

# **Town of Turin**

# **Zoning Ordinance**

**Adopted 21 July 2010**

**Amended - August 19, 2014**

**Amended –May 27, 2016**

**Amended –October 17 2016**

**Amended April 17, 2017**



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## **ARTICLE 1 – INTENT AND AUTHORITY**

**1.1 Intent.** An Ordinance of the Town of Turin, Georgia, regulating the location, and use of buildings, structures, and land for residence, trade, industry, and other purposes, the height, bulk and size of buildings and other structures; the use of buildings, and land for business, industry, residence, public activities and other purposes; and for dividing the incorporated area into districts for such purposes and establishing boundaries; providing for a Planning Commission, defining its power and duties; the method of administration, amendment and enforcement; prescribing penalties for the violation of its provisions; and repealing conflicting resolutions.

**1.2 Short Title.** This Ordinance shall be known and may be cited as the 2009 Zoning Ordinance of Turin, Georgia.

**1.3 Authority.** This ordinance is enacted pursuant to Article IX, Section II, Paragraph IV of the Georgia Constitution of 1983, the Charter of the Town of Turin, the general police powers of the Town of Turin and other authority provided by federal, state or local laws applicable hereto.

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## ARTICLE 2 - PURPOSE

**2.1 Purpose.** The purpose of this Ordinance is to establish minimum standards for the use of land and improvements in the Town of Turin, Georgia. This Ordinance seeks to encourage development of land within the Town in accordance with the Town of Turin Comprehensive Plan. The promotion of land use is intended to reduce or eliminate the occurrence of conditions that may threaten the general health, safety and welfare of the residents of the Town. This ordinance shall serve the following purposes:

- Promote proper use and location, height, bulk, number of stories and size of buildings and other structures; sizes of yards and other open spaces; density and distribution of population; use of buildings, structures and land for commercial trade, professional offices, industry, residential, recreational, sanitation, conservation, transportation and public activities and the percentage of land which may be occupied by structures.
- Reduce congestion, prevent overcrowding of land; to avoid undue concentration of population; to prevent urban sprawl; to facilitate the adequate provision of transportation, water, sanitary sewer, parks and other public infrastructure.
- Promote desirable living conditions and the sustained stability and integrity of existing neighborhoods.
- Protect property against blight and depreciation; to conserve the value of existing buildings; to encourage the most appropriate use of land, buildings and structures throughout the Town.
- Encourage designs that protect the natural environment and retain the character of the Town by supporting a landscape and tree protection plan, green space and a higher level of order, prosperity and aesthetics.
- Secure economy in governmental expenditures.
- Protect and conserve the community's natural and historic resources.
- Develop and manage land and transportation networks to ensure the quality of the air and water.
- Define certain terms used in this ordinance.
- Establish certain land use zoning districts, the intent of each zoning district, and specifies the boundaries of those districts on the official zoning map.
- Establish procedures for administering, enforcing, appealing and amending the ordinance.
- Regulate the use of buildings and structures located within the corporate limits of the Town.
- Provide penalties for violation of this ordinance.
- Define the power and duties, as they relate to this ordinance, of the Town Council, as well as such administrative officers, bodies and agencies that the Town Council may establish for the efficient exercise of the zoning powers of the Town including but not limited to the zoning administrator and the Planning Commission.
- Repeal all conflicting ordinances, rules and regulations enacted by the Town of Turin, Georgia.

**2.2 Traditional Neighborhoods Principles.** The zoning regulations and districts herein established are designed to create Traditional Town and Neighborhood Development which shall embrace the following principles:

- Subdivisions, residential and commercial developments will not be isolated, closed or predominated by cul-de-sacs; but will be connected and integrated with other subdivisions and developments both existing and possible future developments by connected street systems, sidewalks, multi-use trails, greenbelts and open space so as to create an interconnected network of neighborhoods, residential and commercial developments.
- Residents, shops, workplaces and Civic Buildings are interwoven within the neighborhood, and all are in close proximity. A hierarchy of streets serves equitably the needs of the pedestrian and the automobile.
- Carefully placed Civic Buildings and Squares reinforce the identity of the Town and Neighborhoods.
- Spatially defined Squares and Parks provide places for informal social activity and recreation.
- Civic Buildings provide places of purposeful assembly for social, cultural or religious activities, becoming symbols of community identity through their architectural clarity.
- Private buildings form a disciplined edge, spatially delineating the public street space and the private block interior.
- Promote general health and welfare.
- Provide consistency with the Land Use Elements of the Comprehensive Plan.

**2.3 Requirements.** The requirements of these regulations are minimum permissible standards; and it is expected that developers and the respective decision making authority will normally strive for quality developments which will exceed these minimum requirements.

**2.4 Comprehensive Plan.** By this section, the Comprehensive Plan adopted by resolution of the Town Council of the Town of Turin is established as the official policy of the Town concerning land uses. The incorporated areas of the Town are divided into land use categories consistent with the Future Land Use Plan in the Land Use Element of the Comprehensive Plan. The Comprehensive Plan does not alter or affect the existing zoning districts in the Town, does not effectuate an amendment to the official zoning maps, and does not itself permit or prohibit any existing land uses. The Land Use Element of the Comprehensive Plan shall be amended on an as needed basis to reflect changes in land use and to discover any inconsistencies zoning changes have caused in the Future Land Use map.

The Land Use Element of the Comprehensive Plan shall be periodically updated as the Mayor and Council see fit. This update shall be used to identify current uses of land, emerging growth patterns and any significant change in land use policy as identified by the Future Land Use map of the comprehensive plan. This update shall also be used as policy in the Town's consideration of proposed amendments to the zoning map or text of the zoning ordinance. All amendments to the Comprehensive Plan shall be in accordance with the Minimum Planning Standards and Procedures of the Georgia Planning Act

## ARTICLE 3 - DEFINITIONS

**3.1 Interpretations.** When used in this Ordinance, the following words and phrases have the meaning as defined in this Article. Words not defined here have the same meaning as found in most dictionaries, where consistent with the context.

- The words "must" "will" and "shall" are mandatory in nature, indicating that an action has to be done.
- The word "may" is permissive and allows discretion regarding an action.
- When consistent with the context, words used in the singular number include the plural and those used in the plural number include the singular. Words used in the present tense include the future.
- The word "Council" shall mean "Town Council" for the purposes of this ordinance.
- The word "district" shall mean "Zoning District" for the purposes of this ordinance.
- The word "map" or "zoning map" shall mean "Official Zoning Map of the Town of Turin" for the purposes of this Ordinance.
- The word "person" includes a firm, company, partnership, association, public or private authority or corporation.
- The word "building" includes the term "structure" (all buildings are structures, but not all structures are buildings).
- The word "lot" includes the words "lot", "plot" or "parcel".
- The word "used" or "occupied" as applied to any land or building shall be considered to also include "designated, arranged, occupied, intended or designed to be used or occupied."

### 3.2 Definitions:

- 1) **Accessory Structure:** A structure detached from the principal building on the same lot and customarily incidental and subordinate to the principal building.
- 2) **Accessory Use:** A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.
- 3) **Addition:** To an existing building any walled or roofed expansion to the perimeter of a building in which the addition is connected by a common load bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by an independent perimeter load bearing wall is new construction.
- 4) **Administrator, Zoning:** The person, officer, or official and his duly authorized representative, whom the Council has designated as its agent for the administration of this ordinance. If the Council fails to designate a Zoning Administrator, the Council shall act as the Zoning Administrator.
- 5) **Adult Day Care Facility:** A building or portion of a building where non-medical care and supervision is provided to adults away from their place of residence for less than twenty-four hours per day on a regular basis for compensation.
  - a) **Adult Day Care, Home:** A customary home occupation which provides for six (6) or less adults who are not residents of the premises; non-medical care and supervision by a

- State of Georgia registered resident adult for less than twenty four (24) hours per day on a regular basis for compensation.
- b) **Adult Day Care, Group:** An *Adult Day Care Facility* which serves seven (7) to eighteen (18) adults and is licensed by the State of Georgia.
- c) **Adult Day Care Center:** An *Adult Day Care Facility* which serves 19 or more adults and is licensed by the State of Georgia.
- 6) **Alley:** A minor street which is used primarily as a service way providing a secondary means of public access to abutting property and not intended for general traffic circulation.
- 7) **Alteration:** Any change in the supporting members of a building or structure such as bearing walls, columns, and girders, except such emergency change as may be required for safety purposes; any addition to a building; any change in use from one district classification to another; or, any movement of a building from one location to another.
- 8) **Amenity area:** The area(s) set-aside for active and passive recreation for the residents inside the development or for the general public. Recreation areas may include active and passive areas.
- 9) **Animal Hospital:** Facility for the temporary boarding and treatment of domestic animals operated under the supervision of a licensed veterinarian.
- 10) **Apartment:** See Dwelling, Multi-Family.
- 11) **Automotive:** All self-propelled vehicles, including automobiles, trucks, boats, motorcycles and motor homes; also accessory trailers.
- 12) **Awning:** A roof-like cover that projects from the wall of a building for the purpose of shielding a doorway, walkway, or window from the elements. Awnings are often made of metal, fabric or flexible plastic supported by a rigid frame, and may be retracted into the face of the building.
- 13) **Basement:** The area below the first floor level in a building and having not more than one-half (1/2) of its height above grade.
- 14) **Beacon:** Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zoned lot as the light source; also, any light with one or more beams that rotate or move.
- 15) **Bed and Breakfast:** A building, not necessarily owner occupied, which offers transient lodging accommodations and breakfast for four (4) or more guest rooms for compensation provided:
- Compliance with the same licensing, inspection and taxation requirements as hotels motels, and restaurant.
  - If within a residential district, the building shall be residential in character.
  - Breakfast is the only meal served and only to overnight guests.
  - The owners may have employees.
  - The owner shall provide one (1) off street parking space for each rental room and one (1) space for each employee.

- 16) **Berm:** A mound of earth or the act of pushing earth into a mound. A berm is usually two to six feet high and is used to shield, screen, and buffer undesirable views or to separate incompatible land uses. In traffic work, berm refers to the raised area between the curb line and right of way line.
- 17) **Brick:** A durable fired clay product having nominal dimensions of no less or greater than 2-1/4 inches by 3-1/2 inches by 8 inches used as a permanent exterior finish material in building construction.
- 18) **Buffer:** An area of natural vegetation or man-made construction which is intended to provide a visual and dimensional separation between dissimilar land uses.
  - a) **Natural Buffer:** A visual screen created by vegetation of such density so as to present an opaque visual separation when viewed from one side to the other throughout the year.
  - b) **Structural Buffer:** A visual screen created through construction of a solid wooden fence, decorative masonry wall, earthen berm, or combination so as to present an opaque visual separation when viewed from one side to the other throughout the year.
- 19) **Building:** Any structure having a roof supported by columns or walls designed or built for the support, enclosure, shelter, or protection of persons, animals, or property of any kind.
- 20) **Building, Alteration of:** Any change or rearrangement in the supporting (such as bearing walls, beams, columns, or girders) of a building, any addition to a building, or movement of a building from one location to another.
- 21) **Building, Floor Area:** The sum of the gross horizontal areas of the several floors of a dwelling unit, exclusive of porches, balconies, garages, basements and cellars, measured from the exterior faces of the exterior walls or from the center lines of walls or partitions separating dwelling units. For uses other than residential, the floor area shall be measured from the exterior faces of the exterior walls or from the center lines of walls or partitions separating such uses, and shall include all floors, lofts, balconies, mezzanines, cellars, basements and similar areas devoted to such uses.
- 22) **Building Line:** A line parallel to the street right-of-way line at a distance from the right-of-way line equal to the depth of the required front yard for the zoning district in which the lot is located.
- 23) **Building Official:** The Building Official of the Town of Turin or his or her designee.
- 24) **Building Site:** The portion of a “lot”, as defined elsewhere in this ordinance, which shall meet or exceed the minimum area and other requirements specified herein for placement of a principal building and/or any necessary on-site septic tanks and drainfields, and/or wells for water supply.

Such building site shall meet the minimum area requirements as specified for the zoning district in which it is located, exclusive of any land area located within the 100 year flood plain, and such “building site” shall meet all requirements as established by the Coweta County Health Department.

- 25) **Business premises:** A building, suite, office or other unit used for nonresidential purposes. In the case of businesses licensed by the Town, the area occupied by a single business license holder shall be deemed as one (1) business premises. In the case of professionals paying individual taxes to the Town, each professional corporation, partnership or other entity in which the professional participates shall be considered the occupant and all area occupied by that occupant shall be the business premises. For the purpose of this Ordinance, business premises shall include nonresidential space occupied by charitable organizations, political organizations, institutions or other noncommercial entities.
- 26) **Caliper:** The diameter of a tree (usually nursery stock) measured at the point 6 inches above the ground or top of root ball for up to and including 4-inch caliper trees, and at a point 12 inches above the ground or top of root ball for larger sizes.
- 27) **Canopy:** A roof-like structure supported by columns or projecting from a building and open on at least three sides.
- 28) **Centerline of Street:** That survey and monument line by the survey of the Town of Turin or Coweta County shall be the centerline of the street, or if such a centerline has not been surveyed, it shall be that line running midway between the outside curbs or ditches of street, or the middle of the traveled roadway of the street.
- 29) **Cemetery, Private:** Any plot of ground, building, mausoleum, or other enclosure used for the burial of persons of one collateral line of descent.
- 30) **Cemetery, Public:** Any plot of ground, building, mausoleum, or other enclosure not located on property owned by or adjacent to a religious institution but used for the burial of deceased persons.
- 31) **Cemetery, Religious Institution:** A plot of ground, building, mausoleum, or other enclosure owned by or adjacent to a religious institution but used for the burial of persons who are generally members of that religious institution.
- 32) **Chapter:** An “ordinance” and “article” as this ordinance may be codified.
- 33) **Child Care Facility:** A building or portion of a building where care and supervision is provided to children away from their place of residence for less than twenty-four hours per day on a regular basis for compensation. The outdoor play area shall be enclosed by a fence of not less than four (4) feet in height and shall be located only in the rear yard of the lot. For the purpose of this Ordinance, the term “child care” shall include but not be limited to the terms “Day Care”, “Nursery School”, “Early Learning Center”, “Pre-Kindergarten”, “Private Kindergarten”, “Play School” and “Pre-School”.
  - a) **Child Care, Home:** A customary home occupation which provides for five (5) or less children who are not residents of the premises; care and supervision by a State of Georgia registered resident adult for less than twenty four (24) hours per day on a regular basis for compensation.
  - b) **Child Care, Group:** A *Child Care Facility* which serves six (6) to eighteen (18) children and is licensed by the State of Georgia.
  - c) **Child Care Center:** A *Child Care Facility* which serves nineteen (19) or more persons and is licensed by the State of Georgia.



- 34) **Church:** A building or structure, or groups of buildings or structures, which by design and construction are primarily intended for conducting organized religious services and associated accessory uses.
- 35) **Clinic:** An establishment where patients are admitted for examination and treatment on an outpatient basis by one or more physicians, dentists, other medical personnel, psychologists, or social workers and where patients are not lodged overnight.
- 36) **Club, Private:** An establishment or premises owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose but not primarily for profit or to render a service which is customarily carried on as a for profit business.
- 37) **Code Enforcement Officer:** The Code Enforcement Officer of the Town of Turin or his or her designee.
- 38) **Commercial Message:** Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity
- 39) **Commercial Parking Garage:** A building designed and used for the temporary storage or parking of motor vehicles which is operated as a business enterprise with a service charge or fee being paid to the owner or operator for the storage or parking of privately owned vehicles.
- 40) **Commercial Parking Lot:** A tract of land designed and used for the temporary storage or parking of motor vehicles which is operated as a business enterprise with a service charge or fee being paid to the owner or operator for the storage or parking of privately owned vehicles.
- 41) **Comprehensive Plan:** Any plan adopted by the Council, or portion of such plan or plans. This definition shall be construed liberally to include the major thoroughfare plan, master parks and recreation plan, or any other study, document, or written recommendation pertaining to subjects normally within the subject matter of a Comprehensive Plan as provided by the Georgia Planning Act of 1989, if formally adopted by the local governing body.
- 42) **Condominium:** A multi-family dwelling, office or commercial building in which each owner enjoys exclusive fee-simple title and ownership in an individual unit while retaining an undivided interest in the common facilities and areas of the building and grounds which are used by all the owners or tenants of the condominium.
- 43) **Consumer fireworks retail sales facility:** A permanent or temporary building or structure, consumer fireworks retail sales stand, tent, canopy, or membrane structure that is used primarily for the retail display and sale of consumer fireworks to the public. {NFPA 1124, 3.3.29.1}
- 44) **Consumer fireworks retail sales stand:** A temporary or permanent building or structure that has a floor area not greater than 800 square feet, other than tents, canopies, or

membrane structures, that is used primarily for the retail display and sale of consumer fireworks to the public. {NFPA 1124, 3.3.18}

- 45) **Cornice:** In classical architecture, the ornamental molding at the top of a wall, typically under the eaves, is divided into three parts: the architrave below, the frieze in the middle and the cornice above. Informally, the term cornice is used to describe all three of these moldings.
- 46) **Crown Dripline:** A vertical line extending from the outer surface of a tree branch tips to the ground.
- 47) **Cul-de-sac:** A dead-end street that terminates in a permanent turnaround and not intended for future extension.
- 48) **Development:** Subdividing a tract of land into two or more lots whether for sale or rental; construction, erection or expansion of a structure, filling, grading, excavation or land disturbing activities affecting more than ¼ acre (10,890 square feet); recording a plat in the office of the Clerk of Superior Court; or location of a facility.
- 49) **Development Permit:** The authorization necessary to initiate and conduct a land-disturbing activity and to carry out the planned development of land and structures.
- 50) **Development Site:** That portion of a tract of land that will be dedicated to a proposed development, including the land containing trees that will be counted toward satisfying the requirements of these provisions.
- 51) **Diameter Breast Height (DBH):** The diameter of an existing tree trunk measured at t height of 4 ½ feet above the ground. If a tree splits into multiple trunks below 4 ½ feet, the trunk is measured at its most narrow point beneath the split.
- 52) **District:** A delineated section or sections of the Town of Turin for which the zoning regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform.
- 53) **Dripline Area:** The total area underneath a tree, which encompasses all crown driplines.
- 54) **Dwelling:** A building which is designed or used exclusively for residential purposes, including single-family, multi-family residential buildings, rooming and boarding houses, manufactured homes and industrialized homes but not including hotels and motels.
  - a) **Single Family Detached House:** A residential building, whether site-built or a manufactured home designed for occupancy by one family.
  - b) **Single Family Attached House (Duplex):** A residential building designed exclusively for occupancy by two families in separate dwelling units living independently of each other.
  - c) **Multi-Family:** A residential building designed exclusively for occupancy by three or more families in separate dwelling units living independently of each other.
  - d) **Multi-Family Attached:** A multi-family dwelling in which the dwelling units may adjoin one another only at the vertical walls.

- e) **Apartment Building:** A multi-family dwelling in which a dwelling unit may be located above another, such as in a garden apartment building.
- 55) **Dwelling Unit:** One or more rooms connected together and constituting a separate, independent housekeeping establishment with complete provisions for cooking, eating, sleeping, bathing and personal hygiene, and physically set apart from any other dwelling unit in the same structure.
- 56) **Easement:** The right, grant or privilege of using another's property for purposes such as constructing and maintaining sanitary sewers, water mains, electric lines, telephone lines, storm sewers, gas lines, bicycle paths, multi-use paths or other purposes requiring encroachment onto another's property.
- 57) **Façade:** That portion of any exterior elevation on a building extending from grade to the top of a parapet wall, or eaves and comprising the entire width of the building elevation.
- 58) **Family:** A person, or group of persons, immediately related by blood, marriage, or adoption living and cooking together as a single housekeeping unit, exclusive of household servants; also, a group of not more than three (3) persons, or a group of not more than eight (8) disabled persons not necessarily related by blood, marriage, or adoption, living and cooking together as a single housekeeping unit.
- 59) **Fence:** An artificially constructed barrier of wood, wire, wire mesh, or decorative metal erected to enclose, screen or separate portions of a lot.
- 60) **Fill:** A portion of land surface to which soil or other solid material, either organic or inorganic, on a natural ground surface or excavation.
- 61) **Finished Grade:** The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.
- 62) **Flag:** Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols used as a symbol of government, political subdivision, or other entity.
- 63) **Flea Market:** A market, indoors or out of doors, where new or used items are sold from individual locations, with each location being operated independently from the other locations. Items sold include but are not limited to household items, antiques, rare items, decorations, used books and used magazines
- 64) **Flood:** A rise in stream flow or stage that results in temporary inundation of the areas adjacent to the channel.
- 65) **Floor:** The top surface of an enclosed area in a building, including basement, (i.e. top of slab in concrete slab construction or top of wood flooring in wood frame construction).
- 66) **Floor Area, Gross:** The gross heated areas of all floors, measured from the exterior faces of the exterior walls of the building.
- 67) **Frontage or street frontage:** The width in linear feet of a lot where it abuts the right-of-way of any street from which access may be directly gained.

- 68) **Fronts or fronting on a street:** A business “fronts” on a street when the lot line on the property on which the business is located also forms the line marking the edge of a publicly dedicated right-of-way.
- 69) **Garage, Private:** An accessory building designed or used for the storage of motor-driven vehicles owned and used by the occupants of the buildings to which it is an accessory.
- 70) **Grade:** The average level of the finished ground surface adjacent to the exterior walls of the building.
- 71) **Greenspace:** A plot of undeveloped land separating or surrounding areas of intensive residential or industrial use that is maintained for recreational enjoyment. A natural area that does not comprise any portion of a required yard and is intended to afford an amenity to the public and contains no structures other than incidental pedestrian furnishings.
- 72) **Gross Floor Area:** The total area of all heated floors of a building, measured from the outside planes of the exterior walls.
- 73) **Group Home:** A residence composed of non-related individuals with one or more surrogate parents that function as a singular house-keeping unit. All group homes shall be approved and licensed by the State of Georgia Department of Human Resources.
- 74) **Ground Cover:** A low growing plant of less than 3 feet in height, other than turf grass, which forms a continuous cover over the ground surface.
- 75) **Groundwater Recharge Area:** The land area where the water that eventually seeps down into an aquifer first enters the ground.
- 76) **Handicapped Parking Space:** A space laid out and designated by signage in accordance with the requirements of the federal American with Disabilities Act.
- 77) **Hardship:** An unusual situation present which affects an individual property owner and will not permit the owner to enjoy the full utilization of the property which is given to others in the community. A hardship exists only when it is not owner-created, or when it is not economic in nature.
- 78) **Health Department:** The Coweta County Health Department.
- 79) **Height, Building and Structure:** The vertical distance measured from the highest grade adjacent to the highest point of roof surface of a flat roof, to the deck line of a mansard roof, or to the average height between eaves and ridges of a gable, hip or gambrel roof. (Except for communication antenna and towers which are otherwise provided for in this ordinance.)
- 80) **Home Occupation:** Any activity carried out for profit by the resident and conducted as an accessory use in the resident’s dwelling unit.

- a) **Home Office:** A home occupation that is limited to an office use and does not involve visits or access by the public, suppliers or customers, and does not involve the receipt, maintenance, repair, storage or transfer of merchandise at the home.
  - b) **Home Business:** A home occupation that is limited to the use of a practicing professional, an artist, homemaker production (such as sewing or baking), or instruction in the fine arts, and may involve very limited visits or access by clients or pupils, but does not involve the maintenance, repair, storage or transfer of merchandise received at the home.
- 81) **Hotel:** A facility offering transient lodging on a daily rate to the general public and typically providing additional services, such as restaurants, meeting rooms, and recreational facilities. No cooking is allowed in any individual room or suites (except for coffee machines and microwaves).
- 82) **Household:** An individual living alone or a group of individuals living together in a single dwelling unit, sharing common use of and access to all living and eating areas, bathrooms, and food preparation areas, who mutually combine their efforts and share responsibilities for domestic chores such as child rearing, cleaning and cooking in a permanent and long term relationship, as contrasted to one in a transient relationship who pays for lodging such as a boarder.
- 83) **Impervious Surface:** A surface that rainwater cannot penetrate or be absorbed by, such as a paved or gravel parking lot, paved road or building.
- 84) **Industrialized Home:** Any structure or component thereof which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof. Industrialized buildings are constructed and regulated in accordance with the “Industrialized Building Act” Title 8, Chapter 2, Article 2, Part 1 of the Georgia Code Annotated.
- 85) **Infill Development:** The subdivision of, development of or construction on a parcel of land that is adjacent to developed land on two or more sides.
- 86) **Interparcel Access:** A private, vehicular way adequate to convey vehicular traffic from the subject property to adjacent properties in an unimpeded manner.
- 87) **Junk:** The term “junk” as used by this ordinance means any used article of commerce which is composed principally of iron, steel, brass, copper, or zinc, or their alloys, or any other base metal, and which is commonly bought for the purpose of resale and refabrication, either or both (See O.C.G.A. Section 43-22-1); provided further, the term “junk” as used by this ordinance means worn out and discarded material that may be returned to some use, especially old rope, chain, iron, copper, parts or machinery, electrical and electronics equipment, and bottles gathered or brought up by trade persons called junk dealers; hence, rubbish of any kind; odds and ends provided further, the term “junk” as used by this ordinance does not include scrap or steel recovered from automobiles, etc., being cut to size with or without being baled to meet specifications of steel mills and foundries for remelting.

- 88) **Junk Business:** All “junk business” is strictly prohibited in the Town of Turin. For the purposes of this ordinance, the term “junk business” is the pursuit, for profit, of purchasing old iron, brass, bottles etc., and selling them again in the condition in which they were purchased by said dealer.
- 89) **Junk Dealer:** Junk Dealers and Junk Dealing are strictly prohibited activities within the Town of Turin. A “junk dealer” is any person, firm or corporation having a fixed place of business, or officer, agent and employee of any person, firm or corporation who engages in the purchase of used articles of commerce principally composed of iron, steel, brass, copper, or zinc, or their alloys, or any other base metals, and which is commonly bought for the purpose of resale and re-fabrication, either or both (See O.C.G.A. Section 43-22-1).
- 90) **Junk Yard:** Lot or part thereof, whether enclosed or not, used for the collection, storage, keeping, sale, abandonment, or resale of junk including scrap metal, rags, paper and other scrap materials and equipment, or for the dismantling, demolition or abandonment of three (3) or more disabled automobiles, not bearing current auto tags/decals, or other machinery, appliances or parts thereof.
- 91) **Kennel, Commercial:** Any location or facility where breeding, raising, boarding, caring for, and the keeping of more than five (5) dogs or cats or other small animals or a combination thereof (except litters of animals not more than six (6) months of age) is carried on for commercial purposes.
- 92) **Kennel, Private:** Any location or facility where breeding, raising, boarding, caring for, and the keeping of five (5) or less dogs or cats or other small animals or a combination thereof (except litters of animals not more than six (6) months of age) is carried on for non-commercial purposes.
- 93) **Land Disturbing Activity:** Any grading, scraping, excavating, or filling of land, clearing of vegetation; and any construction, rebuilding, or alteration of a structure. Land disturbing activity shall not include activities such as ordinary maintenance and landscaping operations, individual home gardens, yard and grounds upkeep, repairs, additions, or minor modifications to a single family dwelling, and the cutting of firewood for personal use.
- 94) **Land Disturbance Permit:** A permit issued to authorize the disturbance of land and vegetation.
- 95) **Livestock:** The term “livestock” as used herein shall mean and include cattle, horses, goats, sheep, swine, rabbits, poultry, ducks, geese, and other fowl customarily bred or raised in captivity.
- 96) **Loading Area:** Space logically and conveniently located for pickup and delivery service, scaled to the vehicles expected to be used and accessible to such vehicles at all times.
- 97) **Lot:** A lot of record, or any combination of lots of record, held in a single ownership by one person or in common ownership by more than one person, which has both lot area and lot dimensions equal to or greater than the lot width and lot area requirements established by this ordinance for the zoning district in which such tract of land is located and for the use proposed for the tract of land.

- a) **Lot, corner:** A lot having frontage at the intersection of two or more public streets.
  - b) **Lot depth:** The mean horizontal distance between the front and rear building setback lines (lot lines), measured in the general direction of the side building setbacks (lot lines).
  - c) **Lot line:** A boundary of record that divides one lot from another or from a public or private street or any other space.
  - d) **Lot, nonconforming:** A lot that has less than the minimum area or minimum dimensions required in the zone in which the lot is located.
  - e) **Lot, through:** A lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot.
  - f) **Lot width:** The distance between side lot lines measured at the front building setback.
  - g) **Lot of record:** A lot that exists as shown or described on a plat or deed in the records of the Office of the Clerk of the Superior Court of Coweta County prior the date of adoption or subsequent amendment of this Ordinance.
- 98) **Manufactured Home:** A building or dwelling unit fabricated in an off-site facility for installation or assembly at the building site, bearing a label certifying it is constructed in compliance with the Federal Manufactured Home and Standards Act, 42 U.S.C. §§5401-5445 (the HUD Code, which became effective on June 15, 1976). A structure defined by and constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 as amended, 42 U.S.C. 5401, et seq.
- A manufactured home is a single family detached dwelling and its placement in a residential district must meet or exceed the Appearance Standards as provided in Article 5 of this ordinance.
- 99) **Marquee:** Any permanent, roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.
- 100) **Minimum front setback:** The Principal Setback Line required on the front of a lot by the zoning district.
- 101) **Mobile Home:** See Manufactured Home.
- 102) **Motel:** A permanent building or group of permanent buildings in which overnight sleeping accommodations are provided for travelers and having a parking space near or adjacent to the entrance of the room. Such use has eighty (80) percent of the rooms occupied by a different registered guest every five (5) days, provides patrons with daily maid service, twenty-four (24) hour desk/counter clerk service, and a telephone service to receive incoming and outgoing messages, and shall comply with the applicable requirements of the Coweta County Health Department and O.C.G.A. Section 31-28-1 et. Seq., and may provide additional services such as restaurants, retail gift shops, meeting rooms, swimming pools and exercise facilities. No cooking in any individual room or suites (except coffee machines and microwaves).
- 103) **Non-commercial message:** Any sign wording, logo or other representation promoting an activity or idea other than a commercial activity or idea.

- 104) **Non-Conforming Use:** The use of any building or land which was lawful at the time of passage of this ordinance, or amendment thereto, but which use does not conform, after the passage of this ordinance or amendment thereto, with the regulations of the district in which it is situated.
- 105) **One-Hundred-Year Flood:** A 100-year frequency flood that has the probability of occurring once every 100 years and thus has a 1 percent chance of occurring in any given year.
- 106) **One-Hundred-Year Flood Plain:** Those areas of the Town of Turin having a one percent chance or greater of being partially or completely inundated by flood waters, either from a defined river, creek or stream or from the unusual and rapid accumulation of runoff or surface water from any sources. For purposes of this ordinance, the One-Hundred-Year flood plain shall be as shown on flood hazard boundary maps, published by the Federal Emergency Management Agency or as determined from formal flood hazard studies prepared by or for the Town of Turin.
- 107) **Open space:** An area of land or water that is permanently set aside through dedication, designation or reservation to remain in a natural and unimproved state or that may be improved only for active or passive recreation or enjoyment.
- a) **Common Open Space:** Privately-owned land or water areas within a development project that are available to or benefit all occupants of the development on a continuing and permanent basis, such as walking trails, community centers or clubhouses, golf courses and other recreation areas, protected flood plains or wetlands, and fishing or boating lakes. Common open space does not include any streets or public rights-of-way, or yard areas or landscape areas located on private property.
  - b) **Public Open Space:** Land reserved for preservation, leisure or recreational use but dedicated in fee simple to a governing body or agency to be responsible for operation and maintenance. Public open space may not be reserved for or dedicated to the exclusive use of the residents of a particular development.
- 108) **Overlay:** A zoning tool that is established by ordinance to prescribe regulations that supplement, and are to be applied in combination with, those of the original, underlying zoning.
- 109) **Parapet:** That portion of a wall that extends above the roofline.
- 110) **Parking Lot:** An open area used exclusively for the temporary parking of vehicles and bicycles and which no gasoline or vehicular accessories are sold or no other business is conducted.
- 111) **Parking Lot Island:** A landscaping strip located in a parking lot. Such islands must be sized to allow the plants and trees located within it to grow to their mature size.
- 112) **Parking Space:** A space, enclosed or unenclosed, having an area of not less than 162 square feet (9' x 18') exclusive of access, permanently reserved for the temporary storage of one vehicle and having access to the street.



- 113) **Pennant:** Any lightweight plastic, fabric, or material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind as a means of attracting attention.
- 114) **Permit:** Any written authorization for building, construction, alteration, development, occupancy, or other matter required by this Ordinance to be approved by a designated commission, board, official or employee. The person to whom such permit is issued shall be known as the “permittee.”
- 115) **Permitted Use:** Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.
- 116) **Person:** Any association, company, corporation, firm, organization, or partnership, singular or plural, of any kind.
- 117) **Personal Care Home:** A building or group of buildings, a facility or place in which is provided two or more beds and other facilities and services, including room, meals and personal care, for non-family ambulatory adults. For the purpose of these Rules, Personal Care Homes shall be classified as: Family Personal Care Home, Group Personal Care Home, or Congregate Personal Care Home. This term does not include buildings which are devoted to independent living units which include kitchen facilities where residents have the option of preparing and serving some or all of their own meals or boarding facilities which do not provide personal care.
- a) **Family Personal Care Home:** A home for adults in a family type residence, non-institutional in character, which offers care for two to six persons.
  - b) **Group Personal Care Home:** A home for adult persons in a residence or other type building(s), non-institutional in character, which offers care for seven to fifteen persons.
  - c) **Congregate Personal Care Home:** A home for adults which offers care to sixteen or more persons.
- 118) **Planning Commission:** The Planning Commission for the Town of Turin as may be established by the Council.
- 119) **Plat:** A map, plan or layout of a county, town, town, lot, section, subdivision or development indicating the location and boundaries of properties.
- 120) **Pond:** A body of standing water less than one acre in surface area, created either by a natural dam, or other means of water impoundment.
- 121) **Portico:** A colonnade or covered entrance, especially in classical styles of architecture; usually, a covered entrance of the building that is supported by columns.
- 122) **Primary Façade:** The building elevation that faces an arterial or collector street or a street providing principal access to the lot.
- 123) **Principal Building:** A building where the main or principal use of the lot is conducted.

