

CITY OF COMER ZONING ORDINANCE

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PREFACE

The following analysis entitled Zoning Ordinance, Comer, Georgia, is designed to provide the governing authority or authorities of Comer with a recommended regulatory measure designed to meet present-day and anticipated future needs for the promotion of health, safety, morals, convenience, order, prosperity or general welfare of the city by the control of such matters as the locations, height, bulk, number of stories and size of buildings and other structures, the percentage of lot which may be occupied, the sizes of yards, courts, and other open spaces, the density and distribution of population, and the uses of buildings, structures, and land for trade, industry, residence, recreation, agriculture, forestry, conservation, water supply, sanitation, protection against floods, public activities, and other purposes.

This ordinance is made in accordance with a comprehensive plan and shall be designed to lessen congestion in the street, to secure safety from fire, panic, and other dangers, to promote health and the general welfare, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

Said ordinance is made with reasonable consideration, among other things of the character of the district and its peculiar suitability for particular uses, and with a view to promoting desirable living conditions and the sustained stability of neighborhoods, protecting property against blight and depreciation, securing economy in governmental expenditures, conserving the value of buildings and encouraging the most appropriate use of land and other buildings and structures throughout Comer.

ARTICLE I: PURPOSE AND ENACTMENT

1.1 Objectives

This ordinance is for the purpose of setting forth standards, and permissible uses designed to conserve and protect the natural, economic and scenic resources of Comer; health, aesthetics, morals, convenience, order, prosperity and general welfare; to provide adequate light and air; to protect natural resources; to prevent the overcrowding of land; to promote desirable living conditions and stability of neighborhoods; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements by dividing Comer into districts of such size and shapes as may be best suited to carry out the purposes of the legislative act and of this ordinance.

1.2 Legislative Authority

The Mayor and Council of Comer, Georgia under the authority of Article IX, Section 2, Paragraph 4 of the Constitution of the State of Georgia and Chapter 66, Title 36 of the Official Code of Georgia Annotated, and for the purpose of promoting the health, safety, morals, convenience, order, prosperity, or the general welfare of the city and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and avoid overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other requirements, ordains and enacts into law the Official Zoning Ordinance for Comer.

1.3 Method of Regulation

The Mayor and Council of Comer, Georgia, as authorized by the Constitution of the State of Georgia, adopts zoning regulations for the following purposes: to define certain words used therein; to create zone boundaries; to regulate the location of trades, professions, businesses, and industries; to regulate the density in distribution of population; to provide for the gradual elimination of nonconforming uses of land, buildings and structures; to provide for the method of administration, amendment and enforcement; to provide for the imposition of penalties for violations; repeal conflicting ordinances and resolutions; and for other purposes.

1.4 Jurisdiction

This zoning ordinance shall govern the use of all land and development within the city limits of Comer, Georgia and in accordance with O.C.G.A. §36-70-5.

ARTICLE II: SHORT TITLE

This ordinance shall be known and may be cited as “The Zoning Ordinance for Comer, Georgia”.

ARTICLE 111: DEFINITION OF TERMS

3.1 Definitions

Except as otherwise provided herein, all words shall have their customary dictionary meaning. The present tense includes the future tense. The singular number includes the plural and the plural includes the singular. The word “person” includes a firm, corporation, association, organization, trust or partnership. The word “lot” includes “tract”, “plot” or “parcel”. The word “building” includes “structure”. The word “shall” is always mandatory. The word “used” or “occupied” as applied to any land or building, shall be construed to include the words “intended, arranged or designed to be used or occupied”. The word “used” shall be deemed also to include “designed”, “intended”, or “arranged to be used”. The term “erected” shall be deemed also to include “constructed”, “reconstructed”, “altered”, “placed”, or “moved”. The word “land use” or “use of land” shall be deemed also to include “building use” and “use of building”. The word “adjacent” means “nearby” and not necessarily “contiguous”. The word “map means the “Official Zoning Map of Comer, Georgia, _____(date), and as may be amended.”

