | | | P | P | P |
| Recreation and Entertainment Facility (outdoor) | | | | | | | | | S | S | S |
| Recreational Vehicle Park or Campground | | | | | | | | | | S | S |
| Recreational Vehicle Rental, Sales and Service**/** | | | | | | | | | | P | P |
| Rental, Automobile**/** | Y | | | | | | | | P | P | P |
| Rental, Furniture and Electronics | | | | | | | | | P | P | P |
| Rental, Heavy and Farm Equipment | | | | | | | | | | P | P |
| Rental, Light Equipment and Tool | | | | | | | | | | P | P |
| Rental, Truck and Trailer**/** | | | | | | | | | S | P | P |
| Repair Shop, Electronics and Small Appliance | | | | | | | | | P | P | P |
| Repair Shop, Shoe and Leather | | | | | | | | | P | P | P |
| Restaurant (coffee, doughnut shop or ice cream parlor) | Y | | | | | | P* | P | P | P | P |

| Uses | Suppl. Use Stds. | R-100 | R-100 Mod | CS | MH | RM | OI | C-1 | C-2 | C-3 | M-1 |
|---|------------------|-------|-----------|----|----|----|----|-----|-----|-----|-----|
| Commercial and Retail Uses | | | | | | | | | | | |
| Restaurant (drive in or drive-thru fast food) | | | | | | | | | P | P | P |
| Restaurant (full service) | | | | | | | | | P | P | P |
| Retail Sale of Package Distilled Spirits | | | | | | | | | | | S |
| Self-Storage or Mini Warehouse Facility | Y | | | | | | | | S | P | P |
| Shooting Ranges, Indoor | | | | | | | | | | | P |
| Signs in accordance with Article XIV | | A | A | A | | A | A | A | | | |
| Smoke Shop or Novelty Shop | | | | | | | | | S | S | S |
| Sporting Goods Store | | | | | | | | P* | P | P | P |
| Sports Training Facility (indoor) | | | | | | | | P* | P | P | P |
| Sports Training Facility (outdoor) | | | | | | | | | S | S | S |
| Stone Yard or Stone Cutting | | | | | | | | | S | S | P |
| Studio, Art | | | | | | | P* | P | P | P | P |
| Studio, Dance or Martial Arts | | | | | | | P* | P | P | P | P |
| Studio, Photography | | | | | | | P | P | P | P | P |
| Swimming Pool Sales Facility | Y | | | | | | | | P | P | P |
| Swimming Pool Supply Store | | | | | | | | | P | P | P |
| Tailor, Dressmaker, Sewing Shop | | | | | | | P* | P | P | P | P |
| Tanning Salon | | | | | | | | P* | P | P | P |
| Tattoo and Body Piercing Parlor | | | | | | | | | S | S | S |
| Taxi or Limousine Service | | | | | | | | | | P | P |
| Title Loan Facility | | | | | | | | | | | S |
| Toy Store, Hobby Shop or Game Store | | | | | | | P* | P | P | P | P |
| Travel Agency | | | | | | | P | P | P | P | P |

| Uses | Suppl. Use Stds. | R-100 | R-100 Mod | CS | MH | RM | OI | C-1 | C-2 | C-3 | M-1 |
|---|------------------|-------|-----------|----|----|----|----|-----|-----|-----|-----|
| Commercial and Retail Uses | | | | | | | | | | | |
| Truck Sales, Leasing and/or Service, Heavy**/** | Y | | | | | | | | S | S | S |
| Wholesale Membership Club | | | | | | | | | P | P | P |
| Wine Center | | | | | | | | | P | P | P |
| Industrial and Manufacturing Uses | | | | | | | | | | | |
| Alcoholic Beverage Plant/Distillery | | | | | | | | | | | P |
| Automobile or Truck Storing Lot (excl. junk/wrecked vehicles) | Y | | | | | | | | | | P |
| Baking Plant | | | | | | | | | | | P |
| Beverage Bottling Plant | | | | | | | | | | | P |
| Brewery | Y | | | | | | | | | | S |
| Bulk Storage Tank (accessory use) | | | | | | | | | | | P |
| Bulk Storage Tank (principal use) | | | | | | | | | | | S |
| Cabinet Shop | | | | | | | | | | | P |
| Call Center | | | | | | | | | P | P | P |
| Caretaker or Watchmen Quarters (accessory) | | | | | | | A | A | A | A | A |
| Carpet and Upholstery Cleaning Service | | | | | | | | | P | P | P |
| Cement, Concrete or Masonry Plant | | | | | | | | | | | S |
| Chemical Plant (non-pharmaceutical) | | | | | | | | | | | S |
| Clothing, Apparel or Shoe Manufacturing | | | | | | | | | | | P |
| Cold Storage Plant | | | | | | | | | | | P |
| Composting Facility (yard trimmings) | Y | | | | | | | | | | P |
| Contractor's Office, Building Construction | Y | | | | | | | | P | P | P |
| Contractor's Office, Heavy Construction and/or Logging | Y | | | | | | | | P | P | P |

| Uses | Suppl. Use Stds. | R-100 | R-100 Mod | CS | MH | RM | OI | C-1 | C-2 | C-3 | M-1 |
|---|------------------|-------|-----------|----|----|----|----|-----|-----|-----|-----|
| Industrial and Manufacturing Uses | | | | | | | | | | | |
| Contractor's Office, Landscape | Y | | | | | | | P | P | P | P |
| Contractor's Office, Specialty Trade | Y | | | | | | | | P | P | P |
| Convention Facility | | | | | | | | | P | P | P |
| Data Center | | | | | | | | | P | P | P |
| Depot / Passenger Terminal (bus or rail) | | | | | | | | | S | P | P |
| Distillery | Y | | | | | | | | | | S |
| Distribution Facility | | | | | | | | | | | P |
| Die Casting Works | | | | | | | | | | | P |
| Electronics Waste (e-waste) Collection/ Recycling | | | | | | | | | | | P |
| Explosives Plant / Storage | | | | | | | | | | | S |
| Feed Processing Facility | | | | | | | | | | | S |
| Fertilizer Plant | | | | | | | | | | | S |
| Food Processing/ Packaging/Canning Plant (other than poultry/meat processing) | | | | | | | | | | | P |
| Heavy Equipment or Farm Equipment Sales or Service**/** | | | | | | | | | | | S |
| Ice Manufacturing/ Packing Plant | | | | | | | | | | | P |
| Janitorial and Maid Services | | | | | | | | | P | P | P |
| Laboratory (medical or dental) | | | | | | | | | P | P | P |
| Laboratory, Research and Testing Facility | | | | | | | | | | | P |
| Laundry/Dry Cleaning Plant | | | | | | | | | | | P |
| Lawn Treatment Service | | | | | | | | | P | P | P |
| Liquid Waste Treatment/Recycling | | | | | | | | | | | S |

| Uses | Suppl. Use Stds. | R-100 | R-100 Mod | CS | MH | RM | OI | C-1 | C-2 | C-3 | M-1 |
|--|------------------|-------|-----------|----|----|----|----|-----|-----|-----|-----|
| Industrial and Manufacturing Uses | | | | | | | | | | | |
| Machine Shop | | | | | | | | | | | P |
| Maintenance Shop (automobile or truck fleet vehicles)**/** | | | | | | | | | S | S | S |
| Manufactured Building or Mobile Home Sales | Y | | | | | | | | S | P | P |
| Manufacturing or Assembling Plant | | | | | | | | | | | P |
| Movie Studio | | | | | | | | | | P | P |
| Moving Company | | | | | | | | | | | P |
| Outdoor Storage (other than junk/salvage yards) | Y | | | | | | | | A | A | A |
| Parking of Trucks Over 6 Wheels for more than loading/unloading and longer than 12 hours at a time | | | | | | | | | | | A |
| Pest Control/ Extermination Business | | | | | | | S | P | P | P | P |
| Pharmaceutical Manufacturing Plant | | | | | | | | | | | S |
| Photo Processing Plant | | | | | | | | | | | P |
| Plastics Extrusion Plant | | | | | | | | | | | P |
| Plumbing Equipment Dealer | | | | | | | | | P | P | P |
| Poultry/Meat Processing Plant | | | | | | | | | | | S |
| Printing, Bookbinding or Publishing Plant | | | | | | | | | | | P |
| Radio or Television Station/Studio | | | | | | | | | P | P | P |
| Railroad Repair or Storage Yard | | | | | | | | | | | S |
| Recording/Rehearsal Studio | | | | | | | | | P | P | P |
| Recovered Materials Processing Facility | Y | | | | | | | | | | S |
| Research or Testing Facility (indoor) | | | | | | | | | | | P |

| Uses | Suppl. Use Stds. | R-100 | R-100 Mod | CS | MH | RM | OI | C-1 | C-2 | C-3 | M-1 |
|--|------------------|-------|-----------|----|----|----|----|-----|-----|-----|-----|
| Industrial and Manufacturing Uses | | | | | | | | | | | |
| Research or Testing Facility (outdoor) | | | | | | | | | | | S |
| Salvage Operation or Junk Yard | Y | | | | | | | | | | S |
| Sawmills and Logging Facility | | | | | | | | | | | S |
| Scrap Tire Processing, Grinding or Retreading | | | | | | | | | | | S |
| Self-Service Ice Manufacturing/Vending Machine | | | | | | | | | S | S | S |
| Septic Tank Pumping Company | | | | | | | | | | | S |
| Soft Drink Bottling/ Distribution Plant | | | | | | | | | | | P |
| Taxidermist | | | | | | | | | S | P | P |
| Textile or Carpet Factory | | | | | | | | | | | P |
| Towing/Wrecker Service and Impound Lot | | | | | | | | | | | S |
| Tree Service and Log Splitting | | | | | | | | | | P | P |
| Truck Terminal or Intermodal Terminal | | | | | | | | | | | S |
| Trucking and Hauling (dirt, gravel, sand, etc.; incl. stockpiling) | | | | | | | | | | | S |
| Upholstery Shop | | | | | | | | | P | P | P |
| Welding Shop | | | | | | | | | | | P |
| Wholesaling and Warehousing (accessory retail <15%) | | | | | | | | | | | P |
| Wood Chipping and Shredding, Log Splitting | Y | | | | | | | | | P | P |
| Office, Institutional and Cultural Uses | | | | | | | | | | | |
| Acupuncture | | | | | | | P | P | P | P | P |
| Animal Hospital or Veterinary Clinic | | | | | | | P* | P | P | P | P |

| Uses | Suppl. Use Stds. | R-100 | R-100 Mod | CS | MH | RM | OI | C-1 | C-2 | C-3 | M-1 |
|---|------------------|-------|-----------|----|----|----|----|-----|-----|-----|-----|
| Office, Institutional and Cultural Uses | | | | | | | | | | | |
| Art Gallery | | | | | | | P* | P | P | P | P |
| Bank or Financial Services Institution | | | | | | | P* | P | P | P | P |
| Blood Plasma Donation Center | | | | | | | S | P | P | P | P |
| Cemetery or Mausoleum | Y | | | | | | P* | P | P | P | P |
| Cemetery, Family | Y | | | | | | P* | P | P | P | P |
| Club, Lodge or Fraternal Organization | | | | | | | P* | P | P | P | P |
| Community Center or Cultural Facility | | | | | | | P* | P | P | P | P |
| Corporate Training and Education Centers | | | | | | | P | P | P | P | P |
| Counseling Center | | | | | | | P | P | P | P | P |
| Crematory | Y | | | | | | | | | | S |
| Hospice Home | | | | | | | | S | P | P | P |
| Hospital | | | | | | | | | P | P | |
| Human Services Ministry | | | | | | | | | P | P | P |
| Medical Office or Clinic | | | | | | | P | P | P | P | P |
| Meditation Center | | | | | | | P* | P | P | P | P |
| Museum or Library | | | | | | | P* | P | P | P | P |
| Nursing Home | | | | | | | | | P | P | P |
| Office (business) | | | | | | | P | P | P | P | P |
| Office (professional) | | | | | | | P | P | P | P | P |
| Office Park | | | | | | | P | P | P | P | P |
| Office/Showroom Facility | | | | | | | | | P | P | P |
| Place of Worship | | | | | | | P* | P | P | P | P |
| Residential Rehab. Center | | | | | | | S | S | S | S | S |
| School or College, Business/Career (for profit) | | | | | | | P | P | P | P | P |
| School, Montessori | | | | | | | P | P | P | P | P |
| School, Private (College or University) | Y | | | | | | P | P | P | P | P |
| School, Private (Primary or Secondary) | | | | | | | P | P | P | P | P |
| School, Trade or Vocational | | | | | | | P | P | P | P | P |

| Uses | Suppl. Use Stds. | R-100 | R-100 Mod | CS | MH | RM | OI | C-1 | C-2 | C-3 | M-1 |
|--|------------------|-------|-----------|----|----|----|----|-----|-----|-----|-----|
| Office, Institutional and Cultural Uses | | | | | | | | | | | |
| Shelter, Community | Y | | | | | | | | S | S | S |
| Shelter, Residential | Y | | | | | | | | S | S | S |
| Special Events/Banquet Facility or Rental Hall | Y | S | | | | | P | P | P | P | P |
| Stadium, Concert Hall or Amphitheater | | | | | | | P | P | P | P | P |
| Tutoring and Learning Centers | | | | | | | P | P | P | P | P |
| Residential Uses | | | | | | | | | | | |
| Child Caring Institutions (CCI) | Y | S | | | | | | | | | |
| Commercial Recreational Facilities Associated with a Subdivision Development | Y | A | A | A | | A | | | | | |
| Community Living Arrangement or Host Home (CLA) | Y | S | | | | | | | | | |
| Customary Home Occupation | Y | P | P | P | P | P | | | | | |
| Family Child Care Learning Homes | Y | S | S | S | S | S | | | | | |
| Child Care Learning Centers | Y | | | | | | P | P | P | P | P |
| Dormitory | | | | | | | | | P | P | P |
| Dwelling, Boarding or Rooming House | Y | | | | | | | | S | S | S |
| Dwelling, Duplex | Y | | | | | P | | | | | |
| Dwelling, Live/Work | Y | | | | | | | | | | |
| Dwelling, Loft | Y | | | | | | | | | | |
| Dwelling, Mobile or Manufactured Home | | | | | P | | | | | | |
| Dwelling, Multifamily | | | | | | P | | | | | |
| Dwelling, Townhouse | Y | | | | | P | | | | | |
| Dwelling, Single-Family Detached | | P | P | P | P | | | | | | |
| Dwelling, Villa | Y | | | | | P | | | | | |

| Uses | Suppl. Use Stds. | R-100 | R-100 Mod | CS | MH | RM | OI | C-1 | C-2 | C-3 | M-1 |
|---|------------------|-------|-----------|----|----|----|----|-----|-----|-----|-----|
| Residential Uses | | | | | | | | | | | |
| Dwelling, Zero Lot Line | Y | | | | | | | | | | |
| Parking of Recreational Equipment | | A | A | A | | A | | | | | |
| Personal Care Home, Congregate (not family) | Y | | | | | | P | P | P | P | P |
| Retirement Community, Continuing Care | | | | | | | P | P | P | P | P |
| Retirement Community, Independent Living | Y | | | | | | S | | | | |

K. Space dimensions. The following table outlines the space dimensions for each zoning district.

1. Open space.

- a. Required yards and requirements for sidewalk zones and landscape zones which are constructed on private property may be counted towards this requirement.
- b. Open space may also include balconies, roof-top terraces, front yards, planted areas, fountains, parks, plazas, hardscape elements related to sidewalks and plazas, and similar features which are located on private property.
- c. Open spaces containing floodplain, wetlands, required stream buffers, lakes utilized for scenic value, recreation or conservation purposes shall be set aside and protected by legal arrangements satisfactory to the Mayor and Council, and sufficient to assure its maintenance and preservation for whatever purpose it is intended. Up to one-half (½) of such open space shall be permitted to be located in a one hundred (100) year floodplain, and up to one hundred (100%) percent shall be permitted to be located within a permanent lake which does not function solely as a detention facility or within delineated wetlands.
- d. Open space shall not include areas devoted to public or private vehicular access or any land which has been, or is to be, conveyed to a public agency, via a purchase agreement for such uses as parks, schools, or other public facilities, or which lies within any required recreation area, overhead power easement, or stormwater detention facility.
- e. Covenants or other legal arrangements shall specify ownership of the open space; method of and responsibility for maintenance; taxes and insurance; compulsory membership and assessment provisions; guarantees that any association formed to own and maintain will not be dissolved without the consent of the Mayor and Council; and any other specifications deemed necessary by the Mayor and Council.

2. The following table shall apply for all lot area, maximum building height, side yard and rear yard requirements. For all landscape zone, sidewalk, minimum building height and front yard dimensions, reference Article IX.

| SPACE DIMENSIONS TABLE | R-100 | R-100 Mod | CS | MH | RM | OI | C-1 | C-2 | C-3 | M-1 | PUD |
|--|-----------|-----------|------------|----------|----------|-------|-------|-------|-------|--------|----------|
| Minimum Lot Area | 32,000 sf | 10,500 sf | None | Sec 1104 | Sec 1105 | None | None | None | None | 1 AC | Sec 1112 |
| Minimum Lot Width | 100 ft | 80 ft | 60 ft avg. | Sec 1104 | 100 ft | None | None | None | None | 100 ft | Sec 1112 |
| Maximum Height of Building | 40 ft | 40 ft | 40 ft | Sec 1104 | 40 ft | 40 ft | 40 ft | 40 ft | 40 ft | 40 ft | Sec 1112 |
| Minimum Rear Yard | 40 ft | 30 ft | 20 ft | Sec 1104 | 40 ft | 15 ft | 15 ft | 15 ft | 15 ft | 15 ft | Sec 1112 |
| Minimum Rear Yard, for non-residential districts adjacent to residential districts (per Buffer Specifications Table, Section 1202) | None | None | None | Sec 1104 | 40 ft | 40 ft | 40 ft | 40 ft | 40 ft | 40 ft | Sec 1112 |
| Minimum Side Yard | 10 ft | 10 ft | 5 ft | Sec 1104 | 10 ft | 10 ft | 10 ft | 10 ft | 10 ft | 20 ft | Sec 1112 |
| Minimum Side Yard, for non-residential districts adjacent to residential districts | None | None | None | Sec 1104 | None | 20 ft | 40 ft | 40 ft | 40 ft | 40 ft | Sec 1112 |
| Minimum Side Yard, Street Side Corner | 40 ft | 25 ft | 20 ft | Sec 1104 | 40 ft | 35 ft | 35 ft | 35 ft | 35 ft | 35 ft | Sec 1112 |
| Maximum Ground Coverage | None | None | None | Sec 1104 | 40% | 70% | 70% | 90% | 90% | 75% | Sec 1112 |
| Minimum Open Space | None | 30% | 40% | Sec 1104 | 20% | 20% | 20% | 20% | 20% | 10% | Sec 1112 |

L. Remaining district regulations:

1. The permitted uses, accessory uses, special uses and space dimensions for all property zoned to a Planned Unit Development (PUD) classification are set forth in Section 1112 and shall apply as if set forth in this Section.
2. All uses and dimensional requirements of the overlay districts that are not specified in the individual sections are those that are applicable to the underlying zoning designation of the particular property.
3. All remaining regulations established for each individual district are provided in the following sections.

SECTION 1101: SUPPLEMENTAL USE STANDARDS

A. Purpose and Intent:

1. The purpose of these Supplemental Use Standards is to supplement the Table of Permitted and Special Uses by providing more specific standards for certain uses for which additional use restrictions, site development and/or design standards are necessary to ensure that they will be compatible with surrounding uses, have minimal impact on the environment, promote the health, safety and welfare.
2. These standards apply to specific uses in all zoning districts (unless otherwise noted) and shall be enforced by the City.
3. Any use that is regulated by this Section and is authorized in a zoning district shall be developed in conformity with the applicable Supplemental Use Standards for that use provided in this Section. No permit shall be issued for a use, building or structure that does not conform to applicable provisions of this Section; except that, where any requirement of the Supplemental Use Standards conflicts with a condition of rezoning, special use permit or other action of the City Council after adoption of this Section, the condition shall prevail.

B. Applicability:

1. The uses, structures and related standards listed in the following subsection are in alphabetical order.
2. The Supplemental Use Standards listed in the following subsection are applicable as indicated in the Table of Permitted and Special Uses as requiring Supplemental Use Standards.

C. Supplemental Use Standards (Per Table of Permitted and Special Uses).

The rules, requirements and restrictions listed in this subsection are applicable as indicated in the Table of Permitted and Special Uses as requiring Supplemental Use Standards.

1. Adult Entertainment Establishment.

Adult Entertainment Establishments shall obtain a Special Use Permit, and conform to the City's Adult Entertainment Ordinance.

2. Agricultural Uses (crop or animal production).

In the R-100 zoning district: corrals, stables, barns, pens, coops, chicken houses, and other similar animal quarters shall be located no closer than 100 feet to any property line.

3. Automobile, Truck or Vehicle Storage Lot (other than impound lot).

Automobile, Truck or Vehicle Storage Lots shall be subject to the following requirements and restrictions:

- a. The entire lot shall be surrounded by a 15-foot in depth buffer adjacent to any public street, a 25-foot in depth buffer adjacent to a non-residential zoning district, and a 50-foot in depth buffer adjacent to any mixed-use or residential zoning district.
- b. A security fence or wall is required enclosing the lot.
- c. No outdoor sound amplification device is permitted.
- d. No inoperable or junk vehicles are permitted.
- e. Outdoor lighting shall consist of cut-off luminaires that shall be directed inward so as not to direct light onto adjacent residential property. When adjacent to residentially-zoned property, any outdoor light fixtures shall not exceed 35 feet in height.

4. Automobile Brokerage.

Automobile Brokers shall be subject to the following restrictions:

- a. The brokerage shall be limited to office activities only.
- b. Vehicles for sale or lease shall not be delivered to, displayed or parked on the premises at any time.
- c. Maintenance, repair, refurbishing, washing or detailing of automobiles on the premises is prohibited.

5. Automobile Sales and Related Service**

Automobile Sales and Related Service uses shall be subject to the following restrictions

- a. All vehicles on the premises are kept in operating condition at all times.
- b. Any repair or services activities shall be performed in an enclosed stall or vehicle bay and shall not be completed in the open.
- c. All automotive sales lots, unloading zones, driveways, customer and employee parking are to be paved with asphalt or concrete, and a perimeter curb or barrier must be provided to prevent encroachment of the vehicles for sale into yards or landscaped areas.
- d. No outdoor storage or parking of vehicles is allowed outside of the paved parking area.
- e. Adequate space must be allocated, specifically identified, and reserved on the site for unloading of vehicles brought to the site by car carriers.
- f. It shall be a violation to park vehicles for sale, rent, or lease in customer/employee parking or unloading areas.
- g. A site plan must be submitted to and approved by the City that clearly shows the paved parking area and indicates the maximum number of outdoor sales vehicles that the lot can sustain. This must be kept on the premises, and it shall be a violation to exceed the maximum number of outdoor sales vehicles indicated on the approved plan.
- h. Any outdoor storage shall be arranged in an orderly manner.
- i. All side or rear yards shall be screened when abutting adjoining residences or adjoining residential districts in accordance with Article XII (Buffers).
- j. There shall be no display or storage at any time of partially dismantled or wrecked vehicles.
- k. Said lot must contain a permanent building, containing a foundation and meeting the other requirements of the Georgia State Minimum Codes for commercial buildings.
- l. All outdoor lighting shall be directed so that it does not shine or spill onto adjacent properties.
- m. Outdoor loudspeakers are prohibited.
- n. Adequate customer parking must be provided in off-street parking spaces in accordance with the table below. The employee and customer parking shall be clearly designated and shall not be used for the parking, storage, or display of motor vehicles, for sale, rental, or hire:

| Total number of vehicles permitted | Customer Parking Spaces |
|------------------------------------|--|
| Up to 25 | 2 |
| 26-50 | 3 |
| 51 and Over | 3+1 space per every 50 cars on the lot |

Spaces for employees shall be computed at the rate of 2 spaces for each 3 employees in the maximum working shift (full or part-time)

6. Bed and Breakfast Inn.

Bed and Breakfast Inns shall be subject to the following requirements:

- a. The operator of the establishment shall reside on the site.
- b. The use shall have a lot area of not less than 20,000 square feet and a floor area within the dwelling unit of no less than 2,500 square feet (except in the OI zoning district).
- c. No guest shall reside in a Bed and Breakfast Inn for a period in excess of 14 days.
- d. Guestrooms may not be equipped with cooking facilities.