- 124) **Principal Building Setback Line:** A line delineating the minimum allowable distance between a property line or the right-of-way line of an abutting street and a principal building on a lot.
- a) **Front Building Setback:** The minimum allowable distance between the right-of-way line of any abutting street and any part of a principal building on a lot. The front setback distance is applied along the full length of the right-of-way and is parallel to it.
  - b) **Rear Building Setback:** The minimum allowable distance between a rear lot line and any part of a principal building on a lot. The rear building setback extends along and parallel to the full length of the rear lot line.
  - c) **Side Building Setback:** The minimum allowable distance between a side lot line and any part of a principal building on a lot. The side building setback extends along and parallel to the side lot line between the front building setback and a rear building setback (if any).
- 125) **Principal Use:** The specific, primary purpose for which land or a building is used.
- 126) **Protection Area:** All lands that fall outside the buildable area of a lot or parcel of land, all areas of the parcel required to remain in open space, the drip line areas beneath a tree or clusters of trees to be retained, and all areas required to remain landscape strips or buffers, and other areas as may be established by conditions of zoning approval.
- 127) **Restaurant, Custom Service:** An establishment where food and drink are individually ordered and served at the table, and consumed primarily within the principal building or in established outdoor dining areas, as contrasted to a fast food restaurant.
- 128) **Restaurant, Fast Food:** Any establishment, building or structure where food or drink are served for consumption either on or off the premises, by order from or service to persons either over an interior counter, outside the structure or from an outdoor service window or automobile service window, or by delivery. This definition shall not include otherwise permitted restaurants where outdoor table service is provided to customers in established outdoor dining areas or where drive-through or take-out service is provided incidental to a Custom Service Restaurant.
- 129) **Retirement Community:** An age-restricted residential development that offers significant services and facilities for the elderly, including social and recreational activities, personal care services, or health facilities limited to use by the development's residents. At least 80% of the units must be occupied by residents 62 years old or older, and the remaining units must be occupied by at least one resident 55 years old or older.
- 130) **Rooming or Boarding House:** A dwelling within which a resident family or manager offers lodging or lodging and meals to two or more persons not under the resident's parental or protective care in exchange for monetary compensation or other consideration.
- 131) **Scale of Development:** The relationship of a particular project or development, in terms of size, height, bulk, intensity and aesthetics.
- 132) **Setback:** The distance from the property line to the nearest part of the applicable building, structure or sign, measured from the property line to that portion of the building, structure or sign which is most proximate to such line.

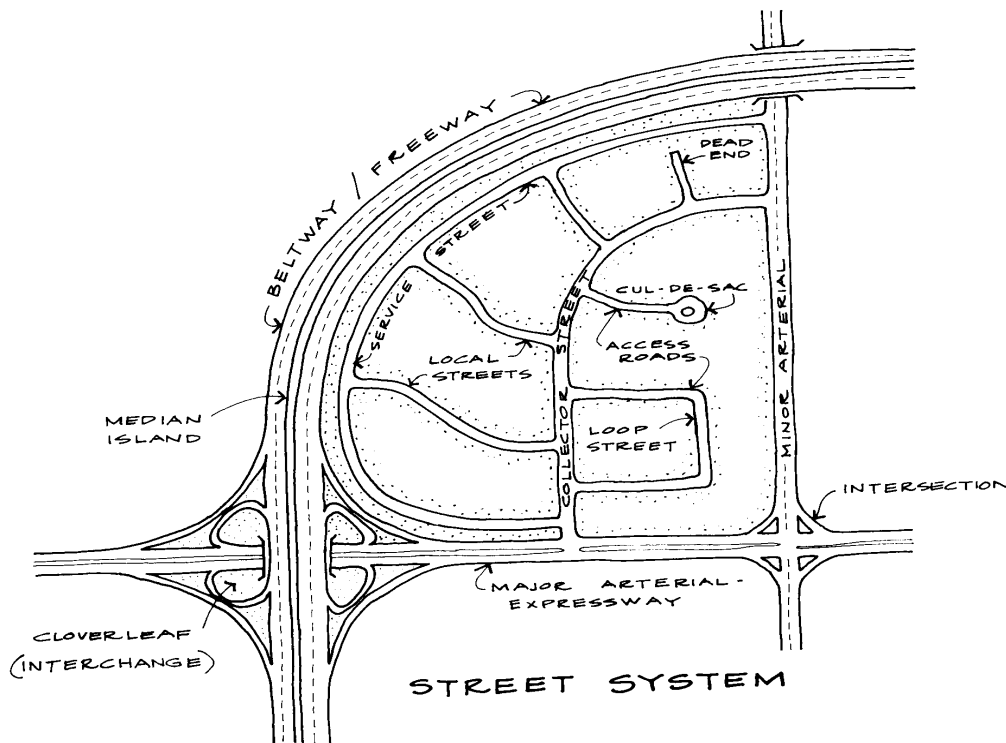
- 133) **Setback Line:** The line which is the required minimum distance from any lot line and that established the area within which the principal structure must be erected or placed.
- 134) **Setback Minimum:** The shortest distance allowed between a street right-of-way or any other lot line and the nearest point on principal or accessory building on a lot. Minimum setback requirements for buildings are associated with the type of lot line from which the setback is taken; for instance, a “side yard setback” is measured from a side lot line.
- 135) **Shrub:** A self-supporting woody plant that normally reaches a height of more than 2 but less than 12 feet.
- 136) **Sign:** Any structure, display, or device that is used to advertise, identify, direct, or attract attention to a business, institution, organization, person, idea, product, service, event or location by any means, including words, letters, figures, design characteristics, symbols, logos, fixtures, colors, movement or illumination. Individual signs shall be defined as follows:
- a) **A-frame or easel sign:** A portable sign consisting of two sign faces placed back-to-back and hinged together at the top in such a manner that each sign face leans toward the other, connecting at the top and forming a self-supporting structure which is not permanently affixed to the ground.
  - b) **Animated sign:** Any sign or attention-getting device, including spinners, which involves motion or rotation of any part by any means, or which is illuminated by flashing, intermittent, or color changing light or lighting, or which uses movement or change of lighting to depict action or create a special effect or scene.
  - c) **Awning sign:** A sign imposed or painted upon an awning (prohibited).
  - d) **Banner sign:** Any sign of lightweight fabric or similar material that is mounted to a building or structure. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.
  - e) **Blade sign:** A sign affixed to a wall and extending more than four inches (4”) from the surface of such wall and perpendicular to the wall surface.
  - f) **Building sign:** A sign that in any manner is fastened to, projects from, or is placed upon the exterior wall, window or door of a building.
  - g) **Changeable copy sign:** A sign panel that allows the display of words, numbers, symbols and/ or graphics on a temporary basis by the use of interchangeable letters or graphics manually mounted to the sign face.
  - h) **Directional sign:** A sign used to give direction or specific instruction to the public, such as, but not limited to, “enter,” “exit,” “no parking,” “drive through,” “rest room,” etc. Such signs shall contain only instructional information, and shall not contain any logos, trademarks, or other commercial message.
  - i) **Directory sign:** A sign used to identify the location of structures or a single structure.
  - j) **Externally-illuminated sign:** Any sign that is partially or completely illuminated at any time by an artificial light source that directly or indirectly illuminates the face of the sign from outside the sign structure.
  - k) **Internally-illuminated sign:** Any sign that is illuminated by an artificial light source from within the sign structure over any or all of its sign face (prohibited).
  - l) **Marquee sign:** Any sign attached to, in any manner, or made a part of a marquee (prohibited).

- m) **Monument sign:** Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure. A monument sign may include individual letters, numbers, figures mounted on a surface composed of stone, brick or other permanent structures. The supporting structure must rest on the ground.
- n) **Political Sign:** A temporary sign erected for the purpose of soliciting votes or support for or in opposition to any candidate or issue in an election or any political party under whose designation any candidate is seeking nomination or election or any public question on a ballot in an election held under the laws of the State of Georgia.
- o) **Portable sign:** Any sign not permanently attached to the ground or other permanent structure, or sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal, day-to-day operations of the business, then the vehicle shall be parked in a designated parking space at the location of the business and furthest from the right-of-way at the location of the business.
- p) **Residential sign:** Any sign located in a district zoned for residential uses that contains no commercial message.
- q) **Roof sign:** A sign erected upon and above a roof structure and wholly supported by the roof structure or a structure placed upon the roof. Roof signs shall also constitute any signage placed upon sloped building fascia intended to appear as or actually be roof elements of the building (prohibited).
- r) **Shared sign:** A sign that serves as common or collective use for a group of persons or businesses operating on the same lot such as, but not limited to, a shopping center or business park. Ownership of and responsibility for a shared sign shall remain with the owner of the building or buildings served by the sign.
- s) **Sign face:** That portion of the surface of a sign structure where words, letters, figures, symbols, logos, fixtures, colors, or other design elements are or may be located in order to convey the message, idea, or intent for which the sign has been erected or placed. The sign face may be composed of two or more modules on the same surface that are separated or surrounded by portions of a sign structure not intended to contain any advertising message or idea and are purely structural or decorative in nature.
- t) **Special event sign:** A temporary sign utilized in conjunction with and for the same time period as a valid special event permit issued by the Town.
- u) **Spectacular sign or device:** Spectacular sign or device includes, but is not limited to:
- any piece or strip of cloth, paper, canvas, plastic or similar material, including banners, but excluding flags, on which a message, slogan or emblem is painted, drawn or otherwise projected, colored or shaped for the purpose of advertising or drawing public attention;
  - any advertising display, sign or copy that is animated;
  - balloons, air and gas filled devices;
  - streamers;
  - other attention-getting devices.
- v) **Subdivision sign:** A sign located at the main entrances to and used for identifying the name of a residential, commercial or industrial subdivision.
- w) **Suspended sign:** A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

- x) **Temporary sign:** Any sign that is used only temporarily and is not permanently mounted or affixed to the ground.
  - y) **Wall sign:** A sign that is fastened directly to the exterior wall of a building and extends from the surface of the wall no more than fifteen inches (15”).
  - z) **Window sign:** Any type of sign that is located on the interior of a business premises and is either attached to or is located within 48” of an exterior window, and is intended primarily to be viewed from the exterior of the premises. Glass doors are to be considered windows for the purposes of administration of this Article. 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.
- 137) **Special Uses:** A use not ordinarily permitted but which may be permitted with imposition of conditions related to the promotion of the public health, safety, morals, or general welfare and designed to minimize the negative impact on surrounding lands. Such conditions may include, but are not limited to, restriction on land use; height, setback and other non-use requirements; physical improvements, including infrastructure, to the property.
- 138) **State Waters:** Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State which are not entirely confined and retained completely upon the property of a single individual, partnership or corporation.
- 139) **Stormwater Detention Facility:** A facility that provides storage and controlled release of stormwater runoff during and after a flood or storm.
- 140) **Story:** The portion of a building included between the surface of any floor and the surface of the floor above it: or if there is no floor above it, the space between any floor and the ceiling above it.
- 141) **Stream:** A natural body of running water flowing continuously or intermittently in a channel on or below the surface of the ground.
- 142) **Street:** A right-of-way, whether designated as an avenue, boulevard, road, highway, expressway, lane or other way, generally intended for the movement of vehicular and pedestrian traffic and which serves as point of access to abutting property.
- 143) **Street, classification:** As described herein:
- a) **Alley:** A minor street which is used primarily as a service way providing a secondary means of public access to abutting property and not intended for general traffic circulation.
  - b) **Arterial:** A street with signals at important intersections and stop signs on the side streets and collects and distributes traffic to and from collector streets. Arterials connect activity centers and carry large volumes of traffic at moderate speeds. Highways 54 and 16 are arterial streets within the Town of Turin.
  - c) **Collector Streets:** Streets that provide access to activity centers from residential areas. Their purpose is to collect traffic from streets in residential and commercial areas and

distribute the traffic to the arterial system. North and South Hunter Streets are examples of collector streets within the Town of Turin.

- d) **Local Streets:** Streets designed to provide vehicular access to abutting property and to discharge through traffic onto a collector or arterial street.



**Figure 1: Street Types**

- 144) **Street frontage:** The length of any property line of a zoned lot, which property line abuts a legally accessible street right-of-way. For the purposes of determining yard requirements on corner lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under the zoning definition for yards.
- 145) **Structure:** Anything constructed or erected on the ground or attached to something on the ground. A fence or a wall is not a structure.
- 146) **Temporary Structure:** A structure without any foundation or footings and which is removed when the designated time period, activity or use for which the temporary structure was erected has ceased.
- 147) **Tenant:** A natural person, business or other entity that occupies land or buildings by title, under a lease, or through payment of rent: an occupant, inhabitant, or dweller of a place.
- 148) **Town:** The Town of Turin, Georgia.
- 149) **Town Clerk:** The Town Clerk of the Town of Turin or his or her designee.
- 150) **Town Council:** The Mayor and Town Council of the Town of Turin. The governing body of the Town of Turin.

- 151) **Tree:** Any living, self-supporting woody perennial plant which normally obtains a trunk diameter of at least 2 inches and a height of at least 12 feet and typically has one main stem or trunk and many branches.
- a) **Canopy Tree:** Any tree of greater or equal height and crown spread than surrounding trees; canopy trees typically reach a mature height of greater than 40 feet. Examples include beech, hickory, maple, oak, pecan, pine and sycamore.
  - b) **Deciduous Tree:** Any tree that drops its leaves at the end of a growing season.
  - c) **Evergreen Tree:** Any tree that retains its foliage throughout the year.
  - d) **Flowering Tree:** Ornamental trees that are known for their blooms and generally mature at a height of less than 40 feet.
  - e) **Specimen Tree or Stand:** Any tree or grouping of trees that has been determined to be of high value because of its species, size, historic significance, age or location. General criteria for the determination of specimen trees or stands are as follows:
    - Any deciduous tree who's DBH exceeds 30 inches.
    - Any evergreen tree who's DBH exceeds 24 inches.
    - Any understory tree who's DBH exceeds 10 inches.
    - Any tree that has historic value and can be documented through historical records or otherwise.
  - f) **Understory Tree:** Any tree or woody plant of lesser height and crown spread than surrounding trees. Understory species generally reach a mature height of less than 40 feet. Examples include cherry, crab apple, dogwood, magnolia, pear, redbud, holly, sassafras, and red cedar.
- 152) **Turf:** Ground cover composed of one or more species of perennial grass that is grown as a permanent lawn.
- 153) **Use:** The purpose for which land or a building or other structure is designed or arranged, or for which it is occupied.
- 154) **Variance:** Permission to depart from the literal requirements of a zoning ordinance.
- 155) **Vegetation:** All plant growth, such as trees, shrubs, mosses and grasses.
- 156) **Vernacular:** Vernacular architecture is historic architecture unique to a region. Of or being an indigenous building style using local materials and traditional methods of construction and ornament, especially as distinguished from academic or historical architectural styles. This includes architectural styles circa early 1800's to 1920's within a radius of 500 miles of the Town. Styles may include Georgian, Classic Revival, Colonial Adam, Victorian Stick, Victorian Folk, Victorian Shingle and Victorian Craftsman.
- 157) **Visual Screen:** Natural vegetation or a decorative structure that creates an opaque visual block or obscures an unattractive view. Screening may consist of any combination of the following, as approved by the Zoning Administrator:
- Fencing constructed of cedar, redwood, treated wood, or other suitable all-weather material.
  - Masonry walls.

- Plant materials or natural vegetation.
- Earthen berms.

For the purpose of this ordinance, a screen is opaque to a height of 6 feet above the ground surface.

- 158) **Yard:** An open space that lies between the principal building or buildings and the nearest lot line. The minimum required yard as set forth in the ordinance is unoccupied and unobstructed from the ground upward except as may be specifically provided in the zoning ordinance.
- 159) **Yard, Front:** A space extending the full width of the lot between any building and the front lot line and measured perpendicular to the building at the closest point to the front lot line.
- 160) **Yard, Rear:** A space extending across the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line.
- 161) **Wetlands, Protected:** Those wetlands identified on the National Wetlands Inventory maps prepared by the U.S. Fish and Wildlife Service, or otherwise approved by the U.S. Army Corps of Engineers as jurisdictional wetlands based on competent studies prepared by a registered and qualified professional engineer.
- 162) **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.
- 163) **Zoned lot:** A parcel of land in single ownership that is of sufficient size to meet minimum zoning requirements for area, coverage, and use, and that can provide such yards and other open spaces as required by the zoning regulations
- 164) **Zoning:** The power of local governments to provide within their respective boundaries for the zoning or districting of property for various uses and the prohibition of other or different uses within such zones or districts and for the regulation of development and the improvement of real estate within such zones or districts in accordance with the uses of property for which such zones or districts were established.
- 165) **Zoning decision:** Final legislative action by the Council which results with:
- The adoption of a zoning ordinance;
  - The adoption of an amendment to this ordinance which changes the text of this ordinance;
  - The adoption of an amendment to this ordinance which rezones property from one zoning classification to another;
  - The adoption of an amendment to this ordinance which zones property to be annexed into the town; or
  - The grant of a permit relating to a special use of property.



- 166) **Zoning District:** A section of the Town of Turin, Georgia, as designated on the Official Zoning Map within which zoning regulations are uniform and compatible.
- 167) **Zoning Ordinance:** An ordinance establishing procedures and zones or districts within the respective territorial boundaries of the Town of Turin, Georgia, which regulate the uses and development standards of property within such zones or districts. The term also includes the map adopted in conjunction with the textual ordinance which shows the zones or districts classifying property depicted thereon.

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## ARTICLE 4 –ZONING DISTRICTS AND BOUNDARIES

**4.1 Establishment of Districts.** In order to carry out the intent and purpose of this Ordinance, the Town of Turin is hereby divided into the following districts:

**A. Rural Development District (RD).** A single-family residential district allowing no more than one (1) principal dwelling unit per lot. Minimum lot size in this district is five (5) acres. This district is intended to permit a combination of low density residential uses of various types, agricultural activities and associated uses. The regulations of the district are designed primarily to encourage a compatible relationship between agriculture and low density, single family rural residential development.

**B. Single-Family Residential (R-40).** A single-family residential district allowing no more than one (1) principal dwelling unit per acre. Minimum lot size in this district is one (1) acre. The purpose of this district is to accommodate low density single family residences.

**C. Conservation Subdivision District (RC).** A single-family residential district providing an opportunity for flexibility in lot design and building arrangement not afforded by the R-40 district, allowing buildings and other improvements to be sited as a direct response to site conditions.

**D. Multi-Family Residential (R-1).** A multi-family residential district allowing two (2) attached units per one and one-half (1.5) acres for two single family dwellings. Multi-family residential is allowed only where public water and public sewer are provided. The purpose of this district is to accommodate medium-density development.

**E. General Commercial (GC).** The purpose of this district shall be to provide for and encourage the proper grouping and development of uses which include a wide variety of sales and services that will best accommodate the needs of the Town and the traveling public in order to reduce highway traffic congestion, traffic hazards and blight along the highways of the Town.

**F. General Industrial District (GI).** The purpose of this district is to provide suitable areas for industrial, assembly and other activities of a non-polluting industrial nature.

**4.2 Zoning District Map.** The boundaries of zoning districts are shown on the map designated as the “Official Zoning Map”. The Zoning Map and all notations, references, and other information shown thereon are a part of this Ordinance and have the same force and effect as if the zoning district map and all notations, references and other information shown thereon were fully set forth and described in the text of this ordinance. The “Official Zoning Map” shall be identified by the signature of the Town Clerk, and bear the seal of the Town, stating the “Official Zoning Map” of the Town of Turin, Georgia adopted.

**4.3 District Boundaries.** The district boundaries shown on the zoning district map are generally intended to follow streets, alleys or lot lines; where the districts designated on said map are bounded by such street, alley or lot line, the centerline of the street, alley or lot line shall be the boundary of the district unless such boundary is otherwise indicated on the map. In all other cases, the district boundary line shall be determined by use of the scale appearing on the Zoning District Map. When the boundary line of a district divides a lot or tract held in single ownership

at the time of the adoption of this Ordinance, the boundary line may be allowed to extend a distance of not more than fifty (50) feet to the least restrictive zone district.

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

## ARTICLE 5 – ZONING DISTRICT STANDARDS AND PERMITTED USES

### 5.1 Rural Development District (RD).

**A. Intent of district:** It is intended that the RD zoning district be reserved and developed for low-density residential purposes where agriculture-type conditional uses would be expected. The regulations which apply to this district are designed to encourage the formation and continuance of a stable, healthy environment for one-family dwellings situated on zoning lots having an area of five acres or more with provisions for on-site sewage disposal and limited agricultural activities. These regulations are also intended to discourage encroachment by commercial, industrial or other uses capable of adversely affecting the intended residential character of the district.

**B. Permitted uses:** The following uses shall be permitted in an RD zoning district:

1. As specified in [Table 5.8: Permitted Uses](#)
2. Single-family detached dwellings.
3. Publicly owned building, facility or land.
4. Building, facility or land for the distribution of utility services.
5. Building, facility or land for non-commercial park, recreation, thoroughfare, or open space purposes.
6. Accessory uses: See [section 7.4](#).
7. Customary home occupation: See [section 7.6](#).

**C. Special uses:** As outlined in [section 15.16](#) and unless otherwise prohibited in this Ordinance, the following uses may be permitted in any RD zoning district as a special use upon the issuance of a special use permit by the Town:

1. Farming, horticulture or agriculture, including the raising of livestock or animals for personal pleasure, on the following conditions:
  - a. No poultry or livestock shall be maintained within 100 feet of the property line of any adjoining street or residential zoning lot; except when it abuts an RD zoning lot, it may be no closer than ten feet.
  - b. No building or facility used for animals shall be constructed within 200 feet of any property line; except when it abuts an RD zoning lot, it may be no closer than 50 feet.
  - c. At least 5,000 square feet of fenced area shall be provided for each animal, not including household pets, to be maintained on the zoning lot.
  - d. No nursery or greenhouse shall be constructed within 100 feet of any property line; except when it abuts an RD zoning lot, it may be no closer than 50 feet.
2. Pet Grooming provided that:
  - a. No building shall be located within 100 feet of any property line; except when it abuts an RD zoning lot, it may be no closer than 50 feet.
  - b. No automobile parking will be permitted within 50 feet of any property line.
3. Commercial Kennel provided that:
  - a. No facility used for animals shall be located within 100 feet of any property line.
  - b. The requirements of [section 15.16.D.3](#) of this Ordinance are met. Specifically, that a noise nuisance is not created that would affect surrounding properties.
4. Bed and Breakfast provided that:
  - a. Rooms for rent are within a single family dwelling occupied by the owner as his/her principle residence.

- b. The same rental occupants shall not reside at the bed and breakfast for more than seven (7) consecutive days.
- c. Breakfast is the only meal served and only to registered overnight guests.
- d. The exterior appearance of the dwelling is not altered from its residential character except for safety purposes.
- e. No automobile parking will be permitted within 50 feet of any property line.
5. Cemetery on the following conditions:
  - a. The zoning lot is not less than ten acres in area.
  - b. There is no crematorium or dwelling, other than a one-family dwelling for a caretaker, on the lot.
  - c. The lot has direct access onto an arterial road.
  - d. No building is constructed less than 100 feet from any property line.
  - e. All gravesites shall be at least 50 feet from any property line.
6. Riding stable on the following conditions:
  - a. The zoning lot is not less than ten acres in area.
  - b. No building is constructed within 200 feet from any property line.
  - c. Animals are not maintained within 100 feet of the property line of any adjoining residential zoning lot.
  - d. The building height requirements for the district are maintained.
  - e. The zoning lot has direct access onto an arterial or major collector road.
  - f. No activities, other than normal maintenance, will be conducted within 100 feet of the property line of any adjoining residential zoning lot.
  - g. No automobile parking will be permitted within 50 feet of any property line.
7. Church or other legitimate place of worship, including a one-family dwelling for a minister, on the following conditions:
  - a. Notwithstanding any other requirements in this ordinance the following conditions shall apply to all churches regardless of zoning district.
  - b. Minimum zoning lot area is three acres.
  - c. Minimum lot width: 100 feet.
  - d. Minimum setback area, front:
    - (1) Building: 40 feet.
    - (2) Parking: 20 feet.
  - e. Minimum setback area, side: 15 feet. If adjoining a residential lot, the building setback shall be 75 feet.
  - f. Minimum setback area, rear: 30 feet. If adjoining a residential zoning lot, the building setback shall be 75 feet.
  - g. Maximum building height: As approved by the fire department.
  - h. All zoning lots shall have direct access onto an arterial, major collector road or have access to an arterial, major collector or industrial/commercial road via a minor collector.
  - i. No parking shall be permitted within 20 feet of the property line of any adjoining residential zoning lot.
  - j. Parking and/or service areas shall be separated from adjoining residential lots by a suitable fence or wall six feet in height or a suitable planting screen six feet in height at time of planting. The required fence, wall, or screen must provide for a reasonable visual separation between properties. No fence or wall in excess of four feet may be placed in a setback area adjoining a public street.
  - k. All lights or lighting arrangements used for purposes of advertising, security or night operations must be directed away from adjoining or nearby residential zoning lots.

1. Any existing church in any zoning district may comply with either the requirement existing prior to enactment of this ordinance or they may comply with the conditions of this section. They shall not be permitted to comply with various sections of both requirements.
8. Home Child Care or Home Adult Day Care facility on the following conditions:
  - a. No building is constructed within 75 feet of the property line of any adjoining residential zoning lot.
  - b. The setback and height requirements for the district are maintained.
  - c. The zoning lot has direct access onto an arterial or major collector road.
  - d. No automobile parking will be permitted within the front setback depth or within 30 feet of the property line of any adjoining residential zoning lot.
  - e. Parking, service and/or play areas are separated from adjoining residential zoning lots by a suitable planting screen, fence or wall at least six feet in height above finished grade. The above required screen, fence or wall must provide for a reasonable visual separation between the properties.
  - f. Plans for the facilities must receive the written approval of the state regulatory agencies and the fire department prior to any construction or occupancy.

**D. Other requirements:** Unless otherwise specified in this ordinance, uses permitted in RD residential zoning districts shall conform to the following standards:

1. Minimum floor area per dwelling unit: 1,600 square feet.
2. Minimum zoning lot area: Five (5) acres.
3. Minimum lot width: 200 feet.
4. Minimum front setback depth: 50 feet.
5. Minimum side setback depth: 20 feet.
6. Minimum rear setback depth: 50 feet.
7. Maximum building height: 35 feet.
8. Parking: See [Article 9](#).
9. Signs: See [Article 10](#).

## 5.2 Single Family Residential District (R-40).

**A. Intent of district:** It is intended that the R-40 zoning district be reserved and developed for low-density residential purposes. The regulations which apply to this district are designed to encourage the formation and continuance of a stable, healthy environment for one-family dwellings situated on zoning lots having an area of one acre or more, with provisions for on-site sewer disposal and limited agricultural activities. These regulations are also intended to discourage encroachment by commercial, industrial or other uses capable of adversely affecting the intended residential character of the district.

**B. Permitted uses:** The following uses shall be permitted in any R-40 residential zoning district:

1. As specified in [Table 5.8: Permitted Uses](#)
2. Single-family detached dwellings.
3. Publicly owned building, facility or land.
4. Building, facility or land for the distribution of utility services.
5. Building, facility or land for non-commercial park, recreation, thoroughfare, or open space purposes.
6. Accessory use: See [section 7.4](#).
7. Customary home occupations: See [section 7.5](#).

**C. Special uses:** Unless otherwise specified in this Ordinance, the following uses shall be permitted in any R-40 residential zoning district as a special use upon the issuance of a special use permit by the Town:

1. Noncommercial farming, horticulture or agriculture, including the raising of livestock or animals for personal pleasure, subject to the conditions set forth in [section 5.1.C.1](#).
2. Bed and Breakfast subject to the conditions set forth in [section 5.1.C.4](#).
3. Cemetery subject to the conditions set forth in [section 5.1.C.5](#).
4. Riding stable subject to the conditions set forth in [section 5.1.C.6](#).
5. Pet Grooming subject to the conditions set forth in [section 5.1.C.2](#).
6. Commercial Kennel subject to the conditions set forth in [section 5.1.C.3](#).
7. Church or other legitimate place of worship, including a one-family dwelling for a minister, subject to the conditions set forth in [section 5.1.C.7](#).
8. Home Child Care or Home Adult Day Care facility subject to the conditions set forth in [section 5.1.C.8](#) and provided that the zoning lot is not less than 80,000 square feet in area.

**D. Other requirements:** Unless otherwise specified in this ordinance, uses permitted in R-40 residential zoning districts shall conform to the following standards:

1. Minimum floor area per dwelling unit: 1,500 square feet.
2. Minimum zoning lot area: One acre.
3. Maximum dwelling units per lot: One unit.
4. Minimum lot width: 100 feet.
5. Minimum lot width adjacent to existing or future public or private street right-of-way line:
  - a. 40 feet on street.
  - b. 35 feet on cul-de-sac.
6. Minimum front setback depth: 45 feet.
7. Minimum side setback depth: 15 feet.
8. Minimum rear setback depth: 20 feet.
9. Maximum building height: 35 feet.
10. Parking: See [Article 9](#).
11. Signs: See [Article 10](#).

#### **5.4 Conservation Subdivision District (RC).**

**A. Intent of district:** See [section 14.1](#).

**B. Permitted uses:** The following uses shall be permitted in any RC residential zoning district:

1. As specified in [Table 5.8: Permitted Uses](#)
2. Single-family detached dwellings.
3. Publicly owned building, facility or land.
4. Building, facility or land for the distribution of utility services.
5. Building, facility or land for non-commercial park, recreation, thoroughfare, or open space purposes.
6. Accessory use: See [section 7.4](#).
7. Customary home occupations: See [section 7.5](#).



**C. Special uses:** Unless otherwise specified in this Ordinance, the following uses shall be permitted in any RC residential zoning district as a special use upon the issuance of a special use permit by the Town:

1. Church or other legitimate place of worship, including a one-family dwelling for a minister, subject to the conditions set forth in [section 5.1.C.7](#).

**D. Other requirements:** Unless otherwise specified in this ordinance, uses permitted in RC residential zoning districts shall conform to the following standards:

1. Minimum floor area per dwelling unit: 2,000 square feet.
2. Minimum zoning lot area: As specified in [Article 14](#).
3. Maximum dwelling units per lot: One unit.
4. Minimum lot width: As specified in [Article 14](#).
5. Minimum lot width adjacent to existing or future public or private street right-of-way line: As specified in [Article 14](#).
6. Minimum front setback depth: As specified in [Article 14](#).
7. Minimum side setback depth: As specified in [Article 14](#).
8. Minimum rear setback depth: As specified in [Article 14](#).
9. Maximum building height: 35 feet.
10. Parking: See [Article 9](#).
11. Signs: See [Article 10](#).

## 5.5 Multi-Family Residential District (R-1).

**A. Intent of district:** It is intended that the R-1 zoning district be reserved and developed for multi-family and single family residential purposes, taking into consideration the rural nature of the Town and the limitations imposed on development due to a lack of public sewer service. The regulations which apply to this district are designed to encourage the formation and continuance of a stable, healthy environment for different kinds of dwellings situated on zoning lots having an area of 1.5 acres or more.

**B. Permitted uses:** The following uses shall be permitted in any R-1 zoning district:

1. Single family detached dwelling.
2. Single family attached dwelling (duplex), provided that each such dwelling shall not be subdivided into two separate lots.
3. Publicly owned building, facility or land.
4. Building, facility or land for the distribution of utility services.
5. Building, facility or land for non-commercial park, recreation, thoroughfare, or open space purposes.
6. Accessory use: See [section 7.4](#).

**C. Other requirements:** Unless otherwise specified in this ordinance, uses permitted in R-1 residential zoning district shall conform to the following standards:

1. Minimum floor area per dwelling unit: 1,200 square feet.
2. Minimum zoning lot area: 1.5 acres.
3. Maximum dwelling units per lot: Two (2).
4. Minimum lot width at building line: 100 feet.
5. Minimum lot width adjacent to existing or future public or private street right-of-way line:

- a. 40 feet on street.
- b. 35 feet on cul-de-sac.
7. Minimum front setback: 45 feet
8. Minimum side setback: 20 feet
9. Minimum rear setback: 20 feet unless the lot adjoins an R-40 or RC zoning district in which instance the minimum rear setback shall be 40 feet.
10. Maximum building height: 35 feet.
11. Parking: See [Article 9](#).
12. Signs: See [Article 10](#).
13. Screening: When property in an R-1 zoning district adjoins a single-family detached residential zoning district (RD, R-40, RC), a suitable planting screen and/or a fence or wall at least six feet in height shall be installed to properly screen the parking, service and activity areas from the adjoining property.

## 5.6 General Commercial District (GC).

**A. Intent of district:** It is intended that the GC zoning district be established and reserved for general business purposes. The regulations that apply within this district are designed to encourage the formation and continuance of a stable, economically healthy and compatible environment for businesses to serve town and regional commercial needs. These regulations are also intended to accommodate businesses which benefit from being located in close proximity to each other, and to discourage any encroachment by other uses capable of adversely affecting the basic commercial character of the district. It is further intended that these regulations will reduce traffic congestion, provide for adequate off-street parking, and limit the development of "strip" type business areas.

**B. Permitted uses:** The following uses shall be permitted in any GC zoning district:

1. As specified in [Table 5.8: Permitted Uses](#).
2. Publicly owned building, facility or land.
3. Building, facility or land for the distribution of utility services.
4. Building, facility or land for non-commercial park, recreation, thoroughfare, or open space purposes.
5. Accessory use: See [section 7.4](#).

**C. Special uses:** Unless otherwise specified in this Ordinance, the following uses shall be permitted in any GC zoning district as a special use upon the issuance of a special use permit by the Town:

1. Retail business involving the sale of merchandise on an individual zoning lot where an individual tenant, owner, occupant, or business occupies more than 10,000 square feet subject to the following conditions:
  - a. In addition to the conditions set forth in this subsection 5.5.C.1, the maximum aggregate size of any commercial development shall be 150,000 square feet of floor area.
  - b. No single commercial tenant, owner, occupant, or business shall occupy more than 32,000 square feet of floor area.
  - c. No three commercial tenants, owners, occupants, or businesses shall occupy a combined floor area of more than 80,000 square feet.
  - d. No more than six commercial tenants, owners, occupants, or businesses shall occupy more than 10,000 square feet of floor area each.