When used in this Ordinance, the following words and phrases shall have the meaning given in this Section.

ACCESSORY BUILDING: A subordinate building, the use of which is incidental to, and reasonably related to, a main building on the same lot or to the primary use of the property. The accessory building shall be of a size and nature customarily incidental and subordinate to the principal. Signs and fences are not to be considered as accessory buildings. A “detached” accessory building shall be one that does not have a common wall with the main building on the same lot.

ACCESSORY USE: A use on the same lot with, and of nature customarily incidental and subordinate to the principal use.

ADULT ENTERTAINING BUSINESS: Adult businesses include the following types of establishments: adult bookstores, adult theaters, adult arcades, adult cabarets, adult paraphernalia shops, and other establishment which feature a combination of activities or merchandise described above which collectively make up a substantial or significant portion of the establishment's, activities or merchandise. The term Adult Entertainment Business also includes other uses similar to the uses listed above, presenting material for patrons to view (live, close circuit or reproductions), and /or purchase or rent, a substantial portion of which is characterized by an emphasis on nudity and/or specified sexual activity; and limiting entrance to patrons who are over 18 years of age.

AGRICULTURE OR AGRICULTURAL: A parcel used primarily for soil-dependent cultivation of agricultural crop production, the raising of livestock or poultry, growth of a field, or forestry.

ALLEY: A service way providing a secondary means of access to abutting properties.

ALTERATION: Any change in the supporting member of a building, any modifications or change in construction, any addition which increases the area or height, any change in the use of or moving of a building from one location to another, or any increase in the amount or volume of space used for any activity.

ANIMAL UNITS: The number of all such animals or fowl allowed on a lot shall be limited to the square footage of the animal or fowl confinement area, less the lot square footage devoted to yard setbacks and the house, divided by the total minimum area required per animal or fowl. Total minimum area required per animal or fowl shall be as follows: horses - 43, 560 square feet (one (1) acre), cattle – 43, 560 square feet, sheep or goat – 20,000 square feet, fowl – twenty (20) per 43,560 square feet, or other livestock (including rattites) – 43,560 square feet. (Area requirements are based on minimum acreage averages for grazing such animals in the State of Georgia.) Total minimum area required per animal or fowl shall be a yearly average. Fluctuations in herd or flock size associated with general farming practices shall be permissible under this provision.

ANIMAL, EXOTIC: Any wild animal not customarily confined or cultivated by man for domestic or commercial purposes but kept as a pet or for display, including, but not limited to pot belly pigs, snakes, reptiles and large tropical birds. The keeping or harboring within the city of any poisonous reptile or any warm-blooded carnivorous or omnivorous animal, including but not limited to non human primates, raccoons, skunks, foxes, leopards, panthers, tigers, lions, mountain lions, ocelots, jaguars, Canadian lynxes, bobcats, jaguarundis, bears, hyenas, wolves and coyotes, but excluding fowl, dogs, house cats, is prohibited. Non poisonous snakes shall be kept in locked escape-proof cages except when being handled. No snakes shall be permitted by the owner, keeper or handler to escape from a cage or while being handled.

APARTMENT: A suite of 2 or more rooms and a bath which is designed according to the Southern Building Code and designed or intended for occupancy by 1 family or 1 person doing its cooking therein. For zoning purposes, an apartment is regarded as a dwelling unit. A structure containing two apartments is a duplex. A structure containing 3 or more apartments is a multi-family dwelling.

APPLICANT: Any person who applies for rezoning action and any attorney or other person representing or acting on behalf of a person who applies for a rezoning action.

AUTOMOBILE SALES LOT: A premises designed or used for storage and display for sale of automobiles, motorcycles, recreational vehicles, or other motorized vehicles. Motorized vehicles for sale will typically be stored outside. All other activities must be in an enclosed building.