7. Beekeeping.

In the R-100 zoning district, beekeeping shall meet the following

- a. Honey bees shall not be kept on lots containing less than ten thousand (10,000) square feet. No more than two colonies or hives, with only two swarms, shall be allowed per ten thousand (10,000) square feet.
- b. Hives shall be marked or identified to notify visitors.
- c. No hive shall exceed twenty (20) cubic feet in volume.
- d. No hive shall be located closer than ten (10) feet from any property line.
- e. No hive shall be located closer than fifty (50) feet from a public right-of-way or twenty-five (25) feet from the principal building on an abutting lot.
- f. A constant supply of water shall be provided for all hives.
- g. A flyway barrier at least six (6) feet in height shall shield any part of a property line that is within twenty-five (25) feet of a hive. The flyway barrier shall consist of a wall, fence, dense vegetation or a combination thereof.
- h. Any colony or hive which becomes a nuisance as defined by state law must be removed.
- i. Abandoned colonies or hives and diseased bees shall be removed (this shall not prohibit the use of swarm traps).

8. Brewery

Breweries may be permitted in the M-1 district upon the granting of a Special Use Permit in accordance with Article XVIII, and provided compliance with the following additional conditions:

- a. Comply with the provisions of Section 6-401 of the Grayson Code of Ordinances regarding breweries.
- b. Adequate space should be provided inside the brewery building(s) for the storage of bottled beer and kegs, along with empty bottles and kegs.
- c. The part of the property used for storage of raw material silos and production waste silos shall be screened with a solid fence.

- d. Adequate space shall be provided for the loading and unloading of materials, supplies and finished bottles and kegs.

9. Brewpub

Brewpubs may be permitted in the C-1, C-2, C-3 and PUD districts upon the granting of a Special Use Permit in accordance with Article XVIII, and provided compliance with the following additional conditions:

- a. Must comply with the provisions of Section 6-402 of the Grayson Code of Ordinances regarding brewpub licenses.
- b. Adequate space should be provided inside the brewpub building for the storage of bottled beer and kegs, along with empty bottles and kegs.
- c. Adequate space should be provided inside the brewpub building for the storage of raw materials and waste products of the brewing process.

10. Billboard or Oversized Sign.

See SECTION 1414.

11. Boarding or Rooming House.

Boarding or Rooming Houses shall be limited to no more than six non-transient boarders.

12. Building Materials Sales (retail).

Building supply centers with outdoor lumber yards or storage areas are required to screen the yards with a six feet high opaque fence.

13. Catering Service.

For catering services in residential zoned districts, see SECTION 709.

14. Cemetery, Family Cemetery or Mausoleum.

Except when accessory to a place of worship; cemeteries, family cemeteries and mausoleums shall conform to the following requirements:

- a. The cemetery may front only on a street classified as a Collector or Arterial roadway or along a State Highway, and the entrance and exits to the cemetery shall only be from the classified street on which it fronts.
- b. The cemetery shall be bordered by a 25-foot in depth buffer and a minimum six foot high decorative fence or wall along all of its exterior property lines not bordering the frontage street and not extending into the required front yard. The buffer strip shall be planted with evergreen trees or shrubs that grow at least eight feet tall and provide an effective visual screen. A 25-foot in depth buffer and a four foot high decorative fence or wall shall be installed along the right-of-way of any abutting public street.
- c. Prior to the approval of a request to use property as a cemetery, a site plan and a covenant for perpetual care shall be submitted to the City. The covenant for perpetual care shall include measures to be undertaken to preserve, protect, and provide for ongoing maintenance including the fencing, landscaping, and gravesites.
- d. The covenant for perpetual care and a plat of survey delineating the limits of the cemetery shall be recorded in the Gwinnett County Clerk of Superior Court (Deeds and Records).

15. Check Cashing Facility.

- a. Such facilities are allowed by-right as an accessory use when located internal to a Regional Shopping Mall, Discount Department Store or Supercenter, Grocery Store

or Convenience Store. There shall be no exterior ground, wall or window signage accompanying the accessory use.

- b. Stand-alone facilities require a Special Use Permit, to be allowed in M-1 zoning district only.

16. Child Caring Institutions (CCI). (Group Home for Children).

Child Caring Institutions (CCI) facilities require the issuance of a Special Use Permit, and shall be located on a lot of at least one acre in size, and shall be limited to no more than eight residents. CCIs are to follow the rules and regulation as set forth by the Georgia Department of Human Services.

17. Child Care Learning Centers (CCLC).

CCLC shall follow the rules and regulations as set forth by the Georgia Department of Early Care and Learning.

18. Community Garden.

Community gardens shall be subject to the following requirements:

- a. The garden shall not be located within any required buffer.
- b. Outdoor lighting shall be prohibited.
- c. The garden shall be within a fully fenced area.
- d. Signage shall be limited to a single, non-illuminated sign of no more than four square feet.
- e. Gardening equipment and machinery must be stored in an enclosed, secure building or shed.
- f. Retail sales shall be prohibited.
- g. Composting is permitted on the premises if stored in a manner that controls odor, prevents insect or rodent infestation and minimizes runoff into waterways and onto adjacent properties.
- h. The garden must maintain an orderly appearance, and may not be neglected or allowed to become overgrown or eroded.
- i. If a community garden ceases operation, and is no longer desired by the owners, it shall be stabilized with grass, trees and/or shrubbery in accordance with a plan submitted for approval by the City Planner.

19. Community Living Arrangement (CLA) or Host Home.

Community Living Arrangement (CLA) facilities and Host Homes require the issuance of a Special Use Permit, and shall be located on a lot of at least 1 acre in size, and shall be limited to no more than eight residents.

20. Composting Facility, Yard Trimmings.

Yard Trimmings Composting Facilities shall meet the following design standards:

- a. Composting materials shall be limited to tree stumps, branches, leaves, and grass clippings or similar putrescent vegetative materials, not including animal products, inorganic materials such as bottles, cans, plastics, metals, or similar materials.
- b. Along the entire road frontage (except for approved access crossings), and along the side and rear property lines, provide a 3-foot high landscape earthen berm with a maximum slope of three to one and/or a minimum 6-foot high, 100 percent opaque, solid wooden fence or masonry wall. The fence/wall or berm must be located outside

of any public right-of-way and interior to any landscape strip. The finished side of a fence/wall shall face the exterior property lines.

21. Contractor's Office (building construction, heavy/civil construction/logging, landscape, or specialty trade).

No contractor's office is to store or display equipment or materials within the front building setback, and all outdoor storage is to be screened with a six feet high opaque fence.

22. Convenience Store.

Convenience stores with fuel pumps or automated car washes are not allowed within the Uptown Center Overlay District.

23. Country Club.

In the R-100 zoning district, Country Clubs require a Special Use Permit, and shall conform to the following requirements. The property shall contain a minimum of ten acres and 300 feet of road frontage.

- a. Adequate off-street parking shall be provided for the use.
- b. The buildings and parking lots shall be located not less than 50 feet from any street and not less than 40 feet from any side or rear property line.
- c. Any driving ranges shall be located not less than 50 feet from any street and not less than 100 feet from any side or rear property line.

24. Crematory.

(Reserved.)

25. Customary Home Occupation.

See SECTION 708.

26. Department Store; Discount Department Store or Supercenter.

Such stores may offer automobile maintenance and tire service as a by-right accessory use, provided that junked or wrecked vehicles shall not be allowed on-site, and vehicles undergoing routine service are not kept on the property for more than 48 hours.

27. Distillery

Distilleries may be permitted in the M-1 district upon the granting of a Special Use Permit in accordance with Article XVIII, and provided compliance with the following additional conditions:

- a. Comply with the provisions of Section 6-403 of the Grayson Code of Ordinances regarding distilleries.
- b. Adequate space should be provided inside the distillery building(s) for the storage of bottled spirits, along with empty bottles and packaging materials.
- c. The part of the property used for storage of raw material silos and production waste silos shall be screened with a solid fence.
- d. Adequate space shall be provided for the loading and unloading of materials, supplies and finished bottles.

28. Dwelling (duplex, live/work, loft, townhouse, villa, zero lot line).

See SECTION 1112 Planned Unit development (PUD).

29. Emissions Inspection Stations.

Emissions inspection stations shall meet the following design standards:

- a. The facility shall be located in a permanent non-combustible structure.

- b. The structure shall include a designated indoor public waiting area (minimum three fixed seats) with restrooms; or as an alternative, shall provide the required designated indoor waiting area and restrooms upon the same lot, within 500 feet of the testing facility.
 - c. The facility shall provide a minimum of four paved parking spaces. Drive-through facilities shall also provide a paved stacking lane for a minimum of four vehicles. Parking spaces and stacking lane shall be striped.
 - d. If constructed in an existing parking lot, the facility and stacking lane(s) shall not occupy any required on-site parking space or encroach into any minimum required driveway width.
30. Equestrian Facilities, Riding Stables, or Academies.
Stables, corrals, riding rings and other similar facilities shall be located no closer than 100 feet to any property line, and require the issuance of a Special Use Permit.
31. Family Child Care Learning Homes (FCCLH).
FCCLH require the issuance of a Special Use Permit, and shall follow the rules and regulations as set forth by the Georgia Department of Early Care and Learning.
32. Farmers' Markets (off-site products).
See SECTION 1107. Although this section refers to the C-1 zoning district, the temporary use requirements in this section for a farmer's market pertains to other commercial, office, and industrial zoning districts also.
33. Farm Winery
Farm wineries as defined and permitted under O.C.G.A. § 3-6-21.1 may only be permitted in the R-100 district upon the grant of a Special Use Permit in accordance with Article XVIII, and provided compliance with the following additional conditions:
- a. Winery is located on the same property as the vineyard, with such parcel of land being not less than five (5) acres.
 - b. The winery may have a total of one (1) tasting room on premises for purposes of on-site consumption of wine and related activities to the extent such additional activities are expressly provided in this Section (the "Tasting Room").
 - c. The principal entrance through which vehicles will enter the premises of the winery and the Tasting Room shall be from a public road.
 - d. A farm winery licensee may offer samples of its wine in the Tasting Room for consumption on premises or in closed packages for consumption off the premises. Alcoholic beverage sales for consumption on premises shall be limited to flights of individual 1.5 oz. servings of different wines produced from grapes, berries or fruits grown on site, unless otherwise approved herein.
 - e. The use of outdoor speakers shall not be permitted, unless otherwise approved herein.
 - f. Food service shall be limited to cheese and crackers, unless otherwise approved herein. No ovens, fryers, grills, burners, or other commercial kitchen equipment shall be utilized in the preparation of such food, unless otherwise approved herein.
 - g. A retail sales area may be included in the Tasting Room, with package sales limited to wine produced from grapes, berries, or fruits grown on-site. Retail sales other than wine shall be limited to items used in connection with the serving, storing, or display of wine, or written material describing wine or food or the experience of consuming the same, or items displaying the name and/or logo of the winery.

- h. All buildings shall be subject to development standards set forth in Article X of this Ordinance, and must have an architectural appearance of a residential or agricultural building(s).
 - i. All operations, activities, and events unrelated to the growing, harvesting or processing of grapes, berries, or fruits on the property of the winery shall cease by 7:00 p.m. eastern standard time.
- 34. Fireworks Sales.

Retail sales of fireworks shall be subject to the following restrictions:

 - a. Sales and storage of fireworks shall comply with all applicable federal, state and local regulations.
 - b. The sale of consumer fireworks as a principal use shall require approval of a Special Use Permit.
 - c. Ancillary sale of consumer fireworks shall be limited to convenience stores, discount department stores, dollar or variety stores, grocery stores, hardware stores, pharmacy and drug stores, sporting goods stores, and wholesale membership clubs.
- 35. Funeral Home.

No crematories are allowed in funeral homes.
- 36. Garden Supply Center.

Garden supply centers and greenhouses are not to display plants, shrubs, and landscaping supplies within the front yard setback.
- 37. Growler Shop

Growler Shop may be permitted in the C-2, C-3 and PUD districts upon the granting of a Special Use Permit in accordance with Article XVIII, and provided compliance with the following additional conditions:

 - a. The shop must comply with Section 6-75 of the Grayson Code of Ordinances regarding the sale of growlers.
 - b. Adequate space should be provided inside the growler shop for the storage of empty growlers and kegs.
- 38. Hookah/Vapor Bar or Lounge.

Hookah/Vapor Bars or Lounges require a Special Use Permit, and shall be subject to the following restrictions:

 - a. Smoking of hookah in any establishment that serves alcohol or food shall be prohibited.
 - b. Hours of operation shall not extend past 11:00 p.m.
 - c. Hookah bars and lounges shall not serve patrons under the age of 19.
- 39. Hotel or Motel.

Hotels and Motels shall be subject to the following requirements:

 - a. Guest rooms shall be accessed internally to the building with no direct room access to the outside. The lobby shall be a minimum of 700 square feet in size.
 - b. Each hotel/motel site shall be a minimum of two acres.
 - c. Each hotel/motel must provide management on duty 24 hours a day.
 - d. Each guest room shall have a minimum of 300 square feet and shall be accessed with a magnetic keycard entry-locking device.
 - e. Outside storage of commercial equipment is prohibited.

- f. No business license shall be issued for any business operating from any guest room of the facility.
 - g. Provide a 75-foot natural buffer, enhanced with an additional 25-foot landscaped buffer (total 100 feet) adjacent to residentially-zoned property.
41. Lawn and Garden Equipment Sales and Service.
Lawn and garden equipment sales and services are not to display or work on equipment within the front building setback.
42. Livestock, keeping of (for personal utility).
See SECTION 708.
43. Livestock Sales Pavilion or Auction Facility.
Livestock Sales Pavilions or Auction Facilities shall meet the following standards:
- a. Such facilities shall be located on a Principal Arterial, Major Arterial, Minor Arterial, Major Collector Street or State Highway.
 - b. The property shall contain a minimum of 10 acres.
 - c. Livestock sales pavilions, auction facilities, show rings or other arenas for the display, exhibition training or sale of live- stock, and animal quarters shall be located no closer than 100 feet to any property line.
 - d. Adequate off-street parking shall be provided for livestock trailers, recreation vehicles, etc., associated with the use.
 - e. A Special Use Permit is required if any of the following apply:
 - 1. The property does not meet the minimum acreage or street classification requirements.
 - 2. The event is held more than three days per month.
 - 3. Hours of operation extend beyond 6:00pm.
 - 4. A public address system is utilized.
 - 5. Permanent concession facilities are provided.
 - 6. Portable restroom facilities are provided.
 - 7. Seating facilities for more than 100 people are provided.
 - 8. Parking facilities for more than 50 vehicles are provided.
 - 9. An admission fee is charged.
44. Manufactured Building or Mobile Home Sales.
(Reserved.)
45. Massage, Therapeutic.
Therapeutic massage facilities are allowed by right as ancillary uses within medical offices. Stand-alone facilities require the issuance of a Special Use Permit.
46. Outdoor Storage (other than junk/salvage yards).
(Reserved.)
47. Parking Garage or Lot.
Parking garages and lots shall adhere to the intent of Article XIII Parking and Loading Requirements.
48. Pool or Billiards Halls.
A business having three or more pool tables for patron use shall be considered a Pool or Billiards Hall.
49. Personal Care Home, Congregate (not family).

(Reserved.)

50. Precious Metals Dealer.

Precious metals dealers must adhere to the State of Georgia Code pertaining to this profession.

51. Recovered Materials Processing Facility.

Recovered Materials Processing Facilities shall meet the following design standards:

- a. The minimum lot area for such facilities shall be 2 acres.
- b. Activities shall be limited to collection, sorting, compaction and shipping.
- c. Along the entire road frontage (except for approved access crossings), provide a 3 foot high landscaped earthen berm with a maximum slope of 3 to 1 and/or a minimum 6 foot high, 100 percent opaque, solid wooden fence or masonry wall. The fence/wall or berm must be located outside of any public right-of-way and interior to any landscaped strip. The finished side of a fence/wall shall face the exterior property lines.
- d. The facility shall not be located adjacent to or across the street from any property used for or zoned for single-family residential use.
- e. Lighting for such facilities shall be placed in such a fashion as to be directed away from any nearby residential areas.
- f. Materials collected shall not be visible and deposited in a bin or bunker. All sorting and collection bins shall either be enclosed and have chutes available to the public or be located inside a fully-enclosed building.
- g. No outdoor storage of uncontainerized materials shall be allowed.
- h. Any outside storage areas shall be screened by a minimum eight foot high, solid wood fence, masonry wall or slatted chain-link fence. Materials stored outdoors shall not be placed or stacked at a height exceeding that of the screening fence.
- i. The operator shall be required to submit an annual report to the City Administrator that demonstrates that during each 90 day period of operation, the amount of material that is recycled, sold, used, or reused shall equal at least 60 percent by weight or volume of the material received during that 90 day period and sixty percent by weight or volume of all material previously received and not recycled, sold, used, or reused and carried forward into that 90 day period.

52. Rental; Automobile, Truck and Trailer.

Automobile, truck and trailer rental facilities shall meet the following requirements and restrictions:

- a. All vehicles shall be parked on paved surfaces or approved pervious paving materials.
- b. All outdoor vehicle display areas shall be no closer than 100 feet from the nearest residence.
- c. Vehicle storage, cleaning and maintenance must take place within a building or outside storage area that is screened from public view.
- d. Vehicle repair, painting and body work may not be conducted on the premises.

53. Restaurant (coffee shop, doughnut shop or ice cream parlor).

Restaurants that are primarily coffee shops, doughnut shops or ice cream parlors are to have a maximum seating capacity of 50.

54. Retirement Community, Independent Living.

(Reserved.)

55. Salvage Operation or Junk Yard.

The minimum lot area for such facilities shall be 2 acres.

56. School, Private.

a. This use shall not be located except with direct access to a roadway designated as a collector or higher category on the latest Gwinnett County Long Range Road Classification Map.

b. Minimum Lot Size:

1. Elementary School: two acres, plus one additional acre for each 100 students based on the design capacity of the school.

2. Middle School: three acres plus one additional acre for each 100 students based on the design capacity of the school.

3. High School: 5 acres, plus one additional acre for each 100 students based on the design capacity of the school.

c. When adjacent to a residential zoning district, the following additional standards shall apply:

1. A 50-foot in depth natural, undisturbed buffer adjacent to residential zoning is required.

2. Driveways and parking areas must set back 25 feet from side property lines and five feet from any buffer.

3. No parking lots or outdoor lights shall be closer than 100 feet from residences on adjacent property.

4. Recreational facilities shall be located at least 100 feet from property lines of adjacent residential properties.

d. Accessory Uses and Facilities.

In addition to the accessory uses and facilities that are permitted for the zoning district in which the private school is located, additional accessory uses and facilities are permitted that are customarily associated with schools and intended primarily for the use of students, such as an auditorium, library, administrative offices, cafeteria and related kitchen and dining area, or outdoor recreational facilities.

57. Self-Storage and Mini-Warehouse Facilities.

Self-Storage and Mini-Warehouse Facilities shall meet the following restrictions and design standards:

a. Storage units shall not be used for manufacturing, retail or wholesale selling, office, other business or service use, or human habitation.

b. Site access shall not be onto roadways classified as local residential streets.

c. Outdoor speakers or sound amplification systems shall be prohibited.

d. Such a facility may include one accessory manager's office/apartment which is clearly subordinate to the primary use of the facility for warehousing purposes.

e. Provide adequate loading and unloading areas outside of fire lanes.

58. Shelter, Residential or Community.

All shelters must meet the provisions of Rules for Shelters in Gwinnett County.

59. Smoke Shop or Novelty Shop

(Reserved.)

60. Special Events/Banquet Facility or Rental Hall.

In the R-100 and C-1 zoning districts, Special Events/Banquet Facilities or Rental Halls shall obtain a Special Use Permit, and shall conform to the following requirements.

- a. Such facilities shall be located on a Principal Arterial, Major Arterial, Minor Arterial, Major Collector Street or State Highway.
- b. The property shall contain a minimum of 3 acres.
- c. Activities shall be limited to community or private parties, gatherings or charity events; weddings, wedding receptions; showers; business functions. Other similar events may also be included, at the discretion of the City Planner.
- d. Guests shall be limited to no more than 150 (subject to fire code limitations) at any one time. During inclement weather there shall be sufficient space to safely shelter guests. Adequate, permanent restroom facilities shall be provided, which shall meet the minimum requirements of the Gwinnett County Environmental Health Section and building code requirements.
- e. Special event hours of operation shall be limited to between 9:00am and 11:00pm.
- f. Adequate off-street parking facilities shall be provided on-site.

61. Swimming Pool Sales Facility.

Swimming pool sales facilities are not allowed to display pools or pool equipment within the front building setback.

62. Tattoo and Body Piercing Parlor
(Reserved.)

63. Truck Sales, Leasing and/or Service, Heavy.

See Automobile or Truck Storing Lot requirements.

64. Wild Animals (raising and keeping of).

Any resident who keeps a wild or exotic animal shall obtain a Special Use Permit, and meet the following requirements:

- a. The owner or custodian of wild or exotic animals shall obtain any and all necessary permits and meet all requirements of the State of Georgia for such activity.
- b. No animal quarters may be located closer than 200 feet to any property line.

65. Wood Chipping and Shredding, Log Splitting Facility.

Wood Chipping and Shredding and Log Splitting Facilities shall meet the following restrictions and design standards:

- a. Such facilities shall not be located closer than 200 feet from residentially-zoned property.
- b. Along the entire road frontage (except for approved access crossings), and along the side and rear property lines, provide a three foot high landscape earthen berm with a maximum slope of three to one and/or a minimum six foot high, 100 percent opaque, solid wooden fence or masonry wall. The fence/wall or berm must be located outside of any public right-of-way and interior to any landscape strip. The finished side of a fence/wall shall face the exterior property lines.

SECTION 1102: R-100 SINGLE-FAMILY RESIDENCE DISTRICT

A. Minimum floor area.

1. Single-family residential structures shall be a minimum heated floor area of one thousand and eight hundred (1,800) square feet.

SECTION 1103: R-100 MODIFIED SINGLE-FAMILY RESIDENCE DISTRICT

A. Minimum floor area.

1. Single-story single-family residential structures shall be a minimum heated floor area of two thousand two hundred (2,200) square feet.
2. Two-story single-family residential structures shall be a minimum heated floor area of two thousand four hundred (2,400) square feet.

B. Space limits.

1. Maximum density – 2.3 units per acre.
2. Minimum density – sixteen (16) total units.

C. Sodding: All front and side yards shall be sodded, with the exception of planting beds.

SECTION 1103.1: CS CONSERVATION SUBDIVISION SINGLE-FAMILY RESIDENCE DISTRICT

A. Applicability:

This stand-alone district is not applicable for individual on-site septic systems, and may only be applicable for property that uses the public sanitary sewer system. For properties which are submitted for rezoning to CS, the application shall be accompanied by a Concept Plan and Existing Features Site Analysis Plan meeting the requirements of this section.

B. Permitted Uses:

See Permitted Uses Table, Accessory Uses Table, and Special Uses Table in SECTION 1100.

C. Existing Features Site Analysis Plan:

At the time of development, or if a zoning action is proposed, and prior to preparing the Concept Plan, an Existing Features Site Analysis Plan, sealed by a registered design professional, and an Environmental Site Assessment (Phase One) report, shall be prepared by the applicant and submitted to the City Planner for review. The Existing Features Site Analysis Plan, along with Environmental Site Assessment (Phase One), shall identify areas worthy of permanent protection and areas suitable for development.

1. The Plan shall include at least the following information;

- a. Delineation of streams, 100-year floodplains and wetlands including the source of this information.
- b. Topography contours at intervals no greater than 4 feet.
- c. Identification of tree lines, woodlands, open fields or meadows.
- d. Delineation of tree resource areas by type such as hardwood, pines or mixed; and old or new growth.
- e. Delineation of steep slope areas (i.e. greater than 25%).
- f. Identification of historical or archeological features.
- g. Identification of significant wildlife habitats and scenic vistas as identified by the Georgia Department of Natural Resources.
- h. Identification of existing structures and easements.

i. Identification of Conservation Space, Open Space, or Common Space in adjacent developments.

D. Concept Plan:

At time of development or a zoning action, a Concept Plan shall be submitted by the developer for review and approval in accordance with the requirements and procedures of the Development Regulations and shall also include the following information:

1. Delineation and specifications of Conservation Space including calculations and exclusions; and any “pocket parks,” “greens,” or trail system to be constructed.
2. A typical detail on the plan including dwelling size, lot width, building setback lines, off-street parking, street trees, sidewalks, and street pavement and right-of-way width.
3. Lot width average, area and percent of floodplain specifications in tabular form; and density calculations (gross and net).