- e. All exterior building elevations that face public streets and/ or customer parking areas shall be designed so that there are no large expanses of blank walls. This requirement can be met by employing the use of architectural features including but not limited to the following: doors, windows, pilasters, columns, horizontal and vertical offsets, material and color variations, decorative cornices, awnings, canopies, murals, and graphics. In order to assure conformance with this requirement, exterior building elevations must be reviewed and approved as a part of the overall final site plan review process.
  - f. Any tenant, occupant, or business that occupies more than 10,000 square feet shall provide the town attorney with a copy of the rental agreement between such tenant, owner, occupant, or business and its landlord which contains a contract provision prohibiting such person or entity from voluntarily vacating such premises or otherwise ceasing to conduct its retail business on such premises while simultaneously preventing the landlord, by continuing to pay rent or otherwise, from leasing the premises to another person or company who will operate a permitted business on the premises. If such a tenant, occupant or business voluntarily vacates such premises or otherwise ceases to conduct its retail business on the premises, the landlord shall be free to market and lease such premises to another person or company.
  - g. The owner of the zoning lot shall prepare a traffic management plan which identifies the traffic problems that will be generated by development on the premises and which presents reasonable solutions to those problems. The plan must be prepared by a qualified professional traffic planner at no cost to the town, and it must be approved by the town engineer prior to the approval of the preliminary site plan or the issuance of a land disturbance permit or building permit, whichever occurs first.
  - h. The owner of the zoning lot shall prepare a water management plan which identifies the water management problems that will be generated by development on the premises and which presents reasonable solutions to those problems. The plan must be prepared by a qualified professional engineer at no cost to the town, and it must be approved by the town engineer prior to the approval of the preliminary site plan or the issuance of a land disturbance permit or building permit, whichever occurs first.
2. The sale, rental and/or storage of materials or equipment, excluding junk or salvage materials, provided that the area is entirely screened from the street and adjoining properties by a suitable fence or wall at least six feet in height above finished grade. The above required fence or wall must provide for a reasonable visual separation between the use and adjoining properties.
  3. Commercial recreational facility or land where the use is not located entirely within a building on the premises, on the following conditions:
    - a. The zoning lot is not less than one acre in area.
    - b. Except for golf courses or other passive recreation areas, the zoning lot is not adjacent to or across the street from any residential zoning lot.
  4. Transportation facility or terminal, provided service is primarily for passenger transportation rather than freight transportation.
  5. Church or other legitimate place of worship, subject to the conditions set forth in [section 5.1.C.7 \(a\) through \(l\)](#).
  6. Farming, horticulture or agriculture, subject to the conditions set forth in [section 5.1.C.1](#).

7. Bed and Breakfast subject to the conditions set forth in [section 5.1.C.4.](#)
8. Cemetery subject to the conditions set forth in [section 5.1.C.5.](#)
9. Commercial Kennel subject to the conditions set forth in [section 5.1.C.3.](#)
10. Riding stable subject to the conditions set forth in [section 5.1.C.6.](#)
11. Wreckage Service provided storage of wrecked and inoperable vehicles does not exceed 14 days.
12. Private School subject to the following conditions:
  - a. The zoning lot is not less than 80,000 square feet in area.
  - b. No building is constructed within 75 feet of the property line of any adjoining residential zoning lot.
  - c. Parking, service and/or play areas are separated from adjoining residential zoning lots by a suitable planting screen, fence or wall at least six feet in height above finished grade. The above required screen, fence or wall must provide for a reasonable visual separation between the properties.
  - d. Plans for the facilities must receive the written approval of the state regulatory agencies and the fire department prior to any construction or occupancy.

**D. Other requirements:** Unless otherwise specified in this Ordinance, uses permitted in GC zoning districts shall conform to the following standards:

1. Minimum zoning lot area: One-half (0.5) acre, subject to approval of Health Department.
2. Minimum lot width: 80 feet.
3. Minimum front setback depth:
  - a. Building: 45 feet.
  - b. Driveway/parking: 25 feet.
4. Minimum side and rear setback depth: 20 feet.
5. Maximum building height: 35 feet
6. Parking: Refer to [Article 9.](#)
7. Signs: Refer to [Article 10.](#)
8. Storage: No storage will be permitted on the zoning lot outside a fully enclosed building unless the storage area is entirely screened from the street and adjoining properties by a suitable fence or wall at least six feet in height above finished grade. The required fence or wall must provide for a reasonable visual separation between the storage area and any adjoining property.
9. Access: All zoning lots shall have direct access onto an arterial, major collector or industrial/commercial road or have access to an arterial, major collector or industrial/commercial road via an access street.
10. No automobile parking or service areas will be permitted within the required front setback or within 20 feet of the property line of any adjoining residential zoning lot.
11. All parking and service areas must be separated from adjoining residential zoning lots by a suitable planting screen, fence or wall at least six feet in height above finished grade. The above required screen, fence or wall must provide for a reasonable visual separation between the properties.
12. No outside loudspeaker systems shall be utilized.
13. All lights or lighting arrangements used for purposes of advertising, security or night operations must be directed away from adjoining or nearby residential zoning lots.
14. No use permitted in this zoning district shall be allowed to cover more than 75 percent of the zoning lot on which it is located with impervious surfaces.

## 5.7 General Industrial District (GI).

**A. Intent of district:** It is intended that the GI zoning district be established and reserved for basic or primary types of industrial uses which involve extensive manufacturing, processing or assembly operations. The regulations which apply within this district are designed to encourage the formation and continuance of a compatible environment for industries which require sizable tracts of land and/ or employ large numbers of workers. The intention is also to reserve and protect undeveloped areas of the Town which are suitable for such industries, and to discourage encroachment by other uses which are capable of adversely affecting the basic industrial character of the district.

**B. Permitted uses:** The following uses shall be permitted in any GI zoning district:

1. As specified in [Table 5.8: Permitted Uses](#).
2. Publicly owned building, facility or land.
3. Building, facility or land for the distribution of utility services.
4. Building, facility or land for non-commercial park, recreation, thoroughfare, or open space purposes.
5. Accessory use: See [section 7.4](#).

**C. Special uses:** Unless otherwise specified in this Ordinance, the following uses shall be permitted in any GI zoning district as a special use upon the issuance of a special use permit by the Town:

1. Open yard for the storage of materials or equipment, excluding junk or salvage materials, provided that the area is entirely screened from the street and adjoining properties by a suitable fence or wall at least six feet in height above finished grade. The above required fence or wall must provide for a reasonable visual separation between the use and adjoining properties.
2. Commercial Kennel subject to the conditions set forth in [section 5.1.C.3](#).
3. Riding stable subject to the conditions set forth in [section 5.1.C.6](#).
5. Church or other legitimate place of worship, subject to the conditions set forth in [section 5.1.C.7 \(a\) through \(l\)](#).
6. Private School, subject to the conditions set forth in [section 5.5.C.12](#).

**D. Other requirements:** Unless otherwise specified in this ordinance, uses permitted in GI zoning districts shall conform to the following standards:

1. Minimum zoning lot area: One-half (0.5) acre, subject to approval of Health Department.
2. Minimum lot width: 100 feet.
3. Minimum front setback depth:
  - a. Building: 45 feet.
  - b. Driveway/parking: 25 feet.
4. Minimum side and rear setback depth: 20 feet.
5. Maximum building height and structure height: 35 feet.
6. Access: All zoning lots shall have direct access onto an arterial, major collector or industrial/commercial road or have access to an arterial, major collector or industrial/commercial road via an access street.
7. No automobile parking or service areas will be permitted within the required front setback or within 20 feet of the property line of any adjoining residential zoning lot.

8. All parking and service areas must be separated from adjoining residential zoning lots by a suitable planting screen, fence or wall at least six feet in height above finished grade. The above required screen, fence or wall must provide for a reasonable visual separation between the properties.
9. All lights or lighting arrangements used for purposes of advertising, security or night operations must be directed away from adjoining or nearby residential zoning lots.
10. No use permitted in this zoning district shall be allowed to cover more than 75 percent of the zoning lot on which it is located with impervious surfaces.
11. No open burning will be permitted on any zoning lot.
12. All industries must be approved by state and federal regulatory agencies relative to meeting standards for environmental quality.
13. Parking: Refer to [Article 9](#).
14. Signs: Refer to [Article 10](#).

**5.8 Table of Permitted Uses.** No principal building, structure or land use shall be permitted except in the zoning districts indicated and for the purposes permitted in sections 5.1 through 5.8 and/or Table 5.8: Permitted Uses. Each use is mutually exclusive and does not include other uses listed in the table.

A principal use denoted by the letter “S” is permitted only if a special use permit is granted by the Council (see [section 15.16](#)) and the conditions specified in sections 5.1 through 5.8 are met.

For uses not included in this list where the building inspector is unable to determine clear placement, application shall be made to the Council for interpretation.

**TABLE 5.8: PERMITTED USES**

PERMITTED USES	ZONING DISTRICTS					
	RD	R40	RC	R-1	GC	GI
ACCESSORY USES - subject to requirements in Article 7	X	X	X	X	X	X
Adult Day Care, Center or Group					X	
Adult Day Care, Home	S	S				
Advertising Display, Sales and Manufacturing					X	
Agriculture Equipment Sales, Supply and Storage					X	X
Ambulance Services					X	X
Antique Shop					X	
Apparel and Accessory Store					X	
Appliance Sales and Repair					X	
Art Gallery					X	
Athletic / Health Club & Facilities / Training Facility					X	
Assembly Hall, Civic Center					X	X

	<b>RD</b>	<b>R40</b>	<b>RC</b>	<b>R-1</b>	<b>GC</b>	<b>GI</b>
Automobile and Truck Sales, Service and Repair					X	
Automobile Repair and Body Shop					X	X
Bait Shop					X	
Bakery/Pastry Shop					X	
Bank or Financial Institution - Full Service or Auto Teller					X	
Barber Shop					X	
Baseball Batting Cages					X	X
Beauty Shop					X	
Bed and Breakfast	S	S			S	
Boat Storage, Sales, Service & Repair					X	X
Books, Cards and Stationery Stores					X	
Bottling Plant						X
Bowling Alley					X	
Builder Supplies and Storage					X	
Building Materials Sales, Supplies and Storage					X	
Bus Station					X	
Car Wash Manual or Automatic					X	X
Carpet Cleaning Store					X	X
Carpet and Rug Sales, Floor Covering and Storage					X	
Cemetery, Private	S	S				
Cemetery, Public	S	S			S	
Cemetery, Religious Institution	S	S			S	S
Child Care, Center or Group					X	
Child Care, Home	S	S				
Churches	S	S	S		S	S
Cinema, Movie Theater					X	
Clinic, Public or Private					X	
Club and Lodges					X	X
College, University or Junior College					S	
Concrete/Stone Cutting, Fabrication						X

	<b>RD</b>	<b>R40</b>	<b>RC</b>	<b>R-1</b>	<b>GC</b>	<b>GI</b>
Consumer Fireworks Retail Sales Facility					X	X
Contractor Equipment - Material Storage					X	X
Convenience Stores w/out Fuel Pump Service					X	X
Convenience Stores with Fuel Pump Service - provided that all fuel pumps shall be at least twenty-five (25) feet from the street right of way.					X	X
Curio and Souvenir Shops					X	
Drug Stores, Pharmacies					X	
Dwelling, Single-Family Attached House (Duplex)				X		
Dwelling, Single-Family Detached	X	X	X	X		
Equipment Rental, Industrial						X
Equipment Supplies (Business/Industrial)					X	X
Farming, Horticulture or Agriculture, including the Raising/Keeping of Livestock	S	S			S	
Flea Market					X	
Florist Shop					X	
Funeral Home, Mortuary					X	
Furniture, Home Furnishings and Equipment Store					X	
Garden/Landscaping, Service and Supplies					X	X
Gasoline Station w/Auto Service					X	X
Golf Courses and Club Houses	S	S			X	X
Golf Driving Range					X	X
Government Buildings					X	
Grocery/General Merchandise Store					X	
Hardware, Paint and Wallpaper Store					X	
Hobby, Toy and Game Store					X	
Home Occupation - Subject to Article 7 regulations.	X	X	X	S		
Hospital, Health and Medical Institution					X	
Hotel/Motel					X	
Jewelry Store					X	
Junk Yard, Salvage Yard						S
Kennel, Commercial	S	S			S	S



	<b>RD</b>	<b>R40</b>	<b>RC</b>	<b>R-1</b>	<b>GC</b>	<b>GI</b>
Laundry, Pick up, Dry Clean Services, & Coin Operated					X	
Library					X	
Machine Shop, Fabrication, Welding, Sales etc.						X
Machinery Sales, Service and Repair					X	
Manufacturing Facility involving the mechanical or chemical conversion of raw materials into semi-finished or finished products						S
Manufacturing Facility involving only the assembly of pre-manufactured component parts.						X
Mini-Warehouse (self-storage facility)					X	X
Museum					X	
Nursery and Greenhouse - provided that no structure shall be located closer than fifty (50) feet to any adjoining residential property.	S	S			X	X
Office, Business and Professional					X	
Office Supplies					X	
Parking Lot or Garage, Commercial					X	X
Parks and Recreation Facilities, Non-Commercial	X	X	X	X	X	X
Personal Care Home – Family, Group, or Congregate					X	
Pet Grooming Shop	S	S			X	
Print Shop					X	
Recreation Facilities, Commercial					S	
Recycling Center w/processing facilities					X	X
Recycling Collection Station					X	X
Repair Service, General Merchandise					X	
Repair Service (Heavy Equipment)					X	X
Restaurant					X	
Retail Stores offering common merchandise					X	
Riding Stable	S	S			S	S
Rooming and Boardinghouse					X	
School, Private					S	S
Sewerage Treatment Facilities, Public or Private					S	S
Shoe Repair					X	
Shopping Center					X	

	RD	R40	RC	R-1	GC	GI
Taxidermy					X	
Tire Sales and Service					X	X
Veterinary Clinic/Animal Hospital- provided animal hospital or clinic shall be located at least one hundred (100) feet from any property zoned for residential use.					X	X
Video Sales and Rental					X	
Water Treatment Facilities					X	X
Wreckage Services, Temporary (14 days) Storage of wrecked and inoperable vehicles.					S	S

**5.10 Appearance Standards.** In addition to standards listed elsewhere in this Article, the following appearance standards shall apply. Certificate of Occupancy shall be granted upon the finding that such development shall meet or exceed the Appearance Standards as follows:

**A. Residential.**

1. All single-family dwellings (RD, R-40, RC, and R-1 districts) excluding industrialized housing, manufactured homes and modular buildings:
  - a. Roof. The roof will have a minimum vertical rise of four feet (4') for each twelve feet (12') of horizontal run and shall have a surface of wood shakes, asphalt composition, wood shingles, concrete, fiberglass or metal tiles, slate, built up gravel materials or other materials approved by the building inspector.
  - b. Siding. The exterior siding materials shall consist of wood, masonry, concrete, stucco, masonite, metal or vinyl lap or other materials of like appearance.
  - c. Foundation. A permanent foundation is required and shall meet the requirements of standard building codes.
  
2. Industrialized Homes, Manufactured Homes or Modular Buildings, as defined herein may be permitted in any residential zoning district other than the RC district, provided such buildings or structures meet the following standards:
  - a. The structure has a minimum width in excess of sixteen feet (16').
  - b. The pitch of the structure's roof has a minimum vertical rise of four feet (4') for each twelve feet (12') of horizontal run, and the roof is finished with a type of shingle that is commonly used in conventional construction.
  - c. The exterior siding consists of wood, hardboard, vinyl, brick, masonry, or aluminum (vinyl-covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance, and durability to the exterior siding commonly used in conventional construction.
  - d. A curtain wall, unpierced except for required ventilation and access and constructed of masonry, is installed so that it encloses the area located under the home to the ground level. Such a wall must have a minimum thickness of four inches (4").
  - e. The tongue, axles, transporting lights, and towing apparatus are removed after placement on the lot and before occupancy.
  - f. Landings of the requisite composition and size as per Section 1113 of the Standard Building Code of the Southern Building Code Congress International are installed, with said provisions being expressly incorporated by reference

herein as part of this requirement.

- g. The structure was constructed not more than five years (5) prior to the date the use is requested.

**B. Commercial.** All commercial buildings (GC and GI) in the Commercial Overlay District are *required* to comply with design standards specified in Article 8. Commercial buildings outside the Commercial Overlay District are *encouraged* to comply with the design standards specified in Article 8.

**5.11 Uses Not Listed Excluded.** Any use not specifically listed as a permitted use, a conditional use, or a special use in any of the Zoning Districts referenced herein shall be prohibited.

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## ARTICLE 6 – GENERAL PROVISIONS

**6.1 Use of Land.** No land shall be used except for a purpose permitted in the district in which it is located. Any use not specifically listed as a permitted use, a conditional use, or a special use in any of the Zoning Districts referenced herein shall be prohibited.

### **6.2 Buildings.**

**A. Use of Buildings.** No building or structure shall be erected, converted, enlarged, reconstructed, moved, structurally altered or used, except for a use permitted in the district in which such building or structure is located.

**B. Location of Buildings.** Every building hereafter erected, converted, enlarged, reconstructed, moved or structurally altered shall be located on lots as herein defined and in accordance with the regulations set forth in this ordinance and other applicable regulations.

**C. Height of Buildings.** No building or portion thereof shall be erected, converted, enlarged, reconstructed, moved or structurally altered to exceed the height limit herein established for the district in which it is located except for the following:

Antennas	Telecommunications Towers
Chimneys	Public Monuments
Church spires	Tanks
Fire Towers	Water Towers
Flap Poles	Silos

Public and semi-public service buildings, hospitals, institutions and schools, may be erected to a height not to exceed one hundred (100') feet; churches and temples may be erected to a height not exceeding seventy-five (75') feet, provided the required side yard and rear yards shall be increased by at least one (1') foot for each one (1') foot of additional building height above the height regulations for the district in which the building is located.

**D. Dimensional Regulations.** No building or use shall be erected, converted, enlarged, moved or structurally altered except in conformity with the minimum space requirements (i.e. the lot area, floor area, building height, etc.) for the district in which such building is located.

**E. Temporary Buildings.** Temporary buildings shall not be permitted in any district except when they are used in conjunction with construction work or pending completion of a permanent building. Such building shall be used for a period not to exceed one (1) year and shall be removed when the construction of the permanent building is completed. Construction of the permanent building is said to be completed at the issuance of a Certificate of Occupancy.

**6.3 Interpretation and Application.** In interpreting and applying this ordinance, the requirements contained herein are declared to be the minimum requirements necessary to carry out the purpose of this ordinance. Except as hereinafter provided, this ordinance shall not be deemed to interfere with, abrogate, annul or otherwise affect in any manner whatsoever any easements, covenants or other agreements between parties. Whenever the provisions of this ordinance impose greater restrictions upon the use of land or buildings, or upon the height of

buildings, or require a larger percentage of a lot to be left unoccupied than the provisions of other ordinances, rules, regulations, permits or any easements, covenants or other agreements between parties, then the provisions of this ordinance shall govern.

**6.4 Zoning Affects all Land and Buildings.** No buildings, structures or land shall be used or occupied; and no building, structure or part thereof shall be erected, constructed, reconstructed, moved, enlarged or structurally altered unless in conformity with the regulations of this ordinance.

**6.5 Principal Building Per Lot.** Unless provided for elsewhere in this ordinance, there shall be no more than one (1) principal building or structure upon any lot in any residential district.

**6.6 Required Open Space May Not be used by Another Building.** No part of any yard, other open space, or off-street parking or loading space required in connection with any building, structure, or use by this ordinance shall be considered to be part of a required yard, other open space or off-street parking or loading space for any other building or structure unless otherwise provided for elsewhere in this ordinance.

**6.7 Reduction of Yards or Lot Areas.** Unless otherwise provided in this Ordinance, no lot existing at the time of passage of this ordinance shall be reduced, divided or changed so as to produce a tract of land which does not comply with the minimum dimension or area requirements of this ordinance for the district in which it is located unless said reduction or division is necessary to provide land that is needed and accepted for public use.

**6.8 Underground Utilities.** All utilities are required to be placed underground in all new developments of two (2) or more lots except where the Council determines underground utilities are infeasible due to shallow rock, high water table, or other similar geologic or hydrologic conditions.

**6.9 Street Access.** Except as otherwise provided herein, no building shall be erected, constructed, moved or relocated on a lot that is not located on a street that is permanently open to public use; specifically, no private roads, private accesses or private driveways shall be authorized after the adoption of this amended zoning ordinance. If a lot of record at the time of the adoption of this amended zoning ordinance is already located on a private road, private access or private driveway, then said lot may be considered a lawful non-conforming lot. However, no permits for the building of any structure shall be granted on the property unless the applicant or owner provides a copy of an access agreement, easement or other document evidencing legal authority for access to the subject property that has been duly recorded in the Office of the Clerk of Superior Court, Coweta County, Georgia.

**6.10 Buffer Zones.**

A. **Buffer Zones Required.** Buffer zones shall be established and maintained in the following situations:

1. Where nonresidential districts are contiguous with residential districts.
2. Where single-family residential districts are contiguous with single-family residential districts of differing densities.

3. Where multi-family residential districts are contiguous with single-family residential districts.
4. Where preexisting nonresidential development is contiguous with proposed residential developments, and where no buffer in compliance with this Article is established on the nonresidential development where contiguous with the proposed residential district.

**B. Minimum Buffer Zone Requirements.** Buffer zones shall be required as indicated in the following table.

**TABLE 6.10: MINIMUM BUFFER ZONE REQUIREMENTS**

	<b>RD</b>	<b>R40</b>	<b>RC</b>	<b>R-1</b>	<b>GC</b>	<b>GI</b>
<b>RD</b>	X	30'	30'	30'	50'	50'
<b>R40</b>	30'	X	30'	30'	50'	50'
<b>RC</b>	30'	30'	X	30'	50'	50'
<b>R-1</b>	30'	30'	30'	X	50'	50'
<b>GC</b>	50'	50'	50'	50'	X	50'
<b>GI</b>	50'	50'	50'	50'	50'	X

**C. Buffer Zone Requirements.** All buffer areas and screening shall be established in accordance with the following requirements:

1. Buffers shall be established and maintained along required property lot lines in accordance with the specifications that may be established by the Town Council.
2. Buffers shall meet the minimum width requirements for dissimilar districts as shown in the Table 6.10: "Minimum Buffer Zone Requirements".
3. The screening provided by the buffer zone shall be established within any buffer along the entire length of the side and rear lot lines. However, this screening requirement may be adjusted in order to observe the sight distance required in the Subdivision and Land Development Regulations or as a condition of zoning, special use, or variance approval or as approved by the Town Council.
4. Buffer zones shall be left in their natural state unless otherwise approved by the Town Council and not temporarily or permanently disturbed by grading, property improvements, or construction activities.
5. Buffer zones shall be used only for a buffer and shall not be used for paving, parking, or stormwater management areas.
6. Where required to achieve effective visual screening, the Town Council may require that existing native vegetation be supplemented with additional planting and/or with a wall, fence or berm.
7. Kudzu or other invasive species shall not be permitted in buffer zones and plantings shall consist of two or more evergreen species.

**D. Buffer Requirements When Adjoining Preexisting Developments.** When a proposed

development adjoins a preexisting development(s) where a buffer would normally be required on the preexisting development, the developer of the proposed development shall be required to establish a buffer zone between the proposed project and the preexisting use. This buffer zone shall meet all of the other requirements of Table 6.10 in order to establish said zone.

**E. Buffer Requirements When Adjoining Another Municipal/Jurisdiction Boundary.**

Where a proposed development, or expansion of an existing development, adjoins a parcel or parcels that are located outside of the Town of Turin, the proposed development shall provide a buffer zone in accordance with Table 6.10. The existing use and/or zoning classification of the parcels shall be examined and compared to an equivalent zoning district in the Table 6.10 to determine the appropriate width of the buffer zone.



## ARTICLE 7 – SUPPLEMENTAL REGULATIONS

**7.1 Lots of Record.** Any lot of record which is legal on the date of the first published notice of this Ordinance, may be used subject to the following exceptions and modifications.

**A. Use of Substandard Lots.** Where the owner of a lot at the time of the adoption or amendment of this Ordinance does not own sufficient area and width to enable him to conform to the dimensional requirements of this Ordinance, the lot may be used as a building site for a structure or use permitted in the zone in which it is located; provided the owner has the approval in writing of the Coweta County Health Department (approval of the Health Department is required to assure parcel is large enough to handle septic tank and drainfield lines), the Town of Turin Planning Commission and Town Council. Owner shall provide the Planning Commission and Town Council with a site plan so orientation of all principle and accessory structures shall be clearly delineated.

**B. Residential Use of Substandard Lots.** In addition to Section 7.1A, in any residential district, any lot of record existing at the time of adoption or amendment of this Ordinance which has a width or area less than that required by this Ordinance may be used as a building site for a single-family dwelling only.

In the case of such a lot, when it is not possible to provide the required side yards and at the same time build a minimum width single family dwelling, the Planning Commission is empowered to hear the request for a side yard variance provided there is a ten (10) foot side yard. If a minimum ten (10') foot side yard is not possible then a minimum width for single family dwelling may be requested.

**7.2 Area, Yard and Height Regulations.**

**A. Lot Area.** Hereafter, no lot shall be reduced in size so that lot width, size of yards or lot area per parcel requirement of this Ordinance is altered except when a portion of a lot is acquired for a public purpose.

**B. Yards and Open Space.**

1. Every part of a required yard shall be open to the sky so that projections such as sills, window air conditioning units, chimneys, cornices and ornamental features may not extend into a required yard.
2. Other provisions of this ordinance notwithstanding, fences, walls, hedges, driveways and buffer areas may be permitted in any required yard or along the edge of any yard provided that no fence, wall or hedge along the street sides of corner lots shall violate the corner visibility provisions of this ordinance.

**C. Front Yards.**

1. Where an official line has been established for the future widening or opening of a street or major thoroughfare upon which a lot abuts, the depth of a front or side yard shall be measured from such official line to the nearest line of the building.
2. On through lots, the required front yard shall be provided on each street.
3. Corner lots shall meet the minimum front yard requirements on the side adjacent to both streets and the remaining yards shall be considered side yard requirements.

4. Open, unenclosed porches, platforms or paved terraces, which are not covered by a roof or canopy and do not extend above the level of the first floor of the building, may extend or project into the required setback area if it is six (6) feet or less.
5. Within the same block and zoning district, when twenty-five percent (25%) or more of the existing buildings are located within two hundred (200) feet on each side of a lot have less than the minimum required setback, the required front setback of such lot should not exceed the average of the existing front setbacks.

**D. Side Yards.**

1. For the purposes of the side yard regulations, a group of commercial buildings separated by common or party walls shall be considered as one building occupying one lot.
2. The minimum width of side yards for schools, libraries, churches and other public or semi-public buildings in residential districts shall be twenty-five (25) feet. Where a side yard is adjacent to a business or commercial district, then the width of that yard shall be as required for the district in which the building is located.

**E. Fences and Walls.** No fence or freestanding wall in a required yard other than a retaining wall shall be more than eight (8') feet in height. No fence extending to a height in excess of four (4') feet shall be permitted in a required front yard.

**7.3 Corner Visibility.** No sign, fence, wall, hedge, planting or other obstruction to vision, extending to a height in excess of three (3') feet above the established street grade, shall be erected, planted or maintained within the area of a corner lot that is included between the lines of the intersecting streets and a straight line connecting them at points twenty-five (25') feet distant from the intersection of the street lines.

**7.4 Accessory Uses and Structures.** In addition to the principal uses permitted within the zoning districts established by this ordinance, it is intended that certain uses customarily incidental or accessory to such principal uses shall also be permitted.

For the purposes of this ordinance, each of the following uses is considered to be a customary accessory use, and may be situated on the same zoning lot as the principal use or uses for which it serves as an accessory:

**A. Uses Accessory to Dwellings.**

1. Private garages.
2. Structure for the storage of equipment and supplies used in maintaining the principal building and its grounds.
3. Structure for a children's playhouse and the storage of children's play equipment.
4. Private kennel in any zoning district designated for residential use, with the stipulation that no more than four dogs or cats (total) six months of age or older shall be kept on a single premise at any one time. A permitted kennel shall be allowed in the rear yard only and shall not be located in the required minimum setback. A permitted kennel shall not be maintained in such a way as to constitute a nuisance to any adjoining property.
5. Private swimming pool and bath house or cabana.

6. Private tennis courts provided that lights are not used in conjunction with their use in any residential zoning district other than R-1. A private tennis court as contemplated by this section may be surrounded by a fence up to ten feet in height; and if said fence is a chain link fence, it must be coated with green vinyl.
7. Noncommercial garden, including a greenhouse and other customary garden structures not over eight feet in height.
8. Pump and well houses for on-site water systems.
9. Decks, patios, bar-b-que grills and other such facilities.
10. Fences, walls, exterior lighting fixtures, and other general landscaping and site development facilities.
11. No trailer, recreational vehicle, travel trailer, camper pick-up coach, motorized home, boat trailer or boat shall be permitted to be parked in front of or at the side of the main building or within 20 feet of the rear lot line, unless same is parked or stored completely within an enclosed garage or roofed carport.
12. No accessory use permitted by this section shall be constructed for the purpose of conducting commercial activities outside a permitted dwelling on a zoning lot except home occupations as permitted by this Article. Residential accessory uses such as garages, greenhouses or workshops, shall not be rented or leased for commercial purposes.
13. No accessory use permitted by this section shall be constructed for the purpose of providing separate, self-contained living quarters outside a permitted dwelling on a zoning lot, except in the RD zoning district. Self-contained living quarters are considered as a minimum to include kitchen facilities, a bath, and a bedroom area.
14. For purposes of interpreting and administering paragraphs 12 and 13 of this Section 7.4.A, accessory uses cannot be attached to and made a part of a permitted dwelling by extended hallways or breezeways; rather, in order to qualify for use as an area for a home occupation or for living quarters, the space must be within and be an integral part of a permitted dwelling.

**B. Uses Accessory to Churches.**

1. Off-street parking area for the use of members and visitors to the church.
2. Religious education building, including an assembly room that may be used for church-related recreation activities.
3. Parsonage, pastorium or parish house, including any use accessory to a dwelling as permitted herein.
4. Fences, walls, exterior lighting fixtures, and other general landscaping and site development facilities.

**C. Uses Accessory to Businesses and Industries.**

1. Off-street parking areas for customers, clients, and employees.
2. Off-street loading facilities.
3. Central trash collection dumpsters, provided they are effectively screened from view from any adjoining streets.
4. Completely enclosed buildings for the storage of supplies, stock, merchandise, and equipment.
5. Repair or service facility incidental to the principal use, provided that the operation of the repair or service facility does not constitute a nuisance to adjoining

properties, and the operation is not otherwise specifically prohibited in the zoning district.

6. Exterior display and sales facilities including on-site signs, provided such use is not otherwise specifically prohibited in the zoning district.
7. The open, outside storage of building materials, junk, salvage, and inoperative vehicles is prohibited unless specifically permitted in the zoning district, and such use is properly screened from view from adjoining streets and properties.
8. Fences, walls, exterior lighting fixtures, and other general landscaping and site development facilities.
9. Outdoor display of merchandise, provided that the display of merchandise is in compliance with [section 7.4.F](#).
10. All non-residential accessory buildings shall only be used by the owners, employees, lessee or tenants of the premises, and shall meet the setback requirements of the principal building.

#### **D. Uses Accessory to Agriculture.**

1. Dwellings, including any use accessory to a dwelling as permitted in [section 7.4.A](#).
2. All structures and facilities commonly associated with the operation of the permitted agricultural activities, unless otherwise specifically prohibited.

#### **E. Accessory Use Standards.**

1. No accessory use structure, except pump and well houses for on-site water systems, shall be located in the required front yard of any residential zoning lot.
2. No accessory use structure shall be located in the rear setback area of any residential zoning lot that is less than 50 feet wide at the rear property line.
3. If a residential zoning lot is at least 50 feet wide at the rear property line, a single accessory use structure with an area of no more than 100 square feet may be located in the rear setback area.
4. If a residential zoning lot is at least 100 feet wide at the rear property line, two accessory use structures may be located in the rear setback area provided the total combined area of the structures does not exceed 125 square feet.
5. No accessory use structure which is allowed to encroach into the rear setback area of any residential zoning lot in accordance with the provisions of this ordinance shall be located closer than three feet to the rear property line, nor shall any encroaching structure exceed eight feet in height above the existing ground at its eave line or 12 feet above the existing ground at the highest point of its roof.
6. The color scheme of an accessory use structure shall blend with the colors of the primary structure on the same zoning lot, or shall be earth tones.
7. No accessory use structure intended to store flammable materials shall be located closer than 20 feet to the primary structure on the zoning lot, or any other primary or accessory structure.
8. Gasoline station pumps and pump islands where permitted may occupy the required yards, provided that they shall not be less than fifteen (15') feet from street lines; canopies, whether attached or detached from the principal building must be at least fourteen (14') feet in height and the outermost edge shall be five (5') feet from any property line.
9. An open or unenclosed swimming pool may occupy a required rear or side yard, provided that the pool is not located closer than six (6') feet to a rear lot line or ten

(10') feet to an interior side lot line. A three (3') foot wide walk space shall be provided between pool walls and protective fences or barrier walls.

10. Unless prescribed otherwise in this ordinance, fences may be located in the required setback area.

#### **F. Outside Display Standards.**

1. Commodities that are for sale or for lease as well as any other products and materials that are associated with a particular business shall not be displayed or stored outside in any commercial area unless:
  - a. They are in an approved, permanent, fully enclosed space; and they are reasonably screened from public view;
  - b. They are stored or displayed in accordance with the specific understandings and conditions of a site plan that has been approved by the council as a part of the site plan review process;
  - c. They are confined to an area no more than six feet from an exterior wall of the primary building on a zoning lot and they comply with the following requirements:
    - (1) They do not encroach into a zoning setback area, a required buffer, or a landscaped area;
    - (2) They do not interfere with pedestrian or vehicular traffic on the site;
    - (3) They do not occupy more than 12 lineal feet of space along an exterior wall;
    - (4) They are not stored or displayed outside for more than 24 consecutive hours; and
    - (5) There is no sign that is legible offsite that is associated with the materials that are stored or displayed; or
  - d. A temporary use permit is secured for such display or storage.
2. A temporary use permit may be issued by the zoning administrator in accordance with the following criteria:
  - a. No more than four temporary use permits may be issued for any zoning lot in any calendar year.
  - b. No single temporary use permit shall be issued for more than seven consecutive days.
  - c. Prior to the issuance of a temporary use permit, an applicant must submit an application to the council for review and approval in order to assure that the proposed temporary use will not pose a health or safety hazard or be detrimental to the public welfare.
  - b. No sign that is legible offsite shall be displayed in conjunction with the temporary use permit.
3. Trucks making a delivery to a business in a commercial area shall not park in that area for more than two hours after the delivery is made. Trucks that are not making a delivery shall not park in a commercial area unless the owner of the truck is the owner of a business in the commercial area or unless the truck driver is actually doing business in the commercial area.
4. No vehicle which displays advertising for a business in a commercial area (with the exception of a door panel sign not more than four square feet in area and no more than 48 inches above the ground) shall be parked so that the advertising is legible from a public street.