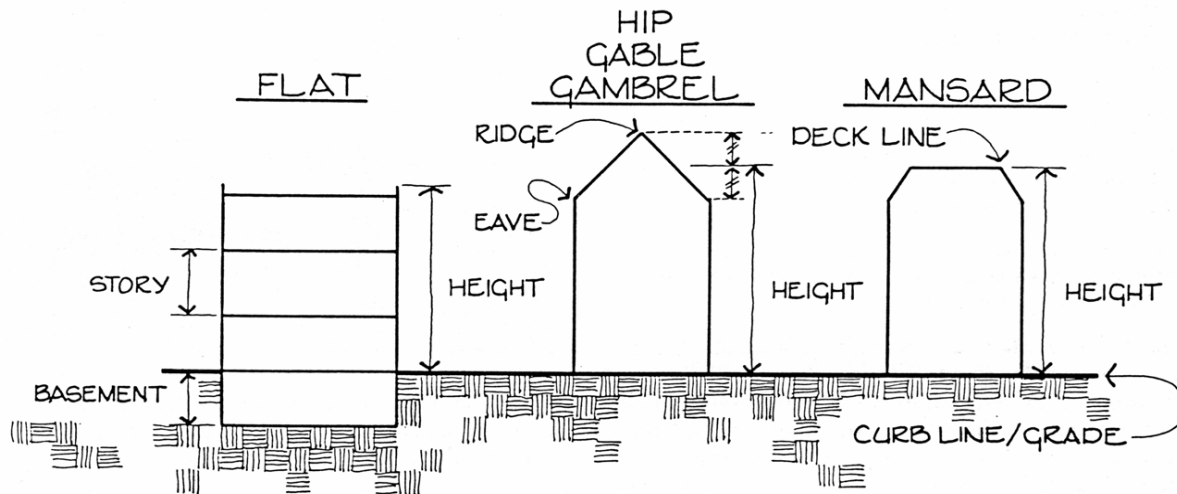
BED AND BREAKFAST: A dwelling unit, other than a hotel, motel or boarding house, or portion thereof, where short-term lodging rooms and meals are provided to registered guests for compensation. The operator of the Bed and Breakfast must live on the premises.

BLOCK: A piece or parcel of land entirely surrounded by public highways or streets, but excluding alleys.

BUFFER AREA: A landscaped or naturalized area used to separate and partially obstruct the view of a development from adjacent or contiguous development. This area shall be in addition to any required area, yard, and height requirements for the zoning district as specified in Article VIII.

BUILDING: Any structure, either permanent or temporary, above or below ground, designed, built or used as a shelter or enclosure for persons, animals or property of any kind.

BUILDING HEIGHT OF: The vertical distance to the highest point for flat roofs, to the deck line of mansard roofs, and to the average height between the eaves and the ridge for gable, hip, and gambrel roofs, measured from the grade.



BUILDING INSPECTOR: Comer Building Inspector

BUILDING LINE: A line parallel to the street line, beyond which the foundation wall and any roofed porch, vestibule or other such portion of a building shall not project.

BUILDING PRINCIPAL: A building in which the primary use of the lot on which the building is located is conducted.

BUSINESS ENTITIY: Any corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust.

CAMPAIGN CONTRIBUTION: A contribution as defined in paragraph (6) of O.C.G.A. §21-5-3.

CHURCH: See "Religious Institution".

CLINIC: A building where human patients, who are not lodged overnight, are admitted for examination and treatment.

CLUB: Buildings and facilities owned or operated by a corporation, association, or persons for social, educational or recreational purposes, but not primarily for profit or to render a service that is generally carried on as a business.

COMMERCIAL USE: An occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee.

COMMUNITY CENTER: A place, structure, area, or other facility used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

COMPREHENSIVE PLAN: The “Comprehensive Plan for Madison County and the cities of Carlton, Colbert, Comer, Danielsville, Hull, and Ila, June, 1996” as adopted and as may be amended.