E. Conservation Space Requirements:

In order to qualify for this district, Conservation Space shall meet the following requirements:

1. Delineation: Priority shall be given in delineating Conservation Space areas as those areas of significance identified in the Existing Features Site Analysis Plan, around which the built areas are designed.
2. Undeveloped and Natural: Conservation Space shall remain undeveloped and natural except for the provision of non-motorized passive recreation opportunities such as running, walking, biking, and similar outdoor activities. Exceptions: “pocket parks,” “greens,” “retention ponds”, and “underground storm water facility” in Conservation Space. A “pocket park” or “green” is a landscaped area larger than 0.33 acres constructed for community gathering or play or visual enhancement. “Pocket parks” or “greens” shall not exceed 20% of the total Conservation Space. At least 75% of the Conservation Space shall be in a contiguous tract. The Conservation Space should adjoin any neighboring areas of open space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected open space. Additionally, the Conservation Space shall maintain a minimum width of 20 feet in all areas.

F. Exclusions:

Excluded from meeting the minimum amount of Conservation Space are the following:

1. Proposed permanent lakes, streams, ponds etc.: No more than 50% of land area located within a proposed lake may be credited.
2. Recreation area improvements. Impervious surfaces in recreation areas shall not be credited.
3. Easement. Land area within power, gas pipeline easements, sewer line easements, or pump stations shall not be credited.
4. Other. Land area devoted to public or private streets or any land that has been, or is to be, conveyed to a public agency via a purchase agreement for such uses as parks, schools, or other public facilities shall not be credited.

G. Ownership:

Open space shall be owned in fee-simple by a mandatory property owner’s association; or third party(s) approved in advance by the City Council prior to transfer of land ownership. The developer shall record the deed to the Conservation Space prior to, or concurrent with, the recording of the first final subdivision plat. An access easement following the alignment

of future public streets is acceptable. However, “pocket parks” or “greens” may be deeded concurrent with the unit or phase of the final subdivision plat of which it is a part.

H. Property Owner’s Association:

The property owner’s association bylaws or covenants, at a minimum, shall contain the following provisions:

1. Governance of the association by the Georgia Property Owner’s Association Act (OCGA Section 44-3-220 et. seq.) or a successor to that Act that grants lien rights to the association for maintenance expenses and tax obligations.
2. Responsibility for maintenance of the Conservation Space.
3. Responsibility for insurance and taxes.
4. Automatic compulsory membership of all lot purchasers and their successors; and compulsory assessment.
5. Conditions and timing of transferring control of the association from the developer to the lot owners.
6. Guarantee that the association will not be dissolved without the advance approval of the City Council.

I. Maintenance:

The property owner’s association, or other entity approved in advance by the City Council, shall be responsible for the continuous maintenance of buffers, Conservation Space, recreation area, common areas, and detention ponds etc.

J. Conservation Surety:

Conservation Space shown on the approved Concept Plan and subsequently delineated on the Final Plat shall be permanently protected by the developer’s conveyance of an undivided fee simple interest in the Conservation Space to the mandatory property owner’s association. The deed conveying the Conservation Space pursuant to this paragraph shall be recorded and delivered to the property owner’s association prior to, or concurrent with, the approval of the Final Plat for the first phase of the subdivision. In addition, the Final Plat for each phase of the Subdivision shall contain the following statement:

“Conservation Space delineated on this plat is permanently protected and shall remain undeveloped and natural subject to certain exceptions contained in Grayson’s Conservation Subdivision District Ordinance.”

In addition, the deed conveying the Conservation Space shall contain the following language:

“The land conveyed herein shall remain permanently protected Conservation Space that shall not be cleared or developed except in accordance with Section 1103.1.E.2 of the City of Grayson Zoning Ordinance. The interest conveyed in the deed runs with the land and benefits all future lot owners within the subdivision.”

K. Density:

Subdivisions in CS District shall not exceed a maximum net density of 2.3 units per acre with 40% Conservation Space; or, 3.0 units per acre with 50% Conservation Space.

L. Development Requirements:

Subdivisions in CS District shall meet the following requirements:

1. Minimum Subdivision Size: 10 contiguous acres.
2. Lot Area: No minimum.
3. Average Lot Width: The average width of all building lots shall be at least 60 feet. Any lot located less than 50 feet from adjacent property lines zoned R-100, or R-100 Modified shall meet the lot width and rear setback of that district.

4. Minimum Road Frontage per Lot: 40 feet and 20 feet for cul-de-sac lots.
5. Minimum Yard Area (Setback): Front setback is 20 feet. (The front yard setback may be reduced to 5 feet if dwellings are provided side or rear entry garages. To qualify for the reduced setback on a corner lot, side entry garages must be located to the side adjacent to an abutting lot.) Rear setback is 20 feet. Side setback is 5 feet.
6. Exterior Project Street Frontage Open Space Strip: 50 feet in width (not part of any building lot). Landscape entry features such as fences and walls may be allowed in the open space strip.
7. Maximum Building Height: 40 feet.
8. Minimum Floor Area: Each dwelling unit shall have a minimum heated finished living area, excluding a basement, attic, carport or garage, of 1,600 square feet for One Story and 1,800 square feet for Two Story.
9. Sodded Yards: All grassed areas on dwelling lots shall be sodded.
10. Garages: Each dwelling unit shall have two-car garage.
11. Street Trees: Street trees, in accordance with the requirements of the Buffer, Landscape, and Tree Ordinance, shall be provided.
12. Underground Utilities: Utilities shall be located underground.

SECTION 1104: MH MANUFACTURED HOUSING DISTRICT

- ii. Location. A manufactured housing district development shall front for a sufficient distance to provide safe access upon a state highway or a major thorough-fare, and shall have access and egress only on such a road.
- iii. Street Access Requirements. The entrance road to a manufactured housing district development shall have a minimum right-of-way width of sixty (60) feet with a minimum pavement width of twenty eight (28) feet. The entrance road shall have a turning radius from the highway of at least three hundred (300) feet and the entrance road shall extent at least one hundred (100) feet into the manufactured housing district development.
- iv. Sidewalks. Sidewalks shall be constructed on both side of the streets within the development, and shall extent the entire frontage of the property on which the entrance is constructed. These shall provide access to recreation facilities within and outside the development.
- v. Size. A manufactured housing district development shall have a minimum buildable area of at least fifteen (15) contiguous acres.
- vi. Density. A manufactured housing development shall have a density of not more than six (6) manufactured housing lots per building acre.
- vii. Manufactured Home Lots. Each manufactured home shall be located on a separate fee simple lot. Each home and lot shall be owned by the same person, and shall be taxed as real property and the owner shall qualify for the homestead exemption. Each lot shall be a minimum of five thousand (5,000) square feet and shall contain only one (1) living dwelling.
- viii. Recreation and Other Community Facilities. Not less than ten (10%) percent of the gross area of manufactured housing district development shall be devoted to recreation on any other community use facilities. Each recreation space shall have a minimum area of ten thousand (10,000) square feet. Recreation area(s) may not be located entirely within undevelopable land (i.e., floodplain, wetlands, etc.)
- ix. Buffer Strip. A buffer strip at least forty (40) feet wide shall be provided along the side and rear property lines but not extending into the required front yard of the development. The

buffer strip shall be planted with evergreen trees and shrubs that grow at least eight (8) feet tall and provide an effective visual screen. Said buffer strip is to provide a softening between the land uses.

- x. Hurricane Anchorage. Acceptable provisions for “hurricane anchorage” for each manufactured home shall be made in accordance with the Development regulations of the City of Grayson.
- xi. HUD Mobile Court Development Guide. The manufactured housing development shall meet the standards of the “Mobile Home Court Development Guide,” as set forth in the HUD Handbook #4545.1 dated October 1976, as revised.
- xii. No Site Construction Until Preliminary Subdivision Plat Approved. No site construction shall be undertaken and no permits shall be issued until a Preliminary Subdivision Plat that meets the requirements of the Development Regulations of the City of Grayson and the requirements of this ordinance have been given tentative approval.
- xiii. Manufactured Homes. All manufactured homes must be constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974. Mobile homes constructed prior to June 15, 1976, are considered to be constructed to pre-HUD standards and are not permitted in the City of Grayson. All existing homes shall be grandfathered under this Section. However, any mobile home that is removed with intent of replacing with another shall comply with these regulations.
- xiv. Minimum square footage. Each manufactured home shall be attached to a permanent foundation and be a minimum of one thousand two hundred (1,200) square feet.

SECTION 1105: RM MULTIFAMILY RESIDENCE DISTRICT

A. Minimum lot area.

- 1. For two-family units the minimum lot area shall be fifteen thousand (15,000) square feet, with seven thousand five hundred (7,500) square feet per dwelling unit.
- 2. For multiple-family units, the minimum lot area shall be twenty thousand (20,000) square feet.
- 3. For multiple-family units a minimum of twelve thousand (12,000) square feet of lot area shall be reserved for the first family and four thousand (4,000) square feet for each additional family, but in no event shall the overall density exceed eight (8) dwelling units per acre.
- 4. For single family uses, a minimum lot area of fifteen thousand (15,000) square feet is required.

SECTION 1106: OI OFFICE/INSTITUTIONAL DISTRICT

The Office/Institutional District is intended to encourage the location of suitable business and professional enterprises, medical and dental facilities and limited retail service activities in buildings of high character and in attractive surroundings. The Office/Institutional District is best located in areas having direct access to State Highways or major arterial thoroughfares.

SECTION 1107: C-1 NEIGHBORHOOD BUSINESS DISTRICT

A. Temporary uses.

The following uses are permitted for a period not to exceed thirty-five (35) days or otherwise indicated:

- 1. The sale of fruits or vegetables, pumpkins and Christmas trees any time during the year.

2. Charitable and nonprofit events.
 3. The sale of any items in association with an existing business located on the premises as a principal use (i.e., parking lot or tent sale).
 4. The sale of any items not associated with a business located on the premises provided that no item, tent, trailer, or vehicle remains on the premises overnight.
 5. A permit for any temporary use may be applied for up to four (4) times per year per applicant.
- B. Temporary uses are permitted provided the following items are provided and adhered to by the user:
- a. Written permission of the property owner is provided;
 - b. Excess parking, ingress and egress are provided on site or written permission is obtained if provided on an adjoining property;
 - c. Provide trash receptacles and/or secure property owner's approval to dispose of refuse properly (if applicable);
 - d. Sales, displays, and other structures shall not be located within thirty (30) feet of the edge of any public roadway;
 - e. A non-illuminated sign may be erected on the property provided it does not exceed a total of sixteen (16) square feet and not greater than ten (10) feet in height and is not placed within twenty (20) feet of any public roadway;
 - f. No unreasonable noises shall be associated with the use;
 - g. The hours of operation shall be from 7 a.m. to 11 p.m.;
 - h. Restroom facilities must be provided or permission granted to use restroom facilities elsewhere;
 - i. A temporary permit is applied for and approved by the Administrative Officer;
 - j. All other permits and regulations of Gwinnett County and the City of Grayson shall be met.

SECTION 1108: C-2 GENERAL BUSINESS DISTRICT

- A. Temporary uses. Any use permitted in the C-1, Neighborhood Business district.
- B. Special uses. The following uses are allowed upon the approval of a Special Use Permit by the Mayor and Council.
1. Any C-2 use requiring outdoor storage, provided:
 - a. The storage areas are screened with a six foot high, one hundred (100%) percent opaque fence; and
 - b. A ten (10) foot minimum planted landscape strip is located outside the fence.
 2. Adult Entertainment Facilities, provided no use shall be located:
 - a. Within one thousand (1,000) feet of any parcel of land zoned or used for residential purposes;
 - b. Within one thousand (1,000) feet of any parcel of land upon which a church, school, government building, library, civic center, public park or playground is located;
 - c. Within one thousand (1,000) feet of any parcel of land upon which another establishment regulated or hereunder defined is located;
 - d. Within one thousand (1,000) feet of any parcel of land upon which any other establishment selling alcoholic beverages is located; and
 - e. On less than three (3) acres of land containing at least one hundred (100) feet of road frontage.

SECTION 1109: C-3 CENTRAL BUSINESS DISTRICT

A. Permitted uses.

1. Automotive body repair shops, provided inoperative, wrecked and dismantled vehicles are screened within a six (6) foot high, opaque fence.
2. Automotive repair shops including major engine repair (transmission, radiator repair, and engine overhauls), provided inoperative vehicles are screened within a six foot high, one hundred (100%) percent opaque fence
3. Contractor's office with outdoor storage of equipment or materials, provided the storage or equipment areas are screened with a six foot high, one hundred (100%) percent opaque fence.
4. Equipment rental, sales or service establishments (including heavy machinery, forklifts, cranes, bulldozers, farm equipment, moving vans and trailers, etc.).
5. Log splitting and storage lots, provided the lot is vacant and splitting and storage areas are screened by a six (6) foot high opaque fence.
6. Plumbing, electrical, pool, and home-building supply showrooms and sales centers with outdoor storage, provided storage areas are screened with a six foot high, one hundred (100%) percent opaque fence.
7. Wholesaling establishments, provided outdoor storage areas are screened with a six (6) foot high, one hundred (100%) percent opaque fence.

SECTION 1110: M-1 LIGHT INDUSTRY DISTRICT

A. Permitted Uses. Permitted uses are indicated in the Table in Section 1100.

SECTION 1111: OVERLAY DISTRICTS

UC: UPTOWN CENTER OVERLAY DISTRICT

- A. Permitted uses. Individual retail establishments shall not exceed three thousand five hundred (3,500) square feet of floor area.
- B. Special uses. The following uses are allowed upon the approval of a Special Use Permit by the Mayor and Council.
 1. Bed and breakfast inns, provided:
 - a. The house is owner occupied;
 - b. Adequate parking is provided;
 - c. A maximum of three (3) rooms may be rented; and
 - d. Breakfast is provided to guests only.
- C. Open space. Each developer shall provide, at a minimum, twenty (20) Tree Density Units per acre for all non-residential development. Type and size of plantings shall be in compliance with the Grayson Zoning Ordinance of 2005. At least fifty (50%) percent of plantings shall consist of trees three (3) inches in caliper (dbh) or greater.
- D. Design Standards. The site design standards outlined in Section 909 shall apply to all properties within this District.

GH20: GRAYSON/HIGHWAY 20 OVERLAY DISTRICT

A. Permitted uses.

1. Please see Section 1100, Table of Permitted and Special Uses for permitted uses within this Overlay District.
 2. Automotive and Related Uses are permitted within this Overlay District southeastward of the Herring Road intersection to the City limits. The Table of Permitted and Special Uses outlines these uses. The uses are marked with a ^{GH20} symbol.
- B. Special uses. Please see Section 1100, Table of Permitted and Special Uses for Special uses within this Overlay District.
- C. Design Standards. The site design standards outlined in Section 910 shall apply to all properties within this District.

SECTION 1112: PUD Mixed Use Planned Unit Development

A. Permitted Uses.

1. Antique shops
2. Art and school supply stores
3. Art Gallery Studios, Art
4. Bank or Financial Services Institution
5. Bed and breakfast inns*
6. Bicycle shops
7. Brewpubs*
8. Camera/Photographic Supply Store
9. Catering Service*
10. Clothing, Apparel and Shoe Stores
11. Contractor's offices with no outdoor storage or display
12. Copy, Blueprint or Printing Shop
13. Day Care Facility
14. Department Store
15. Dollar or Variety Store
16. Electronics or Computer Stores
17. Florist or Flower Shop
18. Food Store, Specialty (butcher, greengrocer, bakery)
19. Food Store, Specialty, but no killing, eviscerating, skinning, plucking or smoking of food products on the premises
20. Garden Supply Center*
21. Gift Shop or Greeting Card Shop
22. Grocery Store
23. Growler Shops
24. Hair Salon, Beauty Parlor or Barber
25. Hardware Store
26. Health Club, Spa or Fitness Center
27. Hotel or Motel*
28. Interior Decorating Shop
29. Jewelry Store
30. Laundry or Dry Cleaners not in excess of two thousand five hundred (2,500) square feet, including dry cleaning pick-up and delivery stations
31. Medical Office or Clinic
32. Multifamily Dwellings (see Housing Types for specific dwelling types allowed)

33. Museum or Library
34. Music and Media Store
35. Music Instrument store, including lessons
36. Office/Showroom Facility (provided no equipment or materials are stored outdoors)
37. Offices: Public or professional
38. Parking Garage or Lot
39. Pest Control/Extermination Business
40. Pet Shop/Pet Supply Store/Pet Grooming
41. Pharmacy or Drug Store
42. Public parks, playgrounds, and community buildings
43. Radio or Television Station/Studio
44. Recording/Rehearsal Studio
45. Recreation and Entertainment Facility (Indoor)
46. Recreation and Entertainment Facility (Outdoor)
47. Repair Shop/Shoe and Leather
48. Restaurants, maximum of 150 seats, including delivery services
49. Single-family dwellings
50. Studio, Dance or Martial Arts
51. Studio, Photography
52. Tailor shops
53. Tailor, Dressmaker, Sewing Shop
54. Theaters
55. Toy Store, Hobby Shop or Game Store
56. Upholstery Shop
57. Wine Center

* An asterisk indicates that the use has Supplemental Use Standards listed in Section 1101

B. Special Uses.

Outdoor entertainment districts, defined as an area or areas of the city, designated by the City Council, in which growler shops, restaurants and tasting rooms are an acceptable land use, and where alcoholic beverages may be carried outside of the premises covered by a license, in accordance with the requirements of Chapter 6 of the Grayson Code of Ordinances, may be included in the PUD configuration. Any proposed Outdoor Entertainment District must be shown or depicted on the Master Development Plan at the time of application submittal.

C. Development Standards.

1. Minimum site area is five (5) acres of contiguous land area.

2. Perimeter Development Requirements

No housing type, use, setback, height, and coverage requirements are established. The "Development Proposal" submitted as a part of the PUD Application will outline proposed setbacks, building separations, street widths, etc.

However, existing residential development along the perimeter of the Planned Unit Development shall be adequately protected by setbacks, landscaped walls and/or other buffers to be established as part of the Master Development Plan.

3. Internal Development Requirements

a. No minimum lot sizes or shapes shall be required, except as may be established as part of the Master Development Plan and outlined in the “Development Proposal”. However, if the proposed PUD lies within the areas encompassed by the Uptown Center Overlay District and/or the Grayson/Highway 20 Corridor Overlay District, then the portions of the PUD residing within the Overlay District area(s) should conform to the dimensional requirements of the district, as well as the site development standards, wherever possible.

b. No minimum distance between on-site structures shall be required, except as may be established as part of the site development plan review. However, Fire Code requirements shall be met.

c. No minimum yard setbacks shall be required, except as may be established as part of the site development plan review.

4. Off-Street Parking and Loading

Adequate off-street parking and loading areas shall be provided and included in the “Development Proposal” and shown on the Master Development Plan. However, reductions in total parking requirements are strongly encouraged. The sharing of off-street parking areas between uses is allowed and encouraged as well as parallel on-street where appropriate. The use of porous alternative parking areas and innovative stormwater management practices is allowed and encouraged where appropriate.

5. Landscaping

Landscaping shall meet or exceed all of the minimum requirements of the City’s Zoning Ordinance. The preservation of mature trees is strongly encouraged.

6. Underground Utilities

All on-site utilities shall be installed underground. Large transformers shall be placed on the ground within pad mounts, enclosures or vaults. The developer shall provide adequate landscaping to screen all above-ground facilities.

7. Accessibility

Every residential unit or permitted use shall have direct access to a public street via a private road, common easement, or other area dedicated or reserved for public use.

8. Architectural Standards

Unless specifically exempted as part of the “Development Proposal” adopted by the City of Grayson as a component of the PUD application, the Architectural Standards listed in Article X of this Ordinance shall apply to all projects.

9. Environmental Considerations

Protections of wetlands, creeks and streams should be provided where appropriate. Areas designated as historic or archaeological resources should be protected and placed inside common open space wherever possible

10. Housing Types

The following housing types are permitted in a PUD:

- Single Family Detached Residential
- Brownstones and/or villas as a transition between single family residential and office/commercial uses.
- Flats over commercial and office uses, whether as separate uses by floors; or as live/work spaces, where residential and non-residential uses function as a single unit.

11. Master Signage Plan Required

A Master Signage Plan shall be required to be submitted as a part of the PUD request. The Master Sign Plan shall include all proposed signage for the PUD shown in their prospective locations on a scaled drawing. The Plan shall detail the sizes, heights, sign faces and other features proposed for the development. The signage proposed shall be in accordance with Article XIV of the Zoning Ordinance and the signage proposed shall have a common look and theme for the PUD development.

D. Permitted Locations

This District is to be utilized as a "floating zone" which shall mean that areas will not be pre-designated as planned development districts but rather each such designation shall result from a specific and separate application for amendment. Planned Unit Development Districts are separate zoning districts and shall follow the same amendment procedures as other districts. Unless otherwise stated in this Section, the development standards and the land uses which are presented with the application for amendment shall, if approved, become the standards for the subject property and shall become a part of the zoning regulations.

E. PUD Configurations

To meet the goals and purposes listed in Section 404, PUDs must consist of more than one type of land use to be considered a PUD project unless it is a R4 PUD.

1. Mixed Use PUD

- a. A Mixed Use PUD shall only be located within the Uptown Center Overlay District and/or the Grayson/Highway 20 Overlay District.
- b. A Mixed Use PUD shall be a mixture of single family residential uses, commercial and/or office/institutional uses.
- c. Single family residential uses may be detached, semi-attached or attached.
- d. Commercial uses may be stand alone, or integrated with residential uses in the form of live/work flex units, multi-story retail/loft combinations.
- e. Outdoor entertainment districts, defined as an area or areas of the city, designated by the City Council, in which growler shops, restaurants and tasting rooms are an acceptable land use, and where alcoholic beverages may be carried outside of the premises covered by a license, in accordance with the requirements of Chapter 6 of the Grayson Code of Ordinances, may be included in the PUD configuration.
- f. Office/institutional uses may be stand alone or integrated with commercial uses in the form of multi-story retail/office combinations. Office uses may also be combined with residential uses to form live/work flex units, office/commercial, residential units or multi-story retail/office/residential loft combinations

- g. Overall residential densities shall be limited to no more than 6 units per acre.
- h. Each mixed use PUD shall provide 40% of common open space. Common open space shall be land set aside for recreation, conservation or civic uses, and is not contained on lots proposed for residential, commercial and/or office uses.
- i. The “Development Proposal” submitted in conjunction with the Master Development Plan shall list the breakdowns by acreage of the different uses within the PUD. Generally, commercial uses should constitute no more than 30% of the total project land or gross floor area. Office uses should constitute no more than 30% of project land or gross floor area.

2. R4 PUD (See Section 404 for information regarding R4 PUDs)

F. General Considerations for Land Use Mix and Design

1. Consistency with Comprehensive Plan.

All projects must be reasonably consistent with the goals and intents of the City of Grayson Comprehensive Plan.

2. Variations to Development Standards.

As a part of the application for a Planned Unit Development, the applicant must include a “Development Proposal” and a “Master Development Plan” which outline the proposed arrangement of structures, proposed yards, separation of buildings, phasing of the development and other considerations. Variations to Grayson’s development standards (i.e., Development Regulations and Zoning Ordinance), including variations in lot sizes, widths, building setbacks, densities, parking requirements, right-of-way widths, street widths, buffers, and other components may be approved to improve said project.

The “Development Proposal” must be agreed to and accepted by Mayor and City Council for the variations to Grayson’s development standards to be approved.

The City will not consider variations to standards or regulations of other regulating jurisdictions, such as erosion control regulations, fire codes, floodplain control, stream buffers, or other similar regulations, without the express written consent and approval of applicable jurisdiction. Furthermore, said consent shall not guarantee nor require the City to waive any or all requirements.

3. Interconnectivity.

Pedestrian access and interconnections shall also be required between the component units of the proposed development. Pedestrian and vehicular interconnections to adjoining property, whether developed or undeveloped, should be included and incorporated into the design where appropriate.

4. Site and Ownership

All of the land in a PUD shall be owned or controlled by a single responsible entity. Individual properties in a PUD may be sold after a plat has been recorded, with the properties subject to private deed covenants that ensure the continuance of the PUD as originally approved and developed.

5. Phasing

Where the PUD development contains mixed-use areas, the phasing of the construction of each usage shall be defined in the Master Development Plan.