5. Trucks over 20 feet in length, trailers, and tractors designed to be used with detachable trailers shall not be stored in a commercial area for more than two hours unless they are stored at a designated loading dock or at some other area designated for such storage on a site plan that has been approved by the council as a part of the site plan review process.
6. Products shall not be sold from any truck or trailer parked or stored in a commercial area unless they are in an area that has been designated for such use on a site plan that has been approved by the council as a part of the site plan review process.
7. No occupant of any vehicle that is parked in a commercial area for any reason shall be allowed to sleep overnight within that vehicle.

**7.5 Residential Home Occupations.** The conduct of business in R-40, and RC districts may be permitted under the provisions of this section. In an R-1 district, the conduct of any business listed in this section will required a Special Use permit in accordance with [section 15.16](#). It is the intent of this section to ensure the following:

- Compatibility of home occupations with other uses permitted in residential zoning districts;
- Maintain and preserve the character of residential neighborhoods and provide peace, quiet and domestic tranquility within all residential neighborhoods.
- Within the district, in order to guarantee all residents freedom from excessive noise, traffic, nuisance, fire hazard, and other possible effects of commercial uses being conducted in this district.

**A. Requirements.** Residential home occupations, where permitted, must meet the following special requirements:

1. A home occupation is subordinate to the use of a dwelling unit for residential purposes. No more than twenty-five (25%) percent of the floor area of the dwelling unit may be used in connection with a home occupation or for storage purposes in connection with a home occupation.
2. No more than one (1) home occupation shall be permitted within a single dwelling unit.
3. A home occupation shall be carried on wholly within the principal use or accessory building. No home occupation or any storage of goods, materials, or products connected with a home occupation shall be allowed outside of the principle use or accessory building.
4. The residential home occupation is limited to employment of residents of the property and not more than one (1) additional person.
5. A home occupation shall produce no noise or obnoxious odors, vibrations, glare, fumes, or electrical interference detectable to normal sensory perceptions outside the principal or accessory structure.
6. No traffic shall be generated by such home occupations in greater volume than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of such home occupation shall be met by providing off-street space and located in rear or side yard.
7. On the premises, retail sales are prohibited except for the retail sales of products or goods produced or fabricated on the premises as a result of the home occupation.

8. There shall be no exterior indication of the home occupation or variation from the residential character of the principal use.
9. No on-street parking of business related vehicles (either marked or commercially equipped) shall be permitted at any home. No business related vehicles larger than a van, panel truck or pickup truck is permitted to park overnight on the premises. The number of business related vehicles is one (1).

**B. Permitted Residential Home Occupations.**

1. Architectural services
2. Art Studio
3. Consulting services
4. Data Processing
5. Direct sale product distribution (Amway, Avon, Jaffra, Mary Kay, Tupperware etc.) provided there is no production on premises.
6. Drafting and graphic services
7. Dressmaking, sewing, tailoring, contract sewing (1 machine)
8. Electronic/Computer assembly or repair
9. Engineering service
10. Financial planning or investment services
11. Flower arranging
12. Home office
13. House Cleaning service
14. In-home child care, but not more than five (5) children at a time, including the caregivers own pre-school children
15. Insurance sales or broker
16. Interior design
17. Laundry and ironing service
18. Locksmith
19. Real estate sales, broker or appraiser
20. Telephone answering, switchboard call forwarding
21. Tutoring or educational purposes limited to two (2) students at a time.
22. Writing, resume services, computer programming

**C. Prohibited Residential Home Occupations.** Any uses not specifically listed in [section 7.5.B](#) are prohibited as residential home occupations in R-40, RC and R1 districts.

**7.6 Rural Home Occupations.** Rural home occupations in the Rural Development (RD) district shall be permitted under the provisions of this section. It is the intent of the section to ensure the compatibility of rural home occupations with other uses permitted in the Rural Development (RD) districts; maintain and preserve the agricultural or rural character of the area and not create a nuisance for residents in the area by exceeding traffic, smoke, noise or be a fire hazard.

The purpose of rural home occupations is to provide a means for residents in the larger lot rural development districts to participate in the type of businesses permitted in residential districts, be able to conduct the home occupation in an accessory building where necessary, and to park, on-site, vehicles required for home occupations.

**A. Requirements.** Rural home occupations, where permitted, must meet the following special requirements:

1. The minimum lot size is five acres. For lots less than five acres, the home occupation is limited to the provisions of [section 7.5](#).
2. The rural home occupation shall be clearly subordinate to the principal use of the parcel and shall not change the residential and agricultural character of the area. No more than 25 percent of the floor area of the principal dwelling shall be used in connection with the home occupation or storage purposes.
3. The rural home occupation shall be conducted within a dwelling or within an accessory building provided all structure uses are harmonious in appearance with the zoning district in which the rural home occupation is located.
4. One accessory building not exceeding 1,000 square feet may be used in connection with the rural home occupation.
5. The business of selling stocks of merchandise, supplies or products shall not be conducted on premises except under the following circumstances:
  - Orders previously made by telephone or at sales parties may be filled on premises; and;
  - Incidental retail sales may be completed which are in connection with the permitted home occupation.
6. The existence of the rural home occupation shall not be apparent outside the dwelling or accessory building in which the rural home occupation is conducted, except that one display sign as defined in Article 10 shall be permitted.
7. No outside storage of equipment or materials used in the conduct of the rural home occupation, other than trade vehicles, is permitted.
8. The rural home occupation is limited to residents of the property and not more than two additional persons.
9. No additional points of access to any street shall be permitted, unless necessary to provide safe and proper access to the proposed use.

**B. Permitted rural home occupations.**

1. All occupations permitted in [section 7.5.B](#).
2. Appliance repair.
3. Barber shops/Beauty shops (limited to two stations).
4. Cabinet making.
5. Ceramics.
6. Contracting, masonry, plumbing or painting.
7. Upholstery.
8. Antique Shop.
9. Small scale garden plants for sell to retail commercial gardening and supply stores.

**C. Prohibited rural home occupations.** Any uses not specifically listed in section 7.6.B are prohibited as rural home occupations in RD districts.

**7.7 Cemeteries.** All proposed cemeteries whether public, private or religious shall not be located in a floodplain area as delineated by DFIRM maps for the Town.



**7.8 Property Maintenance.** To ensure the health, safety and welfare of the citizens the Town, the following regulations shall be established for the maintenance of property:

**A. Non-functioning appliances.** Non-functioning appliances shall be stored in an enclosed accessory or principal building. Any non-functioning appliances such as refrigerators, freezers, stoves, etc., shall have doors removed prior to storage.

**B. Major auto repairs.** Any major auto repairs such as building motors, transmissions or heavy body work shall be done in an enclosed accessory building or on a section of property nor visible from the public street.

**C. Inoperable vehicles.** Non-licensed and/or inoperable vehicles shall be stored in an enclosed accessory building. No more than two non-licensed and/or inoperable vehicles shall be stored on property.

**D. Yard Sales.** Yard sales shall last for a maximum of two consecutive days from 8:00 a.m. to 5:00 p.m. in any two (2) day period. There shall not be any continuous yard sales in the Town. Yard sale items shall not be stored or displayed in any yard except for the period beginning twelve (12) hours prior to the yard sale until twelve (12) hours after the yard sale. A property owner may hold, or allow to be held, only one (1) yard sale per month.

**E. Abandoned mobile/manufactured homes.** No abandoned mobile or manufactured homes shall be used as a storage or accessory building. Abandoned mobile/manufactured homes shall be removed from property at owner's expense and upon notification by the Council that the said mobile/manufactured home is abandoned and is causing a health or safety hazard to surrounding property owners.

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## ARTICLE 8 – QUALITY CONTROL OVERLAY DISTRICT

**8.1 Purpose.** The purpose of this article is to establish architectural design and site development standards for regulation of development and construction within General Commercial and General Industry districts in the Town of Turin. These standards are intended to give direction to both owners and potential developers of property encompassed by the Overlay. The further purpose is to ensure quality development and preserve and enhance Turin’s historic character and small town charm. These standards are intended to encourage development consistent with the Town’s Comprehensive Plan.

**8.2 Applicability.** The standards and requirements of this article shall apply to all General Commercial and General Industry properties within the geography defined in section 8.3. These standards shall apply to all new construction and shall apply to the affected portions of any redevelopment site or refurbished building where such renovation exceeds 50% of the assessed value. Whenever the standards of the Overlay impose a more restrictive standard than the provisions outlined elsewhere in this ordinance or any other ordinance, statute or covenant, the standards of the Overlay shall govern.

**8.3 Geography.** The general boundary of the Quality Control Overlay shall be defined by those properties having frontage on Highway 16, and/or Highway 54, and/or South Hunter Street between Highway 16 and Turin Road, and/or North Hunter Street between Highway 16 and George Revell Street. The actual overlay zoning boundary shall be as approved by the Council and as subsequently designated on the Official Zoning Map.

**8.4 Prohibited Uses.** The following uses shall be prohibited within the Quality Control Overlay:

- Adult Entertainment establishments as defined in section 12.2
- Motor vehicle sales
- Motor vehicle service/ repair (unless parking for all vehicles being serviced is in the rear of the building)
- Body Shop
- Billiard hall
- Boat storage
- Boat sales, service and repair
- Builder supplies and storage
- Bus station
- Consumer fireworks retail sales facility
- Contractor equipment – materials storage
- Equipment rental – industrial
- Flea market
- Junk yard or salvage yard
- Manufacturing facility (unless it involves only the assembly of pre-manufactured component parts)
- Mini-warehouse
- Recycling center or collection station
- Heavy equipment repair

- Tire sales or service (unless parking for all vehicles being serviced is in the rear of the building)
- Truck terminal
- Wrecker services
- Pawn shops, including title pawn
- Liquor stores
- Check cashing outlets

## **8.5 Development Regulations.**

**A. Streetscape.** A streetscape plan for all development in the Overlay shall be subject to approval by the Council. Front yard landscaping areas shall be as provided herein along the entire property frontage, except where driveways or other openings may be required. Landscaping shall utilize fences, berms, walls, sidewalks, trees and other such methods subject to approval by the Council. The streetscape plan shall accommodate an undisturbed, natural buffer along the frontage of Highway 16 and Highway 54 as provided herein. All development on Highway 16 and Highway 54 shall maintain a landscaped buffer having a minimum horizontal dimension of 20 feet along all property lines abutting these roadways.

**B. Underground Utilities.** All on site utilities shall be located underground.

**C. Site Development.** Mass grading of a site shall be prohibited and all clearing shall be subject to Sec. 8.5 of this Article. Projects to be developed in phases shall be issued land disturbance permits for only those phases or portions of phases to be built within a subsequent 12-month period.

**D. Site Inspection.** All required silt fence and tree protection fencing shall be installed and inspected before land disturbance commences.

## **8.6 Traffic Design.**

**A. Access.** A primary objective of development within the Overlay district is to minimize disruption of traffic flow on Highways 16 and 54 and to provide opportunities for provision of abundant landscaping of developed lots. To the maximum extent practical, access to all building lots along Highways 16 and 54 shall be from secondary roads. No building lot shall have direct access from Highway 16 or Highway 54 unless specifically approved by the Town. Access to Highways 16 and 54 shall be controlled by limiting the number of curb cuts, which shall not exceed two for the first 200 feet of frontage, with 24 feet being the maximum curb cut width. The number of such cuts may be increased by one for each additional 150 feet of road frontage. Interparcel vehicle access between all contiguous commercial lots is encouraged.

**B. Parking:** Unless a parking courtyard design can be achieved, off-street parking shall be uniformly distributed across the building site. The area between the front of the building and the right-of-way shall be limited to a maximum of 25 percent of the required parking and limited to a maximum of one double row of parking. A maximum of 50 percent of off-street parking shall be located to the sides of the building, with the remaining parking located to the rear of the building.

Development tracts having no public right-of-way to the rear of the site and accommodating truck loading areas to the rear of the principal building shall be exempt from these requirements; however, parking located between the front of the building and the right-of-way shall be limited to a maximum of 50 percent of the required parking.

No parking or service areas shall be permitted within the required front setback or within 20 feet of the property line of any adjoining residential zoning lot. All parking and service areas must be separated from adjoining residential zoning lots by a suitable planting screen, fence or wall at least six feet in height above finished grade. The above required screen, fence or wall must provide for a reasonable visual separation between the properties.

Parking and loading space requirements are as defined in [Article 9](#).

## **8.7 Building Design.**

**A. Intent.** The intent of the Overlay district is to encourage the development of shop front type structures of a small-scale nature which can accommodate a variety of retail and office institutional uses. The structure is a maximum 8,000 square feet for the first floor and a maximum of 15,000 square feet including the second floor. A group of shop front buildings can be combined to form a mixed-use neighborhood center atmosphere. Buildings shall be designed to depict the appearance of architectural styles found in small towns of Georgia during the 19<sup>th</sup> and 20<sup>th</sup> century. These styles consist primarily of brick facades having parapets and flat roofs.

**B. Architectural design.** Office, commercial, and industrial structures shall comply with the following standards:

1. Building facades shall consist of architectural treatments of brick, stone, concrete stucco, cementitious siding or natural wood in combination with glass and metal as support and trim components, only. Metal sided or portable buildings, vinyl siding and aluminum siding shall be prohibited. Synthetic stucco shall also be prohibited as a primary exterior finish material, provided that accent features not exceeding 10 percent of the building façade may consist of synthetic stucco.
2. Buildings shall have flat roofs with a parapet wall; mansard roof styles shall be prohibited.
3. Facades of multiple tenant buildings shall be varied in depth, parapet height or building materials to produce an appearance of multiple tenant occupancy. Two and three story is encouraged, and a minimum façade height of 24 feet shall be achieved.
4. A distinctive architectural entry feature shall be provided for individual tenant entrances for commercial spaces exceeding 10,000 square feet of leasable area.
5. All exterior walls visible from roadways or parking areas shall incorporate changes in building material and color or varying façade such as trellises, false windows or recessed panels reminiscent of window, door or colonnade openings, or storefront along every 150 linear feet of such wall.
6. Roof parapets shall be articulated to provide visual relief. Parapets shall include articulations or architectural features at a minimum rate of every 100 linear feet. The minimum height of articulations or such features shall be one foot, and may be

provided as height offset or façade projections such as porticoes or towers.

7. Building design shall include minimum one-foot deep cornices, extending along the entire front of buildings and the sides of buildings a minimum of 10 feet.
8. Building design shall include a minimum one-foot high contrasting base, extending along the entire front of buildings and the sides of buildings a minimum of 10 feet. Building façade materials shall be combined only horizontally, with the heavier, more substantial materials placed below the lighter.
9. Windows. Blank, windowless walls are prohibited along primary and secondary facades. Street level storefronts shall consist of display windows comprising a minimum of 60 and a maximum of 80 percent of the primary and secondary facades. All other building stories shall have windows that equal a minimum of 30 percent and maximum of 60 percent of the total façade, with each story being calculated independently. Mirrored glass with a reflection index of greater than 20 percent is prohibited.
10. Roof-mounted Equipment. Roof-mounted equipment shall be screened from view or isolated so as not to be visible from any public right-of-way or residential zoning district within 150 feet as viewed from 5 feet above ground level. Roof screens and parapet walls shall be coordinated with the building to present a unified appearance.

**C. Accessory structures.** Accessory structures shall be constructed with the same materials as the principal structure and shall match the predominant façade colors and rooflines. Banding and roofing materials of accessory structures, which shall include, but not be limited to gasoline sales canopies, shall also match the materials and colors of the predominant façade.

## **8.8 Site Design.**

**A. Building Setback.** Setback requirements in the Overlay shall be in accordance with the applicable underlying district unless a variance is obtained per section 15.8.

**B. Utilities.** All new utility lines shall be located underground. All mechanical, HVAC and like systems shall be screened on all sides by an opaque wall. Such screening shall be identical to the exterior finish materials of the principal building.

**C. Landscaping:** All developments shall to the extent practical provide entryway berming for the purpose of shielding parking areas, loading docks, dumpsters, and similar areas from view by employing the following methods, in order of preference:

1. Preservation of natural land forms, trees and other landscape elements
2. Landscaped berms with asymmetrical groupings of plant materials, including trees and shrubs which are long lived, and indigenous to Turin and this part of Georgia and 50 percent of which shall be evergreen species
3. Landscaped berms with linear, open form fences

Buildings shall incorporate live plant materials as foundation plantings.

Any site furnishings such as railings, benches, trash receptacles and bicycle racks shall complement the building design and style.

A landscape buffer having a minimum horizontal dimension of 20 feet shall be

provided along all property lines abutting Highway 16 and Highway 54. A landscape buffer having a minimum horizontal dimension of 15 feet shall be provided along all abutting residential property lines.

A minimum of 8 percent of the parking lot shall be landscaped. Landscaped areas shall be protected by raised curbs or fixed wheel stops and shall have a minimum area of 120 square feet and minimum dimension of 6 feet. No parking space shall be located more than 100 feet from a canopy tree.

One canopy tree shall be planted for every 250 square feet of landscaped area. Shrubs shall be planted at a ratio of three for every one tree.

A minimum of 20 percent of all existing trees having a diameter of 12 inches or greater shall be retained. This requirement shall be in addition to the standards of any required landscape area; however, such retention may be achieved through tree preservation within such areas.

**D. Detention Facilities.** Detention ponds or retention areas shall be designed to blend with adjacent landscaped areas to the greatest possible extent. Such stormwater facilities may be located within a buffer; however, when located adjacent to the perimeter of the building site, fenced ponds shall not be located in a front yard or within 50 feet of a property boundary.

**E. Signs:** All signage shall be in accordance with [Article 10](#) of this ordinance.

**F. Loading Areas:** Loading docks and loading areas shall be located or screened so as to be concealed from view from neighboring streets and properties. No loading dock shall be located between the primary or secondary façade of any building and a public street. All loading docks shall be screened from view of any street or residentially zoned lot by a continuous planting of evergreen shrubs. Shrubs shall be moderately growing, be a minimum height of six (6) feet at time of planting, and reach a height of eight (8) feet within two years of planting. Commercial properties that adjoin a residential zoning lot to the rear shall enclose loading areas using a masonry wall constructed of materials and exterior finishes identical to the side elevations and having a minimum height of 6 feet and a maximum height of 10 feet.

**G. Outdoor Storage:** No unenclosed, outside storage shall be permitted. Such enclosure as will permit unroofed, outside storage shall be comprised of walls having a minimum height of 6 feet, but in no case less than the height of equipment, materials, merchandise or other goods to be stored or exceeding 10 feet in height. These walls shall be identical in exterior finish materials to the walls of the primary or secondary façade of the principal structure. Fencing, with or without typical fence screening materials, shall not be considered as a screening wall. Chain link fencing is prohibited. Outdoor display of merchandise shall be permitted provided such display is located adjacent to the principal structure and conforms to the setbacks for the zoning district.

**H. Pedestrian Improvements.** All developments shall provide sidewalks having a minimum width of 6 feet along all frontages of the lot that abut a public street. Continuous on site sidewalks having a minimum width of 4 feet shall be provided from the public sidewalk to the principal customer entrance of all buildings on the site. Such sidewalks

shall provide weather protection features such as awnings or arcades along the building façade within 30 feet of all customer entrances. Sidewalks shall connect focal points of pedestrian activity such as, but not limited to, street crossings, building and store entrances. Sidewalks having a minimum width of 6 feet shall be provided along the full length of the building façade featuring a customer entrance, and along any façade abutting public parking areas. All buildings shall provide direct pedestrian access from on-site parking areas as well as the public sidewalk. All on site sidewalks shall be distinguished from vehicular surfaces through the use of durable, low maintenance materials such as pavers, bricks, or scored concrete to enhance pedestrian safety.

**I. Lighting Design.** Streetlights shall be provided along all public right-of-ways utilizing decorative light poles and fixtures consistent with the design adopted by the Town for the Overlay. The light source shall be high-pressure sodium. Streetlights shall be staggered, 150 feet on-center, along both sides of the roadway. Lighting in parking areas shall provide area lighting sufficient to achieve a minimum illumination of 2.4 foot-candles of light as measured at grade level and recommended in the IESNA Lighting Handbook. All building entrances, walks and vehicular access shall be lit. The following lighting guidelines shall apply:

1. Walk and Access Lighting: 120-Volt Halogen 20 to 50 Watts.
2. Architectural and Landscape Lighting: 120-Volt Halogen 50 to 100 Watts.

**J. Dumpsters:** Dumpsters shall be screened from view on all four sides. Screening shall consist of three solid walls of brick, stone or stucco construction, a minimum of six feet in height, and the fourth wall shall be comprised of opaque metal or wooden gates. The gate opening shall have a minimum width of 12 feet. All dumpster shall be equipped with lids. The pad of the gated dumpster enclosure shall be concrete pad and all dumpster approaches shall also be concrete and have a minimum length of 10 feet. Dumpster shall be located a minimum of 50 feet from any residential zoning district or use, and the Highway 16 or Highway 54 right-of-way, but may otherwise be located within any required building setback.

**8.9 Greenspace Requirements.** All developments shall reserve a minimum of 20 percent of the gross lot area as greenspace. Greenspace shall be strategically located for the beneficial use of customers and employees. No more than 50 percent of required greenspace shall be located within a 100-year floodplain, wetlands or utility easement.

#### **8.10 Plan Review Procedures.**

**A. Application Procedures.** All applicants for new development, redevelopment or refurbishment of site or building where such renovation exceeds 50% of the assessed value, and/or construction permits that expand the use or building footprint shall apply for plan approval through the Town Clerk. Application forms available from the Town must be submitted, together with a scaled site plan depicting the proposed improvements. Applications shall be filed with the Town Clerk 30 days prior to the meeting of the Planning Commission at which the application is to be considered. No construction or site work of any kind shall be permitted prior to approval of plans and specifications by the Council.

**B. Pre-application conference.** Prior to filing an application for rezoning, development



permits or building permits of property within the Overlay, the applicant shall confer with the Town Clerk for the purpose of reviewing the proposal and to obtain information about development standards and ordinances affecting property within the Overlay.

**C. Site Plan Requirement.** Any application for rezoning, development permits or building permits of property within the Overlay shall be accompanied by a site plan as provided below. A narrative containing the following information shall also be provided:

- A description of the character of the development, including a summary of floor area by use, number and types of commercial spaces, total lot area and square footage allocation for parking, landscaping and greenspace.
- A development and construction schedule indicating major milestones in the proposed development.
- Projects to be developed in phases shall provide a general statement of the proposed development schedule by phase.
- Any agreements, provisions and covenants that govern the use, maintenance and protection of the development and any common or greenspace areas.
- A professional traffic study may be required for projects expected to generate more than 500 vehicle trips per day.

A “Design Book” that will depict and guide architectural style, scale and materials to be used in the development shall also be produced by the applicant. The front, rear and side elevations and perspective drawings of all structures to be built must be included in the Design Book.

**D. Application Requirements.** Applications for development under this Article shall be accompanied by a scaled site plan of not greater than one inch equals 50 feet depicting: (1) lot size and dimensions; (2) proposed project, including use, building footprint, height, materials and front, rear and side building elevations; (3) pedestrian circulation; (4) vehicular access and parking facilities; loading facilities; (5) buffers, greenspace and landscaping; (6) site lighting; (7) furnishings; (8) proposed signs; (9) dumpsters; and (10) adjoining uses and zoning. Information concerning the latter shall indicate the architectural relationship of the proposed project or improvement to the surrounding context and shall be in the form of sketches or photographs.

**E. Review Procedures.** The Planning Commission shall review all applications regulated under this Article. Such review shall ensure proposal consistency with the purposes of this Article and conformance to the standards contained herein. Site plan review by the Planning Commission shall precede any action by the Council. The findings and recommendations of the Planning Commission shall be provided to the Council, which may incorporate such findings and recommendations in their consideration of the proposal. Planning Commission shall be empowered to issue non-binding approvals or denials of site development, construction or alteration matters. All applications require final action by the Council.

Applications proposing construction or site work that, in the opinion of the Planning Commission, do not comply with the standards of this Article shall be presented to the Council as nonconforming and the Planning Commission shall recommend denial.

Applications that may be approved by the Council shall be forwarded to the Town Clerk and the necessary permits issued. Should the applicant be unable or unwilling to comply with the recommended changes suggested to reach compliance with this Ordinance, no permits shall be issued. All recommended changes shall comply with the standards set out herein.

The findings of the Planning Commission shall comprise only non-binding recommendations to the Council, and the governing body shall be empowered to approve or deny the application based on those recommendations and application of this Article.

## ARTICLE 9 – OFF-STREET PARKING AND LOADING

**9.1 Requirement.** Off-street automobile parking and loading spaces shall be provided, as specified in this Ordinance, for uses and structures hereafter established. Any building or use that is subsequently enlarged shall meet the off-street parking and loading space requirements of this Ordinance for the addition made.

**9.2 Off-Street Parking.** The following are required plan and design standards for off street parking:

**A. Required area for each parking space.** Each automobile parking space shall be not less than nine feet wide and 18 feet deep. Adequate interior driveways shall connect each parking space with a public right-of-way. A maximum of one foot six inches of the required 18 feet may overhang a grassed area. This overhang cannot be over a sidewalk or right-of-way and must be arranged in such a way as to allow adequate front-to-front parking.

**B. Interior driveways.** Interior driveways when used with 90-degree-angle parking shall be at least 22 feet wide; when used with 60-degree-angle parking, at least 12 feet wide with one-way traffic, 22 feet wide with two-way traffic; when used with parallel parking or where there is no parking, at least ten (10) feet wide for one-way traffic and at least 20 feet wide for two-way traffic. A minimum ten foot driveway and stacking lane is required for any type drive-up window or pick-up station. This is in addition to regular driveways.

**C. Improvement of off-street parking lots.** All off-street parking lots, whether public or private, for more than five vehicles shall meet the following standards:

1. They shall be graded to insure proper drainage, surfaced with concrete or asphalt at least two inches thick installed on an approved base and maintained in a good condition free of weeds, dust, trash and debris.
2. Where required or encouraged by this ordinance, porous paver systems (grass pave, porous concrete or asphalt, grasscrete, or other modular systems) shall be installed to the manufacturer's specifications on an approved base and maintained in a good condition free of weeds, dust, trash and debris. Porous paver systems shall be routinely cleaned and vacuumed to remove trapped sediment and debris which would otherwise prevent them from passing stormwater into the ground.
3. High intensity lighting facilities shall be so arranged that the source of any light is concealed from public view and from adjacent residential properties and does not interfere with traffic.
4. They shall not be used for the sale, repair, dismantling or servicing or storing of any vehicle, equipment, materials or supplies.
5. Each parking space shall be clearly demarcated by a painted stripe no less than three (3) inches wide running the length of each of the longer sides of the space or by curbing or by other acceptable method which clearly marks and delineates the parking space within the parking lot.

**D. Location of required off-street parking spaces on other property.** If the required automobile off-street parking spaces cannot reasonably be provided on the same lot on which the principal use is located, such spaces may be provided on other off-street property lying not more than four hundred feet from the main entrance to the principal use, unless otherwise specified in this Ordinance. In this situation, the applicant shall submit with his

application for a building permit or an occupancy permit an instrument duly executed and acknowledged which accepts as a condition for the issuance of a building permit or an occupancy permit the permanent availability of such off street parking spaces to serve his principal use.

**E. Sharing of required off-street parking spaces.** One-half 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, unless otherwise specified in this Ordinance.

**F. Location and surface of parking areas.** Unless otherwise specified in this Ordinance, parking spaces shall be located in the rear or sides of the principal building unless a condition or hazard exists, outside of the control of the owner and which cannot be feasibly remedied, that prohibits the construction of a parking lot in the rear or side of the building. In any district except RD, the parking of any vehicle on other than a surface prepared to accommodate the vehicle is prohibited. In any residential district except RD, the parking of any vehicle in the front yard or in front of the principal building line is prohibited except on a prepared driveway or in a carport or garage.

**9.3 On Street Parking.** Where encouraged or required by this Ordinance, parking spaces on public streets shall be required to be provided by the developer consistent with the requirements of this section for surface, drainage and other improvements. On street parking spaces shall be counted towards the minimum number of spaces provided for the lot in which the spaces directly abut.

**9.4 Minimum Number of Parking Spaces Required.**

Table 9.4: Minimum Number of Parking Spaces Required

RESIDENTIAL USE	MINIMUM NUMBER OF SPACES
Multi-Family Dwellings	One parking space per bedroom not to exceed two parking spaces per dwelling unit
Rooming Houses, Boarding Houses and Bed and Breakfast Homes	One parking space per rental room
COMMERCIAL USES	MINIMUM NUMBER OF SPACES
Retail Sales	One parking space for each one hundred square feet (100) of area devoted to restaurants. One parking space for each 300 three hundred square feet for retail space.
Professional Offices	One parking space for each three hundred (300) square feet of floor area.
Gasoline Service Stations	Four parking spaces for each service bay. Service bays must open to the rear of the building.
Motels/Hotels	One parking space per rental room plus one parking space for each staff member.
INDUSTRIAL USES	MINIMUM NUMBER OF SPACES
Light Industrial Uses	One parking space for each two employees, plus one parking space for each vehicle used directly in the conduct of the enterprise.
PUBLIC AND SEMI-PUBLIC STRUCTURES	MINIMUM NUMBER OF SPACES
Hospitals or Personal Care Homes	One parking space for each bed intended for patients plus one space for each staff member.
Churches, Auditorium, Clubs	One parking space for each four seats in the principle assembly room.

**9.5 Maximum Number of Parking Spaces.** The maximum number of spaces shall not exceed 125% of the minimum number of spaces required.

**9.6 Off-Street Loading Spaces.**

**A. Plan and design standards.** The following are the plan and design standards for off-street loading spaces:

1. Off-street loading spaces shall have access from an alley or, if there is no alley, from a public street.
2. The off-street loading space shall be so located that it causes a minimum of interference with the free movement of vehicles over a street, sidewalk or alley.
3. Maneuvering and turning areas shall be provided so that no vehicles are required to back into a street.

**B. Minimum size and number.** The minimum number and size of off-street loading spaces required are as follows:

1. An off-street loading space shall have the minimum dimensions of 12 feet x 40 feet x 14 feet of overhead clearance.
2. The minimum number of such spaces required are as follows:
  - a. Retail business, office, wholesale, industrial, governmental, and institutional uses, including public assembly places, hospitals and educational institutions, one space for the first 10,000 square feet of total floor area or fractional part thereof.
  - b. For anything in excess of 10,000 square feet, such uses shall provide loading spaces according to the following schedule:

Square Feet	No. of Spaces
10,001 - 24,999	2
25,001- 99, 999	3
100,000 and above	4 plus one (1) additional space shall be required for each 100,000 square feet above 199,999 s.f.

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## ARTICLE 10 - SIGNS

**10.1 Purpose.** The purposes of these sign regulations are to:

- Encourage the effective use of signs as a means of communication in the Town;
- Maintain and enhance the aesthetic environment and the Town's ability to maintain and attract sources of economic development and growth;
- Improve pedestrian and traffic safety;
- Minimize the possible adverse effect of signs on nearby public and private property;
- Enable the fair and consistent enforcement of these sign restrictions.

Specifically, the Council finds that:

**A.** Proper regulation of signs is a necessary prerequisite to a peaceable, orderly, and safely designed business environment.

**B.** An improperly regulated sign environment imposes health and safety dangers to the public.

**C.** The result of effective sign regulation will be to lessen hazardous conditions, confusion, and visual clutter, caused by the proliferation, improper placement, illumination and excessive height and size of signs that compete for the attention of pedestrian and vehicular traffic, and impede vision of traffic, traffic control signs, and devices.

**D.** Uncontrolled and unlimited signs may result in a roadside clutter that impedes the flow of information thereby defeating the purpose of signage, and that impedes the flow of information from traffic signs and signals thereby creating hazards to drivers and pedestrians.

**E.** Uncontrolled and unlimited signs degrade the aesthetic attractiveness of the natural and manmade attributes of the community and thereby undermine the economic value of tourism, visitation, and permanent economic growth.

**F.** Through proper regulation of signs, the attractiveness and economic well being of the Town will be enhanced as a place to live, work and conduct business.

**G.** Signs provide an important medium through which individuals may convey a variety of noncommercial and commercial messages. However, left unregulated, signs can become a threat to public safety as well a traffic hazard. Such signs may also constitute an aesthetic nuisance and be a detriment to property values and the Town's public welfare. The Town Council intend by enacting this article to:

- Balance the rights of individuals to convey their message through signs and the right of the public to be protected against the unrestricted proliferation of signs;
- Further, the objectives of the Town's comprehensive plan;
- Protect the public health, safety, welfare, and aesthetics of the Town;
- Reduce traffic and pedestrian hazards;
- Maintain the image of the Town, particularly the planned community nature of the Town;
- Protect property values by minimizing the potentially adverse effects and visual blight caused by signs;
- Promote economic development; and
- Ensure the fair and consistent enforcement of sign regulations.

**H.** While specifically establishing regulations to control signs within the Town, it is not the intent of this article to regulate:

- Art and art symbols;

- Holiday decorations and symbols;

**I.** Recognizing the need for certain types of signs which facilitate the safe and orderly movement of traffic, this article provides for the regulation of incidental address identification and subdivision identification signs.

**J.** Recognizing the need to facilitate decreases in crime this article provides for the regulation of burglar alarm/security signs.

**K.** Recognizing the historical contribution of certain structures and places to the cultural fabric of the Town and the need and desire to identify same, certain provisions are made in this article to allow for the identification of those structures and places.

**L.** While this article prohibits certain signs from placement within the Town and exempts certain signs from certain regulations of this article, such exemptions are not intended to otherwise allow a sign that is prohibited.