CONDITIONAL USE: A use which is not permitted inherently but which may be permitted within a zoning district.

CONDITIONAL USE PERMIT: The permit issued by the Mayor and Council as a precondition to allowing any conditional use in a zoning district.

CONVENIENCE STORE: A retail store that is designed and stocked to sell primarily food that is primarily prepackaged but may have limited amounts of prepared food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a supermarket). It is designed to attract and depends upon a large volume of stop-and-go traffic. Illustrative examples of those convenience stores are those operated by “7-11”, “Golden Pantry”, and “Kangaroo”. Gas pumps are an accessory use to a convenience store.

CONVENIENCE STORE/GAS STATION/FAST FOOD RESTAURANT: A parcel that contains at a combination gas station, convenience store, and fast food restaurant in one structure located on one parcel.

CITY: Comer, Georgia

CITY OFFICIAL: Any member of Mayor and Council.

DAY CARE CENTER: A building operated by a person, society, agency, corporation, institution, or group, that receives for group care fewer than twenty-four (24) hours per day without transfer of legal custody, children under eighteen (18) years of age.

DAY CARE HOME: A private dwelling operated by any person who receives pay for supervision and care, fewer than 24 hours per day, without transfer of legal custody, 3 but not more than 6 children under 18 years of age who are not related to such person and whose parents or guardians are not residents in the same private dwelling.

DENSITY: The number of dwelling units permitted per net acre of land. (Net acre = gross acre less streets, easements, water, etc.)

DRY CLEANERS: A business that provides laundry cleaning, excluding self service, and contains on the premises, equipment necessary for laundry processing.

DWELLING, MULTI-FAMILY: A building containing at least 3 dwelling units designed for residential use by 3 or more families living independently of each other. This includes apartments but not group homes, row houses, condominiums, or townhouses.

DWELLING, SINGLE FAMILY: A structure including site-built, modular, manufactured and mobile homes that contain one (1) dwelling unit designed for residential use that is surrounded by open space on the same lot. “Dwelling, Single-Family” does not include “Dwelling, Single-Family, Detached”.

DWELLING, SINGLE-FAMILY DETACHED: A structure including a site-built or modular home that contains one (1) dwelling unit designed for residential use that is surrounded by open space on the same lot, which meets or exceeds the following standards:

1. Minimum width in excess of sixteen (16) feet.
2. Minimum square footage required by the zone in which located.
3. The roof shall have a minimum roof pitch greater than 2:12 and shall have a surface of wood shakes, asphalt composition, wood shingles, concrete, fiberglass or metal tiles, slate, built up gravel materials. The roof overhang must be at least 1 foot when measured from the vertical side.
4. The exterior siding materials shall consist of wood, masonry, concrete, stucco, masonite, metal or vinyl lap.
5. Be attached to a permanent foundation, provided that for manufactured homes, load bearing masonry curtain walls shall not be required (although curtain walls may be required for aesthetic purposes), and non-load bearing curtain walls for manufactured homes shall not have contact with the manufactured home for the purpose of structural support, although non-load bearing curtain walls may be attached to the manufactured home for aesthetic purposes and not for structural support. See Georgia Rules and Regulations Section 120-3-7-14, as may hereinafter be amended.
6. Be constructed according to standards established either by the State Minimum Standard Codes as amended from time to time or the Standard Building Code if locally adopted.

DWELLING, TWO-FAMILY (DUPLEX): A structure containing 2 dwelling units designed and arranged for residential use by 2 families living independently of each other.

DWELLING UNIT: An enclosure containing sleeping, kitchen, and bathroom facilities designed for and used or held ready for use as a permanent residence by one family.

EASEMENT: A grant of 1 or more property rights by the owner to, or for the use by, the public, a corporation, or another person or entity.

FAMILY: One (1) or more individuals permanently occupying a dwelling unit and living as a single housekeeping unit, as distinguished from persons occupying a boarding house, group home, m or hotel, as defined in this ordinance.