6. Compatibility

The proposed uses in a Planned Unit Development must be suitable in view of the use and development of adjacent and nearby property. In addition, the Planned Unit Development shall not endanger the public health, welfare, or safety, nor shall it substantially diminish or impair property values for surrounding properties.

7. Need

The Planned Unit Development must be of a character and contain such uses that are needed in the area of the proposed project as outlined in the Grayson Comprehensive Plan.

8. Site Design

The proposed Planned Unit Development shall utilize design and development features that would not be possible by the application of lot-by-lot zoning district regulations. PUD's are encouraged to incorporate elements of traditional neighborhood design in the residential components of the development and are also encouraged to incorporate residential uses in with the commercial and office components to promote a more livable and walkable community, in keeping with the Comprehensive Plan.

G. Application Requirements

An application for PUD shall include the typical application procedures required for all other rezoning applications as presented elsewhere in the City's Zoning Ordinance as well as contain the following items:

1. Development Proposal. A Development Proposal is a written document that will provide a basic understanding of the different elements of the project and how the elements and land uses will be integrated to meet the purposes of a Planned Unit Development. The Development Proposal should include, at a minimum:

a. A narrative statement:

- Describing the character of and rationale for, the proposed PUD.
- Addressing the proposed ownership and maintenance of streets, drainage systems, common open space areas, parking areas, and other proposed amenities and improvements;
- Proposing phasing and time schedule;
- A written statement identifying the relative benefits that will accrue to the community as a result of the property being developed under PUD provisions. Specific mention should be made of mix of uses included, common open space provided, natural features retained and architectural design to be provided. This statement is a developer's opportunity to define why the PUD proposal merits approval and how it will serve the community better than a conventional development.

b. The proposed name of the development if there is one, as well as proposed names of neighborhoods or other sub units of the development;

- c. The application shall include a list of all land uses proposed to be included in the PUD, the total land area devoted to each of the land uses proposed, and the percentage of the total land area within the PUD devoted to each proposed land use. The application shall also include a list of residential units by type, total number, net and gross density, and the total square footage of buildings devoted to non-residential uses.
- d. Proposed internal site planning standards such as lot sizes, setbacks and buffers aimed at addressing potential incompatibility between adjacent land uses and activities; and
- e. Proposed parking standards, street right-of-way widths and other pertinent data.
- f. The proposed location and extent of any outdoor entertainment districts.
- g. Applications shall include architectural sketches representative of all proposed building types. These drawings shall indicate general architectural characteristics. If the PUD is approved, architectural sketches submitted as part of the application shall be considered binding unless specifically noted otherwise in the approval.
- h. All private restrictions and covenants established shall be subject to the approval of the City attorney.

2. Master Development Plan.

Applications shall include a Master Development Plan which, unless specifically stated otherwise, shall be a condition of PUD approval and must be followed. The Master Development Plan shall be a to-scale drawing showing the general layout of the proposed development including among other features the following:

- Existing manmade and natural features within and immediately adjacent to the property including vegetation, tree preserve areas, state waters, land uses, structures, utilities, easements, drainage ways, rights-of-way, and property lines;
- Location, arrangement and dimensions of all proposed land uses and structures;
- Location of all proposed buildings, parking areas, traffic circulation systems including roadways, drives, walkways, bikeways, and load and unloading areas; and
- All proposed common elements including common open space areas, recreational facilities, outdoor entertainment districts (if proposed) and landscaping.
- Master Signage Plan
- Other items outlined in the Development Proposal

H. Submittal Process

1. Presubmittal Conference

The prospective applicant must schedule a Presubmittal Conference with the City (i.e., the Mayor, City Administrator and the City Planner) to review the proposed PUD request. The applicant must pay a fee to the City to schedule the conference. At this meeting, the applicant and the City will discuss the proposed PUD development and the applicant will be informed about all of the required elements of a PUD application. The applicant will be encouraged to review all factors, include location, market conditions, mixture of uses and proposed amenities, before proceeding with the development of the PUD project request.

2. Submittal (Application) Conference

This conference will be scheduled by the City when ALL required application elements have been completed and are ready to be submitted. The applicant will bring all documentation, together with the rezoning application fee, with them to the Submittal Conference. After

reviewing the information presented, the City will determine if the application is complete in all aspects. If the application has been determined to be complete in all aspects, the City will receive the application and submit the application to the City Planner for review.

I. Approval Process

1. Recommendation and Approval Authority.

All applications for PUD projects shall be considered by the Planning Commission and decided upon by the Mayor and City Council in accordance with the procedures outlined in Article XVIII of this Ordinance for zoning map amendments.

2. Criteria for Approval.

In considering and acting upon applications for PUDs, the Planning Commission and the Mayor and City Council shall consider and base their recommendation and decision, respectively, on the following criteria (not all inclusive), and any other factors it may consider appropriate in reaching such a decision:

- Consistency with the City's Comprehensive Plan;
- The character, location, and appropriateness of the proposed mix of land uses;
- The extent to which the proposed architectural features of buildings within the planned unit development are harmonious and reflect the image that represents Grayson; and
- The adequacy of common open space areas and recreation facilities that are provided for the needs of the development occupants.

In the event the PUD is approved by the Mayor and Council, the Master Development Plan and the Development Proposal shall be certified by the City and said certified copy shall be filed as a permanent record. Without exception, the approved plan shall be binding upon all existing and future owners and assigns.

3. Conformance to Approved Master Development Plan.

After rezoning to a PUD, no permits shall be issued and no development shall commence unless in conformance with the approved Master Development Plan and the Development Proposal, unless a change or deviation is approved by the City.

The City Planner may approve minor changes and deviations from the approved conceptual development plan which are in compliance with the provisions and intent of this article, and which do not depart from the principal concept of the approved conceptual development plan.

Should the City Planner determine that a requested change or deviation from the approved conceptual development plan does not comply with the provisions and intent of this article, or departs from the principles of the PUD, the applicant may apply for approval of such change or deviation to the City Council as a Plan Amendment.

4. Failure to Begin Planned Unit Development.

If no construction plans have been submitted for permitting in the PUD within eighteen (18) months from time of approval by Mayor and Council, the City shall maintain the right to reconsider the proper zoning for the property and may, on its own accord, return the property to its previous zoning or zone the property to another classification after following the necessary and lawful zoning procedures.

ARTICLE XII BUFFER AND SCREENING REQUIREMENTS

SECTION 1200: BUFFER REQUIRED

It is recognized that the location of non-residential land uses directly adjacent to single-family, two-family, or multiple-family residential uses can create an incompatible situation. Additionally, the location of two-family or multiple-family land uses directly to single-family land uses can also be an incompatible situation. The land use plan as adopted depicts the future limits of non-single family residential uses.

It is the intent of these buffer provisions to require that the periphery of these areas containing non-single family uses contain a planted buffer consistent with provisions of this section along its entire length in locations adjacent to single-family residentially zoned areas. Within those areas containing commercial, industrial, two-family, or multiple-family residential uses, no buffer will be required except where these uses directly abut two-family or multiple-family land uses. Accordingly, when a non-single family use is constructed, expanded or modified and it is located at the periphery of these areas, a natural buffer supplemented where necessary with plantings shall be provided along all side and rear property lines which adjoin single-family zoned uses.

Within the areas designated on the land use plan for non-single family uses, when a non-residential structure is constructed, expanded, or modified in a location directly adjacent to two-family or multiple-family zoned uses, a natural buffer, supplemented where necessary with plantings shall also be provided along all side and rear property lines which adjoin two-family or multiple-family zoned uses. The City Council may require that a similar buffer be installed in other instances where adjacent land uses are deemed by them to be incompatible.

SECTION 1201: GENERAL REQUIREMENTS

A planted or natural buffer strip is required to protect single-family, two-family, and multiple-family residential land uses from dust, wind, light spill, noise, unsightly views, and other characteristics commonly associated with non-residential land uses and related vehicular and pedestrian traffic which adversely impact the quality of residential life. The required buffer shall provide necessary visual and acoustical privacy for the conduct of residential lifestyles in an undisturbed environment and shall provide for the protection and preservation of property values in residential districts.

Required buffer strips shall be established and maintained by the owner of the non-residential or other incompatible land use. The required buffer strip must:

- A. Be depicted in detail (the type and location of natural and planted vegetation are to be illustrated) on each site plan or plat prior to final approval.
- B. Not be disturbed by grading, property improvements or construction activities except where necessary to prevent a nuisance, or to thin such natural growth where too dense to permit normal growth, or to remove diseased, misshapen, or dangerous and decayed timbers, for approved perpendicular utility easements, or for any City approved enhancement. Any

contemplated disturbance shall first be brought to the attention of the City and formal approval secured prior to initiating activity within the required buffer areas.

- C. Utilize existing vegetation where the City has determined that existing vegetation is appropriate for inclusion within the buffer strip, or when required, be supplemented with approved, additional plantings.
- D. Shall be completely installed in accordance with the approved plan prior to issuance of a Certificate of Occupancy.
- E. Not be used for temporary or permanent parking or loading, other than for provision of drainage improvements as mandated by the city or county or for a structure other than a fence.
- F. A bond may be required if the City has reason to believe that supplemental plantings required to accomplish the intent of the buffer are inadequate or in danger of not attaining the growth specifications contained herein. This bond shall be in an amount sufficient to install completely plantings that will conform in every respect to the growth specifications contained herein.

SECTION 1202: MINIMUM BUFFER SPECIFICATIONS

- A. As different types of land uses generate varying degrees of incompatibility, it follows that the rigid width for a buffer strip could, in some instances create undue hardship on the property owner. Therefore, the amount and type of planting required to accomplish adequate screening and insulation shall be variable, and in each instance be determined by the intensity and extent of the use judged incompatible.
- B. The fencing and landscaping buffer requirements of this Article shall be installed prior to the construction of any buildings or structures.
- C. The required buffer strip shall be permitted to be included in the minimum yard area as specified in the appropriate zoning district.
- D. The following Buffer Specifications Table for buffer strip widths shall be used by the Planning Commission and Council to determine buffer width requirements for all zoning districts:

| BUFFER SPECIFICATION S TABLE | R-100 | R-100 Mod | CS | MH | RM | OI | C-1 | C-2 | C-3 | M-1 |
|--|--------------|------------------|-----------|-----------|-----------|-----------|------------|------------|------------|------------|
| Contiguous with a single-family district (minimum) | None | None | None | 40 ft | 40 ft | 40 ft | 40 ft | 40 ft | 40 ft | 40 ft |
| Contiguous with a multi-family district (minimum) | None | None | None | None | None | 30 ft | 30 ft | 30 ft | 30 ft | 30 ft |

- E. Existing residential development along the perimeter of a PUD shall be adequately protected by landscape walls and/or other buffers established as a part of the approved PUD Master Development Plan.

SECTION 1203: BUFFER AND LANDSCAPING

A. Existing conditions.

1. In those instances where the existing natural vegetation and topography are insufficient to achieve the desired level of screening as determined by the City, a planted buffer shall be provided and shall consist of plant material of such growth characteristics as will provide an acoustical and visual screen attaining a height of not less than six (6) feet at the time of planting.
2. In those instances where the existing natural vegetation and topography are significant, a five (5) foot setback from the top or toe of a slope shall also be required along the buffer.

B. Materials and ratios.

1. Plant materials. Buffers shall contain seventy five (75%) percent of evergreen plant materials and twenty five (25%) percent of deciduous plant materials.
2. Planting ratios. One (1) tree shall be planted for every fifty (50) square feet of buffer area and five (5) shrubs shall be planted for every fifty (50) square feet of buffer area.

C. Permitted trees. The following trees shall be permitted as part of the screening buffer.

1. Yaupon Holly
2. American Holly
3. Eastern Red Cedar
4. Cherry Laurel
5. Leyland Cypress
6. Loblolly Pine
7. Cryptomera
8. Virginia Pine

D. Permitted shrubs. The following shrubs shall be permitted as part of the screening buffer.

1. Cleyera
2. Euonymus
3. Ligustrum
4. Burford Holly
5. Savannah Holly
6. Southern Waxmyrtle
7. Foster Holly

E. Substitute materials. Other evergreen plant materials having the same growth characteristics as the aforementioned may be substituted, subject to approval by the City prior to installation.

F. Detention ponds.

1. Detention ponds shall be located as far away from exterior property lines as is possible.
2. Detention ponds shall be screened with two (2) rows if evergreen plantings such as Leyland Cypress staggered an average of eight (8) feet on center. All said plantings shall be a minimum of six (6) feet in height at the time of planting.

SECTION 1204: MAINTENANCE

The buffer planting shall be guaranteed for the life of the commercial, industrial, or residential development. Necessary trimming and maintenance shall be performed to maintain the health of the plant materials, to provide an aesthetically pleasing appearance, and to assure that the buffer actually serves the purpose for which it is intended.

SECTION 1205: OTHER SCREENING REQUIREMENTS

Certain uses such as junk or salvage yard operations and other non-residential operations requiring the storage of inoperative equipment or vehicles for prolonged periods of time could present unsightly views or health hazards. To prevent this from occurring, the owners, developers, and occupiers of such properties shall completely enclose such operations by a fence which totally obscures views of the property from adjacent sidewalks and streets, built to a height greater than that of the height of the highest piece of equipment or vehicle stored on the property (but in no case less than six (6) feet in height). Such fences shall be constructed of solid materials. Use of cyclone fencing which utilizes inserts as screening shall be prohibited.

**ARTICLE XIII
PARKING AND LOADING REQUIREMENTS**

SECTION 1300: OFF-STREET PARKING AND LOADING SPACES REQUIRED

It is the intent of this ordinance that all buildings, structures, and uses of land shall provide off-street parking and loading space in an amount sufficient to meet the needs caused by the building or use of land and that such parking and loading spaces be so oriented that they are in fact readily useable for such purposes. Off street parking requirements are waived in the Uptown Grayson District.

Each use of land and each building or structure hereafter constructed or established shall provide off-street parking and loading according to the standards set forth herein. When an addition is proposed to a building nonconforming as to parking or loading requirements, a conforming amount of parking or loading shall be supplied based upon the size of the addition.

No addition to an existing building shall be constructed which reduces the number of spaces, area, or usability of existing parking or loading space unless such building and its addition conform with the regulations for parking and loading contained herein.

New uses providing off-street parking shall incorporate handicapped spaces into the design of parking facilities.

SECTION 1301: DESIGN STANDARDS

The following are the design requirements for off-street parking spaces, driveways, and loading spaces.

A. Parking Spaces.

1. Except where indicated in Section 910, off-street surface parking shall not be located between a building and the street without an intervening building.
2. Off-street surface parking shall not be located between a building and the street without an intervening building, except along Georgia Hwy 20, where one double row of parking spaces is permitted.
3. Required Dimensions For Each Parking Space. Each automobile parking space shall be not less than nine (9) feet wide and nineteen (19) feet deep. Parking spaces for compact cars shall not be less than eight (8) feet wide and seventeen (17) feet deep. Adequate interior driveways shall connect each parking space with a public right-of-way.
4. Surfacing, Drainage and Lighting. All off-street parking spaces, access and interior driveways shall be provided with a paved, dust free surface except as provided for in Section 909. If the off-street parking facilities are used at night, they shall be properly illuminated for the safety of pedestrians, vehicles and for security. The lighting shall be designed so as not to reflect onto or cause glare in any adjacent residential district and shall be in conformance with Section 908 of this Ordinance.
5. Sharing of Required Off-Street Parking Spaces.

- a. A maximum of fifty (50%) percent of the off-street parking spaces required by a use whose peak attendance will be at night or on Sundays may be shared with a use that will be closed at night or on Sundays.
- b. A maximum of twenty five (25%) percent of the required parking spaces for any development may be reduced in total area, width or depth for designated small vehicle parking. Each small vehicle parking space shall not be less than eight (8) feet in width and seventeen (17) feet in depth.

6. Handicapped Spaces. Handicapped parking spaces shall be in accordance with the regulations set forth by the Americans with Disabilities Act. All handicapped spaces shall be identified by pavement markings and by appropriate signage. Handicapped parking shall be required on all multi-family and non-residential sites. Handicapped parking spaces shall be located in the closest proximity to major building entrances, but in no event shall such spaces be located more than one hundred (100) feet from a major building entrance.

B. Driveways and curb cuts.

1. Interior Driveway. Where ninety (90) degree parking is utilized, all interior driveways shall be a minimum of twenty two (22) feet in width. If forty five (45) or sixty (60) degree angle parking is used, then interior driveways shall be at least twelve (12) feet in width for one-way traffic and twenty two (22) feet in width for two-way traffic. In the instance where parallel parking is utilized or there is no parking, interior driveways shall be a minimum of ten (10) feet in width for one-way traffic and twenty (20) feet in width for two-way traffic.
2. All sidewalk paving materials shall be continued across any intervening driveway at the same prevailing grade and cross slope as on the adjacent sidewalk clear zone³. Driveway curb cut widths shall be a maximum of twenty-eight (28) feet for two-way entrances and sixteen (16) feet for one-way entrances, unless otherwise permitted by the Gwinnett or Georgia Department of Transportation. For the purposes of this section, two (2) curb cuts serving two one-way driveways shall only be counted as one curb cut provided that each curb cut does not exceed one (1) lane in width.
3. Driveway curb cuts shall not be permitted on any street that functions as an arterial street or collector street when access may be provided from a side or rear street located immediately adjacent to a contiguous property, with the exception of hotel patron drop-off drives.
4. Driveways, except for a driveway to reach the side yard or rear yard or an on-site parking facility, are not permitted between the sidewalk and a building, and shall be perpendicular to any adjacent street, except along Georgia Hwy. 20.
5. Each lot shall be allowed one (1) curb cut per street frontage. Lots containing more than 300 feet of frontage on a public street may have one (1) additional curb cut per road frontage.
6. Parking deck facades shall conceal automobiles from visibility from any public right-of-way or private drive or street that are open to the general public, and shall have the appearance of a horizontal storied building.
7. A common or joint driveway may be authorized by the City of Grayson.

8. All developments, including parking decks, shall have sidewalks a minimum width of five (5) feet connecting ground level parking to the public sidewalks and to all building entrances.

C. The following are the design requirements for off-street loading stalls:

1. Access. All off-street loading stalls shall have access from an alley, or if there is no alley, from a public street.
2. Surfacing, Drainage and Lighting. All off-street loading stalls and access shall be provided with a paved, dust free surface. If loading stalls are to be used at night, they shall be properly illuminated for the safety of pedestrians, vehicles and for security. Lighting shall be designed to preclude light spill onto adjacent properties and shall be in conformance with Section 908 of this Ordinance.
3. Location. The off-street loading and unloading spaces shall be located to cause a minimum of interference with the free movement of vehicles and pedestrians over a street, sidewalk or alley.

SECTION 1302: MINIMUM OFF-STREET PARKING REQUIREMENTS

The following are the minimum number of off-street parking spaces required by type of permitted use. The square footage is the gross square footage unless otherwise indicated.

- A. Twenty-five (25%) percent of the total required parking spaces may be set aside for compact cars. All spaces provided which exceed the required number may be compact sized.
- B. For any use not listed, the Administrative Officer shall determine the proper requirements by classifying the proposed use among the uses specified herein as to assure equal treatment. In making any such determination, the Administrative Officer shall follow the principles set forth in the statement of purpose at the beginning of this Article.
- C. The total number of permitted parking spaces shall not exceed one hundred ten (110%) percent of the minimum number of off-street parking spaces required by type of permitted use, as specified herein.
 1. Automotive/Machinery Sales and Service: One (1) per one hundred and fifty (150) square feet.
 2. Bank: One (1) per two hundred (200) square feet.
 3. Beauty/Barber Shops: Two (2) for each operator.
 4. Churches: One (1) for each three (3) seats in main auditorium.
 5. Clubs and Lodges: One (1) per two hundred (200) square feet.
 6. Dwellings - single and multifamily: Two (2) for each dwelling unit (no parking in front setback on unpaved surface).
 7. Funeral Homes: One (1) for each three (3) fixed seats and one (1) per twenty five (25) square feet of public area in the largest assembly room.
 8. Gasoline Service Stations/Automobile Repair Shops: Three (three) spaces for each service bay - minimum of ten (10).
 9. Hospitals, Nursing Homes, and Similar Institutions: One (1) per each two (2) beds.
 10. Hotels and Motels: One and one-quarter (1.25) per unit.
 11. Industrial Plants: One (1) per two thousand (2,000) square feet.
 12. Manufacturing: One (1) per two thousand (2,000) square feet.

13. Medical Services: One (1) per two hundred and fifty (250) square feet.
 14. Offices - Professional, and General: One (1) per three hundred (300) square feet.
 15. Places of Public Assembly or Amusement without Fixed Seating: One (1) per two hundred (200) square feet.
 16. Places of Public Assembly With Fixed Seating: One (1) per each three (3) seats.
 17. Restaurants, freestanding: One (1) per seventy five (75) square feet - minimum of ten (10).
 18. Retail Stores: One (1) per two hundred (200) square feet.
 19. Rooming and Boarding Houses: One (1) per each two (2) bedrooms.
 20. Schools, Public or Private, Grades 1-8: Two (2) per classroom.
 21. Schools, Public or Private High: Five (5) per classroom.
 22. Schools, College, Trade and Vocational: Ten (10) per classroom.
 23. Shopping Centers (regardless of uses located within center): One (1) per two hundred (200) square feet; ; however, if shopping center is less than 15,000 square feet then the following provisions apply:
 - a. Retail/Office shall be one (1) per two hundred (200) square
 - b. Restaurants shall be one (1) per one hundred (100) square feet
 - c. Physical Fitness Center one (1) per one hundred fifty (150) square feet
- D. Parking shall not be permitted on the public street in zoning districts MH, IO,C-1,C-2, C-3, and M-1.

SECTION 1303: MINIMUM OFF-STREET LOADING REQUIREMENTS

The following are the minimum number of off-street parking spaces required by type of permitted use. The square footage is the gross square footage unless otherwise indicated.

| <u>Square Feet</u> | <u>Number of Spaces</u> |
|--------------------|-------------------------|
| 25,001 - 99,999 | 2.00 |
| 100,000 - 159,999 | 3.00 |
| 160,000 - 239,999 | 4.00 |
| 240,000 - 350,000 | 5.00 |

For each additional one hundred thousand (100,000) square feet or fraction thereof, one (1) additional space shall be required.

ARTICLE XIV SIGNS

SECTION 1400: PURPOSE AND INTENT

The City of Grayson finds that signs are a proper use of private property, are a means of personal free expression and a necessary component of a commercial environment. As such, signs are entitled to the protection of the law. In the absence of regulation, however, the number of signs tends to proliferate, with property owners desiring ever increasing numbers and sizes of signs, leading to cluttered and aesthetically blighted thoroughfares. In addition, the competition among competing sign owners for visibility of their signs contributes to safety hazards for both vehicles and pedestrians.

Regulation of the size, height, number and spacing of signs is necessary to protect the public safety, to assure compatibility of signs with surrounding land uses, to enhance the business and economy of the City, to protect the public investment in the streets and highways, to maintain the tranquil environment of residential areas, to promote industry and commerce, to eliminate visual clutter and blight, to provide an aesthetically appealing environment, and to provide for the orderly and reasonable display of advertising for the benefit of all the City's citizens.

The City finds that some signage has a single targeted function and that identification of such signage by description is impossible without referring to its function. For instance, address numerals are used for the sole purpose of locating addresses, which is of benefit to persons looking for those addresses and is essential to public safety personnel responding to emergencies. Signs at the entrances to subdivisions or major developments favor a similar purpose in enabling both the traveling public and emergency personnel to quickly locate entrances for the purpose of either visitation or responding to emergency calls. While such signage is referenced based upon the function it serves within the context of this Ordinance, the provisions of this Ordinance are unrelated to the content of the speech provided and allow maximum expressive potential to sign owners.

The purposes of this Article are to encourage the effective use of signs as a means of communication within the City; to maintain and enhance the aesthetic environment and the City's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; to enable the fair and consistent enforcement of this Article.

SECTION 1401: GENERAL PROVISIONS

Except as specifically excluded from the provisions of this Article, it shall be unlawful for any person to post, display, substantially change, or erect a sign without a permit. A change in the copy only of a sign shall not constitute a substantial change. Any sign which is moved, substantially destroyed, repaired or rebuilt by more than (50%) percent shall thereafter conform to the existing sign ordinance in effect.

SECTION 1402: PERMIT APPLICATION

Applications for sign permits required by this Article shall be filed by the sign owner or owner's agent with the City Administrator or designee.

Said application shall describe and set forth the following, upon forms furnished by the City. The application shall comply with and be processed in accordance with the provisions of this section.