**M.** Further, the Town has an obligation and a right to protect the rights of adjoining landowners to adequate light and air, to promote desirable living conditions and the sustained stability of neighborhoods, to protect property against blight and deprivation, and encourage the most appropriate use of land, buildings, and other structures throughout the Town.

**N.** Accordingly, in consideration of the Town's rights and obligations to promote traffic safety, to preserve property values, to provide for the convenience and enjoyment of public travel, to eliminate annoyance to travelers, to attract tourists, residents and industry, to serve the public health, safety and morals, to advance the general prosperity of the community, and to serve the general welfare, the Town hereby imposes the regulations contained in this article.

**10.2 Applicability.** A sign may be erected, placed, established, painted, created, or maintained in the Town only in conformance with the standards, procedures, exemptions, and other requirements of this ordinance.

The effect of this ordinance as more specifically set forth herein, is:

**A.** To establish a permit system to allow a variety of types of signs in commercial and industrial zones, and a limited variety of signs in other zones, subject to the standards and the permit procedures of this ordinance;

**B.** To allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of this ordinance, but without a requirement for permits;

**C.** To provide for temporary signs with and without commercial messages in limited circumstances;

**D.** To regulate signs so as to prevent the degradation of the aesthetic attractiveness of the natural and manmade attributes of the community and thereby undermine the economic value of tourism, visitation, and permanent economic growth;

**E.** To prevent the proliferation of signs which may result in roadside clutter that would impede the flow of information from businesses to consumers thereby harming the economic health of the community, and that would impede the flow of information from traffic signs and signal and therefore create hazards to drivers and pedestrians;

**F.** To lessen hazardous conditions, confusion and visual clutter caused by the proliferation, improper placement, illumination and excessive height and size of signs that compete for the attention of pedestrians and vehicular traffic, and impede vision of traffic,



traffic control signs and devices;

- G. To prohibit all signs not expressly permitted by this Ordinance; and
- H. To provide for the enforcement of the provisions of this Ordinance.

**10.3 Prohibited signs.** The following types of signs are prohibited:

- A. Signs imitating warning signals; signs displaying lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance or rescue vehicles; signs using words, slogans, dimensional shape or size, or colors of governmental traffic signs in such a manner as to resemble official traffic signs.
- B. Signs with lights blinking and/ or flashing in series, lines, or rows.
- C. Flashing, blinking, fluctuating, or otherwise animated signs.
- D. Signs attached to fences, trees, utility poles or boxes or traffic control devices; signs painted on or otherwise attached to rocks or other natural objects; signs, other than those placed by a local, state or federal government, located within the public street right-of-way or within five (5) feet of the edge of curb or closest edge of the pavement of any public street.
- E. Signs emitting or utilizing in any manner any sound capable of being detected on a public road by a person of normal hearing.
- F. Signs which obstruct any fire escape, any means of egress or ventilation, or prevent free passage from one part of a roof to any other part thereof; signs attached in any manner to any fire escape.
- G. Banners, fringe, twirling, sidewalk or curb-type signs, balloons, streamers, pennants, portable display signs, air or gas filled figures and other similar temporary signs, other than as specifically authorized in this Article.
- H. Roof signs.
- I. Signs displaying any statement, word, character or illustration of an obscene nature.
- J. Illuminated signs from or to which direct rays of light are projected onto a lot other than on the lot where the illumination occurs.
- K. Portable signs, other than as specifically authorized by this Article.
- L. Search lights or similar devices.
- M. Vending machines, trash cans, or other outdoor devices which display a commercial message if the total area of the commercial message is more than two square feet in area.
- N. Animated signs.
- O. Awning signs.
- P. Internally-illuminated signs.
- Q. Marquee signs.
- R. Bench signs.

No sign otherwise prohibited by this ordinance shall be installed within a building in such a manner that is visible from the public right-of-way.

**10.4 Signs exempt from the regulations of this ordinance.** The following signs shall be exempt from regulation under this ordinance:

- A. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance;
- B. Any sign inside a building, not attached to a window or door, that is not legible from the exterior of the building or structure;
- C. Works of art that do not include a commercial message;

- D.** Holiday lights and decorations with no commercial message;
- E.** Traffic control signs on public or private property, such as stop, yield, and similar signs, which meet Georgia Department of Transportation standards and which contain no commercial message of any sort;
- F.** Address numerals that are affixed to a single family residential structure on the property, or to a mailbox on the property, that are no more than six inches (6”) in height, or Address numerals that are affixed to a multi-family, commercial, office, or residential structure on the property, or to a mailbox on the property, that are no more than twelve inches (12”) in height;
- G.** Signs pertaining to public safety, including but not limited to signs evidencing the presence of a security, or alarm system, on the property that are no more than one (1) square foot in area, or signs indicating the presence of children in certain rooms of a structure in the event of a fire or other emergency.

### **10.5 Permits and procedures.**

**A.** Unless specifically exempted from obtaining a permit under provisions of this ordinance, no person shall erect, construct, replace, relocate or structurally alter any sign within the Town without first obtaining a sign permit from the Town Clerk. No permit shall be required to repaint or change the lettering of an existing conforming sign, provided that no change of ownership of the entity displaying the message thereon has been made. A permit is not required for a change limited solely to the copy of an existing changeable copy sign, for example, a change in the normal price or products offered on the premises.

**B.** A Sign Permit Application and appropriate application fee must be submitted for each sign being considered for approval. A separate sign permit application and associated fee must be submitted for each type of sign located on a project site (i.e., one permit for all monument signs, one permit for wall signs, one permit for directional signs, etc.)

1. Applications for permits shall be made upon forms provided by the Town and shall contain or have attached thereto the following information:
2. Name, address and telephone number of the applicant.
3. Address of building, structure, or lot to which or upon which the sign is to be attached or erected.
4. One accurate drawing showing the position of the sign in relation to nearby buildings or structures, including other signs, driveways, parking areas, and any other limiting site features.
5. One accurate drawing of the plans, specifications and method of construction and attachment of the sign to the building or ground. Such drawings shall include the size of the sign area, overall height of the sign, location of the sign installation and its relation to existing rights-of-way and all driveways, and, if a monument sign, any protective devices or landscaping around the base of the sign.
6. Name, address and telephone numbers of person erecting the sign.
7. Written consent of the owner, manager, leasing agent or lessee of the building or land to which or upon which the sign is to be erected.
8. The location and size of all other signs on the lot upon which the sign is to be erected.
9. The size of the lot on which the sign is to be erected and the length of the street frontage for the street to which the sign is oriented; or, if a wall sign, the overall length of the tenant space where the sign will be located.
10. If the sign is to be lighted, an application for electrical permit meeting all standards of the Town’s electrical code.

11. Such other information as the Town shall require to show full compliance with this and other ordinances of the Town.

**C.** For signs shared by more than one person or entity, the owner or sign contractor shall secure a permit for the sign structure and the owner shall be responsible for the maintenance of the structure as well as for removal of individual sign panels identifying uses which no longer exist within the building or buildings covered by the shared sign. In addition to the permit required for a shared sign structure, a separate permit shall be required for each panel, which shall be obtained by the owner, his tenant, an authorized agent, or the sign contractor.

**D.** Fees for permits shall be as fixed from time to time by the Council.

**E.** Upon the filing of an application for a permit and the payment of all necessary fees, the Town Clerk shall examine all plans and specifications submitted and the premises upon which the sign is proposed to be erected. Such review shall be completed within thirty (30) days of submission of a completed sign application. If it appears from review of the permit application and the site that the proposed sign is in compliance with the requirements of this ordinance and all other ordinances and laws of the Town, the Town Clerk shall issue a permit no later than thirty (30) days from receipt of the completed application.

**F.** For those signs containing electrical components, the Applicant must secure appropriate Electrical Permits from the Town's Building Department and call for an inspection prior to illuminating the sign.

**G. Denial of permit.** The Town shall deny permits to applicants who submit applications for signs that do not comply with the provisions of this ordinance, are incomplete, or contain any false material statements. The Town may deny permits for master sign programs, or amendments to master sign programs, based upon the architectural appearance of the program; such review, however, shall not include the content of the message(s) conveyed in the master sign program. Violation of any provision of this ordinance will be grounds for terminating a permit granted by the Town for the erection of a sign. Should it be determined that a sign permit was issued pursuant to an incomplete application or an application containing a false material statement, or that a permit has been erroneously issued in violation of this ordinance, the Town Clerk shall revoke the permit. Should the Town Clerk deny a permit, the reasons for denial shall be stated in writing and mailed by certified mail, return receipt requested, to the address on the permit application on or before thirty (30) days after the Town received the application. Alternatively, the Town may personally serve the sign applicant with a copy of the written notice of denial within thirty (30) days after the Town's receipt of the application. Any application denied and later resubmitted shall be deemed to have been submitted on the date of resubmission, instead of the date of the original submission.

No permit shall be denied or revoked, except for due cause as hereinafter defined, and after the applicant is given ten (10) days written notice containing a statement of the reasons for the proposed denial of the permit application or the revocation of a permit. "Due cause" is the violation of any provision of this ordinance, or other applicable ordinances, state or federal law, or the submission of an incomplete application or an application containing false material statements.

**H. Appeals.** An individual whose permit application has been denied or a permittee whose permit has been revoked may appeal the decision to the Council, provided such appellant files a written notice of appeal with the Town Clerk within ten (10) business days of the Town Clerk's notice. Such appeal shall be considered by the Council at the next Town Council meeting held after the Town's receipt of the written notice of appeal, provided that

such notice of appeal is received a minimum of five (5) business days before the next meeting. Appeal notices received within five (5) days of a scheduled Town Council meeting shall be heard at the next available meeting more than five (5) days following receipt of appeal. The Council shall issue a written decision to the applicant no later than thirty (30) days following the close of the appeal hearing. Decisions of the Council to affirm the decision of the Town Clerk or to overrule the decision of the Town Clerk and grant or continue the permit for which appeal is taken shall be reduced to writing and served upon the applicant in the same manner as the original notice to deny or notice of revocation. Such decision shall constitute a final determination by the Town of Turin.

In the event an applicant whose permit has been denied or a permit holder whose permit has been revoked is dissatisfied with the decision of the Council, such applicant or permit holder may appeal such decision via a Petition for Writ of Certiorari to the Superior Court as provided by law.

**I. Variances.** Each sign shall comply with the provisions of the ordinance, unless a written request is filed and approved to waive this requirement. All variance procedures shall be held in strict conformance with the procedures for variances as set forth in Article XIII, Section 1302 of the Town's Zoning Ordinance; provided, however, that variances from the regulations of this ordinance shall be limited to the following hardship situations or conditions:

1. Where the proximity of existing signs on adjoining lots causes the subject property to be ineligible, due to spacing requirements, for a sign of the type sought; or
2. Where visibility of a conforming sign from the proposed street and within fifty (50) feet of the proposed sign would be substantially impaired by existing trees, plants, natural features, signs, buildings or structures on a different lot; and
3. Placement of the sign elsewhere on the lot would not remedy the visual obstruction;
4. Such visibility obstruction was not created by the owner of the subject property; and
5. The variance proposed would not create a safety hazard to vehicular traffic or pedestrians as determined by the Town Engineer.

Variances shall be limited to the minimum relief necessary to overcome the hardship. No variances shall be granted to allow a greater number of signs than would be allowed if the hardship did not exist.

Relief from the application of the provisions of this ordinance by use of variances granted by the Council shall be granted only upon a finding of hardship as previously defined. Hearing on such variances shall be noticed using this same time frames and notice requirements as for variances from zoning decisions.

**J. Double permit fees.** Any person commencing work on a sign before securing the necessary permit from the Town Clerk shall be subject to double permit fees under the permit fee schedule.

**10.6 Expiration of sign permit.** A sign permit shall become null and void if the sign for which the permit was issued has not been completed and installed within three (3) months after the date the permit was issued. No refunds will be made of permit fees for permits that expire due to failure to erect a permitted sign; provided that where an applicant can demonstrate that a commercial entity was timely engaged to construct the permitted sign but the fabrication has not yet been completed, one ninety (90) day extension may be granted by the Town Clerk on the

duration of the permit. Where a permit has expired for failure to erect the sign, if an individual later desires to erect a sign at the same location, a new application must be processed and another fee paid in accordance with the fee schedule in effect at the time of resubmission.

**10.7 Display of permit.** The owner of the sign shall be responsible for maintaining the permit for every sign approved, erected or maintained for which a permit is required by this ordinance. The Town Clerk shall inspect each sign following its installation to ensure the sign is installed in accordance with the approved sign permit. Once it is determined the sign complies with said permit, a decal shall be affixed to the actual sign or to the entrance door of the place of business indicating the sign has been approved. The purpose of this decal shall be to notify Town officers and employees that the sign complies with the provisions of this ordinance and the approved sign permit application.

**10.8 Compliance with technical codes and zoning.** All signs hereafter erected, replaced, reconstructed, altered, relocated or modified within the Town shall conform to the requirements of the Town's Building Code in effect on the date the application for a sign permit is submitted, the requirements of the National Electrical Code, and the requirements of all other applicable codes as adopted by the Town. Where the provisions of the building or electrical code and this ordinance conflict or overlap, the most stringent requirement shall prevail and be controlling.

All signs hereafter erected, replaced, reconstructed, repaired, altered or relocated within the Town shall conform to the zoning ordinance of the Town. In the event of conflict between the provisions of this ordinance and the zoning ordinance, the most stringent requirement shall prevail and be controlling.

**10.9 Scope.** The sign standards by district in this section apply to all zoning districts within the Town. The districts are defined by this ordinance, and referenced on the official Zoning Map of the Town of Turin.

**10.10 Public use, all districts.** A Church, public school, community center, or other public institutional building shall be permitted one monument sign not exceeding thirty two (32) square feet in area and shall extend no more than five (5) feet in height above the ground as described herein.

**10.11 Residential Districts (RD, R-40, RC, and R-1).** Any developed residential property which is zoned to any residential classification may post only such signs as are authorized by this section and shall comply with the following requirements:

**A. Residential signs.** Such property may contain not more than one residential sign, the area of which may be not greater than sixteen (16) square feet. Any monument sign shall be five (5) feet in height or shorter and shall be setback so that such sign is no closer than five feet (5') from the curb or edge of pavement on streets with no curbing. Signs shall not project over the property lines.

**B. Subdivision signs.** In addition to any other signs authorized by this section, one single faced-sign, one double-faced sign, or two single-faced signs may be permitted at the entrance to any residential subdivision to identify the name of the subdivision, which shall not exceed twenty-four (24) square feet each. Such sign may be located within the right-of-way or dedicated sign easement provided that such sign is no closer than five feet (5') from the back of the curb or edge of pavement on streets with no curbing.

C. Any sign permitted under Section 10-15.

**10.12 Intentionally omitted.**

**10.13 Commercial or industrial districts (GC, GI).** For properties which are zoned for any retail, commercial or industrial use, such properties may post only such signs as are authorized by this section. All signs not expressly authorized by this section are prohibited on such properties. Authorized signs shall comply with the following requirements:

**A. Monument signs.** Such property may contain one or more monument signs in accordance with the following:

1. Except for regulatory signs approved and erected by appropriate federal, state or local authorities, no signs shall be constructed, erected or maintained within a public right-of-way.
2. Only one monument sign per platted lot shall be allowed along the right-of-way, provided that for business premises fronting on more than one street, one monument sign shall be allowed along no more than two (2) right-of-way frontages, which signs shall be separated a minimum of two hundred (200) feet.
3. All monument signs shall be located within a landscaped island with curb and gutter or within a landscaped area. No monument sign shall be permitted to encroach in a parking area to such extent that the remaining parking spaces fail to meet the minimum standards of the zoning ordinance for off-street parking.
4. The maximum sign area of any monument sign, inclusive of any border and trim, but excluding the base, apron, supports and other structural members shall be:
  - a. On lots zoned for retail or commercial use with a single tenant, thirty-five (35) square feet in sign area.
  - b. On lots zoned for retail or commercial use with more than one tenant, including signs that are shared, fifty (50) square feet in sign area.
  - c. On lots zoned for industrial use with a single tenant, thirty-five (35) square feet in sign area.
  - d. On lots zoned for industrial use with more than one tenant, including signs that are shared, fifty (50) square feet in sign area.

**B. Drive thru menu boards.** In addition to any other monument signs authorized by this Section, if such property contains a business premises where materials are delivered at a drive thru delivery point other than on the front side of the building, then one additional monument sign per delivery point shall be allowed to be located on the property in the side or rear yard; no such sign shall exceed thirty (32) square feet in sign area nor five (5) feet in height. The location of the menu board on the lot shall be approved as a part of the site plan review process.

**C. Wall signs (retail and commercial zoning districts):**

1. For a single tenant building and/ or multi-tenant building with less than 100 linear feet of building frontage, the wall sign for each tenant shall be limited to no more than one and one-half (1½) square feet per linear foot of building frontage. The maximum area of the wall sign for each tenant shall not exceed one hundred (100) square feet.
2. For a single tenant building and/ or a multi-tenant building with more than one hundred (100) linear feet of building frontage, the wall sign for each tenant shall be limited to no more than two and one-half (2½) square feet per linear foot of building frontage. The maximum size of the wall sign for each tenant shall not exceed one hundred fifty (150) square feet.

**D. Wall signs (industrial zoning districts):**

1. For an industrial building occupied by a single tenant, the wall sign shall not exceed one-half ( $\frac{1}{2}$ ) square feet per linear foot of building frontage. The maximum size of the wall sign for the building shall not exceed of fifty (50) square feet.
2. For a multi-tenant industrial building, each tenant shall be allowed one wall sign not to exceed thirty (30) square feet. In a multi-building complex, each building may have an identification sign not exceeding five (5) square feet.
3. For an industrial building with single-tenant or multi-tenant occupancy and more than 30,000 square feet of gross floor area, the wall sign shall not exceed one (1) square foot per linear foot of building frontage. The maximum size of the wall sign shall not exceed one hundred fifty (150) feet.

**E.** Wall signs may be flat against the wall or pinned away from the wall, but in no case project more than fifteen (15) inches from the wall surface.

**F.** For any building that is primarily used for retail and service commercial, office/institutional or industrial purposes, no part of a wall or building sign shall extend above the eave line or the top of a parapet on the wall to which it is attached.

**G.** For any building that is primarily used for retail and service commercial purposes, no part of a wall sign shall be located more than thirty six (36) feet above the existing level of the ground. In addition, for any retail or service commercial buildings, no sign shall be installed on any wall over the level of the bottom of any second story window on that wall unless the building is a multi-tenant structure where tenants have direct access from their second floor space to the outside. This direct access must include outside walkways and stairways properly designed for public use.

**H.** Signs may not cover or interrupt architectural features of a structure.

**I.** Multi-frontage sites are calculated with one major frontage only. The building frontage shall be determined by using the address of the building.

**J.** Multi-tenant building directories are allowed if not in excess of six (6) square feet in width, two-inch maximum size letters, and must be located within ten (10) feet of the structure(s) on the lot.

**K. Directional signs.** In addition to any other signs authorized herein, any such property may contain not more than two directional signs per driveway entrance. Such signs are limited to no more than twenty-four (24) inches in height and no more than two (2) square feet in sign area.

**L. Blade signs.** Where blade signs are approved as a part of the overall sign program for a particular retail or commercial development, the blade sign shall not exceed six (6) square feet in area and shall maintain a seven (7) foot clearance between finish grade and the bottom of the sign. Blade signs shall not be illuminated.

**M. Master sign plan.** All multiple-occupancy development complexes, such as shopping centers or planned industrial parks, shall submit to the Town Clerk a master sign plan prior to the issuance of new sign permits, which plan must comply with all provisions of this Article.

The master sign plan shall establish standards and criteria for all signs in the complex, which require permits and shall address, at a minimum, the following:

1. Proposed sign locations.

2. Approved materials and colors.
3. Type of illumination, including fixture specifications and wattage.
4. Design of free standing and wall sign structures.
5. Size.
6. Quantity.
7. Uniform standards for non-business signage, including directional and informational signs.
8. Identification of delivery or rear access door by name and suite number.

Approval by the Town Clerk shall apply only to the architectural elements, uniformity of size, color and placement of the master sign program. The review by the Town Clerk shall not address the content of any sign within the master sign program.

All applications for sign permits for signage within a multiple-occupancy development complex shall comply with the master sign plan.

Any amendments to a master sign plan must be approved by the Town Clerk and the property owner(s) within the development complex before such amendment will become effective. Approval by the Town Clerk shall apply only to the architectural elements, uniformity of size, color and placement of the master sign program. The review by the Town Clerk shall not address the content of the master sign program.

It shall be the responsibility of the owner or leasing agent of the property to provide the occupant with a copy of the approved master sign plan.

The signing for new businesses within existing projects shall comply with the provisions of this article.

**N. Banners.** Banners shall be permitted in all zoning districts of the Town, and shall be permitted for a period not to exceed fourteen (14) calendar days at any one time. Only one banner shall be permitted for an individual tenant or business during a period of 120 days. The maximum size of a permitted banner shall not exceed thirty-five (35) square feet. Banners shall be securely attached to a building and maintain a seven (7) foot clearance between walking surface and bottom edge of the banner if placed over a walk surface. Banners shall not be attached to the roof of the structure, or above the parapet line of the structure. Unless specifically permitted elsewhere in this article, no banner will be permitted off the premises.

**O. Window signs.** Except as otherwise provided in this Article, window signs are allowed for each tenant within commercial zoning districts only (GC, LC, and LUC). Window signs are defined as any type of sign that is located on the interior of a business premises and is either attached to or is located within 48" of an exterior window, and is intended primarily to be viewed from the exterior of the premises. Window signs may be installed without a permit, but they must be installed in accordance with the provisions of this article.

Window signage applied directly to the window shall be limited to 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 the letter and/or graphics only.

The total square footage of all window signs shall not exceed twenty five (25%) percent of the individual tenant's total window area exposed to public view, subject to the following conditions:

1. No more than six (6) windows shall be used to display window signs; and
2. If the business premise has three (3) windows or less, no more than two (2) windows shall be used to display window signs.
3. No more than fifty percent (50%) of an area of a window shall be used to display window signs, and no window sign shall extend from one window to another. As used in this section, the term "window" shall include only the glass portion of a window, and shall not include any frames or other non-glass portion of such window. Glass doors are to be considered windows for the purposes of administering this article.
4. Temporary writing or graphics applied to the glass or window, such as by marker, paint or shoe polish, shall be prohibited.

**P.** If a lot contains a mixture of commercial, industrial and/ or residential uses, the signage requirements for each use shall apply. For example, if a lot contains residential and commercial uses, the sign regulations for the residential uses on such lot shall be as set forth in Section 10-13 or Section 10-14, and the sign regulations for the commercial uses on such lot shall be as set forth in this Section 10-15.

**10.14 Computation of sign area.** The following principles shall control the computation of sign area for monument and wall signs:

**A. Monument signs.** The area of a monument sign shall be computed as the area within the smallest rectangle enclosing the limits of the surface of a sign whereon the sign face or sign face modules may be placed, including all portions of a sign structure that provide a background for the sign face and are not intended to contain any message or idea and are purely structural or decorative in nature.

**B.** The supports or structure upon which the sign face is located shall not be included in determining the overall size of the monument sign unless they are designed in a manner to form an integral part of the display and the surface area of the frame that is parallel to the display is no greater than one hundred percent (100%) of the area of the sign displayed, and provided that no part of the monument sign is higher than five (5) feet.

**C.** Double-sided signs with parallel, opposing faces shall not exceed eighteen (18) inches in width as measured from sign face to sign face. Only one face of a double-faced sign and bearing identical copy shall be used to compute the overall sign area.

**D. Wall signs.** The area of a wall sign shall be computed as the area within the smallest rectangle enclosing the limits of the surface of a sign whereon the sign face or sign face modules may be placed, including all portions of a sign structure that provide a background for the sign face and are not intended to contain any message or idea and are purely structural or decorative in nature. Any open space contained within the limits of the rectangle delimiting the sign face, sign face module, or sign structure shall be included in the computation of the area of such sign face, sign face module, or sign structure.

**E. Computation of sign height.** The height of a sign shall be computed as the distance

from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zoned lot, whichever is lower.

**F.** The maximum height of monument signs shall be no greater than five (5) feet.

**10.15 Signs permitted in all districts without approval.** In addition to any other signs permitted under this Article, the following signs may be erected without a sign permit, subject to the following:

**A. Real estate signs.** Real estate signs which indicate the sale, rental or lease of the property are permitted, provided such signs are located on the property, are at least five feet from the paved portion of any street or driveway, and are no more than five feet above ground level. Only one real estate sign per property is permitted.

1. In residential zoning districts, the maximum size is six square feet, and the sign must be removed no later than seven days after closing of sale, rental or lease of the property.
2. In all other zoning districts, the maximum size is 32 square feet; and the sign must be removed no later than seven days after closing of sale, rental or lease of the property.

**B. Construction signs.** Construction signs are permitted in all districts subject to the following:

1. Signs can be no more than five feet in height and are limited to one sign for each site. The sign may be erected after a building permit has been issued for the site and work is in progress; this sign shall be confined to the site of construction. Construction signs shall be used to identify the name of the project, architect, engineers, contractors, and other individuals or firms involved with the construction.
2. In single-family residential zones, the maximum size is six square feet; and the sign must be removed no later than seven days after issuance of an occupancy permit by the Town (in no case more than two years).
3. The sign must be removed when the builder places property for sale or not later than seven days after the closing of the sale.
4. In all other zoning districts, the maximum size is 32 square feet; and the sign must be removed no later than seven days after issuance of an occupancy permit by the Town (in no case more than two years).

**C. Vacant or unimproved property.** Each vacant or unimproved lot shall be allowed to have one (1) real estate sign, the size of which shall comply with the provisions set forth above. Such signs shall not exceed five feet (5') in height. Once construction begins on any such vacant or unimproved lot, such signs shall be removed and the provisions regarding construction signs set forth above shall be applicable.

**D. Flags.** No more than three (3) flags are permitted on each zoning lot, provided that each such flag does not exceed five feet by eight feet on a lot zoned industrial, four feet

by six feet on a lot zoned commercial, and three feet by five feet on a lot zoned to any other zoning classification under the Turin Zoning Ordinance.

**E. Memorial signs or tablets.** Memorial signs or tablets, names of buildings and date of erection are permitted when cut into any masonry surface or when constructed of bronze or other incombustible material.

**F. Bulletin boards.** A bulletin board not over 15 square feet in area for a public, charitable or religious institution is permitted when located on the premises of such institution and located in such manner as not to interfere with the vision of motorists.

**G. Municipal graphics.** Traffic or other municipal street graphics such as railroad crossing signs, legal notices and such temporary emergency signs may be required by the Council.

**H. Utility signs.** Signs of public utilities companies indicating danger or which serve as an aid to public safety or which show the location of underground facilities, or of public telephones are permitted.

**I. Directional, informational, public service signs.** Directional, informational or public service signs erected for the convenience of the public, not identifying any commercial or public entity, are permitted.

**J. Signs regulating use of property.** No trespassing signs or other such signs regulating the use of property such as no hunting, no fishing, etc., of no more than two square feet in area are permitted.

**K.** Unless otherwise described in this Article, and in addition to other signs authorized by this Article including political signs as per Section 10-6(h), temporary signs shall be permitted regardless of the message conveyed on each temporary sign, subject to the following:

1. Each temporary sign cannot exceed sixteen (16) square feet in area on residential zoned property, and cannot exceed thirty-two (32) square feet on all non-residential zoned property; and
2. Each temporary sign cannot exceed five (5) feet in height; and
3. One (1) temporary sign per lot shall be permitted; provided however, that an unlimited number of political signs are allowed.

**10.16 Signs permitted within the public right-of-way.** Except as otherwise provided in this Article, no signs shall be allowed in the public right-of-way.

### **10.17 Special events permits.**

**A.** In addition to signs otherwise permitted in this Article, properties in commercial and industrial districts wishing to erect special event signs and devices including portable signs and spectacular signs and devices, may do so only by obtaining a permit under the following conditions and requirements:

1. *Application.* Prior to display of a special event sign, an application for a permit shall be filed with the Town Clerk. One permit shall be issued to cover all signs and devices during the period of permit coverage. Handling of permit requests shall conform to Section 10-7. All signs and devices to be covered by the permit shall be specifically described as to their construction and/ or composition and location on the business premises.
2. *Size.* Banners for special events shall not exceed thirty five (35) square feet and shall comply with the regulations of this ordinance. The maximum size for the total of all special event signs shall not exceed seventy two (72) square feet.

3. *Number of permits.* The maximum number of special event permits to be issued to a single premise in a business or industrial district shall be four (4) per year. Each permit shall be issued for no more than seven consecutive (7) calendar days.
4. In considering an application for a special event signs, the Town Clerk shall only consider the size of signs and number of permits issued, and shall not consider the content of the signs.

**B.** Except as modified by this Section all special event signs or devices must comply with all other applicable regulations and conditions set forth in this ordinance governing their usage.

**10.18 Noncommercial message permitted on all signs.** Any sign otherwise permitted by his ordinance may contain a noncommercial message in lieu of a commercial message, provided that such sign complies with the size, height, area, and other requirements applicable to such sign.

**10.20 Maximum size and height of signs.**

**A.** No sign shall be permitted within the Town which exceeds the size of sixteen (16) square feet in residential zoning districts and fifty (50) square feet in commercial and industrial zoning districts.

**B.** No sign shall be permitted within the Town which exceeds five (5) feet in height from finish grade to the top of the sign.

**10.20 Non-conforming signs.**

**A.** Signs that, on the effective date of this ordinance, were approved and legally erected under previous sign restrictions, and became or have become non-conforming with respect to the requirements of this ordinance, may continue in existence subject to the following provisions:

1. No increase in size of the non-conforming sign shall be permitted.
2. Existing signs which were legally erected and which have become non-conforming and do not meet the setback requirements of this ordinance due to road widening may be moved to meet the setback requirement of this ordinance but shall not be increased in size, shape or changed in any manner except as to become conforming.

**B.** In all zoning districts, signs which were:

1. Illegally erected or maintained with respect to prior ordinances,
2. Made of paper, cloth or non-durable materials (except standard informational signs); or
3. Located in the public right-of-way (except as permitted by this ordinance)

shall be prohibited and shall be removed by the owner.

**C.** Upon failure to comply with any requirement of this section, the Town Clerk may cause the removal of such sign at the expense of the owner.

**D.** A non-conforming sign shall not be replaced by another non-conforming sign, except that the substitution or interchange of poster panels, painted boards or de-mountable material on non-conforming signs shall be permitted.

**E.** Minor repairs and maintenance of non-conforming signs such as electrical repairs or

lettering repair shall be allowed. However, no structural repairs or changes in the size or shape of the sign shall be permitted except to make the sign comply with the requirements of this ordinance; provided that signs damaged by fire or act of God may be restored to their original condition.

**F.** The Code Enforcement Officer shall be responsible for enforcement of the provisions of this Section. Notices of violation shall be provided to the sign owner in accordance with the requirements herein.

**10.21 Inspection.** The Town Clerk or Code Enforcement Officer or other designated Town officials shall periodically inspect each permanent and temporary conforming and non-conforming sign for the purpose of ascertaining whether the same is secure or insecure, whether it is in compliance with the requirements of this ordinance and whether it is in need of repair.

In addition to these inspections, the Town Clerk or Code Enforcement Officer shall cause to be removed any sign that falls under the following classifications:

**A. Traffic hazards.** Any sign constituting a traffic hazard or a menace to the motoring public or pedestrians, as determined by the Town Clerk or Code Enforcement Officer in consultation with the Chief of Police, shall be removed as provided herein.

**B. General maintenance.** Every sign, including those signs for which permits are required and those for which no permits or permit fees are required shall be maintained in a safe, presentable and good structural condition at all times. The sign owner shall be responsible for repair or replacement of defective parts, painting, repainting, cleaning and other acts required for the maintenance of the sign. If the sign is not made to comply with adequate safety and maintenance standards, the Town Clerk or Code Enforcement Officer shall require its removal in accordance herein.

**C. Abandoned signs.** Except as otherwise provided in this ordinance, any sign that is located on property that becomes vacant and unoccupied for a period of one (1) month or longer, including any tenant in a multi-tenant commercial or industrial structure, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of six months or more. Sign panels from abandoned signs shall be removed by the owner of the premises on which the sign is located within the time frame specified in this Subsection. The supporting structure of an abandoned sign shall be subject to the non-conforming use provisions herein.

**D. Dangerous or defective signs.** No person shall maintain or permit to be maintained on any premises owned or controlled by that person any sign that is in a dangerous or defective condition. Any such sign shall be removed or repaired by the owner of the premises or owner of the sign. Upon failure of the owner to remove or repair a dangerous or defective sign, the Town Clerk or Code Enforcement Officer shall proceed as described herein.

**E. Unlawful signs.** No person shall erect or permit to be erected any sign that does not comply with the provisions of this ordinance.

The Town Clerk or Code Enforcement Officer shall prepare a written notice that shall describe the sign and specify the violation involved. The notice shall state that if the sign is not removed or the violation is not corrected within ten (10) business days, the sign shall be removed in accordance with the provisions of this Section.

All notices by the Town Clerk or Code Enforcement Officer shall be personally served or sent by certified mail, return receipt requested. Any time periods provided in this Section shall be deemed to commence on the date received if hand delivered or otherwise on the date delivered as shown upon the return receipt of the U.S. Postal Service.

The notice shall be mailed to the owner of the property on which the sign is located, the owner of the sign, and the occupant of the property. If any such person is unknown or cannot be found, notice shall be mailed to such person's last known address, if any, and posted on the sign or on the premises.

Any person having an interest in the sign or the property may appeal the determination of the Town Clerk or Code Enforcement Officer ordering removal or compliance by filing a written notice of appeal with the Council within ten (10) business days after receipt of the notice. Appeals will be handled as provided in Section 10-7.

If the person to whom notice is directed fails to take corrective action within the time period prescribed, or if on appeal the Council affirms the decision of the Town Clerk or Code Enforcement Officer and the person fails to take corrective action or remove the offending sign within the time period prescribed, then the Town Clerk or Code Enforcement Officer shall proceed to have the sign removed or corrected to bring such sign into compliance with this ordinance or to remove any unsafe condition.

When it is determined by the Town Clerk or Code Enforcement Officer that the sign would cause imminent danger to the public safety and contact cannot be made with the sign order or building owner, no written notice shall have to be served prior to removal. In such emergency situation, the Town Clerk or Code Enforcement Officer shall document the unsafe condition and may correct the danger, with all costs being charged to the sign owner or the property owner.