FEEDLOT: Any parcel of land upon which the mechanical or hand feeding of five (5) or more livestock animals per acre is performed for a period of exceeding thirty (30) days, but not including confined animal feeding operation.

FINANCIAL INTEREST: All direct ownership interests of the total assets or capital stock of business entity where such ownership interest is 10 percent or more.

FLOOR AREA: The sum of the gross horizontal areas of the total number of floors of a building measured from the exterior faces of the exterior walls or from the centerline of the walls separating two buildings, including stairwells and elevator shafts, but not including: attic space providing headroom for less than six (6) feet six (6) inches, unusable basement or cellar space not used for retailing, uncovered steps or fire escape, open porches, accessory water or cooling towers, accessory off-street parking spaces, or accessory off-street loading berths.

FRONTAGE: The distance for which the front boundary line of the lot and the street line are coincident. For the purpose of corner lots, all sides of a lot adjacent to streets shall be considered frontage.

FRONTAGE STREET: The street coincident to the front boundary line of the parcel.

GARAGE, PRIVATE: An accessory building or a portion of a principal use used for parking or storage of automobiles of the principal building's occupants. A carport is considered a private garage.

GARAGE, REPAIR: A building and premises designed or used for the purpose of service or commercial repair of motor vehicles. All body work and painting shall be conducted within fully enclosed buildings. The storage of junk, wrecked vehicles, dismantled parts or supplies shall not be visible beyond the premises.

GARAGE APARTMENT: A dwelling unit for 1 family erected above a private garage detached from the principal dwelling.

GAS STATIONS: Any area of land, including structures thereon, used for the retail sale of gasoline or oil, automobile accessories and incidental services including facilities for lubricating, hand or automatic washing and cleaning, or otherwise servicing automobiles, but excluding painting or major repairs.

GROSS FLOOR AREA: The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

GROUP HOME: A residential under the ownership and supervision of public, educational, or governmental institution occupied or intended for occupancy by several unrelated persons or families but where separate cooking facilities are not provided for such resident persons or families.

HEALTH DEPARTMENT: Madison County Health Department

HOME OCCUPATION: An occupation or profession conducted entirely within a dwelling unit or accessory building and for financial gain, which is clearly subordinate to the principal use of the parcel and which does not change the character thereof.

HOME OFFICE: An office use conducted entirely within a dwelling unit which is carried on solely by the unit's occupant and is incidental and secondary to the principal use of the dwelling. The office may be for the purpose of service or trade-workers who customarily work at various locations, such as electricians, plumbers, appraisers, real estate salespersons, or individuals who work at home, such as

writers or computer programmers. "Home Office" shall not include any business which involves the sale, manufacture or repair or merchandise on the premises. Home Offices shall also include any business requiring access by the public, including, but not limited to, customers, clients or vendors.

HOME INDUSTRY: the manufacture of products of a light industrial nature, primarily involving the assembly of previously manufactured items only by members of a family residing on the parcel of land on which the industry is located. Home industry includes the repair of automobiles, small motors, and appliances. No more than one (1) non-family related employee may be employed on the premises and all home industry activity, including repair and storage, must occur in an enclosed building and no pollution or excess noise shall be involved.

INDUSTRIALIZED BUILDING: A factory fabricated transportable building consisting of units designed for incorporation into a permanent structure at a building site on a permanent foundation to be used for residential purposes. A modular home shall be certified by the manufacturer to meet the approval of the State Building Administration Board (SAAB) to meet the same requirements as an site-built home within Comer.

INSTITUTION: A non-profit corporation or a non-profit establishment.

JUNK: Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, or waste, junked, dismantled, or wrecked automobiles, or parts thereof, or iron, steel, and old scrap ferrous or nonferrous metal.

JUNKED VEHICLES: Any wrecked, dismantled, or non-operating motorized vehicle which does not bear a current license plate.