- A. The type and purpose of the sign as defined in this Article.
- B. The cost of construction of the sign.
- C. The street address of the property upon which subject sign is to be located and the proposed location of subject sign on subject property. In the absence of a street address, a method of location acceptable to the City Administrator which allows identification of the physical location of the sign shall be used.
- D. The square foot area per sign and the aggregate square foot area if there is more than one sign face. Plans indicating the location of the sign on the property, the dimensions of the sign, including height, the mounting details and the building elevation. Plans of the sign executed to scale and a site plan to scale may be required by the City upon written notice to the applicant.
- E. The name(s) and address(es) of the owner(s) of the real property upon which the subject sign is to be located.
- F. Written consent of the property owner, or his agent, granting permission for the placement and/or maintenance of subject sign.
- G. The name, address and phone number of the sign contractor.
- H. Proof of payment of occupation tax for the current year by the sign owner and contractor, if appropriate.

Upon the receipt of a signed permit application containing all the information set forth above, the City Administrator or designee shall promptly conduct an investigation and review of the application, the proposed sign and the property described in the application. The City Administrator or designated representative shall grant or deny the sign permit within thirty (30) days from the date the completed application is submitted to the City of Grayson. Any application which has not been either granted or denied within thirty (30) days from the date the full completed application is submitted to the City of Grayson shall be deemed to have been granted.

If after review and investigation as required herein, it is determined that the application meets the requirements contained in this ordinance, the permit shall be issued. However, an inspection permit must be applied for with respect to all monument signs, wall signs, hanging signs and any sign being supplied with electricity.

If after review and investigation as required herein, it is determined that the application fails to meet the requirements contained in this ordinance, the permit shall be denied and the City Administrator, or designated representative shall provide the applicant with written notice of the denial and reasons for the denial. The written notice of denial shall be sent by certified mail to the designated address of the applicant on the application.

Any person denied a sign permit under the provisions of this section may file a written appeal of the denial, except as noted in Section 1414 hereof, to the Zoning Board of Appeals in accordance with the provisions of Article XVII of this Zoning Ordinance.

SECTION 1403: EXPIRATION DATE

A sign permit shall become null and void if the sign for which the permit was issued has not been completed within six (6) months after the date of issuance, provided, however, that a six (6) month extension of the permit shall be granted if an additional permit extension fee has been paid prior to the expiration date of the initial permit.

SECTION 1404: SIGN PERMIT FEES

No permit shall be issued until the appropriate application has been filed with the City Administrator or appropriate designee and fees have been paid as established by the City Council from time to time.

SECTION 1405: NON-CONFORMING SIGN

- A. Any sign which does not conform to the requirements of this Article shall either be removed or shall be subject to Article VIII of the Zoning Ordinance.
- B. No sign, whether conforming or non-conforming, shall be modified except in accordance with the provisions of this Article.

SECTION 1406: SIGNS AND SIGN DEVICES PROHIBITED

- A. For aesthetic and safety reasons, the following types of signs or advertising devices are prohibited in all zoning districts of the City of Grayson.
 - 1. Roof signs.
 - 2. Streamers, air or gas-filled devices, searchlights, or feather/sail signs.
 - 3. Portable, trailer, sidewalk, sandwich, curb, or "A"-type signs.
 - 4. Multi-faced signs.
 - 5. Animated signs, including but not limited to those involving motion, flashing, blinking, rotation or varying light intensity.
 - 6. Any sign in which the point of source light element is visible except for indirectly illuminated ground signs.
 - 7. Signs placed within public rights-of-way, except publicly owned, authorized or maintained signs which serve an official public purpose.
 - 8. Signs erected by nailing, fastening or affixing the sign in any manner to any tree, rock, post, curb, utility pole, natural feature, official street sign or marker, traffic control sign or device, or other structure except as may be set forth herein.
 - 9. Any sign placed or erected on property without the permission of the owner.
 - 10. Weekend directional signs.
 - 11. Individual or aggregate window signs exceeding 20% of the window area per building elevation.
 - 12. Signs which contain words, pictures, or statements which are obscene, as defined by the Official Code of Georgia Annotated § 16-12-80.
 - 13. Signs which simulate an official traffic control device, warning sign, or regulatory sign or which hide from view any traffic control device, signal or public service sign.

14. Signs which emit or utilize in any manner any sound capable of being detected on any traveled road or highway by a person with normal hearing abilities.
 15. Signs which interfere with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic or which otherwise pose a hazard to traffic due to structural deficiencies in the structure of such signs.
 16. Signs which obstruct any fire escape, any means of egress or ventilation or shall prevent free passage from one part of a roof to any other part thereof, as well as signs attached to any fire escape.
 17. Signs which do not conform to applicable building and electrical codes.
 18. Signs which are in violation of the rules and regulations of any zoning overlay district presently existing or as may later be enacted.
 19. Signs located on any substandard lot created after the enactment of this ordinance, unless the substandard lot is created as the result of governmental action.
 20. Abandoned signs. Signs (including sign structures) shall be deemed abandoned if the service or message to which it relates has been discontinued for ninety days.
 21. Any sign that is structurally unsound, or is a hazard to traffic or pedestrians.
 22. Dilapidated or neglected signs. A sign (including sign structure) will be deemed dilapidated or neglected if it does not present a neat and orderly appearance, which may be manifested by the following: rust or holes on or in the sign or sign structure, or broken, missing, loose or bent parts, faded or flaking paint, non-operative or partially non-operative illuminating or mechanical devices or missing letters in sign copy, or signs made of non-durable materials.
- B. The City of Grayson shall be empowered to remove or cause to be removed at the owner's expense all prohibited signs.

SECTION 1407: SPECIFIC PERMIT FOR TEMPORARY SIGNS OR DEVICES

- A. Temporary signs, banners or similar devices shall be permitted only by issuance of a temporary sign permit allowing use of these types of signs for a period of 21 consecutive days. A temporary sign permit may not be issued to the same applicant/tenant more than once per calendar quarter. A fee as established from time to time by the City Council shall be charged for each such special permit. No more than one (1) such sign or device shall be permitted per lot of record at any one time, except as mentioned in Paragraph B of this Section. The permit may contain such restrictions as to size, height, and location as the City Administrator or designee deems appropriate to keep said temporary signs in compliance with the general restrictions and goals of this Article. Upon expiration of the temporary sign permit, the permittee shall remove the sign or banner including any temporary supporting structure.
- B. Except as exempted under Section 1408, temporary signs shall be regulated as follows:
1. Each temporary sign shall not exceed 24 square feet.
 2. Each temporary sign must be individually attached to a pole, mast, arm, or other structure, except as may be regulated in B.6.
 3. For any lot, temporary signs shall be limited to one (1) temporary sign per public area frontage.
 4. Temporary signs must be maintained in good condition.
 5. In lots of record having only one (1) tenant and/or place of business, said tenant shall have the privilege of having a temporary sign as specified in Paragraph A of this Section and

mounting said sign in permitted areas of the lot of record; however, any additional permitted temporary signs that are located proximate to the building shall not extend above the horizontal plane of the roof where the building wall and roof meet. No temporary sign shall extend more than eight (8) feet above grade when mounted to the ground. The term “proximate to the building” shall be deemed or closely adjacent to mean affixed to the building in a suitable manner.

6. In lots of record having more than one (1) tenant and/or place of business, only one (1) temporary sign at a time may be mounted in areas of said lot of record which are not located proximate to the building, and any additional permitted temporary signs must be located proximate to the building shall not extend above the horizontal plane of the roof where the building wall and roof meet. No temporary sign shall extend more than eight (8) feet above grade when mounted to the ground. The term “proximate to the building” shall be deemed to mean affixed or closely adjacent to the building in a suitable manner.

SECTION 1408: SIGNS EXEMPT FROM SPECIFIED PROVISIONS OF THIS ORDINANCE

In all zoning classifications, the following signs may be erected without the requirement of a permit:

- A. Signs containing a non-commercial message and not prohibited by Section 1406, provided that the signs shall not exceed forty-eight (48) inches in height and sixteen (16) square feet in size, and provided the sign has been erected with the permission of the property owner. There shall not be erected on any property at the same time a compilation of signs that total a sign surface area of more than sixteen (16) square feet.
- B. Signs located on property which is actively listed for sale or lease which are not prohibited by Section 1406, provided that the signs shall not exceed forty-eight (48) inches in height and sixteen (16) square feet in size, and provided the sign has been erected with the permission of the property owner. There shall not be erected on any property at the same time a compilation of signs that total a sign surface area of more than sixteen (16) square feet.

SECTION 1409: DIRECTIONAL SIGNS

Directional signs shall be permitted within any zoning district, provided they serve a temporary purpose, are maintained in an attractive and sound manner, and are removed at the owner’s expense. Directional signs are temporary and may be authorized for a period not to exceed twenty four (24) months. Directional signs shall be subject to the following requirements:

- A. Shall not be located within 10 feet of the pavement of any street and shall not be permitted on any public right-of-way.
- B. Shall not be illuminated.
- C. Shall not be affixed in any manner to trees, street or light poles, utility poles, other signs or sign structures.
- D. Shall be made of wood.
- E. Shall include the name, address and phone number of the owner or party responsible for the removal and maintenance of the sign. This information must be written in weatherproof ink or paint on at least one face of the sign in letters not less than one-half inch in height.
- F. Signs prohibited under this ordinance shall not be used as a directional sign.

- G. Directional signs shall not exceed 24 square feet in total sign area per face and shall not exceed 8 feet in height excluding embellishments which shall not exceed 2 feet above the maximum height of the sign structure.
- H. Directional signs shall be limited to 4 per intersection with no more than 1 per corner. No directional sign shall be permitted on a property with any other permitted sign.
- I. Directional signs shall be located within 200 feet of an intersection but no closer than 20 feet from the intersection.
- J. These signs require a permit.

SECTION 1410: MAINTENANCE AND APPEARANCE OF SIGNS

All signs shall be maintained in good condition, so as to present a neat and orderly appearance. The City Administrator may cause to be removed after due notice any sign which shows gross neglect, becomes dilapidated, abandoned, or is subject to removal under any other provision of this Article or any other provision of this Zoning Ordinance.

- A. The City Administrator shall give the owner ten (10) days to correct the deficiencies or to remove the sign or signs. This notice shall be in writing. This decision shall be subject to appeal to the Zoning Board of Appeals in accordance with Article XVII of the Zoning Ordinance. If the Owner refuses to correct the deficiencies or remove the sign following a final decision on any appeal, the City Administrator shall have the sign removed at the expense of the Owner.
- B. Any sign located in the public right of way in violation of this Ordinance may be removed immediately.

SECTION 1410.1: PERMITTED SIGNS THAT EXPIRE OR ARE ABANDONED

The City Administrator may cause to be removed any permitted sign when the permit expires or the business has closed or moved and the sign becomes abandoned.

- A. The City Administrator shall give the property owner fifteen (15) days to remove the sign once the sign permit expires. If the property owner does not remove the sign, the City Administrator shall have the sign removed at the property owner's expense.
- B. Any business that relocates or closes shall remove their sign within thirty (30) days of the move or close of business. If the business does not remove the sign within the thirty (30) day period, the City Administrator shall notify the property owner. The property owner shall have an additional thirty (30) days from notification to remove the sign. If the property owner does not remove the sign, the City Administrator shall have the right to remove the sign at the property owner's expense.

SECTION 1411: ILLUMINATION OF SIGNS

Only permanent signs, with the exception of window signs as specified in Section 1412, shall be allowed to be illuminated provided they meet the following conditions:

- A. Ground-mounted and monument sign lights must be of a full cut-off type and be focused, directed and arranged so as to avoid the creation of a traffic or safety hazard, and to avoid creating a nuisance for the occupants of adjacent property. Said lights shall only be high pressured sodium, incandescent, quartz, metal halide or LED.
- B. All signs which are internally illuminated must not have any of the point source of light element visible.

- C. All lighting must be installed in accordance with all applicable building and electrical codes adopted and enforced by the City.
- D. No permanent sign in the Uptown Center Overlay District shall be internally illuminated except for signs on parcels that also lie within the Grayson/Highway 20 Overlay District.
- E. Signs located within any residential district may only be indirectly illuminated.
- F. Internally backlit signs that shine on walls, may only be illuminated in white. No colored lighting is allowed.
- G. All signs which are internally illuminated are limited to two colors of illumination plus white light.

SECTION 1411.1: WALL SIGNS

Except as otherwise provided in this Article, wall signs are allowed for each tenant within the following districts PUD, OI, M-1, C-1, C-2, and C-3, provided they meet the following conditions:

- A. All wall signs must have a thickness that presents a multi-dimensional cabinet depth of no less than two (2) inches deep.
- B. The face of all wall signs shall not be flat, and must be raised (in relief) above the background plane.
- C. Wall signs may not project more than twelve (12) inches beyond the face of the building.

SECTION 1412: WINDOW SIGNS

Except as otherwise provided in this Article, window signs are allowed for each tenant within the following districts PUD, OI, M-1, C-1, C-2, and C-3. Window signage applied directly to the window shall be limited to painted, etched, posters, decal-type or direct adhesion graphics. No panels, boxes or other items mounted directly against the face of the window shall be allowed. There shall be no background for window signage which obstructs view through the glass. Opaque signage shall be limited to letter and/or graphics only.

The total square footage of all window signs shall not exceed 20 percent of the individual tenant's total window area exposed to public view, subject to the following conditions:

- A. No more than 6 windows shall be used to display window signs; and
- B. If the business premise has 3 windows or less, no more than 2 windows shall be used to display window signs.
- C. No more than 25 percent of an area of a window shall be used to display window signs, and no window sign shall extend from one window to another.
- D. No more than 1 window sign per tenant public entrance may be internally illuminated, and that illuminated sign may be no more than 4.5 square feet in area.
- E. Writing or graphics applied to the glass or window, such as by marker, paint or shoe polish, shall be treated as a temporary sign and shall follow the provisions as set forth in Section 1407.
- F. No more than 1 illuminated sign per tenant public entrance shall be placed within 10 feet of any window.

SECTION 1413: DRIVE-THROUGH WINDOWS

Any parcel containing a restaurant where food is delivered at a drive thru delivery point other than the front side of the building is permitted one additional freestanding sign, subject to the following restrictions:

- A. Only one sign serving the drive thru delivery system shall be permitted.
- B. The sign is restricted to the side or rear yard of the restaurant.
- C. No such sign shall exceed thirty (30) square feet in area or six (6) feet in height.
- D. The sign must be within eighty (80) feet of the drive thru lane entrance.
- E. Lettering on the sign must not be legible from any distance outside the property.

SECTION 1414: SIGNS PERMITTED AND REGULATED IN ZONING DISTRICTS

Any sign not specifically permitted in a zoning district as provided under this Section, shall be prohibited in that district, unless otherwise specifically provided for under this Article.

- A. The following types of signs shall be permitted and regulated within the R-100, R-100 Modified, MH, RM, residential portion of a PUD or any other residential zoning district.
 - 1. Only those signs as described in Section 1408(A).
- B. Within the commercial zoning districts, signs shall be regulated as shown in Table 14.1

Table 14.1 – Signs within Commercial Districts:

| Contiguous gross square footage of buildings on lot | Monument Signs Allowed | Maximum Monument Sign height | Maximum Monument Sign width | Monument Sign Size | Number of wall signs | Wall sign area per storefront/tenant |
|---|------------------------|------------------------------|-----------------------------|--|--|--|
| 15,000 square feet and under | One per lot | 10 feet | 10 feet | 75 s.f. for one sign | One per tenant/storefront per building elevation with exposure to road frontage, parking lot, or public space such as a courtyard* | 37.5 square feet or 10% of the storefront/tenant elevation square footage, whichever is less |
| 15,001 square feet to 50,000 square feet | One per road frontage | 14 feet | 14 feet | 125 s.f. (one sign); 187.5 s.f. total area for all ground signs | One per storefront/tenant | 37.5 square feet or 10% of the storefront/tenant front elevation square footage, whichever is less |
| 50,001 square feet to 100,000 square feet | One per road frontage | 14 feet | 14 feet | 150 s.f. (one sign); 225 s.f. total area for all ground signs | One per storefront/tenant | 37.5 square feet or 10% of the storefront/tenant front elevation square footage, whichever is less |
| 100,001 square feet or greater | One per road frontage | 16 feet | 16 feet | 200 square feet (one sign); 300 s.f. total area for all ground signs | One per storefront/tenant | 37.5 square feet or 10% of the tenant/storefront front elevation square footage, whichever is less |
| <p>Note: See Section 1411.D. for commercial signs within the Uptown Center Overlay District. *One per tenant/storefront for freestanding buildings. One per tenant/storefront per building elevation with exposure to road frontage, parking lot, or public space such as a courtyard FOR SHOPPING CENTERS ONLY.</p> | | | | | | |

C. The following signs shall be permitted and regulated in industrial zoning districts:

1. Any sign allowed in any other zoning districts.

2. Billboards:

- a. The dimensions of the sign shall not exceed three hundred (300) square feet in size (maximum sign face) and twenty (20) feet in height. Double sided signs are allowed but the total of both sides shall not exceed the maximum square footage.
- b. No billboard shall be located within one thousand five hundred (1,500) feet of another billboard (as measured in a straight line from the closest point of each sign) or within five hundred (500) feet of the property line of any property zoned R-100, R-100 Modified, MH, RM, OI or any other residential zoning districts.
- c. In order to construct a billboard under the standards of this provision, the applicant is required to have a property interest in the site large enough for a Fall Zone. A Fall

Zone is defined as an area large enough and set back far enough from any buildings, structures, or property lines equal to one hundred thirty-three (133%) percent of the height of the entire structure in every direction. Within the Fall Zone, no buildings or other structures may be constructed.

- d. Trees may not be removed or trimmed for the purpose of construction, maintenance or improvement to the visibility of a billboard.
 - e. Each billboard site shall have a designated driveway access point which is shown on the site plan presented with the application. The applicant shall have a property interest specifically providing for ingress and egress to the site. The ingress and egress driveway shall be paved and two additional paved parking spaces shall be provided for inspection, maintenance and supervision of the billboard.
 - f. All illuminated billboards must use base mounted fluorescent or mercury vapor lights, must not have any of the point source of light element visible, and shall be activated by photocells. Animated and LED technology billboards are specifically prohibited by this Ordinance.
 - g. Any structure extending beyond the face of any billboard, excluding the aprons is specifically prohibited.
 - h. No billboard shall be erected on any lot containing a ground sign or monument sign.
- D. Only the following signs shall be permitted and regulated in the OI zoning district, a Planned Unit Development (PUD) district, and in the Uptown Center Overlay District:
- 1. For properties containing one (1) or two (2) individual businesses on the same lot, one (1) ground mounted or monument sign is permitted on the lot. The sign shall not exceed eight (8) feet in height nor exceed thirty-two (32) square feet in size. One (1) wall sign per building elevation having exposure to road frontage shall be allowed per lot. Wall signs shall not exceed thirty-two (32) square feet or eight (8%) percent of the building elevation square footage, whichever is less. These signs shall comply with all other provisions of the zoning district.
 - 2. For properties containing three (3) or more individual businesses on the same lot, one (1) ground mounted or monument sign is permitted per street/road frontage. The sign shall not exceed eight (8) feet in height nor exceed fifty (50) square feet in size. The sign may be composed of individual signs or messages not to exceed the number of tenant spaces located in the business center, or shopping center. One (1) wall sign per tenant shall be permitted. Such wall signs shall not be permitted on the side(s) of the building that do not have direct road frontage to a main road.
 - 3. Hanging signs not exceeding four (4) square feet in the area, securely affixed to the associated building and not posing a pedestrian or vehicular hazard. Hanging signs and wall signs may not be jointly used on the same lot or by a single tenant.
 - 4. Illuminated wall and hanging signs shall be prohibited. Monument and Ground signs may be lighted by ground mounted luminaries.
 - 5. For commercially-zoned properties lying within the Grayson/Highway 20 Overlay District and within the Uptown Center Overlay District, the sign area and heights shall be consistent with Table 14.1 of this Article.

SECTION 1415: SETBACK REQUIREMENTS AND NUMBER ALLOWANCES OF SIGNS PERMITTED AND REGULATED IN THE CITY

- A. All signs must be located out of the right of way or at least ten (10) feet from the back of the curb or pavement of the adjacent street, whichever is greater. Signs located on a corner lot within fifty (50) feet of the intersection of right of ways must be out of the right of way or at least twenty (20) feet from the back of the curb or edge of the pavement of the adjacent streets, whichever is greater.
- B. Except as provided in subsection C below and/or Table 14.1, each lot may contain only one authorized and permitted ground sign, monument sign or billboard. A lot containing a wall sign or signs may also contain either a ground sign, a monument sign or a billboard, if any such signs are authorized in that zoning district.
- C. Lots with more than one road frontage may contain as many ground signs, monument signs, or billboards as the lot has road frontages if such signs are otherwise authorized in the zoning district. The total square footage of all signs shall not exceed one hundred and fifty percent (150%) of the maximum square footage for the largest allowed sign which would be authorized if only one road frontage existed on the lot. (For Uptown Center Overlay District requirements, refer to Section 1414.D.)

SECTION 1416: VARIANCE

The Zoning Board of Appeals cannot grant a variance as to illumination of any sign, or to vary the maximum size of a sign, or increase the size of a sign as stated in this Article.

SECTION 1417: ADMINISTRATION, ENFORCEMENT, INTERPRETATION AND SEVERABILITY

The provisions of this article shall be administered and enforced by the City Administrator or his or her designee. In interpreting the provisions of this article, nothing shall be construed to be intended to regulate the content of the message displayed on any sign. Designation of types of signs in any manner which may relate to the entity, organization, or person erecting the sign or to the information contained on the sign are merely instructional to assist in categorizing signs for size, height and location purposes and shall not be construed to prohibit any similar type of sign or to in any way restrict the content of the sign. All signs may display a non-commercial message in addition to or in lieu of any other message, and it is the intent of this article to regulate only the size, height and location of signs to accomplish the purposes set forth in Section 1400 of this article and in the preamble of this ordinance. In the event any section, subsection, sentence, clause or phrase of this article shall be declared or adjudged invalid or unconstitutional including, but not limited to, a declaration or adjudication that such section, subsection, sentence, clause or phrase of the ordinance relates to the content of any sign or in any way violates the constitutional provisions of free speech under the Georgia or United States Constitution, such adjudication shall in no manner effect the other sections, subsections, sentences, clauses or phrases of this article, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not originally a part thereof. The City Council hereby declares it would have adopted the remaining parts of the ordinance if it had known that such part or parts thereof would be declared or adjudged invalid or unconstitutional. The provisions of this article are declared severable to the maximum extent allowed by law and under no circumstances shall any sign regardless of content, purpose or location, be erected in the City of Grayson which exceeds

the greatest height or size allowed for the largest sign authorized under the provisions of this article.

**ARTICLE XV
TREE PRESERVATION AND LANDSCAPE REQUIREMENTS**

SECTION 1500: PURPOSE

The purpose of this article is to facilitate the preservation and/or replacement of trees as part of the land development process within Grayson and to provide minimum landscape standards for commercial developments in the city so as to enhance architectural features, improve control of soil erosion, aesthetics and scenic amenity within Grayson.

SECTION 1501: APPLICABILITY

The terms and provisions of this article shall apply to any activity on real property which requires the issuance of a Site Development Permit or a Substantial Building Permit within Grayson, but excluding the construction of individual single family detached and duplex dwellings. No Site Development Permit or Substantial Building Permit shall be issued by the City without it being determined that the proposed development is in conformance with the provisions of these regulations.

SECTION 1502: PERMIT PROCEDURE

- A. All applications for a Site Development Permit or a Substantial Building Permit shall include the following:
1. Tree Protection and Landscape Plan: A tree protection plan stamped by a registered Landscape Architect shall be submitted with other permit drawings. This plan may either be a separate drawing, or part of the landscape plan, and shall include the following information:
 - a. Definition of Spatial Limits, including:
 - i. Limits of land disturbance, clearing, grading, and trenching;
 - ii. Tree protection zones;
 - iii. Specimen trees or stands of trees;
 - iv. Areas of revegetation;
 - v. Tree density calculations; and
 - vi. Critical root zone.
 - b. Detail drawings of tree protection measures (where applicable), including:
 - i. Protective tree fencing;
 - ii. Erosion control fencing;
 - iii. Tree protection signs;
 - iv. Transplanting specifications;
 - v. Tree wells, and aeration systems;
 - vi. Staking specifications; and
 - vii. Other applicable drawings.
 - c. Procedures and schedules of the implementation, installation, and maintenance of tree protection measures.
- B. An on-site inspection will be made by the City Arborist.
- C. All landscape plans and related documentation shall be reviewed by the City Arborist for conformance to the provisions of these regulations and either approved, returned for revisions, or denied within thirty (30) days of receipt. If denied, the reasons for denial shall be annotated on the landscape plan or otherwise stated in writing.