If it shall be necessary for the Town Clerk or Code Enforcement Officer to remove the sign pursuant to the provisions of this Section, and it should be practicable to sell or salvage any material derived in the removal, the Town Clerk or Code Enforcement Officer may sell or salvage any material derived in the removal. He may sell the same at public or private sale at the best price obtainable and keep an account of the proceeds thereof. Such proceeds, if any, shall be used to offset the cost of removal to be charged to the sign owner or property owner. Any proceeds in excess of the cost of removal shall be returned to the sign owner, if known or if unknown, shall be deposited in the Town Treasury and maintained for benefit of the owner for a period of three years. At the end of three years, all unclaimed proceeds shall become the property the Town. Where the proceeds derived from such sale are less than the costs of removal, such deficiency shall constitute a lien against the property on which the sign is located. Such lien shall be collectable in the same manner as Town property taxes.

Any sign removed by the Town Clerk or Code Enforcement Officer pursuant to the provisions of this Section shall become the property of the Town and may be disposed of in any manner deemed appropriate by the Town. The cost of removal of the sign by the Town shall constitute a lien against the property and shall be recoverable in the same manner as Town property taxes. The cost of removable shall include any and all incidental expenses incurred by the Town in connection with the sign removal.

**10.22 Violations.** Any of the following shall be a violation of this ordinance and shall be subject to the enforcement remedies and penalties provided within Section 1-11 of the Turin Municipal Code:

- A.** To install, create, or erect any sign requiring a permit without such a permit being obtained;
- B.** To install, create, or erect any sign in a way that is inconsistent with any plan or permit governing such sign or the zoned lot on which sign is located;
- C.** To install, cause to be installed, or fail to remove any sign that is installed, created, or erected in violation of this ordinance, or for which the building permit for such sign has lapsed; or,
- D.** To continue any such violation. Each such day of a continued violation shall be considered a separate violation when applying the penalty portions of this ordinance.

**10.23 Notice of violation.** Illegal signs erected in the public right-of-way shall be removed without notice. If any sign is erected or maintained in violation of any of the provisions of this article, the Town Clerk shall have the duty to give the owner thereof written notice of such violation, such notice to include a brief statement of the particulars in which this article is violated and the manner in which such violation is to be remedied. If a sign permit has not been obtained and the owner is not known, affixing a copy of the notice to the sign, sign structure or building for a period of ten (10) days shall be sufficient

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## ARTICLE 11 – NON-CONFORMING USES

**11.1 Purpose.** In order to avoid individual hardship whenever reasonable and not in conflict with the general welfare of the Town, and for purposes herein outlined, the following provisions apply to all zoning districts.

**11.2 Non-Conforming Lots.** Any lots for which a plat or legal description has been recorded in Coweta County Clerk of Superior Court prior to the adoption of this ordinance which fails to comply with the dimensional requirements for the district in which it is located may, if vacant, be used for any of the uses permitted within the district by this ordinance, or if occupied by a structure containing a conforming use, may have the structure improved, enlarged or extended; provided that in either case:

- Minimum requirements of the district for front, side and rear yard, height and floor area shall be complied with.
- A lot to be used for duplexes, multi-family dwellings, residential group development projects, or manufactured homes, when allowed within the district, only if the lot meets the minimum lot area requirements for those uses in the district.

**11.3 Non-Conforming Uses of Land.** The lawful use of any building or lot existing at the time of the enactment of this ordinance may be continued although such use does not conform to the provisions of this ordinance. In addition the following regulations apply to non-conforming uses:

- When a non-conforming use of land has been changed to a conforming use, it shall not thereafter be used for any other non-conforming use.
- Non-conforming uses of land shall not be changed to any but conforming uses.
- A non-conforming use of land shall not be enlarged to cover more land than was occupied by that use when it became non-conforming.
- When any non-conforming use of land is discontinued for a period in excess of six (6) months, any future use of the land shall be limited to those uses permitted in that district under the provisions of this ordinance. Vacancy and/or non-use of the land, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.

**11.4 Non-Conforming Uses of Structures.** Non-conforming uses of structures consist of structures used, at the time of passage of this ordinance, for purposes not permitted in the district in which they are located. In addition to the other requirements of this ordinance, non-conforming uses of structures shall be governed by the following restrictions:

- An existing non-conforming use of a structure shall only be changed to a conforming use.
- An existing non-conforming use of a structure shall not be changed to another non-conforming use.
- A non-conforming use of a structure shall not be extended or enlarged except into portions of the structure which at the time the use became non-conforming were already erected and arranged or designed for such non-conforming use. No structural alterations shall be made in any structure occupied by a non-conforming use, which would in any way increase the floor space, area, or volume of space occupied by the use.
- When any non-conforming use of a structure is discontinued for a period in excess of six months, any future use of the structure shall be limited to those uses permitted in that district under the provisions of this ordinance. Vacancy and/or non-use of the building,

regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.

**11.5 Reconstruction of Non-Conforming Structures.** When a non-conforming structure or a structure containing a non-conforming use is razed or damaged by fire, flood, wind, or act of God, such structure may be reconstructed as a non-conforming use only if the damage totals less than fifty (50%) percent of the value of the structure. If the non-conforming structure is damaged more than fifty (50%) the structure may be rebuilt only if it conforms to the zoning ordinance as adopted. Non-conforming, structures which do not conform to the yard requirements and have not received variance from the Town shall also be governed by this provision.

**11.6 Restoration to a Safe Condition.** Nothing in this Ordinance shall prevent the restoration of any structure or use to a safe or sanitary condition, nor shall the ordinance prevent regular maintenance of any non-conforming use or structure.

**11.7 Abandonment.** Whenever a nonconforming use has been discontinued for a period of six months, such use shall cease and any further use shall be in conformity with the provisions of this ordinance.

**11.8 Changes in Zoning.** Any non-conformance created by a change in district boundaries or ordinance regulations after the date of passage of this ordinance shall also be governed by the provisions of this section.

## ARTICLE 12 – ADULT ENTERTAINMENT

### 12.1 Purpose and findings.

**A. Purpose.** The purpose of this article is to regulate certain types of businesses including, but not limited to, adult entertainment establishments, to the end that many types of criminal activities frequently engendered by such businesses will be curtailed. However, it is recognized that such regulation cannot defacto approach prohibition. Otherwise a protected form of expression would vanish. As to adult dance establishments, this article represents a balancing of competing interests; reduced criminal activity and protection of the neighborhood through the regulation of adult entertainment establishments versus the protected rights of adult entertainment establishments and patrons.

**B. Findings.** Based on the experience of other urban counties and municipalities, including, but not limited to, Atlanta and Fulton County, Georgia; DeKalb County, Georgia; Richmond County, Georgia; Amarillo, Texas; Austin, Texas; Garden Grove, California; Houston, Texas; Renton, Washington; Phoenix, Arizona; Indianapolis, Indiana; St. Paul, Minnesota; Tucson, Arizona; Augusta, Georgia; LaGrange, Georgia; Dalton and Whitfield County, Georgia; Carrollton, Georgia; Smyrna, Georgia; and Ft. Lauderdale and Palm Beach, Florida, which experiences, we believe are relevant to the problems faced by the Town of Turin, Georgia, the Council takes note of the notorious and self-evident conditions attendant to the commercial exploitation of human sexuality, which do not vary greatly among generally comparable communities within our country. Moreover, it is the findings of the council that public nudity (either partial or total) under certain circumstances, particularly circumstances related to the sale and consumption of alcoholic beverages, begets criminal behavior and tends to create undesirable community conditions. Among the acts of criminal behavior identified with nudity are disorderly conduct, prostitution, and drug trafficking and use. Among the undesirable community conditions identified with nudity are depression of property values in the surrounding neighborhood, increased expenditure for the allocation of law enforcement personnel to preserve law and order, increased burden on the judicial system as a consequence of the criminal behavior herein above described, and acceleration of community blight by the concentration of such establishments in particular areas. Therefore, the limitation of nude conduct in establishments is in the public welfare and it is a matter of governmental interest and concern to prevent the occurrence of criminal behavior and undesirable community conditions normally associated with establishments which allow and/or encourage nudity. Based on these findings, this article is adopted to regulate certain types of businesses and to establish where such activity may or may not be conducted.

**12.2 Adult Entertainment establishments defined.** Under this article, the term adult entertainment establishment shall include, without limitation, the following types of establishments, which shall be defined as follows:

**A. Adult Bookstore.** An establishment having a substantial or significant portion of its stock in trade, books, magazines, or other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas or an establishment with a segment or section, comprising five percent (5%) of its total floor space, devoted to the sale or display of such materials or five percent(5%) of its net sales consisting of printed materials which are distinguished or characterized by their emphasis on matter depicting, describing or

relating to specified sexual activities or specified anatomical areas.

**B. Adult Business.**

1. Any business other than those expressly specified in this article, where employees or patrons expose specified anatomical areas or engage in specified sexual activities; or
2. Any other business or establishment which offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing, discussing or relating to specified sexual activities or specified anatomical areas.

**C. Adult Dancing Establishment.** A business that features dancers displaying or exposing specified anatomical areas.

**D. Adult Motion Picture Theater.** An enclosed building with a capacity of 25 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

**E. Adult Mini-motion Picture Theater.** An enclosed building with a capacity of less than 25 persons used for commercially presenting material distinguished or characterized by emphasis on matter depicting or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

**F. Adult Motion Picture Arcade.** Any place to which the public is permitted or invited wherein coins or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image producing devices are maintained to show images to five or fewer persons per machines at any one time and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

**G. Adult Video Stores.** An establishment having a substantial or significant portion of its stock in trade, video tapes or movies or other reproductions, whether for sale or rent, which are distinguished by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

**H. Erotic Dance establishment.** A nightclub, theater or other establishment which features live performances by topless and/or bottomless dancers, go-go dancers, strippers, or similar entertainers, where such performances are distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas.

**I. Encounter Center or Rap Establishment.** Any business, agency or person who, for any form of consideration or gratuity, provides a place where two or more persons may congregate, assemble or associate for the primary purpose of engaging in, describing or discussing specified sexual activities, or exposing specified anatomical areas.

**J. Escort Bureau; introduction services.** Any business, agency or person for a fee, commission, hire, reward or profit, furnished or offer to furnish names of persons, or who introduce, furnish or arrange for persons who may accompany other persons to or about social affairs, entertainments or places of amusement, or who may consort with others

about any place of public resort or within any private quarters.

**12.3 Definitions.** The following definitions are defined here to avoid misunderstandings regarding the meaning of the words use in this article:

**A. Good Moral Character.** A person is of good moral character according to this article if that person has not been convicted of a felony or any crime not a felony if it involves moral turpitude, in the past five years. The town may also take into account such other factors as are necessary to determine the good moral character of the applicant or employee. Conviction shall include pleas of nolo contendere or bond forfeiture when charged with such crime.

**B. Minor.** For the purposes of this Article, a minor is any person who has not attained the age of 18 years.

**C. Specified Anatomical Areas.** Includes any of the following:

1. Less than completely and opaquely covered human genitals or public region, buttocks; or female breast below a point immediately above the top of the areola; or
2. Human male genitalia in a discernibly turgid state, even if completely and opaquely covered.

**D. Specified Sexual Activities.** Shall include any of the following:

1. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship and any of the following sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, saphism, zooerasty; or
2. Clearly depicted human genitals in a state of sexual stimulation, arousal tumescence; or
3. Use of human or animal ejaculation, sodomy, oral copulation, coitus or masturbation; or
4. Fondling or touching of nude human genitals, pubic region, buttocks or female breast; or
5. Masochism, erotic or sexually oriented torture, beating or the infliction of pain; or
6. Erotic or lewd touching, fondling or other sexual contact with an animal by a human being; or
7. Human excretion, urination, menstruation, vaginal or anal irrigation.

## **12.4 Regulations**

**A.** No person, firm, partnership, corporation or other entity shall advertise or cause to be advertised an erotic dance establishment without a valid adult entertainment establishment license issued pursuant to this article.

**B.** No later than March 1<sup>st</sup> of each year, an adult entertainment establishment licensee shall file a verified report with the Town Clerk showing the licensee's gross receipts and amounts paid to dancers for the preceding calendar year.

**C.** An adult entertainment establishment licensee shall maintain and retain for a period of two years the names, addresses and ages of all persons employed as dancers.

**D.** No adult entertainment establishment licensee shall employ or contract with as a dancer a person under the age of 21 years or a person not licensed pursuant to this article.

**E.** An adult entertainment establishment may be open only between the hours of 8:00 a.m. and 10:00 p.m. Monday through Saturday. No adult entertainment establishment shall be open on Christmas Day.

**F.** An adult entertainment establishment licensee shall conspicuously display all licenses required by this article.

**G.** All dancing shall occur on a platform intended for that purpose which is raised at least two feet from the level of the floor.

**H.** No dancing shall occur closer than ten (10') feet to any patron.

**I.** No dancer shall fondle or caress any patron, and no patron shall fondle or caress any dancer.

**J.** No patron shall directly pay or give any gratuity to any dancer.

**K.** No dancer shall solicit any pay or gratuity from any patron.

**L.** All areas of an establishment licensed hereunder shall be fully lighted at all times patrons are present. Full lighting shall mean illumination equal to three and five-tenths foot candles per square foot.

**M.** If any portion or subparagraph of this section of this article or its application to any person or circumstance is held invalid by a court of competent jurisdiction, the remainder or application to other persons or circumstances shall not be affected.

**12.5 Certain Activities Prohibited.** No person, firm, partnership, corporation or other entity shall publicly display or expose or suffer the public display or exposure, with less than a full opaque covering, of any portion of a person's genitals, pubic area or buttocks in a lewd and obscene fashion.

**12.6 License Required.** It shall be unlawful for any person, association, partnership or corporation to engage in, conduct or carry on in or upon any premises within the Town of Temple any adult entertainment establishment without a license to do so. No permit so issued shall condone or make legal any activity thereunder if the same is deemed illegal or unlawful under the laws of the State of Georgia or the United States.

**12.7 Operation of Unlicensed Premises Unlawful.** It shall be unlawful for any person to operate an adult entertainment establishment unless such business shall have a currently valid license or shall have made proper application for renewal within the time required thereof under this article which license shall not be under suspension or permanently or conditionally revoked.

**12.8 Admission of Minors Unlawful.** It shall be unlawful for a licensee to admit or permit the admission of minors within a licensed premises.

**12.9 Sales to Minors Unlawful.** It shall be unlawful for any person to sell, barter or give or to offer to sell, barter or give to any minor any service, material, device or thing sold or offered for sale by any adult bookstore, adult motion picture theater, adult massage parlor or adult dancing establishment or other adult entertainment establishment.

**12.10 Location.** No adult entertainment establishment for use restricted hereunder shall be located:

- Within 1,000 feet of any parcel of land which is either named or used for residential uses or purposes;
- Within 1,000 feet of any parcel of land upon which a church, school, governmental building, library, civic center, public park, or playground is located;
- Within 1,000 feet of any parcel of land upon which another establishment regulated or defined hereunder is located;
- Within 1,000 feet of any parcel of land upon which any other adult entertainment establishment is located;
- With any zone category other than General Industrial.
- On less than three acres of land containing at least 100 feet of road frontage.

For the purposes of this section, distance shall be by airline measurement from any door of the establishment to the closest property lines of the parcels of land involved. The term “parcel of land” means any quantity of land capable of being described by location and boundary, designated and used or to be used as a unit.

**12.11 Adult Entertainment Establishment Employees.**

**A. Qualifications.** Employees of an adult entertainment establishment shall not be less than 21 years of age. Every employee must be of good moral character as defined in this article. Any employee who is convicted of a crime constitution a felony or a crime not a felony involving moral turpitude while employed as an adult entertainment establishment employee shall not thereafter work on any licensed premises for a period of five years from the date of such conviction, unless a longer time is ordered by a court of competent jurisdiction. The term “convicted” shall include an adjudication of guilt on a plea of guilty or nolo contendere or the forfeiture of a bond when charged with a crime, and the terms “employed on the licensed premises” and “work on any licensed premises” shall include as well work done or services performed while in the scope of employment elsewhere than on the licensed premises.

**B. Approval for Employment.** Before any person may work on a licensed premises, he or she shall file a notice with the Town Clerk of his intended employment on forms supplied by the Town Clerk and shall receive approval of such employment from the Town Clerk. The prospective employee shall supply such information as the Town Clerk requires, including a set of fingerprints, on regular Town of Turin or United States Department of Justice forms. Upon approval, the employee may begin working on the licenses premises. If approval is denied, the prospective employee may, within ten days of said denial, apply to the Town Council for a hearing. The decision of the Town Council which may issue such order as is required to approve or deny the employment. An investigation fee of \$50 shall accompany the notice of intended employment or a receipt of the Town Clerk evidencing the payment of such fee at the time the notice is filed.

**C. Suspension, Revocation of License.** Violation of the provisions of this ordinance of the Town of Turin, laws and regulations of the State of Georgia, or the rules and regulations of the Town shall subject an employee to suspension or revocation of license to work.

**D. Independent Contractors.** For the purposes of this article, independent contractors shall be considered employees and shall be licensed as employees, regardless of the business relationship with owner or licensee of any adult entertainment establishment.

#### **12.12 Application for License.**

**A.** Any person, association, partnership or corporation desiring to obtain a license to operate, engage in, conduct or carry on any adult entertainment establishment shall make application to the Town Clerk or designated representative. Prior to submitting such application, a non-refundable fee, established by resolution of the Town Council, shall be paid to the Town Clerk to defray, in part, the cost of investigation and report required by this article. The Town Clerk shall issue a receipt showing that such application fee has been paid.

**B.** The application for license does not authorize the engaging in, operation of, conduct of or carrying on of any adult entertainment establishment.

**12.13 Application Contents.** Each application for an adult entertainment establishment license shall contain the following information:

- The full true name and any other names used by the applicant;
- The present address and telephone number of the applicant;
- The previous address of the applicant, if any, for a period of five years immediately prior to the date of the application and the dates of residence at each;
- Acceptable written proof that the applicant is at least 21 years of age.
- The applicant's height, weight, color of eyes and hair and date and place of birth;
- Two photographs of the applicant at least two inches by two inches taken within the last six months;
- Business, occupation or employment history of the applicant for the five years immediately preceding the date of application. Business or employment records of the applicant, partners in a partnership, directors and officers of a corporation and, if a corporation, all shareholders holding more than five percent of the shares of corporate stock outstanding;
- The business license history of the applicant and whether such applicant, in previous operations in this or any other town, state or territory under license, has had such license or permit for adult entertainment business or similar type of business revoked or suspended, the reason therefore, and the business activity or occupation subsequent to such action of suspension or revocation;
- All convictions, including ordinance violations, exclusive of traffic violations, stating the dates and places of any such convictions;
- If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation or charter, together with the place and date of incorporation, and the names and addresses of each of its current officers and



directors, and each stockholder holding more than five percent of the stock in the corporation. If the applicant is a limited partnership, it shall furnish a copy of its certificate of limited partnership filed with the County Clerk. If one or more of the partners is a corporation, the provisions of this subsection pertaining to a corporation shall apply. The applicant corporation or partnership shall designate one of its officers or general partners to act as its responsible managing officer. Such designated person shall complete and sign all application forms required of an individual applicant under this article, but only one application fee shall be charged;

- The names and addresses of the owner and lessor of the real property upon which the business is to be conducted and a copy of the lease or rental agreement;
- The age and date of birth of the applicant, of any partners, of any and all officers, of any stockholders of more than five percent of the shares of the corporation stock outstanding, directors of the applicant if the applicant is a corporation;
- If the applicant, any partners or any of the officers or stockholders holding more than five percent of the outstanding shares of the corporation, have ever been convicted of any crime constituting a felony, or any crime not a felony involving moral turpitude, in the past five years and, if so, a complete description of any such crime, including date of violation, jurisdiction and any disposition, including any fine or sentence imposed and whether terms of disposition have been fully completed;
- The Town shall require the individual, applicant to furnish fingerprints of the applicant;
- If the applicant is a person doing business under a trade name, a copy of the trade name properly recorded. If the applicant is a corporation, a copy of the authority to do business in Georgia, including articles of incorporation, trade name affidavit, if any, last annual report, if any;
- At least three character references from individuals who are in no way related to the applicant or individual shareholders, officers or directors or a corporation and who are not or will not benefit financially in any way from the application if the license is granted and who have not been convicted of any felony or a municipal code violation involving moral turpitude in the last five years. The licensing officer shall prepare forms consistent with the provisions of this subsection for the applicant, who shall submit all character references on such forms;
- Address of the premises to be licensed;
- Whether the premises are owned or rented and, if the applicant has a right to legal possession of the premises and copies of those documents giving such legal right;
- A plat by a registered engineer, licensed by the State of Georgia, showing the location of the proposed premises in relation to the neighborhood, the surrounding zoning, its proximity to any church, school, public park, governmental building, library or site or other business regulated by this article; and
- Each application for an adult entertainment establishment license shall be verified and acknowledged under oath to be true and correct by:
  - If the applicant is an individual, the individual;
  - A. If by a partnership, by the manager or general partner;
  - B. If by a corporation, by the president of the corporation; and
  - C. If any other organization or association, by the chief administrative official.

**12.14 Applicant to Appear.** The applicant, if an individual, or designated responsible managing officer, if a partnership or corporation, shall personally appear before the Town Clerk and produce proof that a non-refundable application fee has been paid; that the application

containing the aforementioned and described information has been presented to the Town Clerk; and that all information contained therein is true and correct.

**12.15 Application Investigation.** The Town Clerk or designee shall have 45 days to investigate the application and the background of the applicant. Upon completion of the investigation, the Town Council shall upon two readings, grant the license if it finds:

- The required fee has been paid;
- The application conforms in all respects to the provisions of this article;
- The applicant has not knowingly made a material misrepresentation in the application;
- The applicant has fully cooperated in the investigation of his application;
- The applicant, if an individual, or any of the stockholders of the corporation, any officers or directors, if the applicant is a corporation, or any of the partners, including limited partners, if the applicant is a partnership, has not been convicted in a court of competent jurisdiction of any offense involving conduct or convicted of an attempt to commit any of the above mentioned offenses, or convicted in any state of any offense which, if committed or attempted in this state, would have been punishable as one or more of the above mentioned offenses, or any crime involving dishonesty, fraud, deceit or moral turpitude;
- The applicant has not had an adult entertainment establishment license or other similar license permit denied or revoked for cause by this Town or any other Town located in or out of this state prior to the date of application;
- The building, structure, equipment or location of such business as proposed by the applicant complies with all applicable laws, including but not limited to health, zoning, distance, fire and safety requirements and standards;
- The applicant is at least 21 years of age;
- That the applicant, his or her employee, agent, partner, director, officer, stockholder or manager has not, within five years of the date of application, knowingly allowed or permitted any of the specified sexual activities as defined herein to be committed or allowed in or upon the premises where such adult entertainment establishment is to be located or to be used as a place in which solicitations for the specified sexual activities as defined herein openly occur;
- That on the date the business for which a license is required herein commences, and thereafter, there will be a responsible person on the premises to act as manager at all times during which the business is open;
- That the proposed premises is not be located too close to any church, school, library, governmental building, site or any other business restricted by this article;
- That the grant of such license will not cause a violation of this article or any other ordinance or regulation of the Town of Turin, State of Georgia or the United States
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## ARTICLE 13 – WATER RESOURCE DISTRICTS

**13.1 Purpose.** The intent of this article is to establish minimum development standards and criteria which will afford reasonable protection of environmentally sensitive natural resources found throughout the Town of Turin. Based on the findings of the Town’s Comprehensive Plan, it has been determined the wise management of these resources as defined in this Article is essential to maintaining the health, safety, general welfare and economic well being of the public.

**13.2 Establishment of Water Resource Districts.** The Town of Turin Water Resource Districts shall include the following: (1)Groundwater Recharge Area District (2)Wetlands District. The boundaries of these Water Resource Districts are shown on a set of maps designed as an Overlay District and are included as part of the Town’ Official Zoning Map, which is on file with the Town Clerk and located at Town Hall.

**13.3 Definitions.** In addition to the definitions provided elsewhere in this Ordinance, the following definitions shall apply to this Amendment:

**Aquifer.** Any stratum or zone of rock beneath the surface of the earth capable of containing or producing water from a well.

**DRASTIC.** The standardized system for evaluating groundwater pollution potential using the hydro geologic settings described in U.S. Environmental Protection Agency document EPA-600/2-87-035. The DRASTIC methodology is the most widely used technique for evaluating pollution susceptibility.

**Hazardous Waste.** Any solid waste, by reason of its toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental to the health of any person handling or otherwise coming into contact with such material or substance. The U.S. Environmental Protection Agency has developed a list of hazardous wastes based upon corrosivity, reactivity and toxicity.

**Pollution Susceptibility.** The relative vulnerability of an aquifer to being polluted from spills, discharges, leaks, impoundments, applications of chemicals, injections and other human activities in the recharge area.

**Pollution Susceptibility Maps.** Maps of relative vulnerability to pollution prepared by the Department of Natural Resources, using the DRASTIC methodology. Pollution susceptibility maps categorize the land areas of the State into areas having high, medium and low ground water pollution potential.

**Recharge Area.** Any portion of the earth’ surface, where water infiltrates into the ground to replenish an aquifer.

**River/Stream Bank.** The rising ground, bordering a river or a stream, which serves to confine the water to the natural channel during the normal course of flow.

**Significant Recharge Area.** Those areas mapped by the Department of Natural Resources in Hydrologic Atlas 18 (1998) edition. Mapping of recharge areas is based on outcrop area, lithology, soil type, thickness, slope, density of lithologic contacts, geologic structure,

presence of karsts, and potentiometer surfaces. Significant recharge areas are as follows in the various geologic provinces of Georgia:

In the Piedmont and in the Blue Ridge, rocks have little primary porosity, with most groundwater being stored in the overlying soils. The significant recharge are those with thicker soils. Field mapping indicates thick soils in the Piedmont and Blue Ridge are characterized by a density of two or more geologic contacts per four square miles (source: 1976 1:500,000 Geologic Map of Georgia) and slopes lower than 8%.

**Water Resource Districts.** A Water Resource District is a map overlay which imposes a set of requirements in addition to those of the underlying zoning district.

**Utility.** Public, private water or sewer piping systems, water or sewer pumping stations, electric power lines, fuel pipelines, telephone lines, roads, driveways, bridges, river/lake access facilities, stormwater systems and railroads or other utilities identified by a local government.

**Wetlands.** Those areas inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. The ecological parameters for designating wetlands include hydric soils, hydrological vegetation and hydrological conditions involving a temporary or permanent source of water to cause soil saturation.

**13.4 Groundwater Recharge Area District.** Recharge areas are vulnerable to urban development activities as well as agricultural activities. Pesticides, herbicides sprayed on crops, animal waste and septic tank effluents contribute to deterioration in the groundwater quality and can threaten the health of residents relying on well water. Development usually means an increase in the amount of land covered with impervious surfaces. Paving land in recharge areas can alter or impair their recharge characteristics thereby decreasing groundwater supplies.

**13.5 Purpose.** The purpose of this district is to establish criteria to protect significant groundwater recharge areas from pollution by spills, discharges, leaks, impoundments, application of chemicals, injections and other development pressures.

**13.6 District Delineation.** The groundwater recharge area protection map is delineated according to the Georgia Department of Natural Resources Significant Recharge Areas, Hydrological Atlas 18 (1989 Edition) and the Georgia Department of Natural Resources Pollution Susceptibility Map Hydrological Atlas 20, (1992 Edition). Standards for this district shall comply with the DNR Rule 391-3-16-.02, Criteria for the Protection of Groundwater Recharge Areas.

**13.7 Criteria.** The following criteria shall apply in significant recharge areas:

- A. All new above-ground chemical or petroleum storage tanks, having a minimum volume of 660 gallons, shall meet the requirements of U.S. EPA rules for oil pollution prevention, 40 CFR 1121. Such tanks used for agricultural purposes are exempt, provided they comply with all Federal requirements.
- B. New agricultural waste impoundment sites shall be lined if they are within:

1. A high pollution susceptibility area.
  2. A medium pollution susceptibility area and exceed 15 acre-feet.
  3. A low pollution susceptibility area and exceed 50 acre-feet.
  4. As a minimum, the liner shall be constructed of compacted clay having a thickness of one-foot and a vertical hydraulic conductivity of less than  $5 \times 10^{-7}$  cm/sec or other criteria established by the U.S. Soil Conservation Service. (The average size of existing agricultural waste impoundments in Georgia is about 15 acre-feet; sheeps-foot rollers or pans with heavy rubber tires, which are normal equipment for most Georgia earth moving contractors, should be able to compact clay to the recommended vertical hydraulic conductivity.)
- C.** New homes served by septic tank/drain field systems shall be on lots having the following minimum size limitations as identified on Table MT-1 on the Department of Human Resources Manual for On-Site Sewage Management Systems (herein after DHR Table MT-1"):
1. 150% of the subdivision lot size of DHR Table MT-1 if they are within a high pollution susceptibility area.
  2. 125% of the subdivision minimum lot size of DHR Table MT-1 if they are within a medium pollution susceptibility area.
  3. 110% of the subdivision minimum lot size of DHR Table MT-1 if they are within a low pollution susceptibility area.
- D.** New mobile home parks served by septic tank/drain field systems shall have lots or spaces having the following size limitations as identified on Table MT-2 of the Department of Human Resources Manual for On-Site Sewage Management Systems (hereinafter referred to as DHR Table MT-2"):
1. 150% of the subdivision lot size of DHR Table MT-2 if they are within a high pollution susceptibility area.
  2. 125% of the subdivision minimum lot size of DHR Table MT-2 if they are within a medium pollution susceptibility area.
  3. 110% of the subdivision minimum lot size of DHR Table MT-2 if they are within a low pollution susceptibility area.
- E.** All multi-family development located within a high pollution susceptibility ground water recharge area shall be required to have the following minimum lot sizes: where individual on-site sewerage systems are installed in conjunction with public water systems the minimum lot size for multi-family structure shall be 10,890 square feet per unit; where individual on-site sewerage systems are installed in conjunction with an individual water system the minimum lot size shall be 21,780 square feet per unit. The Coweta County Health Department shall approve all multi-family developments. If there are conflicts between provisions of these regulations the stricter shall apply.

- F. If local government requires a larger lot size than that required by (3) for homes or (4) above for mobile homes, the larger lot size shall be used.
- G. The Town at its option may exempt from the requirements of (3) or (4) any lot of record on the date of adoption of these lot size standards.
- H. No construction shall proceed on a building or mobile home to be served by a septic tank unless the Coweta County Health Department first approves the proposed septic tank installation as meeting the requirements of the DHR Manual and this section.
- I. New facilities which handle hazardous materials of the types listed in Section 312 of the Resource Conservation and Recovery Act of 1976, excluding underground storage tanks, in amounts of 10,000 pounds or more on any one day, shall perform their operations on impervious surfaces and in conformance with any applicable federal spill prevention requirements and any local fire code requirements.
- J. In the groundwater recharge areas the following shall not be permitted:
  - 1. No new sanitary landfills not having synthetic liners and leachate collection systems.
  - 2. No new land disposal of hazardous wastes.
  - 3. Any new facilities permitted or to be permitted to treat, store or dispose of hazardous waste to perform such operations on an impermeable pad having a spill and leak collection system.
- K. Land disposal of hazardous waste prohibited.
- L. No new wastewater treatment basins without an impermeable liner in areas having high pollution susceptibility.
- M. No permanent storm water infiltration basins constructed in areas having high pollution susceptibility.

**13.8 Wetlands District.** The wetlands within the Town of Turin are indispensable and fragile natural resources with significant development constraints due to flooding, erosion and soil limitations. In their natural state, wetlands serve man and nature. They provide habitat areas for fish, wildlife and vegetation; water quality maintenance and pollution control; flood control; natural resource education; scientific study; and recreational opportunities.

**13.9 Purpose.** The purpose of this district is to promote the wise use of wetlands and protect them from alterations which will significantly affect or reduce the primary functions for water quality, flood plain and erosion control, ground water recharge, aesthetic natural areas and wildlife habitat areas.

**13.10 District Delineation.** These regulations shall apply to all lands within wetlands located within the Town of Turin. The Wetland District Overlay Map, adopted as part of this ordinance, shows the general location of wetlands, according to the 1987 National Wetlands Inventory and should be consulted by persons considering activities in or near wetlands before engaging in a regulated activity. The standards for this district shall comply with Department of Natural Resources Rule 391-3-16-.03, Criteria for Wetlands Protection.

**13.11 Wetland Development Permit Requirements.** No activity or use except those identified in Section 9.6-5 shall be allowed within the Wetland District without a permit issued by the U.S. Army Corp of Engineers. If the subject property contains or is near (within fifty (50') feet) of jurisdictional Wetlands of the United States as delineated by the National Wetland Inventory Map or as determined by the U.S. Army Corps of Engineers. If jurisdictional wetlands are contained within the subject property, the applicant must document receipt of a Nationwide, Regional, General or Individual permit, from the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act before a development permit will be issued by the Town of Turin.

**13.12 Permitted Uses.** The following uses are permitted by right within the Wetland District to the extent they are not prohibited by any other ordinance or law and provided they do not require structures, grading, fill, draining or dredging:

- A. Forestry practices applied in accordance with best management practices approved by the Georgia Forestry Commission.
- B. Conservation or preservation of soil, water, vegetation, fish or other wildlife, provided the conservation or preservation does not affect waters of the State of Georgia or of the United States in such a way that would require an individual 404 permit.
- C. Outdoor passive recreational activities, including fishing, bird watching, hiking, boating, horseback riding and canoeing.
- D. Natural water quality treatment or purification.
- E. Normal agriculture activities including the planting and harvesting of crops and pasturing of livestock. Such activities shall be subject to best management practices approved by the Georgia Department of Agriculture.

**13.13 Prohibited Uses.** The following uses are prohibited in a Wetland District:

- A. Receiving areas for toxic or hazardous waste or other contaminants.
- B. Hazardous or sanitary landfills.