D. Issuance of the Site Development Permit or a Substantial Building Permit is contingent upon approval of the required Tree Protection and Landscape Plan.

SECTION 1503: TREE DENSITY REQUIREMENTS

A. Minimum standards. On each property for which a tree protection and landscape plan is required, existing trees may be retained and new trees planted so that the property shall attain or exceed a Tree Density Factor of twenty (20) tree density units per acre exclusive of all acreage within a required buffer area or any trees needed to meet buffer planting requirements. The terms unit and tree are not interchangeable. The trees, both existing and new, where feasible, shall be reasonably distributed throughout the site, with emphasis on groupings to achieve the best aesthetic results.

B. Tree density unit calculations. Use the following method to determine the required planting on a site.

1. Determine the Tree Density Factor (TDF) of the site by multiplying the acreage (less the area within a required buffer) by twenty (20).
2. Inventory trees to remain on the site and determine their Tree Density Unit value according to their diameter at breast height (DBH). Add all numbers. This is the Trees to Remain Factor (TRF). Paragraph C below lists the Trees to Remain Factor for trees of varying DBH.
3. Calculate the Required Replacement Density (RRD) by subtracting TRF (step 2) from TDF (Step 1).
4. If the TRF is greater than the TDF, no additional planting is required. If TRF is less than TDF, replacement trees will have to be planted. Additional planting is based on the caliper of the tree. The chart under paragraph D below indicates trees' replacement values.

C. Existing trees to remain follow the chart below. The chart converts DBH to tree density units for the Trees to Remain Factor.

| <i>DBH</i> | <i>UNITS</i> | <i>DBH</i> | <i>UNITS</i> | <i>DBH</i> | <i>UNITS</i> |
|-------------------|---------------------|-------------------|---------------------|-------------------|---------------------|
| <i>1-4</i> | <i>0.10</i> | <i>22.00</i> | <i>2.60</i> | <i>37.00</i> | <i>7.50</i> |
| <i>5-7</i> | <i>0.30</i> | <i>23.00</i> | <i>2.90</i> | <i>38.00</i> | <i>7.90</i> |
| <i>8-9</i> | <i>0.50</i> | <i>24.00</i> | <i>3.10</i> | <i>39.00</i> | <i>8.30</i> |
| <i>10.00</i> | <i>0.60</i> | <i>25.00</i> | <i>3.40</i> | <i>40.00</i> | <i>8.70</i> |
| <i>11.00</i> | <i>0.70</i> | <i>26.00</i> | <i>3.70</i> | <i>41.00</i> | <i>9.20</i> |
| <i>12.00</i> | <i>0.80</i> | <i>27.00</i> | <i>4.00</i> | <i>42.00</i> | <i>9.60</i> |
| <i>13.00</i> | <i>0.90</i> | <i>28.00</i> | <i>4.30</i> | <i>43.00</i> | <i>10.10</i> |
| <i>14.00</i> | <i>1.10</i> | <i>29.00</i> | <i>4.60</i> | <i>44.00</i> | <i>10.60</i> |
| <i>15.00</i> | <i>1.20</i> | <i>3.00</i> | <i>4.90</i> | <i>45.00</i> | <i>11.00</i> |
| <i>16.00</i> | <i>1.40</i> | <i>31.00</i> | <i>5.20</i> | <i>46.00</i> | <i>11.50</i> |
| <i>17.00</i> | <i>1.60</i> | <i>32.00</i> | <i>5.60</i> | <i>47.00</i> | <i>12.00</i> |
| <i>18.00</i> | <i>1.80</i> | <i>33.00</i> | <i>5.90</i> | <i>48.00</i> | <i>12.60</i> |
| <i>19.00</i> | <i>2.00</i> | <i>34.00</i> | <i>6.30</i> | <i>49.00</i> | <i>13.10</i> |
| <i>20.00</i> | <i>2.20</i> | <i>35.00</i> | <i>6.70</i> | <i>50.00</i> | <i>13.60</i> |
| <i>21.00</i> | <i>2.40</i> | <i>36.00</i> | <i>7.10</i> | | |

D. Replacement trees and the conversion from caliper to tree density units to remain follow the chart below. The chart converts DBH to a tree density units for the Trees to Remain Factor.

| <i>Caliper</i> | <i>Units</i> | <i>Caliper</i> | <i>Units</i> |
|----------------|--------------|----------------|--------------|
| 1.00 | 0.40 | 8.00 | 1.30 |
| 2.00 | 0.50 | 9.00 | 1.50 |
| 3.00 | 0.60 | 10.00 | 1.70 |
| 4.00 | 0.70 | 11.00 | 1.90 |
| 5.00 | 0.90 | 12.00 | 2.10 |
| 6.00 | 1.00 | 13.00 | 2.30 |
| 7.00 | 1.20 | 14.00 | 2.50 |

1. Container grown pine trees are given replacement credit at the ratio of seven (7) Gallon trees for every .2 units. No more than twenty (20%) percent of the replacement credit shall be permitted to be in seven (7) gallon container pines.
 2. Tree relocation: Replacement units will be granted to trees located on site. Tree relocation is subject to City approval.
 3. All trees planted shall be minimum of two (2) inches in caliper.
- E. Tree preservation by zoning districts.
1. Properties zoned PUD, RM, O-I, C-1, C-2, C-3 and M-1 shall provide a minimum of one hundred (100) inches in caliper per acre.
 2. Properties zoned R-100, R-100 Modified, and MH shall provide a minimum of fifty (50) inches in caliper per acre.
 3. Residential subdivisions:
 - a. R-100 properties: A minimum of three (3) canopy trees and two (2) understory trees shall be protected or planted per lot.
 - b. R-100 Modified and residential portion of PUD: A minimum of two (2) canopy trees and two (2) understory trees shall be protected or planted per lot.
- F. Trees generally acceptable for credit in Tree Density Calculation include:
1. Canopy trees.
 - a. American Beech
 - b. American Hornbeam
 - c. American Yellowwood
 - d. Bald Cypress
 - e. Black Locust
 - f. Blackgum, Black Tupelo
 - g. Chinese Elm
 - h. Dawn Redwood
 - i. Florida or Southern Sugar Maple
 - j. Ginkgo (Male)
 - k. Green Ash
 - l. Hackenberry
 - m. Hickories
 - n. Japanese Padogatree
 - o. Japanese Zelkova
 - p. Katsura Tree
 - q. Leyland Cypress
 - r. Loblolly Pine

- s. Oaks, except Live Oak
 - t. Pecan
 - u. Red Maple
 - v. River Birch
 - w. Southern Magnolia
 - x. Shortleaf Pine
 - y. Sugar Maple
 - z. Sweetgum
 - aa. Sycamore
 - bb. Tulip Poplar
 - cc. Virginia Pine
 - dd. White Ash
2. Understory trees.
 - a. Dogwood
 - b. Sourwood
 - c. Red Bud
 - d. Trident Maple
 - e. Crape Myrtle
 - f. Wax Myrtle
 - g. Japanese Maple
 - h. Little Gem Magnolia
 3. Other trees may be approved on a case by case basis. The general criteria for replacement trees to be used in Tree Density Calculations are large growing (forty (40) feet tall or greater), and ecologically compatible with the site. All planting and replanting plans are subject to City Arborist's approval.
- G. Specimen trees.
1. Specimen trees and stands of trees must be replaced by species with potentials for comparable size and quality.
 2. Trees greater than thirty (30) inches in caliper shall be defined as specimen trees.
 3. No more than fifty (50%) percent of specimen trees shall be permitted to be removed.
 4. Specimen tree replacement shall equal one and one half (1½) times the specimen tree size.
 5. Specimen tree recompense shall not be counted towards RRD.
- H. Species selection and replacement densities are subject to approval by the City Arborist.

SECTION 1504: LANDSCAPE STRIPS

- A. Minimum landscape strip dimensions for front yards and street side corner yards along the street frontage for each lot in any zoning district shall be ten (10) linear feet. A fifteen (15) foot Bermed Landscape Zone, as indicated in Section 910 shall act as the landscape strip for properties adjoining Grayson Hwy/SR 20. The landscape strip shall start at the inner edge of the Sidewalk Clear Zone (See Section 903) and shall continue for ten feet into the interior lot.
- B. No permanent structures are permitted within landscape strips (buildings, parking spaces, dumpsters, drainage structures, detention facilities, etc.). Exceptions include driveways, sidewalks foot paths, necessary retaining walls, signs, and the deposition of storm water runoff or drainage swales through landscape strips perpendicular to the strip.
- D. Signs within landscape strips may only be located in areas of turf or ground cover and must not conflict with the growth potential of trees and shrubs.

- E. Design standards: All required landscape strips must be designed with at least sixty (60%) percent coverage in trees and shrubs, and no more than forty (40%) percent coverage in grass and ground cover. Landscape strip coverage will be calculated as follows:
1. Calculate the total spatial area of the landscape strip.
 2. Count the number of trees within the landscape strip and multiply by fifty (50) square feet for trees less than six (6) inch caliper and one hundred and fifty (150) square feet for trees greater than six (6) caliper. (This will allow some credit for the spatial coverage of the tree canopy).
 3. Measure the spatial coverage of the proposed shrub beds and add to the tree coverage.
 - a. Twelve (12) square feet for each five (5) Gallon plant;
 - b. Nine (9) square feet for each three (3) Gallon plant;
 - c. Six (6) square feet for each two (2) Gallon plant; or
 - d. Three (3) square feet for each one (1) Gallon plant.
 - e. This total area shall be greater than or equal to sixty (60%) percent of the total area of the strip.
 4. The required trees within the front landscaping areas shall be a minimum of two (2) inch caliper or six (6) feet to eight (8) feet tall at the time of planting.
 5. Any exposed ground should be planted with a ground cover or an appropriate mulching material.
 6. All trees and landscape materials should be planted at the proper planting times, preferably in the fall, winter or spring and maintained in perpetuity. The City may require performance bonds be posted if planting is delayed due to seasonality.
 7. Trees within required landscape strips shall be provided as follows:
 - a. Landscape strips shall have a minimum of one tree for every thirty (30) linear feet of a landscape strip to the nearest whole number. Trees within landscape strips count toward Tree Density Unit requirements of Section 1505.
 - b. Clumping is permitted provided that adequate spacing is allowed for future growth.
 8. Where desirable, the landscape strip need not be a strip per se.
 - a. The minimum area (square feet) to be landscaped shall be calculated by multiplying the width of the lot by the linear foot requirements provided in Section 1504(A).
 - b. Said landscape strip shall not be less than five (5) feet wide at any point.

SECTION 1505: PARKING AREAS

Parking lots designed with twenty (20) or more parking spaces shall be designed as follows:

- A. Where parking bays exceed twenty (20) continuous spaces, a planter island meeting the following criteria is required. The planting islands shall be located no farther apart than every twenty (20) parking spaces and at the terminus of all rows of parking.
- B. Each separated planter island shall contain a minimum of one hundred and fifty (150) square feet.
- C. The area shall include at least one (1) shade tree. The remaining area may be planted with shrubs, ground cover not to exceed three (3) feet in height or pine straw, bark, wood chips, turf grass, rocks and the like.
- D. All planter islands must be curbed to prevent vehicular encroachment.
- E. To promote better growth of trees and shrubs and to encourage flexibility in parking design, the area of not more than four (4) planter island may be combined into one large island.

- F. Shall provide a minimum ten (10) foot wide landscape strip between all road rights-of-way and the back-of-curb of abutting off-street paved parking lots. Landscaped strips between road rights-of-way and the edge of abutting off-street grassed parking areas shall be a minimum of five (5) feet in width per Section 1504(D)(8)(b).

SECTION 1506: INSTALLATION AND MAINTENANCE

- A. Installation. All landscaping shall be installed in a sound workmanlike manner and according to accepted good planting procedures. The Administrative Officer shall inspect all landscaping and no Certificate of Occupancy or similar authorization will be issued unless the landscaping meets the requirements provided in this ordinance.
- B. Maintenance. The owner, occupant, tenant and respective agent of each, if any, shall be jointly and severally responsible for the maintenance and protection of all required landscaping in perpetuity, in accordance with the following standards:
 - 1. Keep landscaping reasonably free of visible signs of insects and disease and appropriately irrigated to enable landscaping to exist in a healthy growing condition;
 - 2. Mow or trim landscaping in a manner and at a frequency appropriate to the use made of the material and species on the site so as not to detract from the appearance of the general area. Growth of plant material at maturity shall be considered where future conflicts such as view, signage, street lighting, utilities and circulation might arise;
 - 3. Maintain all landscaping to minimize property damage and public safety hazards, including removal of dead or decaying plant material, and removal of low hanging branches next to sidewalks and walkways obstructing street lighting; and
 - 4. Pruning is to be performed to maintaining healthy plant matter in accordance with the specifications set forth by the American Forestry Association, the National Arborist Association, or other professional arboricultural organizations.

ARTICLE XVI
STANDARDS FOR TELECOMMUNICATIONS ANTENNAE AND TOWERS

SECTION 1600. PURPOSES

This ordinance is designed and intended to balance the interests of the residents of the City of Grayson, telecommunications providers, and telecommunications customers in the siting of telecommunications facilities within the City of Grayson so as to protect the health, safety and integrity of residential neighborhoods and foster, through appropriate zoning and land use controls, a competitive environment for telecommunications carriers that does not unreasonably discriminate among providers of functionally equivalent services and shall not prohibit or have the effect of prohibiting the provision of personal wireless services, and so as to promote the City of Grayson as a proactive city in the availability of wireless telecommunications service. To that end, this ordinance shall:

- A. Provide for the appropriate location and development of telecommunications facilities to serve the residents and businesses of the City of Grayson;
- B. Protect the City of Grayson's built and natural environment by promoting compatible design standards for telecommunications facilities;
- C. Minimize adverse visual impacts of telecommunications facilities through careful design, siting, landscape screening and innovative camouflaging techniques;
- D. Avoid potential damage to adjacent properties from tower or antennae failure through engineering and careful siting of telecommunications tower structures and antennae;
- E. Maximize use of any new and existing telecommunications towers so as to minimize the need to construct new towers and minimize the total number of towers throughout the City;
- F. Maximize and encourage use of alternative telecommunication tower structures as a primary option rather than construction of additional single-use towers; and
- G. Encourage and promote the location of new telecommunications facilities in areas which are not zoned for residential use.

SECTION 1601. DEFINITIONS

As used in this ordinance, terms shall have the meanings indicated in Article III of the City of Grayson Zoning Ordinance.

SECTION 1602. EXCLUSIONS

The following shall be exempt from this ordinance:

- A. Any tower and antenna under seventy (70) feet in total height and which is owned and operated by an amateur radio operator licensed by the Federal Communications Commission;
- B. Any device for over-the-air reception of television broadcast signals, multi-channel multi-point distribution service or direct broadcast satellite service; or
- C. Any telecommunications facilities located on property owned, leased or otherwise controlled by the City of Grayson provided a license or lease authorizing telecommunications facility has been approved by the Governing Body.
- D. Any monopole tower and antenna up to seventy (70) feet in total height except as set forth in Section 1603(D) of this Article.

- E. Any antenna located on any existing structure. (i.e. existing towers, watertanks, buildings, utility poles, street lights, etc.)
- F. Any antenna located on a new or existing utility pole to include poles used for lighting for City owned recreation facilities (i.e. ball fields, tennis courts, etc.) or on new structures properly permitted (i.e. bell towers, steeples, clock towers, street lights, etc.)
- G. Any monopole tower and antenna one hundred (100) feet or less located in an electrical substation.
- H. Any telecommunications facilities operative on the effective date of this Article.

SECTION 1603. PLACEMENT OF TELECOMMUNICATIONS FACILITIES BY ZONING DISTRICT

- A. In the Light Industry (M-1) zoning district telecommunications facilities shall be allowed as a use by right. Telecommunications towers are permitted as a use by right up to a height of one hundred (100) feet following design review and approval by the City Engineer. Telecommunications towers greater than one hundred (100) feet in height shall require a Special Use Permit. An additional twenty (20) feet may be allowed by right for towers, which provide proof of three (3) or more companies locating on the same tower.
- B. In General Business (C-2) and Central Business (C-3) zoning districts antennas shall be allowed as a use by right on existing structures. New towers and antennas greater than seventy (70) feet in height shall be allowed if permitted by a Special Use Permit approved by the Governing Body following design review by the City Engineer. Monopole towers up to a height of seventy (70) feet shall be permitted.
- C. In Neighborhood Business (C-1), Multifamily Residence (RM) and Office-Institutional (OI) zoning districts, telecommunications facilities greater than fifty (50) feet shall be allowed if permitted by a Special Use Permit approved by the Governing Body following design review by the City Engineer. Telecommunications towers fifty (50) feet or less are permitted.
- D. Except as set forth in this section or listed as an “exclusion” in Section 1602 B, C, E, F and G of this Article, telecommunication facilities shall not be permitted in Low Density Single Family Residential (R-100, R-100 Modified), Manufactured Housing (MH), Planned Unit Development (PUD) or Uptown Center Overlay (UC) zoning districts. Telecommunications facilities shall be allowed only if the applicant provides evidence that such placement is a technological necessity in order for the applicant to be in compliance with federal law; upon such evidence, such use shall be allowed if approved with a Special Use Permit by the City Council following design review by the City Engineer.
- E. Telecommunications facilities outside the guidelines listed above may only be built upon approval of a Special Use Permit except for variances to the Zoning Ordinance setbacks for a specific zoning district which shall be presented to the Zoning Board of Appeals unless the request is part of a Special Use Permit application which is presented to the City Council.

SECTION 1604. PREFERRED LOCATION SITES

- A. Publicly used structures: Publicly used structures are preferred locations throughout the city because they appear in virtually all neighborhoods, are dispersed throughout the city, and due to their institutional or infrastructure uses are generally similar in appearance to or readily

adaptable for telecommunications facilities. Therefore, telecommunications facilities should be less noticeable when placed on publicly used structures than when placed on commercial or residential structures. Publicly used structures include facilities such as police or fire stations, libraries, community centers, civic centers, courthouses, utility structures, water towers, elevated roadways, bridges, flag poles, schools, hospitals, clock or bell towers, light poles and churches.

- B. Co-Location Sites: Any existing site on which a legal wireless telecommunications facility is currently located shall be a Preferred Location Site regardless of the underlying zoning designation of the site, provided, however, that locations which meet this criteria shall be subject to the design and siting components of this Article and co-location sites shall not become an “antenna farm” or otherwise be deemed by the Mayor or the governing authority to be visually obtrusive.
- C. Industrial and Commercial Structures: Wholly industrial and commercial structures such as warehouses, factories, retail outlets, supermarkets, banks, garages, or service stations shall be Preferred Locations particularly where existing visual obstructions or clutter on the roof or along a roof line can and will be removed as part of the installation of the telecommunications system.
- D. Mixed Use Buildings in Planned Development Districts: Mixed use buildings (housing above commercial or other non-residential space) are also Preferred Location sites.

SECTION 1605. REQUIREMENTS FOR TELECOMMUNICATIONS FACILITIES

- C. General Requirements for All Telecommunications Facilities: The requirements set forth in this Section shall govern the location and construction of all telecommunications facilities governed by this Article.
 - 1. Building Codes and Safety Standards: To ensure the structural integrity of telecommunications facilities, the owner of a telecommunications facility shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for such telecommunications facilities that are published by the FCC as amended from time to time. Owners of telecommunications facilities shall conduct periodic inspections of such facilities at least once every year to ensure structural integrity. Inspections shall be conducted by a structural engineer licensed to practice in Georgia. The results of such inspection shall be provided to the City Administrator.
 - 2. Regulatory Compliance: All telecommunications facilities must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the state or federal government with the authority to regulate telecommunications facilities. If such standards and regulations are changed then the owners of the telecommunications facilities governed by this Article shall bring such telecommunications facilities into compliance with such revised standards and regulations within the date established by the agency promulgating the standards or regulations.
 - 3. Security: All telecommunications facilities shall be enclosed by decay-resistant security fencing six (6) feet in height and shall be equipped with an appropriate anti-climbing device. This requirement may be waived by the Governing Body if it is deemed that this would produce negative visual clutter or obstruct a view corridor.
 - 4. Lighting: No illumination is permitted on telecommunications facilities unless part of an approved public lighting program or required by the FCC, FAA or other state or federal

agency of competent jurisdiction. If lighting is required or necessary, the Mayor may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding uses and views.

5. Advertising: No advertising is permitted on telecommunications facilities.

6. Visual Impact:

- a. Telecommunications facilities shall, subject to applicable standards of the FAA or other federal or state agencies, be maintained with a galvanized metal finish, painted a neutral color, or painted and/or textured to match the existing structure so as to reduce visual obtrusiveness. Telecommunications facilities located in residentially zoned areas shall be painted in a neutral color or textured to match the existing environment to minimize visual obtrusiveness. If federal or state regulations require, telecommunication facilities shall maintain a galvanized steel finish or other required finish.
- b. If an antenna is installed on a structure other than a tower and is generally visible to the public, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible. Roof mounted antennas shall be made visually unobtrusive by screening to match existing air conditioning units, stairs, elevator towers, or other background.
- c. Antennas mounted on architecturally significant structures or significant architectural details of the building shall be covered by appropriate casings, which are manufactured to match existing architectural features found on the building.
- d. Where feasible, telecommunications facilities can be placed directly above, below or incorporated with vertical design elements of a building to help in camouflaging.
- e. Towers or roof mounted antennas shall not be placed in direct line with significant view corridors, as designated by the City of Grayson or by any state or federal law or agency. For purposes of this ordinance a significant view corridor shall be defined as an area to be kept free of obstructions or structures which interfere with the view of any scenic area, or historic building or area. A view corridor shall be established by ordinance of the City of Grayson, by zoning restrictions adopted in accordance with the ordinances of the City of Grayson, or by any state or federal law or agency in accordance with provisions of federal laws or duly adopted regulations.
- f. Any equipment shelter or cabinet must be concealed from public view or made compatible with the architecture of the surrounding structures or placed underground. Equipment shelters shall be screened from public view and may use landscaping or materials and colors consistent with the surrounding structures. The shelter or cabinet must be regularly maintained.

7. Landscaping:

- a. Landscaping shall be used to effectively screen the view of the tower compound from adjacent public ways, public property and residential property.
- b. Native vegetation on the site shall be preserved to the greatest practical extent. The applicant shall provide a site plan showing existing significant vegetation to be removed, and vegetation to be replanted to replace that lost.
- c. The Mayor may waive or modify the landscaping requirement where lesser requirements are desirable for adequate visibility for security purposes or for

continued operation of existing bona fide agricultural or forest uses such as farms, nurseries and tree farms. In certain locations where the visual impact of the tower would be minimal, such as remote agricultural or rural locations or developed heavy industrial areas, the landscaping requirement may be modified or waived by the Mayor.

8. Maintenance Impacts. Equipment at a transmission facility shall be automated to the greatest extent possible to reduce traffic and congestion. Where the site abuts or has access to a collector and local street, access for maintenance vehicles shall be exclusively by means of the collector street. Access drives and maintenance vehicle parking shall be paved unless the requirement is waived by the Mayor.

9. Principal, Accessory and Joint Uses:

a. Accessory structures used in direct support of a telecommunications facility shall be allowed but not be used for offices, vehicle storage or other outdoor storage. Mobile or immobile equipment not used in direct support of a telecommunications facility shall not be stored or parked on the site of the tower.

b. Telecommunications facilities may be located on sites containing another principal use in the same buildable area. Joint use of a site is prohibited when a proposed or existing principal use includes the storage, distribution or sale of volatile, flammable, explosive or hazardous materials such as propane, gasoline, natural gas and dangerous chemicals.

10. Lot Size and Setbacks:

a. The site shall be of a size and shape sufficient to provide an adequate setback from the base of the tower to any property line abutting a residential district, public property, or public street. Such setback shall be sufficient to:

i. Provide for an adequate vegetative, topographic or other buffer as required in Section 1605(A)(7);

ii. Preserve the privacy of surrounding residential property; and

iii. Protect adjoining property from the potential impact of tower failure by being large enough to accommodate such failure on the site, based on the engineer's analysis required in Section 1606(B)(1)(d)(iv).

D. Additional Requirements for Towers:

1. Site location and development shall preserve the preexisting character of the surrounding buildings and land uses and the zone district as much as possible. Wireless communication towers shall be integrated through location and design to blend in with existing characteristics of the site to the extent practical (i.e. camouflaging through integration with structures or appearance such as artificial trees, etc.).

2. Existing on-site vegetation shall be preserved or improved, and disturbance of the existing topography shall be minimized, unless such disturbance would result in less visual impact of the site to the surrounding area.

3. At a tower site the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment. (i.e. artificial tree appearance, steeples, decorative fencing, etc.)

4. Towers greater than seventy (70) feet in height shall not be located any closer than one thousand five hundred (1,500) feet from an existing tower unless technologically required

or visually preferable as determined by the Zoning Board of Appeals through a variance request.

5. When a tower is adjacent to a residential use, it must be set back from the nearest residential lot line a distance equal to one hundred and thirty-three (133%) percent its total height.
6. Towers shall not be sited where they will create visual clutter or negatively affect specific view corridors as designated by the City of Grayson or any state or federal law or agency.
7. Placement of more than one tower on a lot shall be permitted, provided requirement number 4 above is met along with all setback, design and landscape requirements as to each tower. Structures may be located as close to each other as technically feasible, provided tower failure characteristics of the towers on the site will not lead to multiple failures in the event that one fails.

SECTION 1606. APPLICATION PROCEDURES

A. Special Use Permits:

1. A request for a Special Use Permit shall be initiated by application to the City Administrator and handled in accordance with the Special Use Permit provision of Article XVIII of the City of Grayson Zoning Ordinance. The applicant may obtain a Special Use Permit pursuant to the City of Grayson Zoning Ordinance provided that all of the requirements of Section 1605 have been satisfied and further, that the benefits of and need for the proposed tower are greater than any possible depreciating effects and damage to the neighboring properties.
2. In granting a special use permit, the City Council may impose additional zoning conditions to the extent determined necessary to buffer or otherwise minimize adverse effects of the proposed tower or antenna on surrounding properties.

B. General Application Requirements for All Building and Special Use Permits. Application for a building permit or special use permit for any telecommunications facility shall be made to the City Administrator. An application will not be considered until it is complete. The following information shall be submitted when applying for any Building Permit, Special Use Permit or other permit or variance included in this ordinance:

1. Basic Information:

- a. Site plan or plans to scale specifying the location of telecommunications facilities, transmission building and/or other accessory uses, access, parking, fences, landscaped areas; and adjacent land uses.
- b. Landscape plan to scale indicating size, spacing and type of plantings required in Section 1605(A)(7).
- c. An Impact Statement fully describing the effects that the proposed telecommunications facility will have on the environment and surrounding area including the impacts on adjacent residential structures and districts, impacts on structures and sites of historic significance and impacts on streetscapes and significant view corridors. The Impact Statement shall include a description of anticipated maintenance needs for the telecommunications facility, including frequency of service, personnel needs, equipment needs, and traffic noise or safety impacts of such maintenance.
- d. Report from a professional structural engineer licensed in the State of Georgia, documenting the following:

- i. Telecommunications facility height and design, including technical, engineering, economic, and other pertinent factors governing selection of the proposed design;
 - ii. Total anticipated capacity of the telecommunications facility, including number and types of antennae which can be accommodated;
 - iii. Evidence of structural integrity of the tower structure (i.e. Engineers statement that structure is built to meet or exceed Standard Building Code); and
 - iv. Structural failure characteristics of the telecommunications tower(s) over seventy (70) feet and demonstration that site and setbacks are of adequate size to contain debris.
 - v. Setbacks for telecommunication tower(s) seventy (70) feet and less shall not be closer to a residential structure than one hundred and thirty three (133%) percent of the height of the tower.
- e. A definition of the area of service to be served by the antenna or tower and whether such antenna or tower is needed for coverage or capacity.
 - f. Information showing the proposed facility would provide the needed coverage or capacity.
 - g. The identity of a community liaison officer to resolve issues of concern to neighbors and residents relating to the construction and operation of the facility. Include name, address, telephone number, facsimile number and electronic mail address, if applicable.
 - h. The existing towers and tall structures located within the geographic service area should be identified on a map along with written justification at to the need for a new tower in place of an existing structure.
2. A map indicating all existing tower and antennae sites located within the City and within two (2) miles of the City boundaries.
 3. The applicant must provide any other information which may be requested by the Mayor, City Council, or Zoning Board of Appeals to fully evaluate and review the application and the potential impact of a proposed telecommunications facility.
- C. Grant or Denial of Permit:
1. The Mayor shall review the completed application for a Building Permit or Special Use Permit and shall issue a grant or denial of a Building Permit or forward the application for consideration for a Special Use Permit pursuant to Article XVIII of the Zoning Ordinance of the City of Grayson within a reasonable time.
 2. Any decision to deny a building permit or Special Use Permit pursuant to Article XVIII of the Zoning Ordinance of the City of Grayson shall be supported by substantial evidence in a written record.

SECTION 1607. CO-LOCATION

Application and owner shall allow other future wireless communications companies including public and quasi-public agencies using similar technology to collocate antenna equipment and facilities on the tower unless specific technical constraints prohibit said co-location. Applicant may negotiate any type of agreement for co-location but shall not charge fees, which are so unreasonable as to prohibit co-location.

SECTION 1608. APPEALS

Appeals from any decision of the Mayor shall be to the Zoning Board of Appeals pursuant to Article XVII of the Zoning Ordinance of City of Grayson. Any decision on a request to build a tower or for a Special Use Permit for a tower shall be in writing, and any denial of any such request or Special Use Permit shall be supported by substantial evidence and a written record.

SECTION 1609. NUISANCES

Telecommunications facilities, including, without limitation, power source, ventilation and cooling, shall be operated at all times within the limits of the City of Grayson Noise Ordinance, shall not be operated so as to cause the generation of heat that adversely affects a building occupant and shall not be maintained or operated in such a manner as to be a nuisance.

SECTION 1610. REMOVAL OF ANTENNAE AND TOWERS

All telecommunications facilities shall be maintained in compliance with standards contained in applicable building and technical codes so as to ensure the structural integrity of such facilities. If upon inspection by the Mayor or his/her designee any such telecommunications facility is determined not to comply with the minimum Standard Building Code or to constitute a danger to persons or property, then upon notice being provided to the owner of the facility and the owner of the property if such owner is different, such owners shall have thirty (30) days to bring such facility into compliance. In the event such telecommunications facility is not brought into compliance within thirty (30) days, the City may provide notice to the owners requiring the telecommunications facility to be removed. In the event such telecommunications facility is not removed within thirty (30) days of receipt of such notice, the City may remove such facility and place a lien upon the property for the costs of removal or seek costs incurred through court action. Delay by the City in taking action shall not in any way waive the City's right to take action. The City may pursue all legal remedies available to it to insure that telecommunications facilities not in compliance with the minimum Standard Building Code standards or which constitute a danger to persons or property are brought into compliance or removed. The City may seek to have the telecommunications facility removed regardless of the owners' or operator's intent to operate the tower or antenna and regardless of any permits, federal, state or otherwise, which may have been granted.

SECTION 1611. ABANDONED TOWERS

A. Any telecommunications facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned, whether or not the owner or operator intends to make use of it or any part of it. The owner of a telecommunications facility and the owner of the property where the facility is located shall be under a duty to remove the abandoned telecommunications facility. If such antenna and/or tower is not removed within sixty (60) days of receipt of notice from the City notifying the owner(s) of such abandonment, the City may remove such tower and/or antenna and place a lien upon the property for the costs of removal or seek costs incurred through court action. The City may pursue all legal remedies available to it to insure that abandoned telecommunications facilities are removed. Delay by the City in taking action shall not in any way waive the City's right to take action. The City may seek to have the telecommunications facility removed regardless of the owners' or operator's intent to operate the tower or antenna and regardless of any permits, federal, state or otherwise, which may have been granted.

- B. If the owner of an abandoned tower or antenna wishes to use such abandoned tower or antenna, the owner first must apply for and receive all applicable permits and meet all of the conditions of this ordinance as if such tower or antenna were a new tower or antenna.

SECTION 1612. PRE-EXISTING TOWERS/NON-CONFORMING USE

- A. All telecommunications facilities operative on the effective date of this Article shall be allowed to continue their present usage as a non-conforming use and shall be treated as a non-conforming use in accordance with Article VIII of the Zoning Ordinance of the City of Grayson. Routine maintenance, including replacement with a new tower or antenna of like construction and height, shall be permitted on such existing telecommunications facilities. New construction other than routine maintenance shall comply with the requirements of this ordinance. The Mayor may approve the addition of twenty (20) feet to any existing tower whereby it can be shown that this would provide for co-location and eliminate the need for a new tower and it is determined that adequate site area exists for the location of any equipment buildings. Approval of an additional twenty (20) feet applies to all zoning districts, however, additions greater than twenty (20) feet shall require a Special Use Permit.
- B. A telecommunications facility that has received City approval in the form of either a building permit or special use exception, but has not yet been constructed or placed in operation shall be considered an existing telecommunications facility so long as such approval is current and not expired.
- C. Placement of an antenna on a non-conforming structure shall not be considered an expansion of the non-conforming structure.

SECTION 1613. COORDINATION WITH FEDERAL LAW

Whenever the Governing Authority finds that the application of this ordinance would unreasonably discriminate among providers of functionally equivalent services or prohibit or have the effect of prohibiting the provision of personal wireless services, a Special Use Permit waiving any or all of the provisions of this ordinance may be granted.

SECTION 1614. SEVERABILITY

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

**ARTICLE XVII
ADMINISTRATION AND ENFORCEMENT**

SECTION 1700: GENERAL PROVISIONS

A. Decision-Making Responsibilities

The following table provides a summary of the decisions and applicable decision-makers for each of the determinations to be made in this Article.

Table 1700-1: Summary Table of Procedures and Decision-Making Roles

| | City Administrator | Board of Appeals | Planning Commission | City Council |
|-------------------------------------|-------------------------------|---------------------------------|--------------------------------|-------------------------|
| Administrative Variance | ✓ | | | |
| Appeals | | ✓ | | ✓ |
| Building Permit | ✓ | | | |
| Certificate of Occupancy | ✓ | | | |
| Special Uses | | | ✓ | ✓ |
| Temporary Uses | ✓ | | | |
| Variances | | ✓ | | ✓ |
| Zoning Ordinance Enforcement | ✓ | | | |
| Zoning Ordinance Text Amendments | | | ✓ | ✓ |
| Zoning Map Amendments | | | ✓ | ✓ |

SECTION 1701: POLICIES AND PROCEDURES

A. Policies and Procedures Governing Hearings on Zoning Decisions

For purposes of this section the term “zoning decision” shall have the meanings set forth in O.C.G.A. §36-66-3. Prior to making any zoning decision, the City Council shall conduct a public hearing. The public hearing shall be called, and a public notice provided in accordance with the provisions of O.C.G.A §36-66-4. At any such public hearing, the following procedures shall apply:

1. The City Planner will briefly summarize the requested zoning change; and shall respond to any questions from the City Council regarding the staff recommendations related to the proposed zoning change.
2. The applicant shall be provided an opportunity to be heard, and may present any evidence, information, or materials which the applicant desires for the City Council to consider in arriving at its determination. The applicant’s presentation shall be counted against the time allowed for proponents of the application.
3. Public comments will be accepted and individuals making public comment may present any evidence, information and/or materials the individual desires for the City Council to consider in arriving at its determination.

4. The City Council may place reasonable time limitations on the presentation of the applicant and on public comments by individuals in support or opposition to the zoning decision. An equal period shall be allowed for presentation data, evidence, and opinion by proponents of the zoning decision and by opponents of the zoning decision. In no event shall the minimum time period allowed for presentation be less than 10 minutes per side. Questions from the City Council shall not be counted towards the time allowed for presentation per side.
5. Persons speaking either in support of or in opposition to a zoning decision shall be recognized by the Mayor, shall state their name and address for the public record, and shall present any written documents, which they desire to be included in the record of the meeting to the City Administrator and City Planner.
6. All comments shall be directed to the City Council and shall be made in an orderly manner.
7. The applicant and any opponents to the zoning decision shall acquaint themselves with the provisions of O.C.G.A. §36-67a-3 and shall comply with the provisions of that statute.

B. Policies and Procedures Governing Hearings on Quasi-Judicial Decisions

For purposes of this section, the term “quasi-judicial decision” shall include hearings on appeals of administrative decisions and hearings on applications for variances, special administrative permits, special exceptions, conditional use permits, and other similar permits. Prior to making a quasi-judicial decision, the Board of Appeals or the City Council shall conduct a public hearing. The public hearing shall be called, and a public notice provided in accordance with the provisions of O.C.G.A. §36-66-4. At any such public hearing, the following procedures shall apply:

1. The City Planner will briefly summarize the request and shall respond to any questions regarding the staff recommendations related to the request.
2. The applicant shall be provided an opportunity to be heard, and may present any evidence, information, or materials which the applicant desires for the Board of Appeals or City Council to consider in arriving at its determination. The applicant’s presentation shall be counted against the time allowed for proponents of the application.
3. Public comments will be accepted and individuals making public comment may present any evidence, information, or materials the individual desires for the Board of Appeals or City Council to consider in arriving at its determination.
4. The Board of Appeals or City Council may place reasonable time limitations on the presentation of the applicant and on public comments by individuals in support or opposition to the quasi-judicial matter. An equal period shall be allowed for presentation of data, evidence, and opinion by proponents of the matter and by opponents of the matter. In no event shall the minimum time period allowed for presentation be less than 10 minutes per side. Questions from the Board of Appeals or City Council shall not be counted towards the time allowed for presentation per side.
5. Persons speaking either in support of or in opposition to a matter shall be recognized by the Chairman/Mayor, shall state their name and address for the public record, and shall

present any written documents, which they desire to be included in the record of the meeting to the City Administrator and City Planner.

6. All comments shall be directed to the Board of Appeals or City Council and shall be made in an orderly manner.
7. The applicant and any opponents to the zoning decision shall acquaint themselves with the provisions of O.C.G.A. §36-67a-3 and shall comply with the provisions of that statute.

SECTION 1702: CITY ADMINISTRATOR

A. Role of the City Administrator

1. The City Administrator shall administer and enforce this Ordinance with the assistance of the City Planner and other persons as designated by the City Administrator.
2. The City Administrator shall have the authority to approve and issue Administrative Variances, Building Permits, Certificates of Occupancy, and Temporary Outdoor Activity Permits, and to make interpretations and determinations of the Zoning Ordinance and Zoning Map in order to carry out the intent and purpose of this Zoning Ordinance.
3. If the City Administrator finds that any of the provisions of this Ordinance are being violated, he/she shall notify in writing the property owner and tenant responsible for such violations, indicating the nature of the violation, and ordering the action necessary to correct it. The City Administrator shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.

B. Administrative Variances

1. The City Administrator shall have the power to grant variances (except for density and use) from the development standards of this Ordinance where, in his or her opinion, the intent of the Ordinance can be achieved and equal performance obtained by granting a variance. The authority to grant such variance shall be limited to variances from the following requirements:
 - a. Front yard or yard adjacent to a public street - variance not to exceed ten (10) feet.
 - b. Side yard - Variance not to exceed four (4) feet.
 - c. Rear yard - Variance not to exceed ten (10) feet.
 - d. Side or rear yard – a variance for a zero (0) foot setback may be granted when part of a commercial development and planned as a unit having a similar architectural composition and not a miscellaneous assemblage of stores. Prior to any issuance of the variance, the applicant shall obtain approval from the affected side and/or rear yard property owner(s).

C. Building Permits Required

No building or structure shall be erected, moved, added to, or structurally altered without a permit issued by the City Administrator. No building permit shall be issued except in conformity with the provisions of this Ordinance unless the City Administrator receives a written order from the Board of Appeals in the form of an administrative review or variance as provided by this Ordinance.

D. Application for Building Permit

1. The applicant for a building permit shall submit plans at a suitable scale showing the shape, size, and location of the lot to be built upon; the shape, size, height, use, and location of the buildings to be erected, altered, or moved and of any buildings already occupying the lot; the number of dwelling units the building is designed to accommodate; the setback line of the buildings on adjoining lots; and any other information needed to determine whether the provisions of this Ordinance are being followed.
2. If the plans conform to the provisions of this Ordinance, the City Building Ordinances, and other Ordinances of the City, the permit shall be issued upon payment of the required fee. If compliance does not result, the City Administrator and City Planner stating such refusal in writing with the cause shall refuse the building permit.
3. If no visible progress on construction or modification has been made within 12 months of the date that said permit is issued, the permit becomes invalid. The City Administrator may renew the permit pending review and recommendation of the City Planner and Building Inspector. A renewal fee is required to be paid by the applicant before the permit is renewed.

E. Certificate of Occupancy Required

1. It shall be unlawful to use or occupy or permit the use of the building or land if the City Administrator or their designee stating that the proposed use of the building or land conforms to the provisions of this Ordinance has issued occupancy of any building or premises, or both until a Certificate of Occupancy.
2. A record of all Certificates of Occupancy shall be kept on file and a copy shall be furnished, upon request, to any person.

SECTION 1703: BOARD OF APPEALS

A. Establishment and Procedure

1. Composition, Appointment, and Tenure

The Board of Appeals (BOA) shall consist of five (5) members residing within the incorporated City of Grayson appointed by the City Council. One BOA member shall be a member of the Planning Commission and shall be selected by a majority vote of the members of the Board of Appeals. The selected member shall serve for a term of two (2)

years on the Planning Commission. No other member of the Board of Appeals shall hold any other public office in Grayson.

The term of office of each member of the Board of Appeals shall be for three years, to begin on April 1 and end on March 31, or thereafter until his successor is appointed. However, the terms of the original members of the Board of Appeals shall be as follows: two shall serve for terms of three years, two for terms of two years, and one for a term of one year. Thereafter, each member shall be appointed to serve a term of three years. Members may be reappointed. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment.

2. Vacancies

Appointments shall fill vacancies for unexpired terms only and in the same manner as the original appointment.

3. Removal

Any member of the Board of Appeals may be removed by the Mayor, with the consent of the City Council, for any reason after written notice and a public vote. Any member who misses more than three meetings in any one calendar year without excuse shall be removed from the Board by the City Council. The City Administrator shall keep an attendance record and report if a member's attendance does not meet this requirement to the Mayor's office.

4. Compensation

All members of the Board of Appeals shall serve without compensation.

5. Officers and Rules of Procedure

The Board of Appeals shall elect one of its members, other than the member of the Planning Commission, as Chairperson and a second one a Vice Chairperson. The Chairperson and Vice Chairperson shall serve for one (1) year or until person is reelected or successors are elected. The Board of Appeals shall appoint a secretary who may be an employee of the City or a member of the Board of Appeals. The Chairperson shall conduct the meetings. The Vice Chairperson shall conduct the meetings in the absence of the Chairperson. When acting in the capacity as Chairperson, the Vice Chairperson shall only vote in the case of a tie. Meetings shall be heard regularly, once a month, at the call of the Chairman and at such other times as the Board may determine. The Board of Appeals shall follow the rules adopted by the City Council in accordance with the provisions of this Section; shall keep minutes of its proceedings showing the absence, vote, or the failure to vote of each member; and shall keep records of its examination and other official actions, which minutes and records shall be filed with the City Administrator and open to the public for inspection.

6. Quorum

For transacting business, a quorum of the Board of Appeals shall be considered to be three (3) of the five (5) members.

B. Board of Appeals Hearings

The Board of Appeals shall conduct public hearings on all applications or referrals, within a reasonable time and place to advertise as required by State law. Any party in interest may appear in person, or by an agent or by an attorney, and be heard. Hearings shall be conducted in accordance with the provisions set for in Article.

C. Powers and Duties

The Board of Appeals shall have the following powers and duties:

1. Architectural, Dimensional, and Locational Variances.

If literal enforcement of the provisions of this Ordinance would result in unnecessary hardship due to special conditions and not to the intentional conduct of the requesting party, the Board of Appeals may authorize such variance if it is not contrary to the public interest. The Board of Appeals shall not grant a variance from the terms of this Zoning Ordinance unless and until:

- a. A written application for a variance is submitted demonstrating that:
 - i. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.
 - ii. That the special conditions and circumstances did not result from the actions of the applicant.
 - iii. No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings on other districts shall be considered grounds for the issuance of a variance.
- b. Notice of a public hearing shall be given as provided in this Ordinance.
- c. Where the strict application or literal enforcement of the requirements of this Zoning Ordinance would result in the applicant suffering practical difficulties, the Board of Appeals shall have the power to authorize a variance from the terms of this Zoning Ordinance to relieve such difficulties. In granting a variance, the Board of Appeals may impose such conditions as may be necessary to comply with the factors herein to reduce or minimize potential injurious effects of such variance upon neighboring properties and to carry out the general purpose and intent of this Zoning Ordinance. In making such a determination, the Board of Appeals shall consider all the following factors, including whether:
 - i. The property in question will yield a reasonable return or whether there can be any beneficial use of the property without a variance.
 - ii. The variance is substantial.
 - iii. The essential character of the neighborhood would be substantially altered or adjoining properties would suffer a substantial detriment because of the variance.

- iv. The variance would adversely affect the delivery of government services (i.e., water, sewer, garbage).
 - v. The property owner purchased the property with knowledge of the zoning restriction.
 - vi. The property owner's predicament feasibly can be obviated through some method other than a variance.
 - vii. The spirit and intent behind the zoning requirement would be observed and substantial justice is done by granting the variance; and
 - viii. Any other relevant factor to assist the Board of Appeals in weighing and balancing the public and private benefits and harms of the requested relief is necessary.
- d. In granting any variance, the Board of Appeals may prescribe appropriate conditions and safeguards in conformity with the intent of this Ordinance.
 - e. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under the provisions of this Ordinance.
 - f. Under no circumstances shall the Board of Appeals grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or to allow any use expressly or by implication prohibited by the terms of this Ordinance in said district.

2. Appeal of Administrative Review:

- a. Hearings, Appeals, Notice.
 - i. Appeals to the Board of Appeals concerning interpretation or administration of the Zoning Ordinance may be taken by any person aggrieved or by any officer or bureau of the governing body of the City affected by any decision rendered.
 - ii. Such appeals shall be submitted within 30 days of the action by filing with the City Administrator a notice of appeal specifying the grounds thereof.
 - iii. The City Administrator or his or her designee shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken. The Board of Appeals shall fix a reasonable time for the hearing of an appeal; give due notice thereof to all parties in interest; and after hearing, decide the same within a reasonable time. At the hearing, any party in interest may appear in person, or by agent or attorney, and be heard by the Board of Appeals.
- b. Stay of Proceedings.
 - i. An appeal stays all proceedings in furtherance of the action appealed from, unless the City Administrator, or other person or agency from whose action the appeal is

taken certifies to the Board of Appeals after the notice of appeal is filed that by reason of facts stated in such certification a stay would, in the opinion of the person making the certification, cause imminent peril to life and property.

- ii. In such case, proceedings may be stayed by a restraining order issued by the Board of Appeals, or by a court of record, on the application, on notice to the parties of interest, and for good cause shown.
- c. Hearing of Appeal.

The Board of Appeals shall conduct a public hearing as described in subsection 1703.C.1 Architectural, Dimensional, and Locational Variances.

- d. Powers to Reserve or Affirm.

In exercising the above-mentioned powers so long as such action is in conformity with the terms of this Ordinance, the Board shall have the power to reverse or affirm, wholly or partly, or to modify the order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the City Administrator, or other person or agency from whom the appeal is taken. The concurring vote of three members of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination from which the appeal was made, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance or to affect any variation in the application of the Ordinance.

- e. Board of Appeals Decisions.

A written version of all Board of Appeals decisions shall be mailed to the applicant and any interested parties who make a written request for a copy of the written decision without unreasonable delay after the close of the hearing. Where an application has been denied, no new application on substantially the same facts shall be filed within six months of the date the previous denial, unless the Board of Appeals, for good cause shown by the applicant, grants permission to do so.

- f. Appeals from the Board of Appeals to City Council.