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## ARTICLE 14 – CONSERVATION SUBDIVISION DISTRICT

**14.1 Purpose.** The purpose of the Conservation Subdivision District (RC) is to:

- Provide opportunities for flexibility in lot design and building arrangement not afforded by the R-40 Traditional Subdivision District, fostering the location of buildings and other improvements to accommodate site conditions, with street, blocks and lot layout sensitive to environmental constraints;
- Provide a more varied, innovative and efficient land development pattern;
- Promote new development compatible with existing uses, architecture, landscapes and local character;
- Provide standards reflecting the varying circumstances and interests of individual landowners, and the distinctive characteristics of their properties;
- Preserve unique and sensitive landscapes and site features by locating new building lots outside of such areas;
- Foster clustering of dwellings and structures on less environmentally sensitive soils to reduce the amount of paved surfaces and utilities;
- Minimize erosion and sedimentation by minimizing land disturbance and removal of vegetation;
- Preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands and wildlife habitat.
- Conserve scenic vistas from encroachment by development;
- Reduce perceived density by maximizing the number of dwelling with direct access to and views of greenspace;
- Retain and protect greenspace within residential developments for aesthetic, watershed protection and nonstructural stormwater management purposes;
- Promote interconnected greenways and corridors throughout the community, and
- Provide a means to attain the goals and objectives of the Town of Turin Comprehensive Plan relative to orderly growth, enhancement of environmental resources and preservation of rural character.

### 14.2 General Regulations.

- A.** Applicants shall comply with all applicable provisions of the Town of Turin Zoning and Land Development Ordinances.
- B.** Development of a Conservation Subdivision is available in the RC zoning district as a use by right.
- C.** A public potable water system shall serve all RC Conservation Subdivision District developments.
- D.** Conservation Subdivision District development shall be served by public sewer or other community waste water treatment facility as approved by the Coweta County Health Department.
- E.** The proposed development will be generally consistent with the goals and objectives of the Town of Turin Comprehensive Plan.
- F.** The tract of land to be developed shall be in one ownership or, if in multiple ownership, shall be developed according to a single plan with common legal authority and responsibility.

### 14.3 Area and Bulk Requirements.

**A. Density of Development.** The maximum number of dwelling units allowed shall be the gross total acreage multiplied by 0.9.

**B. Minimum Floor Area of Principal Structures.** The minimum floor area for single-family detached structures within this district shall be 2,000 square feet heated space.

**C. Minimum Restricted Greenspace.** Designated restricted greenspace shall comprise no less than forty (40%) percent of the gross tract acreage and shall comply with all standards and criteria for greenspace contained in this Article.

**D. Minimum Lot and Yard Areas.** No minimum lot area is prescribed, rather, the following lot and yard area regulations shall apply to any principal residential structure or any other building:

1. Siting of principal dwellings located on laterally adjacent lots shall maintain a minimum separation of 20 feet, at any point. Siting of all buildings located on lots adjacent to the rear shall maintain a minimum separation of 50 feet measured perpendicularly from the rear wall of any residential structure to any point on any other building not accessory to such residential structure.
2. Minimum separation between accessory buildings and the principal structures to which they are accessory at any point shall not be less than that prescribed by applicable provisions of the Georgia statewide minimum construction codes; minimum separation between accessory buildings and any other buildings shall comply with subsection 1.
3. No exterior windows, doors, or other openings shall be permitted in any portion of any principal or accessory structure located less than five (5) feet from any lot line.
4. Where any portion of any principal or accessory structure is located less than five (5) feet from any lot line, a perpetual easement providing for maintenance of such structure, and measuring no less than five (5) feet in width from the affected walls shall be provided on the adjacent lot(s).
5. The building setback from the right-of-way of any street shall be a minimum of 25 feet.
6. All proposed dwellings shall be sited as to be setback a minimum of 50 feet from the perimeter boundary of the tract. Existing dwellings and dwellings resulting from the conversion of existing structures shall be exempt from this standard.
7. While conformance to these area and bulk regulations is not dependent upon any specific minimum lot area or dimensions, applicants shall be required to demonstrate to the satisfaction of the Council that any lots established under the provisions of this section are of appropriate size and shape relative to the following factors:
  - a. Establishment of suitable private yard areas for all residences; and
  - b. Management of any adjacent greenspace areas.
8. In submission of subdivision and/or land development plans, applicant shall indicate the maximum feasible building envelope for each lot created in compliance with these area and bulk requirements. The setbacks and separation distances between building envelopes on adjacent lots must meet the provisions of subsections 1 – 4, above. Such plans shall indicate where the provisions of subsections 3 and 4 apply.

**E. Maximum Tract Coverage** – Fifteen (15%) percent of gross tract area. Applicant shall calculate total permitted structure coverage in square feet and shall indicate on the Conceptual Plan the maximum coverage in square feet that will be assigned to each lot or parcel that will result from the proposed development.

**14.4 Special Provisions for Conservation of Historic Resources.** Historic resources shall be preserved to the greatest degree practical through incorporation into development plans and design. Such resources shall include historic structures, ruins or sites, historic road or other transportation traces, paths and trails and any other historic landscape features.

**A. Standards for Historic Resources.** Applicant shall comply with the following standards where renovation or reuse of any structure is proposed in order to develop dwelling units in addition to the maximum otherwise permitted.

1. Applicant shall demonstrate preservation of sufficient landscaped or buffer area surrounding historic structures to retain the integrity of the historical landscape setting. Applicant may demonstrate mitigation of impacts to historical landscape setting through introduction of vegetation or other screening in harmony with such landscape setting and through retention of view lines, which visually link historic structures to their landscape setting.
2. Facilities and equipment for heating and air conditioning, trash collection and compaction and other structural elements inconsistent with historical architectural themes shall be concealed architecturally or otherwise screened from view.

#### **14.5 Greenspace Protection Standards.**

**A.** In utilizing the RC Conservation Subdivision District, the proposed design shall limit disturbance of all greenspace identified in the required conservation plan submitted in accordance with section 14.10 of this Article.

**B.** Applicant shall demonstrate maximum conservation of scenic views from public roads and neighboring residential properties, utilizing existing vegetation, structures or topography or providing landscaping to screen the proposed development from view. At its sole discretion, Council may reduce screening requirements where applicant submits individual building plans with sufficient detail to demonstrate, in terms of how buildings may be viewed from public roads or neighboring residential properties, reasonable maintenance of the tract's traditional rural character. Distance from public roads or neighboring residential properties may also be considered as a mitigating factor in review of building plans.

**C.** Applicant shall demonstrate compliance with all applicable state and/or federal regulation of streams and wetlands. Copies of all documentation concerning any proposed activity requiring submission of a wetlands delineation report, stream or wetland encroachment permit, or mitigation plan to the Georgia Department of Environmental Protection and/or U.S. Army Corps of Engineers shall be submitted to the Town at the time of submission to the agency or agencies having jurisdiction. Receipt of such documentation shall not be a prerequisite for plan approval; however, approval shall be conditioned upon ultimate demonstration of compliance with all applicable regulation(s).

**D.** Existing stands of trees and individual trees having a DBH of eight inches (8") or

greater and other significant natural features, including streams, ridge lines, steep slopes, peaks and rock outcroppings, shall be inventoried. Such features shall be preserved to the greatest feasible degree. Removal or disturbance of such landscape features shall not occur on more than 25 percent of the total area they occupy, except where the Council is satisfied that overall community planning and greenspace protection objectives are best served through allowance of additional disturbance. For the purposes for this section, the extent of area occupied by any tree or tree mass shall be measured from the outermost drip line of such tree or stands of trees.

**E.** Inappropriate alteration of the natural terrain shall be prohibited. Developers of conservation subdivisions shall achieve a lot and street layout and grading plan that minimize such alteration. All plans shall be subject to approval of the Town Engineer who shall offer alternate layouts at the sole expense of the developer in instances in which such public objectives are not met.

#### **14.6 Standards for Designation and Use of Greenspace.**

**A. Location.** The location and layout of greenspace shall be configured to promote adherence to resource protection standards established above, and shall further conform to the following criteria:

1. The greenspace shall be a minimum of forty percent (40%) of the gross tract acreage.
2. A minimum of 75 percent of greenspace shall be in a contiguous tract; interconnections having a width of less than 50 feet shall not be considered contiguous for the purpose of compliance with this standard.
3. A natural or landscaped buffer having a minimum horizontal dimension of 60 feet along arterials and major collectors and 25 feet along minor collectors shall be provided.

**B. Characteristics.** No portion of greenspace shall be credited toward the minimum greenspace area where such greenspace is characterized as follows:

1. Encompassed within the right-of-way or anticipated greenspace of any public or private street;
2. Located within 25 feet of any structure, except structures devoted to permitted open space uses;
3. Less than 50 feet in the narrowest dimension at any point, except public recreational trail or providing access to greenspace or common areas;
4. Occupied by any utility easement or anticipated utility easement; above-ground utility rights-of-way may be included within greenspace; however, may not be credited as greenspace. Large areas of impervious surface shall be excluded from the Open Space
5. Occupied by storm water management facilities;
6. Encompasses bodies of open water exceeding 5,000 square feet in contiguous area.
7. Encompasses impervious surfaces exceeding 2,000 square feet in contiguous area.

**C. Mandatory Greenspace Designation** The following lands are considered “Primary Conservation Areas” and shall be encompassed within Greenspace, unless the Applicant demonstrates to the satisfaction of the Council that this provision would constitute an unusual hardship and be counter to the purposes of this Article. These lands shall receive a 100% credit toward the total acreage of greenspace:

1. The regulatory 100-year floodplain;
2. Buffer zones having a minimum width of 75 feet along all perennial and intermittent streams;
3. Slopes greater than 25 percent and having a minimum contiguous area of 5,000 square feet;
4. Wetlands that meet the definition used by the Army Corps of Engineers pursuant to the Clean Water Act;
5. Populations of endangered or threatened species, or habitat for such species; and,
6. Archaeological sites, cemeteries and burial grounds.

The following lands are considered “Secondary Conservation Areas” and shall be encompassed within Greenspace to the maximum feasible extent. These lands shall receive a 50% credit toward the total acreage of greenspace:

1. Important historic sites;
2. Existing healthy, native forests having a minimum contiguous area of one acre;
3. Individual existing healthy trees greater than 8 inch dbh;
4. Other significant natural features and scenic view sheds such as ridge lines, peaks and rock outcroppings, particularly those that can be seen from public roads;
5. Prime agricultural lands having a minimum contiguous area of five acres; and,
6. Existing trails that connect the tract to neighboring areas.

**D. Greenspace Uses.** The following uses may be established in Greenspace:

1. Agriculture, horticulture, silviculture, crop or pasture uses, provided that all applicable best management practices are followed to minimize environmental impacts, that such activities are not conducted within Primary Conservation Areas and provided further that such uses are subject to submission of a conservation plan approved by the Council;
2. Woodlands, meadows, wetlands, wildlife habitats, game preserves or similar conservation use deemed appropriate by the Council;
3. Public, common or private park or passive recreation area;
4. Active recreation areas, provided that such areas comprise no more than 10 percent of the total Greenspace and are not located within Primary Conservation Areas. Active recreation areas may include impervious surfaces;
5. Walking or bicycle trails, provided such facilities are made of porous paving materials;
6. Natural, archeological or historical resource conservation areas;
7. Non-structural stormwater management installations;
8. Easements for drainage, access, and underground utility lines;
9. Structures clearly accessory to greenspace uses; and
10. Other conservation-oriented uses compatible with the purposes of this Article.

**E. Prohibited Greenspace Uses.** The following uses are prohibited in Greenspace:

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

**F. Interconnection.** Greenspace shall be interconnected with greenspace on abutting tracts wherever possible. Provisions for pedestrian pathways for general public use to create linked systems within the Town shall be encouraged. No such interconnection shall have a dimension of less than 50 linear feet.

A minimum of 75 percent of the Greenspace shall be in a contiguous tract. Greenspace should adjoin any neighboring areas of Greenspace, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future Greenspace.

**G. Easements.** Subject to provisions for designating minimum required greenspace as stipulated in this Article, utilities may be located entirely or partially within easements encroaching upon designated greenspace areas. Where utility facilities are so located, the appropriate parties shall establish easements satisfactory to the Council or the utility provider for the purpose of accessing and maintaining such facilities.

**H. Development Restriction.** Except to provide for permitted greenspace uses, designated greenspace shall be legally restricted from further subdivision or development by deed restriction, conservation easement or other legal agreement in a form acceptable to the Council, upon advice of the Town Attorney, and duly recorded in the office of the Clerk of Superior Court of Coweta County.

**I. Multi-Phased Development Designation.** Where development under the RC Conservation Subdivision District is permitted to occur in two or more development phases, a proportionate amount of designated greenspace shall be permanently recorded with each phase.

#### **14.7 Standards for Ownership of Greenspace**

**A. Ownership.** Subject to permanent conservation restrictions in accordance with this Article, legal title to designated greenspace may be held by an incorporated homeowner's association, a land trust or any conservation organization or similar entity recognized by the Town.

**B. Offer of Dedication.** The Town may, but shall not be required to, accept dedication in the form of fee simple ownership of greenspace provided that each of the following conditions exists:

1. Such land is publicly accessible unless the Town determines otherwise;
2. No cost of acquisition other than costs incidental to the transfer of ownership, such as title insurance and recording fees are assessed to the Town; and
3. The Town agrees to, and has access to, maintain such lands.
4. The property is zoned as an RC zoning district.

Where the Town accepts dedication of greenspace that contains improvements, Council may require the posting of financial security, either in the form of a commercial surety bond or unqualified letter of credit (UCC format), to ensure structural integrity of said improvements as well as the functioning of said improvements for a term not to exceed 12 months from the date of acceptance of dedication. The amount of financial security shall

not exceed 50 percent of the actual cost of installation of said improvements.

**C. Homeowner's Association.** A Homeowner's Association may hold title to the greenspace and associated facilities in common ownership. The Association shall be formed and operated under the following provisions:

1. The developer shall provide a Certificate of Incorporation for the Association from the Georgia Secretary of State, including bylaws and methods for financing the cost of maintaining the greenspace.
2. The Association shall be financially subsidized by the developer until at least 75% percent of the lots within the development have been sold.
3. Membership in the Association shall be mandatory for all purchasers of lots in the development and their successors or assigns. The conditions and timing of transferring control of the Association from the developer to homeowners shall be identified.
4. The Association shall be responsible for securing and maintaining comprehensive liability insurance on greenspace land, naming the Town of Turin as an additional insured; proof of coverage shall be filed with the Town, upon written request.
5. All members of the Association shall equitably share the costs of maintaining greenspace. Shares shall be defined within the Association bylaws. Association dues shall be structured to provide for both annual operating costs and to cover projected long-range costs relating to the repair and maintenance of any capital facilities.
6. In the event of a proposed transfer of ownership or maintenance of greenspace by the Association to another entity permitted by this Article, notice of such action shall be given to all members of the Association. The consent of the Town is required to effect any such transfer.
7. The Association shall maintain or hire adequate staff to administer common facilities and property and maintain the greenspace in perpetuity.

#### **14.8 Greenspace Management Provisions.**

**A. Greenspace Management Plan.** Any application for rezoning to the RC Conservation Subdivision District shall include a long term plan for management of the greenspace that is to be created as part of the development. Such plan shall include maintenance and management of any wastewater disposal, water supply, storm-water management or any other common facilities which may be located within or adjacent to greenspace. Such a plan shall also include a narrative describing (1) the manner in which the greenspace and any facilities included therein will be owned and by whom the greenspace will be managed and maintained; (2) the conservation, land management and agricultural techniques and practices that will be used to conserve and perpetually protect the greenspace, including conservation plan(s) approved by the Council; (3) the professional and personnel resources that will be necessary to maintain and manage the property; (4) the planned nature of public or private access to the greenspace; and (5) the funding source that will be available for such perpetual management, preservation and maintenance.

The greenspace management plan shall be recorded in Office of the Clerk of Superior Court of Coweta County together with the Final Subdivision Plat. The applicant shall provide a draft of the greenspace management plan with sufficient detail to demonstrate

feasible compliance with the provisions of this Article with the filing of the Preliminary Plat submission. Council may require that appropriate management contracts be established as evidence of the ability to adhere to the provisions of the approved management plan as a condition of approval. The greenspace management plan shall contain a provision that prohibits any amendment without written application to, and approval of, the Council to allow for changing circumstances inherent to the perpetual management of land. Approval of such application by the Council shall not be unreasonably withheld or delayed, provided the proposed amendment is feasible and consistent with the purposes of preservation of greenspace as set forth in this Article and provided further that the plan for such amendment avoids the likelihood that the obligation for management and maintenance of the land may become a responsibility of the Town without the consent of the Council.

- B. Provisions for Maintenance of Greenspace Upon Default.** In the event the legal entity holding title to greenspace shall, at any time after establishment of a development containing designated greenspace, fail to maintain such land in reasonable order and condition in accordance with the greenspace management plan, the Town may serve written notice upon the owner of record, setting forth the manner in which the owner of record has failed to maintain the greenspace land in reasonable condition.

Failure to adequately maintain the greenspace in accordance with the approved greenspace management plan constitutes a violation of this Zoning Ordinance. The Zoning Administrator is hereby authorized to give notice, by personal service or by United States mail, to the owner or occupant of any violation, directing the owner to remedy the same within 20 calendar days.

Upon default by any entity responsible for maintenance of greenspace and/or associated facilities, where such maintenance is required under the terms of an approved greenspace management plan, any subdivision and/or land development plan for the property, zoning approval for the property, or under any applicable requirement of any Town ordinances, permits, approvals or where such maintenance is otherwise necessary to abate a nuisance, emergency, hazard or other condition threatening persons, property, public health, safety or welfare, the Town may, but shall not be obligated to, upon 20 calendar days (or lesser time period in instances of emergency) written notice to the entity responsible to perform the necessary maintenance and otherwise remedy the condition set forth in the Town's notice, enter upon the greenspace, accessing the same through any other lands of such entity as may be necessary to correct the condition provided in the Town's notice. Within 30 calendar days, the responsible entity shall pay any and all costs incurred by the Town in connection with such action upon written demand by the Town. Upon failure of the responsible entity to pay such costs by the time required, there shall be added interest at the rate of 18 percent per annum as well as costs incurred by the Town in collection of same. The Town may also lien other property of the entity, if any, for the full amount due, plus interest, and foreclose such lien in the same manner as liens for taxes, or make demand upon any bond or letter of credit held in favor of the Town.

**14.9 Greenspace Performance Bond.** Where intended as common or public amenities, all landscapes improvements, plantings, access ways, and recreational facilities within designated greenspace shall be provided by the developer. A performance bond or other security shall be required to cover costs of installation of such improvements in the greenspace. The performance



bond or other security shall be in the same form and adhere to the same conditions as otherwise required for proposed improvements in the Land Development Ordinance.

#### **14.10 Application and Approval Procedures.**

- A. Pre-Application Procedures.** To promote better communication and avoid unnecessary expense in the design of acceptable subdivision proposals, each developer is encouraged to meet with the Planning Commission prior to filing an application for rezoning to the RC Conservation Subdivision District.
- B. Application Requirements.** The application for rezoning to the Conservation Subdivision District shall include a Conceptual Plat as outlined in the Land Development Ordinance for the Town of Turin. In the event any portion of the Land Development Ordinance is inconsistent with this Article, the more stringent regulation shall apply.
- C.** The following additional information shall also be included in the application:
1. Property boundaries;
  2. All streams, rivers, lakes, wetlands and other hydrologic features;
  3. Topographic contours depicting a maximum interval of 10 feet;
  4. All Primary and Secondary Conservation Areas identified by type, as described in Section 14.6.C of this Article;
  5. General vegetation characteristics;
  6. General soil types;
  7. The planned location of Greenspace;
  8. Existing roads and structures; and
  9. Potential connections with existing greenspace and trails.

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## ARTICLE 15 - ADMINISTRATION

**15.1 Administration.** This Ordinance shall be administered by the Zoning Administrator, in cooperation with the Planning Commission, and the Town Council of the Town of Turin, Georgia.

**15.2 Planning Commission.** There is hereby created the Town of Turin Planning Commission whose purpose is to carry out provisions of the Zoning Ordinance assigned to it and within applicable provisions of the laws of Georgia.

**A. Membership.** Members of the Planning Commission shall be appointed by the Town of Turin Town Council. The Commission shall consist of not less than three (3) and not more than five (5) members who are citizens of the Town and who shall be appointed for three (3) year terms, beginning on January 1 of each year, or until their successors shall be appointed. No member shall hold any elective public office within the Town. Unexpired terms shall be filled by the Council. Members are removable for cause by the Council upon written charges and after a public hearing. Failure to attend three (3) consecutive meetings may be cause for removal.

**B. Procedure.** The Planning Commission shall elect a Chairman and Vice Chairman, (who shall be acting Chairman in the absence of the Chairman) from its members who shall serve a one (1) year term beginning January 1 of each year. Officers may succeed themselves in office. The Commission shall adopt such rules and bylaws as deemed appropriate. The Chairman or Vice Chairman if the Chairman is not present shall be the deciding vote in any vote ending in a tie.

**C. Secretary to the Planning Commission.** The Town Clerk shall act as Secretary to the Planning Commission. The Secretary to the Planning Commission shall:

- Serve as administrative secretary to the Planning Commission.
- Maintain public records concerning the administration of the Zoning Ordinance, including all maps, amendments, Certificates of Zoning Compliance, Special uses, Variances, and records of public hearings.
- Conduct all correspondence of the Planning Commission; keep a minutes book recording attendance, the vote of each member upon each question, or if absent, the failure to vote, indicating such fact; keep records of examination and hearing and other official action; and shall carry out such other official duties as may be assigned by the Commission.

**D. Meetings.** Meetings of the Planning Commission will be held on an as needed basis. The Secretary to the Planning Commission shall notify each member of the Planning Commission at least 48 hours prior to such meeting and shall ensure that such other public notice as required by law is provided and abided by. All meetings of the Planning Commission shall be open to the public.

### 15.3 Initiation of Amendments.

**A. Format.** Applications to amend this Ordinance may be in the form of petitions to amend the text, or petitions to amend the Official Zoning Map(s). Applications for

amendments may be initiated by an individual owning property in the Town or his agent, the Planning Commission, or by the Town Council. Unless initiated by the Town Council or the Planning Commission, all applications must be submitted by the owner or his agent and shall be accompanied by an appropriate fee established by the Council. Such authorization of property ownership shall be notarized and attached to the application. When an application to amend the Official Zoning Map is initiated by the Planning Commission or the Town Council, owners of the subject property proposed to be rezoned must be notified by registered mail and the receipt of such notification must be made a part of the application to amend.

**B. Reapplication.** An application for an amendment to the Zoning Map(s) affecting the same property shall not be submitted more than once every 12 months, said intervals to begin with the date of final decision by the Council. The 12-month interval shall not apply to applications initiated by the Town Council or the Planning Commission, except for amendments to the Zoning Map(s) which were defeated by the Town Council, in which case the interval required for the subsequent application shall be at least six months. However, an application to alter conditions of rezoning may be submitted at any time.

#### **15.4 Application for Amendments.**

**A. Submission.** Each application to amend this Ordinance or the Official Zoning Map(s) shall be filed with the Town Clerk and shall be deemed submitted upon acceptance by the Town Clerk and payment of the application fee, as applicable. Initiation of all amendments must be submitted by written request whether the request originates from the Town Council, the Planning Commission or and individual property owner. Applications shall be submitted in compliance with this article.

**B. Timeframe.** Applications shall be submitted at least 45 days prior to the date on which it is to be considered by the Planning Commission and in sufficient time so as to permit advance advertising and notice of any public hearing(s) pursuant to the terms of this Section and the Zoning Procedures Act. The Planning Commission shall have ninety (90) days from the date of submission to act on the petition. Upon receipt of the Planning Commission's report, the Council shall have sixty (60) days in which to conduct a thorough review of the petition.

**C. Text Amendment.** Text amendment applications shall include the following:

1. Name and address of applicant.
2. Current provisions of text to be affected by amendment.
3. Proposed wording of text change.
4. Reason for amendment request.

**D. Map Amendment.** Map amendment applications shall include the following:

1. A legal description of the tract(s) to be rezoned, including the street address and subdivision, if any, or area in which the tract is located.
2. A minimum of seven (7) copies of a plat, drawn to scale, showing north arrow, land lot and district; the dimensions, acreage and location of that tract(s); floodplain and flood hazard areas; unusual topographical features; current zoning of subject tract and all adjacent properties; and existing structures. This plat shall be

- prepared by a registered architect, registered professional engineer, registered landscape architect, or planner with an AICP certification or land surveyor whose seal shall be affixed to the plat.
3. The names and addresses of the owners of the land and their agents, if any; together with a written notarized authorization for the owner(s) agents, if any, to seek rezoning.
  4. A narrative indicating specifically how the property is to be used or development.
  5. The name and address of abutting property owners as indicated by Town of Turin or Coweta County Tax Records.
  6. Each zoning map amendment application, whether submitted by local government, or by a party other than local government shall include with it to be complete a written, documented analysis of the impact of the proposed rezoning with respect to each of the following matters:
    - a) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.
    - b) Whether the zoning proposal would adversely affect the existing use or usability of adjacent or nearby property.
    - c) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.
    - d) 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.
    - e) Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Land Use Plan.
    - f) 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.
  7. Other information as may be required by the Mayor and Council.

### **15.5 Application Withdrawal/Amendment/Compliance.**

**A. Withdrawal.** An application may be withdrawn by the applicant after the legal advertising as required by this Section shall have first appeared but the rezoning application fee shall be forfeited. An applicant may also withdraw an application before legal advertising and in writing to the Secretary to the Planning Commission. If application is withdrawn before legal advertising is published a full refund of application fee shall be available to the applicant.

**B. Conditions.** An applicant shall file site plans, renderings, construction specifications, written development restrictions, detail description of the proposed use, and other conditions which the applicant proposes as binding conditions upon the development and use of the property involved in the application provided, however, that any such conditions or alterations or changes thereto shall be filed with the Planning Commission at least fourteen (14) days prior to the public hearing before the Town Council. If any such conditions or alterations or changes thereto are proposed by an applicant and have not been filed as required by this subsection, the Council, at the time of the public hearing on the application, may defer any action on such application to a specific meeting date. The date designed for action on the application shall be set at a time which will allow the applicant to comply with the filing requirements of this subsection.

**C. Amendments.** Information submitted to the Town by the applicant, either in written or verbal form, and accepted by the Council shall become an amendment to the application and shall be a condition to the rezoning as provided below. Such amendments and conditions may be evidenced by written representations submitted to the Town by the applicant or as contained in the minutes of Council, both of which are incorporated into any rezoning ordinance granted on the application.

**D. Compliance.** The petitioner's substantial compliance, within 12 months of the date of the ordinance of rezoning, with the plans for the project proposed in the development plan submitted with the initial applicant's application for Rezoning, and as thereafter amended by the applicant and accepted by the Council, is required. Substantial compliance means that the applicant must have initiated development of the project to the point that it is clearly in progress in accordance within the plan. The applicant's final representation of proposed use of the site, the final development plans presented to the Mayor and Council in support of the application (and accepted by the Mayor and Council as reflected in the Zoning Ordinance or the Council's minutes of the proceedings), and the implementation of any conditions imposed upon the proposed use and/or development plans, shall be conditions to the continued existence of any re-zoning granted by this Ordinance. If, within twelve (12) months of the reclassification granted by this Ordinance, the applicant fails to initiate development of the subject site in conformity with said uses and development plans, including any conditions imposed by the Council, the Council may initiate an application for amendment as outlined in Article 15.4. Such application shall be limited to the purposes of revoking the zoning granted in the ordinance of rezoning and for reverting the land's zoning classification to the zoning classification of the land prior to the rezoning. If an annexation was granted, the site will revert to the zoning classification most compatible with that of the surrounding area, as determined by the Council.

**15.6 Planning Commission Action.** The Planning Commission, upon receiving an application for amendment, shall:

- A.** Review each application to ensure compliance with application procedures specified in this Article.
- B.** Evaluate each application in accordance with section 15.10 of this Ordinance.
- C.** Conduct a site review of the property and surrounding area, as necessary.
- D.** Submit a written report of the Planning Commission's investigation and recommendation to the Council. The Planning Commission may make a recommendation for approval, approval with conditions, denial, deferral, withdrawal without prejudice or no recommendation. The Planning Commission's action may recommend amendments to the applicant's request which would reduce the land area for which the application is made, change the district requested, or recommend conditions of rezoning which may be deemed advisable so that the purpose of this Ordinance will be served. The failure of the Planning Commission to take any action as to a particular petition within ninety (90) days of submission, as defined in section 15.4.A, will be tantamount to forwarding with no recommendation.

**15.7 Town Council Action.** After receiving the written report of the Planning Commission, the Town Council shall take the following actions.

- A. Hold a Public Hearing, as outlined in this Article, on each petition.
- B. Evaluate each application in accordance with section 15.10 of this Ordinance. Following questions and/or comments by Council members, a motion for action on the issue will be in order. A majority of affirmative votes is required to pass any motion before the Council.
- C. So that the purpose of this Ordinance will be served, health, public safety, and general welfare secured, the Council may approve the application, reduce the land area for which the application is made, change the district requested, add or delete conditions of the application, deny an application, or defer consideration of an application to acquire additional information. An action by the Council to defer the application shall include a statement of the date and time of the next meeting at which the application will be considered, which statement shall constitute public notice of the hearing on the application and no further notice, is required. No official action shall be taken until there is a majority vote of a quorum of the Council. The final decision by the Council shall be reduced to writing and mailed to the applicant.
- D. Appeals from decisions of the Council shall be taken to the appropriate courts.

**15.8 Public Notification.**

- A. **Legal Notice.** Due notice of the public hearing before the Town Council shall be published in the newspaper of general circulation for the Town in which is carried the legal advertisements of the County by advertising the application and date, time, place, and purpose of the public hearings at least 15 days and not more than 45 days prior to the date of the first hearing conducted by the Council. If the application is for amendment to the Official Zoning Map(s), then this notice also shall include the location of the property, the present zoning classification of the property, and the proposed zoning classification of the property.
- B. **Signs Posted.** The applicant shall post, in accordance with the Town Posting notice requirements, at least 15 days prior to the date of the hearing, in a conspicuous place on the property in question, a sign of not less than nine square feet, with not less than three inch black letters upon a white background, which shall read as follows:

NOTICE TO THE PUBLIC

A PETITION HAS BEEN FILED WITH THE TOWN OF TURIN THAT THIS  
PROPERTY BE CHANGED FROM ITS CURRENT (insert current district name)  
ZONING TO (insert requested district name) ZONING.  
A PUBLIC HEARING WILL BE HELD AT (insert meeting location) ON (insert date)  
AT (insert time) P.M. ALL THOSE HAVING AN INTEREST IN THIS PETITION  
SHOULD BE PRESENT.  
MAYOR AND TOWN COUNCIL

- C. **Letters.** As to an application to amend the Official Zoning Map(s), the Secretary to the Planning Commission shall send letters to abutting property owners at least fifteen (15) days and no more than forty-five (45) days in advance of the Public Hearing before the

Town Council. Letters shall include information as to the application and date, time, and place of the Public Hearing.

### **15.9 Procedures for Public Hearing.**

**A.** For the purposes of these procedures, the term “zoning decision” shall mean the final legislative action by the Town which results in:

1. The adoption of a zoning ordinance;
2. The adoption of an amendment to a zoning ordinance which changes the text of the zoning ordinance;
3. The adoption of an amendment to a zoning ordinance which rezones property from one zoning classification to another;
4. The adoption of an amendment to a zoning ordinance by the town which zones property to be annexed into the town; or
5. The grant of a permit relating to a special use of property.

**B.** On all petitions for a proposed zoning decision that are referred to the Council, the Council will hold a public hearing on such petitions at a regularly scheduled or properly called special meeting of the Council. All public hearings shall be held at the usual location that the Council holds meetings.

**C.** If any person desires a stenographic record of the proceedings, such persons shall make arrangement for such by informing the Town Clerk, who shall arrange for a stenographer to record the proceedings. The costs of such shall be borne by the person or persons requesting stenographic recording. No stenographer not arranged for in accordance with these procedures shall be allowed to set up in the hearing room.

**D.** The governing, calling, and conducting of hearings shall be accomplished in accordance with the following policies and procedures:

1. The Mayor (or his designee) shall open the hearing with an explanation of the purpose of the hearing and a description of the general rules for the conducting of the hearing. The Mayor may describe the authority and role of the Council in any zoning decision. The Mayor shall chair the hearing and shall determine the relevance of any proposed comment or presentation to the Council in the hearing and is authorized to rule any individual or a portion of any presentation out of order if not relevant to the published purpose of the hearing. The Council shall consider each application on an individual basis.
2. For each application, the Mayor shall poll the Council, the applicant and persons speaking in support of/opposition to the proposed zoning decision as to conflicts of interest and any campaign contributions that may have been made to elected officials of the Town within the two years immediately preceding the filing of the petition or application for the proposed zoning decision.
3. When an application comes up for review, the Mayor may ask for a show of hands for those persons who appear in support of/opposition to the petition. In the event there is more than one person desiring to speak per side, speakers must divide their time or designate a spokesperson so that the entire presentation of the positions of those in support of/opposition to the petition shall not exceed twenty (20) minutes.



4. For each proposed zoning decision, the proponents of the proposed zoning petition shall have a maximum of twenty (20) minutes collectively for the presentation of data, evidence, and opinion; unless the Mayor allows the proponents additional time for presentation. Failure of the applicant or his/her representative to be present for the hearing shall result in automatic termination of any proceedings on the amendment.
5. For each proposed zoning decision, the opponents of the proposed zoning petition shall have a maximum of twenty (20) minutes collectively for the presentation of data, evidence, and opinion; unless the Mayor allows the opponents additional time for presentation.
6. Applicants or proponents may use any unused portion of their twenty (20) minutes for rebuttal. No new issues shall be brought forth during the rebuttal by either the applicant or opponent.
7. Any person addressing the Mayor and Council shall respond to questions by the Mayor and the Council. Remarks shall be addressed to the Mayor only and not to other members of the Council or audience. Any remark amounting to an attack on the character or personal integrity of another individual, comment not factually supportable, comment in the form of an emotional outburst, or comment not directed to the Mayor, shall be considered to be non relevant to the purpose of the hearing and shall be ruled out of order.
8. The Mayor shall enter into the record after the presentation of the applicant or his/her representative any written comment, petition, or similar written statement received by the Council prior to the hearing and the same shall be considered by the Council along with comments and other relevant information of the hearing in making any zoning decision concerning the proposed zoning amendment.
9. Recommendations from the Town staff, the Planning Commission, and any County Official that may have comments or recommendations, may be heard by the Council. Following the staff recommendations, Council members may ask of anyone present questions pertinent to the issue.
10. After the above procedures have been completed, the Mayor will indicate that the public hearing is formally closed. No further public hearing on the proposed zoning amendment shall be required prior to the zoning decision.