Any person or persons severally or jointly aggrieved by any decision of the Board of Appeals may take an appeal to the City Council. The City Administrator shall file any appeal filed by the City. Said appeals to the City Council shall be filed within thirty (30) days of the date of the decision of the Board of Appeals. If no appeal of the decision of the Board of Appeals is filed within thirty (30) days, said decision of the Board of Appeals shall be final. Any appeals to the City Council shall be filed with the City Administrator, and upon receipt of the appeal, the City Administrator shall place the matter on the agenda of the next regularly scheduled City Council meeting, which is scheduled at least forty-five (45) days after the date the appeal is received by the City Administrator. The appeal to the City Council shall be a de novo hearing, and the parties to the appeal shall be entitled to present whatever evidence they deem appropriate to the City Council. Evidence submitted to the City Council on the appeal may be in writing or through oral presentation. However, the City Council

shall have the right to limit oral presentations to no more than fifteen (15) minutes per side. Upon hearing an appeal, the City Council may render a decision at the meeting or may take the matter under advisement and render a decision at any regularly scheduled or specially called meeting in the next forty-five (45) days. Decisions by the City Council may be in writing or by oral motion but shall be approved at a regular or specially called meeting.

- g. Appeals from the City Council to the Superior Court of Gwinnett County.

Any person or persons severally or jointly aggrieved by any decision of the City Council on an appeal from a decision of the Board of Appeals may take an appeal to the Superior Court of Gwinnett County. Said appeal to the Superior Court shall be pursuant to the superior court's appellate jurisdiction from a lower judicatory body and shall be brought by way of a petition for such review as provided in Title 5 of the Official Code of Georgia Annotated. Said appeal must be filed within thirty (30) days from the date of the written decision of the City Council. If no appeal of the decision of the City Council is filed within thirty (30) days, the decision of the City Council shall be final. Any appeals to the Superior Court shall be an appeal based on the record created before the City Council and shall be limited to determining whether the City Council acted arbitrarily or capriciously or abused its discretion in exercising the powers granted to it. Any such appeal shall be served upon the City Administrator who shall have the authority to approve or issue any form or certificate necessary to perfect the appeal petition.

- h. Duties of Administrative Official, Board of Appeals, City Council and Courts on Matter of Appeal.

It is the intent of this Ordinance that all questions of interpretation of this Ordinance shall be first presented to the City Administrator. Questions of interpretation shall be presented to the Board of Appeals only upon appeals from a decision of the City Administrator. It is further the intent of this Ordinance that any such decision by the Board of Appeals shall be appealable to the City Council, and that the only recourse from the decisions of the City Council shall be to the Courts as provided by law.

SECTION 1704: PLANNING COMMISSION

A. Establishment and Procedure.

The Planning Commission is hereby established, which shall consist of five (5) members, all of whom shall be residents of the City of Grayson and shall be appointed by the City Council. The term of office for members shall be two (2) years, to begin on April 1 and end on March 31, but the term of office of members first appointed shall be consistent with the current staggered terms of the present commission, and later appointments or re-appointments shall continue the staggered pattern. Members of the Planning Commission serve at the pleasure of the City Council, and they may be removed by a majority vote of the City Council. Vacancies shall be filled by Resolution of the City Council for the unexpired term of the member affected. No member of the Planning Commission shall hold public office in Grayson. One of the Members of the Planning Commission shall be from the Board of Appeals as provided for in Section 1703. The Planning Commission shall elect a

chairperson and a chairperson pro-tem from its membership. The chairperson shall have served on the Planning Commission for a period of at least one (1) year immediately preceding election to the office of chairperson.

1. The Planning Commission shall be held once a month as determined by the City Administrator. Hearing dates will be available online and in-person at City Hall.
2. The Planning Commission is to review applications, make finding and recommendations to City Council for Zoning Map or text amendments as set forth in this Ordinance.
3. The Planning Commission may initiate, direct and review, from time to time, a study of the provisions of this Ordinance, and make reports of its findings and recommendations as to needed amendments to the City Council.
4. The Planning Commission shall follow the rules and procedures adopted by the City Council and shall keep a record of its proceedings, recording the vote upon each question, and shall keep records of its hearings and other official actions.
5. Actions of the Planning Commission shall be a public record and all meetings of the Planning Commission shall be open to the public except in those instances when the Planning Commission is acting in a quasi-judicial manner; in which case the Planning Commission shall conduct a record hearing and may deliberate in private, and any matters permitted to be closed to the public under applicable Georgia law.

B. Amendments to the Zoning Ordinance and Map (Rezoning).

1. Petitions for amendments to the Zoning Ordinance or Zoning Map shall be made to the Planning Commission and City Council if the petition is City initiated or non-City initiated. If a petition is made for a Zoning Map amendment, the petition shall only be considered if one or more owners of property in the proposed area or an authorized agent are party to the petition.
2. The City Administrator shall create a yearly calendar of all meetings and shall provide notice of each hearing as required by State law.

C. Special Uses.

The Planning Commission shall review and make a recommendation to the City Council regarding the establishment or material change in Special Uses as regulated in this Ordinance.

1. The Planning Commission shall give due regard to the nature and condition of all adjacent uses and structures and in authorizing a Special Use may impose such requirements and conditions, in addition to those expressly stipulated in this Zoning Ordinance, as it may deem necessary for the protection of adjacent properties and the public interest.
2. In deciding a Special Use, the Planning Commission may recommend conditions as may be necessary to comply with the standards set forth herein to reduce or minimize potential injurious effects upon neighboring properties and to carry out the general purpose and intent of this Zoning Ordinance.

3. A Special Use shall become null and void at the expiration date recommended by the Planning Commission and approved by the City Council.
4. The Planning Commission shall not recommend a Special Use unless it, in each specific case, makes specific findings of fact directly based upon credible evidence as to all the following:
 - a. The establishment, maintenance, or operation of the Special Use will not be detrimental to or endanger the public health, safety, or general welfare.
 - b. The Special Use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted or will not substantially diminish and impair property value within the neighborhood.
 - c. The establishment of the Special Use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.
 - d. Adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided.
 - e. Adequate measures have been or will be taken to provide ingress and egress so designed to minimize traffic congestion in the public streets; and
 - f. The Special Use will be in a district where such use may be permitted and that all requirements set forth in this Zoning Ordinance and applicable to such conditional use will be met.
5. The Special Use Permit is designed to be used when:
 - a. A Special Use listed under the zoning district is desired for development in a more intensive zoning district which contains that use as a use by right would not be appropriate for the property; or
 - b. A Special Use listed under the zoning district is desired for development and no zoning district contains that use as a use by right; or
 - c. The height of a building may affect the overall density of development; or
 - d. The height of any structure may affect neighboring properties; and,
 - e. The Special Use would be consistent with the needs of the neighborhood or the community, be compatible with the neighborhood, and would not conflict with the overall objectives of the comprehensive plan.
6. To accommodate these Special Uses, the Special Use Permit allows the City Council to approve a Special Use on a particular lot without changing the general zoning district.

7. Such approval shall be subject to the requirements set forth below and any additional conditions deemed necessary to ensure the compatibility of the Special Use with the surrounding properties.
8. All Special Use Permit applications shall be for planned developments only and shall not be used for securing early zoning for conceptual proposals, which may not be undertaken for some time. A Special Use Permit application shall be considered only if the owner of the property makes it or his/her authorized agent.
9. If a Special Use Permit is granted, any non-conforming use of property shall end within six (6) months of the granting of the Special Use Permit and all non-conforming use rights shall terminate unless otherwise specifically authorized in the conditions granting the special use permit.

D. Decisions of the Planning Commission.

1. The Planning Commission may, by a vote of not less than a simple majority of the members, present at a meeting:
 - a. Recommendation to City Council that the proposed amendment to the Zoning Map or Zoning Ordinance or a Special Use be *Approved as Requested*; or
 - b. Recommendation to City Council that the proposed amendment to the Zoning Map or Zoning Ordinance or a Special Use be *Approved with Conditions*; or
 - c. Recommend to City Council *Denial* of the proposed amendment to the Zoning Map or Zoning Ordinance or a Special Use; or
 - d. Recommend to City Council to *Table* the proposed amendment to the Zoning Map or Zoning Ordinance or a Special Use.
2. The recommendation shall be forwarded in writing to City Council within 30 days of the Planning Commission's vote, after which a public hearing shall be held by City Council in accordance with its rules of procedure.

SECTION 1705: CITY COUNCIL

Under this Ordinance, the City Council shall have only the following duties:

- A. Considering and adopting or rejecting proposed amendments or the repeal of this Ordinance, as provided by law;
- B. Hearing and making a final determinations on Special Uses;
- C. Hearing and making final determination on certain Variances as stated in this Zoning Ordinance;
- D. Hearing and making a final determination on appeals related to this Zoning Ordinance or an interpretation of this Zoning Ordinance;
- E. Hearing and making final determinations on Zoning Map amendments;

- F. Establishing a schedule of fees and charges as stated in this Ordinance; and
- G. Such other duties as may be established by laws of the State of Georgia or subsequently enacted Ordinances of the City.

SECTION 1706: AUTHORITY

The City Council may from time to time amend the boundaries of the zoning districts established on the Official Zoning Map or the regulations set forth in this Ordinance or amend the text of this Ordinance.

- A. Any proposed amendments shall be submitted to the Planning Commission for its recommendation. The Planning Commission shall make a recommendation to the City Council within thirty (30) days, or the Council shall be free to proceed without further awaiting the report of the Planning Commission.
- B. When acting on an application for a rezoning or a Special Use Permit, the City Council shall have the right to grant the application, to deny the application, to grant a rezoning to less intense zoning classification than the classification requested, or to grant the application with the appropriate conditions. The City Council may also table the proposal or allow the proposal to be withdrawn without prejudice. In granting a rezoning application or Special Use Permit, in addition to imposing appropriate and necessary conditions, the Council shall have the authority to grant variances of the terms and conditions of this Ordinance.

SECTION 1707: REZONING AND SPECIAL USE PERMIT APPLICATION PUBLIC HEARING PROCESS

The Applicant or representative is encouraged to appear at the Planning Commission Meeting and the City Council Public Hearing. Failure to attend a meeting may result in the tabling of the application until the next meeting of that group. However, the Planning Commission and the City Council may act on the application should they so choose. Meeting dates, times, and locations are available online and in-person at City Hall.

A. Schedule Of Events

1. At least one week prior to the scheduled Planning Commission Meeting, the Planning Staff Report and Recommendation will be emailed to the applicant and will be available at City Hall.
2. The applicant is encouraged to appear before the Planning Commission to present their case in support of the rezoning application. The applicant's presentation shall be counted against the time allowed for proponents of the application. The Planning Commission may ask questions of the applicant and the opposition. The Planning Commission is a recommending body. Their recommendation will be forwarded to the City Council.
3. The applicant is encouraged to be present at the City Council Work Session.
4. The applicant is encouraged to appear before the City Council for the Public Hearing.

5. If the rezoning application is denied by the City Council, no new application shall be submitted unless it meets the requirements for resubmittal as set forth in this Ordinance.

B. Procedures

1. In the approval process for a zoning proposal application, the City Council shall consider the policies and objectives of the Comprehensive Plan, particularly in relation to the proposed site and surrounding area and shall consider the potential adverse impacts on the surrounding area, especially with regard to but not limited to traffic, storm drainage, land values, and compatibility of land use activities.
2. If an application is approved and zoning proposal is granted, all conditions, which may have been attached to the approval, are binding on the property. All subsequent development and use of the property shall be in accordance with the approved plan and conditions. The City Administrator, or his or her designee, prior shall approve all final site plans to the issuance of any permits.
3. Once established, the zoning proposal shall be permanent unless otherwise rezoned. A Special Use Permit may be conditioned in such a manner that it is granted for a limited period.
4. Upon approval by the City Council, a zoning proposal shall be identified on the Official Zoning Map.
5. Upon approval by the City Council of zoning proposal, the owner of the property shall be issued a notice from the City Administrator, which states the rezoning, the requirements of this section, and any conditions attached to the approval.
6. Any person, persons, or entities jointly or severally aggrieved by any decision of the City Council regarding a zoning proposal application may take an appeal to the Superior Court of Gwinnett County. The appeal must be filed within 30 days of the decision of the City Council, and upon failure of such appeal, the decision of the City Council shall be final.

C. Standards Governing Exercise of the Zoning Power

The City Council finds that the following standards are relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of property and shall govern the exercise of the zoning power.

1. Whether a zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
2. Whether a zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.
3. Whether the property to be affected by a zoning proposal has a reasonable economic use as currently zoned.

4. Whether the zoning proposal will result in a use, which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
5. Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Plan; and
6. Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal.

SECTION 1708: VARIANCE PUBLIC HEARING PROCEDURES

The Applicant is required to appear at the Board of Appeals or City Council Meeting. Failure to attend the meeting may result in the tabling of the application until the next meeting of that group. However, the Board of Appeals may act on the application should they so choose. Meeting dates, times, and locations are available online and in-person at City Hall.

A. Schedule of Events

1. After confirming that the conditions for a variance as described in this Ordinance are met, the applicant can apply through the City Administrator.
2. The applicant must post a sign given to them by the City Administrator at least 15 days prior to the public hearing.
3. The applicant shall appear before the Board of Appeals to present their case in support of the variance application. Any opposition to the variance application will be given equal time to present its case.

B. Procedure

1. In the approval process for a variance application, the Board of Appeals shall consider all the factors set forth in this Ordinance for the granting of a variance.
2. Once approved, the applicant may begin development. A variance is a permanent entitlement to the land.
3. Upon approval by the Board of Appeals, the City Administrator shall archive the variance.
4. Any person, persons, or entities jointly or severally aggrieved by any decision of the Board of Appeals regarding a variance application may take an appeal to the City Council. The appeal must be filed within 30 days of the decision of the Board of Appeals, and upon failure of such appeal, the decision of the Board of Appeals shall be final.

SECTION 1709: WITHDRAWAL OF APPLICATION

Once an application for an amendment to the Official Zoning Map or an application for a Variance or Special Use Permit has been made, the applicant may withdraw such application

without prejudice from the date of filing up to twenty-one (21) days before the City Council Public Hearing.

There shall be no fee reimbursement for withdrawn applications.

An applicant or property owner under any circumstance may not withdraw an application after the official withdrawal deadline. Once past the published withdrawal deadline all applications shall be considered by the City Council or Board of Appeals, as appropriate, and shall receive final action, unless the City Council or the Board of Appeals votes to allow the application to be withdrawn without prejudice. Any application that is allowed to be withdrawn without prejudice shall have no waiting period for filing a new application.

SECTION 1710: LAPSE OF TIME FOR REAPPLICATION AND WAIVER OF SAID PERIOD

The following shall apply to the reapplication for a Zoning Map Amendment, Variance or Special Use Permit.

- A. No application or reapplication for any Zoning Map amendment affecting the same land or any portion thereof shall be made and accepted within 12 months from the date of last action by the City Council unless such 12-month period is waived by the City Council, and in no case may such an application or reapplication be allowed in less than six months from the date of last action by the City Council.
- B. No application or reapplication for the same type of Variance or Special Use Permit affecting the same land or any portion thereof shall be made or accepted within 12 months from the date of last action by the City Council or Board of Appeals, as appropriate, unless such 12 month period is waived by the City Council or Board of Appeals as appropriate, and in no case may such an application or reapplication be allowed in less than six months from the date of last action by the City Council or Board of Appeals, as appropriate.

SECTION 1711: APPEALS TO SUPERIOR COURT

A. Appeals of Zoning Decision.

Any person or persons severally or jointly aggrieved by any zoning decision, as defined in this Ordinance (also see O.C.G.A. Section 36-66-3) and being legislative in nature, shall have a direct constitutional challenge as set forth in O.C.G.A. Section 36-66-5.1. Such challenges shall be by way of a de novo review by the Superior Court of Gwinnett County. Any such direct challenge to the superior court shall be brought within 30 days of the written decision being challenged.

B. Appeals of Quasi-Judicial Decision.

Any person or persons severally or jointly aggrieved by any quasi-judicial decision, as defined by this Ordinance, may take an appeal of the quasi-judicial decision to the Superior Court of Gwinnett County. Said appeal to the Superior Court shall be pursuant to the Superior Court's appellate jurisdiction from a lower judicatory body and shall be brought by way of a petition for such review as provided in Title 5 of the Official Code of Georgia Annotated. Said appeal must be filed within thirty (30) days from the date of the written decision. If no appeal of the quasi-judicial decision is filed within thirty (30) days, the

decision shall be final. Any appeals to the Superior Court shall be an appeal based on the record. Any such appeal shall be served upon the City Administrator who shall have the authority to approve or issue any form or certificate necessary to perfect the appeal petition.

2005 - 2006
AMENDMENTS TO THE 2005 CITY OF GRAYSON ZONING ORDINANCE

| <u>AMENDED SECTION</u> | <u>DATE AMENDED</u> |
|------------------------------------|----------------------------|
| Section 503 | June 20, 2005 |
| Section 508 | June 20, 2005 |
| Section 510 (A) (1) and (2) | June 20, 2005 |
| Section 516 | June 20, 2005 |
| Section 602 | June 20, 2005 |
| Section 608 | June 20, 2005 |
| Section 609 | June 20, 2005 |
| Section 701 | June 20, 2005 |
| Section 709 | June 20, 2005 |
| Section 903 | June 20, 2005 |
| Section 904 (B) | June 20, 2005 |
| Section 905 | June 20, 2005 |
| Section 906 | June 20, 2005 |
| Section 1000 | June 20, 2005 |
| Section 1003.4 (F) (3) (a) | June 20, 2005 |
| Section 1003.4 (G) (4) (d) | June 20, 2005 |
| Section 1004.1 (A) (4) | June 20, 2005 |
| Section 1004.2 (A) (4) | June 20, 2005 |
| Section 1004.3 (A) | June 20, 2005 |
| Section 1100 (D) (c) | June 20, 2005 |
| Section 1100 (A) | June 20, 2005 |
| Section 1101 (A) | June 20, 2005 |
| Section 1102 (2) | June 20, 2005 |
| Section 1103 (A) | June 20, 2005 |
| Section 1108 (A) | June 20, 2005 |
| Section 1109 (C) | June 20, 2005 |
| Section 1200 | June 20, 2005 |
| Section 1201 (B) | June 20, 2005 |
| Section 1202 (A), (B), (C) and (D) | June 20, 2005 |
| Section 1203 (A) | June 20, 2005 |
| Section 1301 (A), (B) and (C) | June 20, 2005 |
| Section 1304 - Deleted | June 20, 2005 |
| Section 1406 (A) (2) | June 20, 2005 |
| Section 1504 (A) | June 20, 2005 |
| Section 1603 (A), (B), (C) and (D) | June 20, 2005 |
| Section 901 | April 17, 2006 |
| Section 910 | April 17, 2006 |
| Section 1100 | April 17, 2006 |
| Section 1700 | April 17, 2006 |
| Section 1701 | April 17, 2006 |

2005 - 2006
AMENDMENTS TO THE 2005 CITY OF GRAYSON ZONING ORDINANCE

| <u>AMENDED SECTION</u> | <u>DATE AMENDED</u> |
|-------------------------------|----------------------------|
| Section 1900 | April 17, 2006 |
| Section 1106 | April 17, 2006 |
| Section 1107 | April 17, 2006 |
| Section 1108 | April 17, 2006 |
| Section 1109 | April 17, 2006 |
| Section 1110 | April 17, 2006 |
| Section 1111 | April 17, 2006 |

2007 - 2008
AMENDMENTS TO THE 2005 CITY OF GRAYSON ZONING ORDINANCE

| <u>AMENDED SECTION</u> | <u>DATE AMENDED</u> |
|-------------------------------|----------------------------|
| Section 301 | July 16, 2007 |
| Section 404 | July 16, 2007 |
| Section 907 | July 16, 2007 |
| Section 908 | July 16, 2007 |
| Section 1003.4 | July 16, 2007 |
| Section 1004.1 | July 16, 2007 |
| Section 1004.4 | July 16, 2007 |
| Section 1100 | July 16, 2007 |
| Section 1101 | July 16, 2007 |
| Section 1112 | July 16, 2007 |
| Section 1202 | July 16, 2007 |
| Section 1410 | July 16, 2007 |
| Section 1411 | July 16, 2007 |
| Section 1412 | July 16, 2007 |
| Section 1503 | July 16, 2007 |
| Section 1603 | July 16, 2007 |
| Section 1801 | April 16, 2007 |

2009 - 2010
AMENDMENTS TO THE 2005 CITY OF GRAYSON ZONING ORDINANCE

| <u>AMENDED SECTION</u> | <u>DATE AMENDED</u> |
|-------------------------------|----------------------------|
| Section 1100 (C) | December 21, 2009 |
| Article III - entirety | March 15, 2010 |
| Section 1100 (A) (5) - added | March 15, 2010 |
| Section 1100 (B) | March 15, 2010 |
| Section 1100 (C) | March 15, 2010 |
| Article XIV - entirety | March 15, 2010 |
| Section 301 | May 17, 2010 |
| Section 1100 (C) | May 17, 2010 |

2011 - 2014
AMENDMENTS TO THE 2005 CITY OF GRAYSON ZONING ORDINANCE

| <u>AMENDED SECTION</u> | <u>DATE AMENDED</u> |
|------------------------------------|----------------------------|
| Section 301 | June 20, 2011 |
| Section 404 | June 20, 2011 |
| Section 1100 | June 20, 2011 |
| Section 1103.1 | June 20, 2011 |
| Section 1112 | June 20, 2011 |
| Section 1302 | June 20, 2011 |
| Section 1414 | June 20, 2011 |
| Section 1414 | September 19, 2011 |
| Section 1414 | April 16, 2012 |
| Section 1004.3 (B) | October 21, 2013 |
| Section 908 – Parking Lot Lighting | March 17, 2014 |

2016 - 2017
AMENDMENTS TO THE 2005 CITY OF GRAYSON ZONING ORDINANCE

| <u>AMENDED SECTION</u> | <u>DATE AMENDED</u> |
|-------------------------------|----------------------------|
| Section 1408 entirety | April 18, 2016 |
| Section 1409 entirety | April 18, 2016 |
| Section 1410.1 added | April 18, 2016 |
| Section 1411.A | April 18, 2016 |
| Section 1406.A.2 | July 18, 2016 |
| Section 1100 entirety | August 15, 2016 |
| Section 1101 | August 15, 2016 |
| Section 908 | December 19, 2016 |
| Section 1100 | December 19, 2016 |
| Section 1101 | December 19, 2016 |
| Section 1706 | February 20, 2017 |
| Section 1804 | February 20, 2017 |

2018 - 2023
AMENDMENTS TO THE 2005 CITY OF GRAYSON ZONING ORDINANCE

| <u>AMENDED SECTION</u> | <u>DATE AMENDED</u> |
|---|----------------------------|
| Section 301 | June 17, 2019 |
| Section 1100 | June 17, 2019 |
| Section 1101 | June 17, 2019 |
| Section 1112 | June 17, 2019 |
| Section 1801.B.1, C.2, & D | June 17, 2019 |
| Table of Contents | June 15, 2020 |
| Section 404 | June 15, 2020 |
| Section 1112 | June 15, 2020 |
| Section 1801.E & F | June 15, 2020 |
| Section 1100 Table of Permitted & Spec Uses | October 19, 2020 |
| Section 404 | December 21, 2020 |
| Section 516 | December 21, 2020 |
| Section 904 | December 21, 2020 |
| Section 909 | December 21, 2020 |
| Section 910 | December 21, 2020 |
| Section 1100 | December 21, 2020 |
| Section 1101 | December 21, 2020 |
| Section 1111 | December 21, 2020 |
| Section 1112 | December 21, 2020 |
| Section 1411 | December 21, 2020 |
| Section 1414 | December 21, 2020 |
| Section 1415 | December 21, 2020 |
| Section 1603 | December 21, 2020 |
| Section 908 | June 21, 2022 |
| Section 1100 | December 19, 2022 |
| Table of Contents | April 17, 2023 |
| Section 704 | April 17, 2023 |
| Section 709.C.5 | April 17, 2023 |
| Section 907.C.1.e | April 17, 2023 |
| Section 908 | April 17, 2023 |
| Section 1411 | April 17, 2023 |
| Section 1411.1 | April 17, 2023 |
| Section 1414, Table 14.1 | April 17, 2023 |
| Section 1112 | August 21, 2023 |
| Table of Contents | August 21, 2023 |
| Article XVII-XIX (remove) | August 21, 2023 |
| Article XVII (replace) | August 21, 2023 |
| Cover Page | December 18, 2023 |
| Section 1100 Table of Permitted & Spec Uses | December 18, 2023 |
| Section 1101 | December 18, 2023 |

2025
AMENDMENTS TO THE 2005 CITY OF GRAYSON ZONING ORDINANCE

AMENDED SECTION

DATE AMENDED

Section 1100 Table of Permitted Uses
Section 1101.C.28 (remove & renumber)

February 17, 2025
February 17, 2025