E. After the public hearing is closed, the Council may either vote upon the proposed change or may delay their vote to a subsequent meeting; provided, that notice of the time, date, and location when such zoning decision is to be made shall be announced at the meeting during which that public hearing is held.

F. The town clerk shall make available to the public printed copies of these procedures.

**15.10 Standards for the Exercise of Zoning Power.** In addition to the standards enumerated in other sections of this ordinance, the Planning Commission and Council shall consider the following matters in reference to any rezoning application:

- The existing land uses and zoning classification of nearby property.
- The possible creation of an isolated district unrelated to adjacent and nearby districts and not in conformance with the Future Land Use map.
- 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.

- Whether the proposed change will adversely influence living conditions in the neighborhood.
- Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.
- Whether the proposed change will create adverse environmental impacts, such as water, erosion and sediment disturbances.
- Whether the proposed change will adversely affect property values in the adjacent area.
- Whether the proposed change will seriously reduce light and air to adjacent areas.
- Whether there are substantial reasons why the property cannot be used in accordance with existing zoning.
- Whether the change suggested is out of scale with the needs of the neighborhood or the Town.
- The extent to which the proposed change is consistent with the Comprehensive Plan.
- The relative gain to the public as compared to the hardship, if any, imposed on the property owner by the present zoning.
- The suitability of the subject property for the zoned purposes.
- The length of time the subject property has been vacant as zoned, considered in the context of land development in the vicinity of the property, and legitimate efforts to develop or sell the property as presently zoned.
- The possible effects of the proposed zoning change and proposed use on the character of the zoning district, existing land use pattern, and architectural harmony of the subject area.
- Any other factors relevant to balancing the interest in promoting the public health, safety, morality, or general welfare against the interests of a property owner in rezoning.
- 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.

#### **15.11 Conflict of Interest and Disclosure Rules.**

**A.** Any Council member, the Mayor, or any Planning Commission member who knows or reasonably should know that he or she:

- Has any direct ownership in any real property to be affected by a rezoning action under consideration by the Town; or
- Has a ten percent (10%) or more direct ownership interest in the total assets or capital stock in any business entity which has any direct ownership in any real property affected by a rezoning action under consideration by the Town; or
- Has a spouse, parent, sibling or child with any interest as described above;

shall disclose the nature and extent of such interest, in writing, to the Council as soon as he or she knows of its existence. Such an Official shall disqualify himself/herself from voting on the rezoning action and shall not take any other action on behalf of himself or herself or anyone else to influence action on the rezoning action. Any written disclosures made pursuant to this section which result in the inability of the Council to obtain a quorum for the purpose of making a final decision when considering a rezoning action,

the Council shall initiate the special master process set forth in O.C.G.A. s36-67A-5, as amended. Moreover, questions of interpretation as to the application of this statute should be resolved by reference to the Georgia state law governing campaign contribution disclosures, O.C.G.A. s36-67A-1 et seq., as amended.

**B.** When any proponent or opponent of a rezoning action has made, within two years immediately preceding the filing of the rezoning action being considered, campaign contributions aggregating \$250.00 or more to a local government official of the local government which will consider the application, it shall be the duty of the proponent or opponent to file a disclosure with the Council showing:

1. The name and official position of the local government official to whom the campaign contribution was made; and
2. The dollar amounts and description of each campaign contribution made to the local government official during the two (2) years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

**C.** The disclosure required by this section shall be filed at least five (5) calendar days prior to the first hearing by the local government or any of its agencies on the rezoning application.

**15.12 Enforcing Officer.** The provisions of this Ordinance shall be administered and enforced by the Council or designated person of the Town. His duties shall include inspecting premises, and issuing building permits and occupancy permits for uses and buildings that meet the requirements of this Ordinance and other Ordinances of the Town of Turin.

**15.13 Building Permit Required.**

**A.** No building or other structure shall be located, erected, moved, added to, or structurally altered without a building permit issued by the Building Inspector. No building permit shall be issued except in conformity with the provisions of this Ordinance.

**B.** It shall be unlawful to commence the excavation or filling of any lot for construction of any building until a building permit has been issued for such work.

**C.** No permit shall be required for any repairs or modernization of any building which does not increase the floor area of such building, providing that no encroachment into any required yard area is built.

**D.** All applications for building permits shall be accompanied by plans or sketch 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 location on the lot of the building or structure proposed to be erected or altered, setback distances, any parking spaces, and such other information as may be necessary to provide for the enforcement of the provisions of this Ordinance. If no substantial construction progress has been made within six months of the date of the issuance of the building permit, the permit becomes invalid and a new building permit shall have to be issued.

**15.14 Certificate of Occupancy.**

**A.** The Council or the building inspector, if designated, shall sign and issue an occupancy permit if the proposed use of a lot or building is found to conform to the applicable provisions of this ordinance, and if the building as finally constructed, complies with the plans submitted for the building permit. No Certificate of Occupancy shall be issued unless the lot or building or structure complies with all provisions of this Ordinance, and other applicable ordinances of the Town and applicable state and county laws and regulations.

**B.** A Certificate of Occupancy issued by the Town Clerk after approval by the Council is required in advance of the use or occupancy of:

1. Any lot or a change in the use thereof.
2. A building hereafter erected, altered or a change in the use of an existing building.
3. Any non-conforming use that is existing at the time of the enactment of this Ordinance or an amendment thereto that is changed, extended, altered, or rebuilt thereafter. The Certificate of Occupancy shall state specifically wherein the non-conforming use fails to meet the provisions of this ordinance.

**C.** A record of all Certificates of Occupancy shall be kept on file in the office of the Town Clerk and a copy shall be furnished on request, to any person having a proprietary or tenancy interest in the building or land involved.

**15.15 Powers and Duties of the Building Department.** The Council, or the building official, as designated by the Council, is hereby authorized and directed to enforce the provisions of this ordinance. Whenever a building official is not designated, “building official” shall mean Mayor and Town Council.

**A. Right of Entry.** Whenever necessary to make an inspection to enforce any of the provisions of the ordinance, or whenever the building official has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building, structure, premises, electrical, gas, mechanic or plumbing system unsafe, dangerous or hazardous, the building official may enter at all reasonable times when granted access by the occupant to inspect the same or perform any duty imposed upon the building official by this ordinance.

**B. Unsafe Buildings or Systems.** All buildings, structures, electrical, gas, mechanic or plumbing systems which are unsafe, unsanitary or do not provide adequate egress or ingress or which constitute a fire hazard, are otherwise dangerous to human life, which in relation to existing use, constitute a hazard to safety or health, are considered unsafe buildings or systems. All such unsafe buildings, structures or service systems are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition. The repair and rehabilitation is the responsibility of the owner of the building or structure. If demolition is deemed necessary the owner is responsible for all costs. If the owner does not repair, rehabilitate or demolish the building or structure as deemed appropriate by the building official the owner shall be fined for violation of this Zoning Ordinance. Each

day the repair, rehabilitation or demolition is not shown to be underway shall be considered a separate offense.

**C. Stop Work Orders.** Upon notice from the building official, work on any building, structure, electrical, gas, mechanical or plumbing system that is being done contrary to the provisions of this ordinance, building codes, manufacturer's specifications or in a dangerous or unsafe manner, shall immediately cease. Such notice shall be in writing, given to the owner, his agent or person doing the work and shall state the condition under which work may proceed.

**D. Revocation of Permits.** The building official may revoke a permit or approval, issued under provisions of this ordinance, where there have been any false statements or misrepresentations as to the material facts in the application or plans on which the permit or approval was based. The building official may revoke a permit upon determination by said official the permit was issued in violation of, or not in conformity with the provisions of this ordinance.

#### **15.16 Conditional Zoning.**

**A.** In order to maintain the health, safety, welfare, and morality of the citizens of the Town, The Council may impose conditions on rezoning requests. Conditions placed on the property as a part of approval of a rezoning application shall remain in force until such time as an appeal has been granted. Conditions shall be in writing and purpose for the conditions shall be established.

**B.** Conditions placed on property at the time of rezoning shall become a written part of the minutes of the Council meeting and shall be attached to the amendment to the Official Zoning Map. The conditions imposed shall be part of the rezoning application and kept in the office of the Town Hall.

**C.** Any condition or conditions imposed upon the petitioner by the Council in its ordinance, or as contained in its minutes, or as contained in written representations by the applicant, accepted by the Council, must be satisfied before the change in status will take permanent effect. Should the imposed condition(s) fail to be performed within the prescribed time period set forth by the Town in either the Town minutes or ordinance or in the application, if otherwise so stated, then within one year, the property at issue will automatically revert to the status or classification it occupied before the practitioner's application to re-zone was filed.

**D.** Conditions include those contained in the minutes of the Council, which shall become a part of the ordinance when enacted and written representations submitted by the applicant to the Town, and accepted by the Council, which shall become an amendment to the applicant's rezoning application and a part of the enacted ordinance.

**E.** Appeals for relief of conditions placed on rezoned property may be heard by the Town Council only when the reason for the placement of conditions has been altered to allow the use of the property without the conditions. Appeals shall follow the same procedure as that of a rezoning application. Public hearings are required before any conditions placed on property may be dissolved.

### 15.17 Special Uses.

**A.** The Planning Commission shall review and the Council shall approve or deny special uses which are specifically authorized by this Ordinance.

**B. Conditions and Limitations.** The Planning Commission shall include any condition, requirement, or limitation which may be necessary to protect adjacent properties and carry out the provisions of this Ordinance in its review and the Council may impose conditions, requirements or limitations it deems necessary. If at any time after a special use permit has been issued, the Building Official finds that the conditions imposed and the agreements made have not been or are not being fulfilled by the holder of a special use permit, the permit shall be terminated.

**C. Procedure.** Application for a special use shall be filed with the Office of the Town Clerk. Each application shall be accompanied by a professionally prepared, to scale, site plan, showing the following:

1. General Location of existing structures and property lines.
2. Present zoning of adjacent property.
3. Existing use of adjacent property.
4. Location of proposed buildings and land use.
5. A legal description of the property.
6. Setbacks
7. Parking spaces if applicable

The Planning Commission shall have sixty (60) days within which to consider each request and make written recommendations to the Council. A public hearing is required by the Council (see section 15.9). Upon receiving recommendations from the Planning Commission or after the sixty day period has expired, the Council shall schedule the proposed special use to be voted on at the next regularly scheduled Council meeting.

**D.** Specifically, in order to grant approval of a special use, the Council must find the following standards have been met:

1. The available existing street system is adequate to efficiently and safely accommodate traffic which will be generated by the proposed use or development.
2. The existing public utilities, facilities and services are adequate to accommodate the proposed use or development.
3. The use or development will not generate or cause conditions such as noise, light, glare, odor or similar objectionable features which would reduce the value, use or enjoyment of surrounding properties.
4. The use would not have a detrimental environmental impact on the surrounding area.
5. The use would not adversely affect the health, safety, morals, and general welfare of the community.
6. The use would not adversely affect the property values of surrounding properties.
7. In addition, any proposed special use shall be governed by the same standards for an amendment to the zoning map as set forth in Section 15.10.

**E. Conditional approval.** The Council may impose such conditions as it deems necessary to insure compatibility of the proposed use with the neighboring area and with the policies of the Town's zoning ordinance and land use plan and the standards of this article. Such conditions may include, at a minimum, any of the following:

1. The existence of certain public facilities, utilities, or infrastructures.
2. The existence of traffic control devices or modifications to streets and traffic patterns.
3. Parking.
4. Screening or buffering.
5. Distance from other similar uses.
6. Building or improvement setbacks.
7. Minimum lot size.
8. Hours of operation.
9. Number and location of curb cuts or driveway entrances into public roads or into the subject tract.
10. Type and placement of outdoor lighting.
11. Type and placement of signs.
12. Physical design and layout of property.
13. Limitations on operation of use.

**F. Fee.** Each application for a special use shall be assessed a fee according to fee schedule established by the Council.

#### **15.18 Variances.**

**A.** The Planning Commission shall review and the Council shall approve or deny variances. A variance will be authorized upon appeal, in specific cases, from the terms of this Zoning Ordinance where granting a variance will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of ordinance will, in an individual case, result in unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of hardship upon finding by the Council that:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
2. The application of the zoning ordinance to this particular piece of property would create a hardship;
3. Such conditions are peculiar to the particular piece of property involved;
4. Such conditions are not a result of any action of the property owner;
5. Relief, if granted, would not cause a substantial detriment to the public good or impair the purposes and intent of this Zoning Ordinance.

**B. Conditions and Limitations.** The Planning Commission shall include any condition, requirement, or limitation which may be necessary to protect adjacent properties and carry out the provisions of this Ordinance in its review and the Council may impose conditions, requirements or limitations it deems necessary. If at any time after a variance has been issued, the Council find the conditions imposed and the agreements made have not been or are not being fulfilled by the holder of a variance, the variance shall be

terminated.

**C. Procedure.** Application for a variance shall be filed with the Office of the Town Clerk. Each application shall be accompanied by a professionally prepared, and to scale, site plan, showing the following:

1. General Location of existing structures and property lines.
2. Present Zoning of adjacent property.
3. Existing use of adjacent property.
4. Location of proposed buildings and land use.
5. A legal description of the property.
6. Setback distances
7. Parking spaces if applicable

The Planning Commission shall have sixty (60) days within which to consider each request and make written recommendations to the Council. A public hearing is required by the Council (see section 15.9). Upon receiving recommendations from the Planning Commission or after the sixty day period has expired, the Council shall schedule the proposed variance to be voted on at the next regularly scheduled Council meeting. A decision by the Council shall be final and non-appealable.

**D. Fee.** Each application for a variance shall be assessed a fee according to fee schedule established by the Council.

#### **15.19 Penalties.**

**A.** Any person, firm, or corporation violating a provision of this Ordinance shall be guilty of a misdemeanor, and upon conviction, shall be punished for each violation, according to the laws of the State of Georgia. Each day such a violation continues shall be deemed separate offense.

**B.** In case any building is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, lot, or acreage is used in violation of this Ordinance, the Council, or any other appropriate authority, or any person who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action in proceeding to prevent said violation in the case of each such building or use.

**15.20 Compliance with Zoning Procedures Law.** This Article of the Town of Turin Zoning Ordinance, as from time to time amended, is intended to set forth and constitute the policies, procedures and standards required under Chapter 66, Title 36 of the O.C.G.A. Official Code of Georgia Annotated (The Zoning Procedures Law), and shall be interpreted to be consistent with said Statute, as the same may be amended from time to time.



## ARTICLE 16 – TELECOMMUNICATION ANTENNA AND TOWERS

**16.1 Purpose.** This article is designed and intended to balance the interests of the residents of the Town of Turin, telecommunications providers, and telecommunications customers in the siting of telecommunications facilities within the Town 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 personal wireless services and shall not prohibit or have the effect of prohibiting the provision of personal wireless services, and so as to promote the Town of Turin as a proactive Town in the availability of personal wireless telecommunications service. To that end, this article shall:

- A. Provide for the appropriate location and development of telecommunications facilities in the Town.
- B. Protect the Town’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 Town;
- 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.

**16.2 Definitions.** As used in this article, the following terms shall have the meaning indicated:

**A. “Antenna”** means 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 article 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 device designed for over-the-air reception of radio or television broadcast signals, multichannel multipoint distribution service or direct broadcast satellite service, or any cable television headend or hub towers and antennae used solely for cable television service.

**B. “Micro telecommunications facilities”** are those which are located on existing buildings, poles, or other existing support structures where antennae do not project more than three feet (3’) above the top of the structure and there are no more than six (6) antennae per site.

**C. “Macro telecommunications facilities”** are those which are located on existing buildings, poles, or other existing support structures and which project more than three feet (3’) above the top of the structure but no more than ten feet (10’) above the roof line, parapet or top of the structure. Macro telecommunication facilities may exceed the height limitation specified for the zoning district.

**D. “Monopole tower”** means a telecommunications tower consisting of a single pole, constructed with guy wires or ground anchors.

**E. “Telecommunications facilities”** refers to antennae and towers, either individually or together.

**F. “Tower”** means 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 antennae 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.

**16.3 Exclusions.** The following shall be exempt from this article.

**A.** Any tower and antennae under seventy (70) feet in total height which is owned and operated by an amateur radio operator licensed by the Federal Communications Commission;

**B.** Any device designed for over-the-air reception of television broadcast signals, multichannel multipoint distribution service or direct broadcast satellite service; or

**C.** Any telecommunications facilities located on property owned, leased or otherwise controlled by the Town provided a license or lease authorizing the telecommunications facility has been approved by the Governing Body.

**D.** Any cable television headend or hub towers and antennae used solely for cable television services.

**16.4 Placement of Telecommunications Facilities by Zoning District.**

**A.** In General Industrial (GI) zoning district Micro and Macro telecommunications facilities shall be allowed as a use by right. Telecommunications towers designed and intended to accommodate at least one user are permitted as a use of right up to a height of eighty feet (80’) following design review by and receipt of a building permit from the Town.

**B.** In the Rural Development (RD) zoning district, short Micro telecommunications facilities shall be allowed as a use as of right on nonresidential structures following design review by and receipt of a building permit from the Town. Macro telecommunications facilities shall be allowed as a special use on nonresidential structures following design review by and receipt of a building permit from the Town.

**C.** Telecommunications facilities outside the guidelines listed above may only be built

after approval of a variance in accordance with Section 13.19 of the Code of the Town of Turin as well as receipt of a building permit.

## 16.5 Preferred and Disfavored Location Sites

### A. Preferred Location Sites

1. **Co-Location Sites:** Any existing telecommunications towers currently being used for transmitting or receiving analog, digital, microwave, cellular, telephone, personal wireless service or similar forms of electronic communication 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 Governing Authority to be visually obtrusive.
2. **Publicly-used structures:** Publicly-used structures are preferred locations throughout the town because they appear in virtually all neighborhoods, are dispersed throughout the town, 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, but are not limited to, 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.
3. **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 roofline can and will be removed as part of the installation of the telecommunications facility.

**B. Disfavored Location Sites:** Any single-family residential structure or site or multi-family duplex shall be a disfavored site for the location of telecommunications facilities.

## 16.6 Requirements for Telecommunications Facilities – Design Standards.

**A. 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, 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 qualified, independent engineer licensed to practice in Georgia. The results of such inspection shall be provided to the Town.

2. **Regulatory Compliance.**

- a. 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.
- b. Owners of telecommunications facilities shall provide documentation showing that each telecommunications facility is in compliance with all applicable federal and state requirements. Evidence of compliance must be submitted every 12 months.

3. **Security:** All telecommunications facilities shall be equipped with an appropriate anti-climbing device or other similar protective device to prevent unauthorized access to the telecommunications facility.

4. **Lighting:** No illumination is permitted on telecommunications facilities unless required by the FCC, FAA or other state or federal agency of competent jurisdiction or unless necessary for air traffic safety. If lighting is required or necessary, the Town 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. However, a whip antenna may be allowed on any legally permitted permanent billboard of outdoor advertising sign as long as the other requirements of this article are met.

6. **Visual Impact**

- a. Telecommunications facilities shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA or other applicable federal or state agency, be painted a neutral color or painted and/or textured to match the existing structure so as to reduce visual obtrusiveness.
- b. If an antenna is installed on a structure other than a tower, the antenna and associated 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. Where feasible, telecommunications facilities should be placed directly above, below or incorporated with vertical design elements of a building to help in camouflaging.
- d. Telecommunications facilities shall not be placed in a direct line of sight with historic or scenic view corridors as designated by the Governing Body or by any state or federal law or agency.
- e. Any equipment shelter or cabinet that supports telecommunications facilities

must be concealed from public view or made compatible with the architecture of the surrounding structures or placed underground. Equipment shelters or cabinets shall be screened from public view by using landscaping or materials and colors consistent with the surrounding backdrop. The shelter or cabinet must be regularly maintained.

**7. Landscaping**

- a. Landscaping shall be used to effectively screen the view of the telecommunications facility from adjacent public ways, public property and residential property. Landscaping shall include a buffer zone of no less than fifty (50) feet from the base of the tower, thirty (30) feet of which shall be densely planted with native evergreen trees and shrubs.
- 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 Town may waive or modify the landscaping requirement where lesser requirements are desirable for adequate visibility for security purposes, for continued operation of existing bona fide agricultural or forest uses such as farms, nurseries and tree farms or where an antenna is placed on an existing structure. 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 Town.

- 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 or local street, access for maintenance vehicles shall be exclusively by means of the collector or local street.

**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 telecommunications facility. Accessory uses must be fenced.
- b. Telecommunications facilities may be located on sites containing another principal use in the same buildable area.

**10. Lot Size and Setbacks.**

- a. The following setback requirements shall apply to all telecommunications facilities.
  - 1) Telecommunications towers must be set back a distance equal to the height of the tower from any property line.
  - 2) Towers, guy wires and accessory facilities must satisfy the minimum zoning district setback requirements.

- b. For antennas attached to the roof or a supporting structure on a rooftop, a 1:1 setback ratio (example: ten foot (10') high antenna and supporting structure requires ten foot (10') setback from edge of roof) shall be maintained unless an alternative placement is shown to reduce visual impact.

**B. Additional Requirements For Towers:**

1. Site location and development shall preserve the preexisting character of the surrounding buildings and land uses and the zoning district as much as possible. Personal wireless telecommunication towers shall be integrated through location and design to blend in with existing characteristics of the site to the extent practical.
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 and related facilities to the natural setting and built environment.
4. Towers shall not be located any closer than 1500 feet from an existing tower.
5. When a tower is adjacent to a residential use, it must be set back from the nearest residential lot line a distance at least equal to its total height.
6. In no case shall a tower be located in the required front yard, back yard or side yard in a residential district.
7. Towers shall not be sited where they will negatively affect historic or scenic view corridors as designated by the Governing Body or any state or federal law or agency or where they will create visual clutter.
8. Towers shall be enclosed by decay-resistant security fencing not less than six (6) feet in height and shall be equipped with an appropriate anti-climbing device or other similar protective device designed to prevent tower access.
9. If no paved access road leads to proposed tower site then an access road no wider than twenty (20) feet shall be constructed of dustless and durable Portland Cement, concrete, or asphaltic concrete and maintained in a useable condition.

**16.7 Application Procedures**

**A. General Application Requirements for All Building and Special Use Permits.**

Application for a building permit or for a special use permit for any telecommunications facility shall be made to the Town Clerk by the person, company or organization that will own and operate the telecommunications facility. An application will not be considered until it is complete. The following information shall be submitted when applying for a building permit, for a special use permit or other permit or variance included in this article and must be submitted for an application to be considered complete:

**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. Applicants shall submit a paper location map and a digitized location map in a format compatible with the GIS software currently utilized by the Town.
- b. Landscape plan to scale indicating size, spacing and type of plantings required

in Section VI(A)(7).

- c. A full description of the environment surrounding the proposed telecommunications facility, including any adjacent residential structures and districts, structures and sites of historic significance, streetscapes or scenic view corridors.
  - d. 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.
  - e. Report from a qualified, independent engineer licensed in the State of Georgia, documenting the following:
    - 1) Telecommunications facility height and design, including technical, engineering, economic, and other pertinent factors governing selection of the proposed design;
    - 2) Total anticipated capacity of the telecommunications facility, including number and types of antennae which can be accommodated;
    - 3) Evidence of structural integrity of the tower structure; and
    - 4) Structural failure characteristics of the telecommunications facility and demonstration that site and setbacks are of adequate size to contain debris.
  - f. 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.
  - g. Information showing the proposed facility would provide the needed coverage or capacity.
  - h. The identity of a community liaison officer appointed by the applicant 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.
  - i. Identification of the geographic service area for the subject installation, including a map showing the site and the nearest or associated telecommunications facility sites within the network. Describe the distance between the telecommunications facility sites. Describe how this service area fits into and is necessary for the service network.
  - j. Designation of which Location Preference, identified in Section V, above, the proposed facility is meeting. If the proposed location is not a Preferred Location 1 through 4 or is a Disfavored Site, describe: (a) what publicly-used building, co-location site or other Preferred Location Sites are located within the geographic service area. Provide a list (by address with lot and block number noted) and a map at 1:200 scale of all such buildings within the service area; (b) what good faith efforts and measures were taken to secure each of these Preferred Location sites; (c) why each such site was not technologically, legally or economically feasible and why such efforts were unsuccessful; and (d) how and why the proposed site is essential to meet service demands for the geographic service area and Town-wide network.
2. **Five Year Plan and Site Inventory.** Each application shall include a five-year facilities plan and site inventory including the following:
- a. A list of all existing, existing to be upgraded or replaced, and proposed telecommunications facility sites within the Town limits and within one mile of

the Town limits and a map showing these sites. The list must include the following information for each site:

- 1) Street address;
  - 2) Assessor's Block and Lot or other applicable ad valorem tax identification number;
  - 3) Zoning district;
  - 4) Type of building (commercial, residential, mixed use) and number of stories;
  - 5) The number of antennas and base transceiver stations per site and the location and type of antenna installation (stand alone rooftop, building façade, etc.) and location of the base transceiver station installation(s);
  - 6) The height from grade to the top of the antenna installation; and
  - 7) The radio frequency range in megahertz, the wattage output of the equipment and effective radiated power.
- b. If the applicant does not know specific future tower and antenna site locations but does know of areas where telecommunications facilities will be needed within the next five years to provide service, the applicant shall list the Assessor's Blocks contained within the anticipated geographic service area and identify each geographic service area with a number that will correspond to the future telecommunication facility site.

### **3. Additional Information Requirements for Towers:**

- a. Applicants must justify why alternate sites have not been proposed. The Council will review with special care justifications that appeal only to undue expense and/or to undue difficulties in entering into a lease agreement. The Council shall carefully weigh such claims, and the evidence presented in favor of them, against a project's negative impacts at the proposed site.
- b. Applicants must identify all existing towers and all towers for which there are applications currently on file with the Council. Applicants must provide evidence of the lack of space on all suitable existing towers to locate the proposed antenna and of the lack of space on existing tower sites to construct a tower for the proposed antenna. If co-location on any such towers would result in less visual impact than the visual impact of the proposed tower, applicants must justify why such collocation is not being proposed. If co-location on any such tower would increase negative visual impact, then the applicant must so state and demonstrate. The Council will review with special care justifications that appeal only to undue expense and/or to undue difficulties in entering into a lease agreement. The Council shall carefully weigh such claims, and the evidence presented in favor of them, against a project's negative impacts at the proposed site.
- c. In all zones, applicants must demonstrate that they cannot provide personal wireless communication service without the use of a telecommunications tower.
- d. The applicant shall quantify the additional tower capacity anticipated, including the approximate number and types of antennae. The applicant shall provide a drawing for each tower showing existing and proposed antennae locations. The applicant shall also describe any limitations on the ability of the tower to accommodate other uses, e.g., radio frequency interference, mass height,



frequency or other characteristics. The applicant shall describe the technical options available to overcome those limitations and reasons why the technical options considered were not chosen to be incorporated. The Council shall approve those limitations if they cannot be overcome by reasonable technical means.

- e. The applicant must provide a utilities inventory showing the locations of all water, sewage, drainage and power lines impacting the proposed tower site.
4. The applicant must provide any other information which may be requested by the Council to fully evaluate and review the application and the potential impact of a proposed telecommunications facility.

**16.8 Expedited Review for Building Permits Only.** When a telecommunications facility will be a use as a right pursuant to Article 5 of this ordinance and requires only a building permit and design review before it may be erected, the Council will expedite review of the application and render a decision on the application within thirty (30) business days after receipt of a complete application.

### **16.9 Special Use Permits**

**A.** A request for a special use permit shall be initiated by application to the Town Clerk handled in accordance with the special use permit provision of Section 15.16 of this Ordinance. The Council may issue a special use permit under this section provided it shall have determined that all of the requirements of Section 15.16 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.

**B.** In granting a special use permit the 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.

**16.10 Co-location.** Applicant and owner shall allow other future personal wireless service companies, including public and quasi-public agencies, using functionally equivalent personal wireless technology to co-locate antennae, equipment and facilities on a telecommunications facility unless specific technical constraints prohibit said co-location. Applicant and other personal wireless carriers shall provide a mechanism for the construction and maintenance of shared facilities and infrastructure and shall provide for equitable sharing of cost in accordance with industry standards.

**16.11 Nuisances.** Telecommunications facilities, including, without limitation, power source, ventilation and cooling, shall be operated at all times in the Town so as to not 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.

**16.12 Removal of Antennae and Towers.** Prior to receiving a building permit for construction of the telecommunications facility, the applicant shall provide:

- documentation supplied to the Town sufficient to demonstrate that the tower owner has the obligation under the governing lease to dismantle and remove the tower upon abandonment; and

- for placement into the Radio or Telecommunication Tower Removal Account established by the Town the adequate amount of an irrevocable cash deposit to cover the cost of removal of the tower. The adequate amount shall be thirty dollars (\$30) per foot of height for monopole towers and one hundred dollars (\$100) per foot of height for self-supporting or guyed towers. An account shall be established for removal of towers constructed in permitted or special use districts, refundable up to the amount of deposit and accrued interest, and upon restoration of the site to its previous condition as determined by the Town or to the standard described in the lease agreement.

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 Town any such telecommunications facility is determined not to comply with the code standards 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 Town 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 Town may remove such facility and place a lien upon the property for the costs of removal. Delay by the Town in taking action shall not in any way waive the Town's right to take action. The Town may pursue all legal remedies available to it to insure that telecommunications facilities not in compliance with the code standards or which constitute a danger to persons or property are brought into compliance or removed. The Town may seek to have the telecommunications facility removed regardless of the owner's or operator's intent to operate the tower or antenna and regardless of any permits, federal, state or otherwise, which may have been granted.

### **16.13 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 Town notifying the owner(s) of such abandonment, the Town may remove such tower and/or antenna and place a lien upon the property for the costs of removal. The Town may pursue all legal remedies available to it to insure that abandoned telecommunications facilities are removed. Delay by the Town in taking action shall not in any way waive the Town's rights to take action. The Town may seek to have the telecommunications facility removed regardless of the owner's 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 article as if such tower or antenna were a new tower or antenna.

### **16.14 Pre-Existing Towers/Non-Conforming Uses**

**A.** All telecommunications facilities operative on the date of adoption of this adoption of Section 15 to the Town's zoning 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 Section 10 of the Zoning Ordinance. 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 article.

**B.** A telecommunications facility that has received Town approval as of prior to the adoption of Section 15 to the Town's zoning ordinance 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 nonconforming structure shall not be considered an expansion of the nonconforming structure.

#### **16.15 Penalty for Violation of Ordinance.**

**A.** Any person who attempts to erect or erects a telecommunications facility covered by this article without having first obtained the necessary building permit, special use permit or variance in the manner provided in this article shall be deemed in violation of this article. Any responsible party or other persons convicted by a court of competent jurisdiction of violating any provision of this article shall be guilty of violating a duly adopted ordinance of the town and shall be punished either by a fine not to exceed \$1,000.00 or by imprisonment not to exceed sixty (60) days or greater. The Magistrate Court of Coweta County shall have the power and authority to place any person guilty of violation of this ordinance on probation and suspend or modify any fine or sentence. As a condition of such suspension, the Court may require payment of restitution or impose other punishment allowed by law.

**B.** If any structure is erected, constructed, reconstructed, altered, repaired, converted or maintained in violation of this article or without obtaining that required permits, or if any building, structure or land is used in violation of this article, the Town Attorney, in addition to any other remedies, may institute proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use or to correct or abate such violations. Each and every day such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use continues may be deemed a separate offense.

**16.16 Coordination with Federal Law.** No provisions in this article shall be interpreted to unreasonably discriminate among providers of functionally equivalent personal wireless services or prohibit or have the effect of prohibiting the provision of personal wireless services.

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## **ARTICLE 17 – LEGAL STATUS**

### **17.1 Introduction**

This Ordinance is not intended to interfere with or annul any easement, covenant, or other agreement between parties. However, where this Ordinance imposes a greater restriction upon the use of property or by private easements, covenants, or agreements, the provisions of this Ordinance shall govern. Whenever other Ordinances or parts of Ordinances require greater than those required by this Ordinance such Ordinances or parts of Ordinances shall govern.

### **17.2 Repeal of conflicting Ordinances; validity of prior approvals and actions**

This Ordinance shall constitute the Zoning Ordinance of the Town of Turin, and all other Ordinances in conflict therewith are hereby repealed. This Ordinance shall constitute the Zoning Ordinance of the Town of Turin, and all other Ordinances in conflict therewith are hereby repealed, provided, that nothing herein shall be construed as repealing or modifying the conditions or requirement of site development or used approved under a previous Zoning Ordinance or resolution, except as specifically provided by this Ordinance. Any violations of any previous Zoning Ordinance shall not be affected by the adoption of this Ordinance, and therefore any prosecutions for violation of any prior existing Zoning Ordinance may proceed as if the Ordinance violated was still in force and effect. It is intended that this Ordinance shall be the Zoning Ordinance for the Town of Turin. And therefore any prior Zoning Ordinance heretofore adopted by the Town of Turin is hereby repealed.

#### **Validity**

Should any part, section, or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of any remaining portion of this Ordinance.

#### **Adoption Date**

The Zoning Ordinance of the Town of Turin, Georgia, is adopted after advertisement in the manner provided by law, by the Town of Turin, Georgia, at a public meeting held this 21<sup>st</sup> day of July, 2010.

First Reading: September 29<sup>th</sup>, 2009

Second Reading: July 21<sup>st</sup>, 2010

Final Public Hearing: July 21<sup>st</sup>, 2010

Effective Date: July 21<sup>st</sup>, 2010

**Amendments**

The Zoning Ordinance of the Town of Turin, Georgia, is amended after advertisement in the manner provided by law, by the Town of Turin, Georgia, at a public meeting held this 19<sup>th</sup> day of August, 2014.

First Amendment Effective Date: August 19<sup>th</sup>, 2014

The Zoning Ordinance of the Town of Turin, Georgia, is amended after advertisement in the manner provided by law, by the Town of Turin, Georgia, at a public meeting held this 27<sup>th</sup> day of May, 2016.

Second Amendment Effective Date: May 27<sup>th</sup>, 2016

The Zoning Ordinance of the Town of Turin, Georgia, is amended after advertisement in the manner provided by law, by the Town of Turin, Georgia, at a public meeting held this 17<sup>th</sup> day of October, 2016.

Third Amendment Effective Date: October 17<sup>th</sup>, 2016

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Alan Starr, Mayor