KENNELS: Any location where, for commercial purposes, 4 or more adult dogs, cats, rabbits or other domestic animals are kept for the purpose of boarding, caring for, raising, grooming, breeding, training or sale.

KINDERGARTEN: A school for pre-elementary school children ranging in age from 4 through 6 years, which operates for less than 4 hours a day.

LAUNDROMAT: A business that provides home-type washing, drying, ironing machines or coin operated dry cleaning machines for hire and use by customers on the premises.

LAUNDRY AND DRY CLEANING PICK-UP: A business that provides only for the convenience of taking and picking up laundry and which does not have any on-site equipment for processing laundry.

LOADING SPACE: A space within the principal use or on the same lot that provides for standing, loading or unloading of trucks and other carriers.

LOT: A portion of, or parcel of land separated from other portions or parcels by description, metes and bounds, intended for transfer of ownership or for building development and having a separate tax parcel reference number designated in the office of Comer Tax Commissioner or Comer Tax Assessor.

LOT, CORNER: A lot abutting 2 or more public streets or city maintained roads at their intersection.

LOT, DOUBLE FRONTAGE or THROUGH LOT: A lot with frontage on 2 public streets and/or city

maintained roads that does not intersect at a point abutting the property.

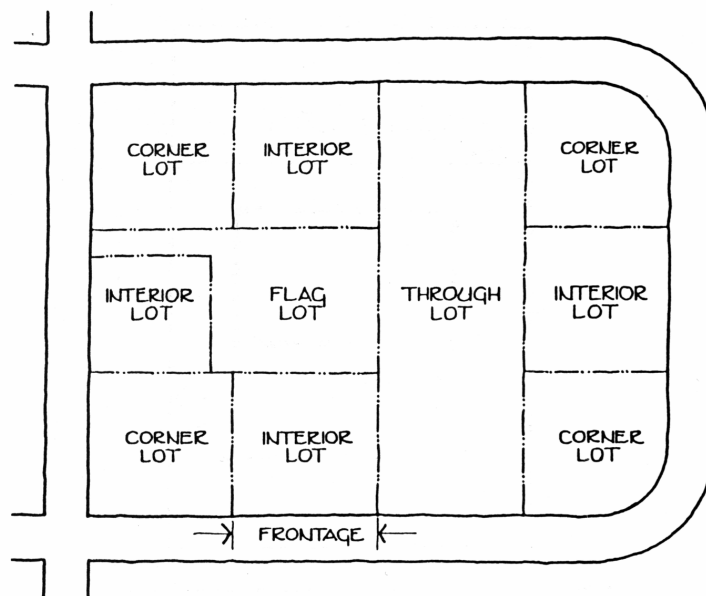
LOT, INTERIOR: A lot other than a corner lot.

LOT LINE, FRONT: The linear distance along the front of a lot at the street right-of-way, or along the front boundary of the lot adjoining the street if there is no right-of-way, also commonly referred to as “frontage”. (*Accepted and Adopted by Comer City Council August 8, 2006*)

LOT LINE, REAR: The rear lot line is generally opposite the front lot line. If the rear lot line is less than 10 feet in length or if the lot comes to a point at the rear, the rear lot shall be deemed to be a line parallel to the front lot line, not less than 10 feet long, and lying within the lot and farthest from the front lot line.

LOT OF RECORD: A lot whose existence, location, and dimensions have been legally recorded or registered in a deed or on a plat in the office of the Clerk of the Superior Court of Madison County.

LOT WIDTH: The horizontal distance between one side lot line and the other side lot line, measured at the front lot line. For front lot lines that are along a curve or that are not on a straight line, the lot width shall be measured along a tangent line to the curve as shown in the Yards and Setbacks. For front lot lines containing multiple curves or that are not along a straight line, the lot width shall be measured along a line which subtends the front lot line such that the subtending line parallels the general direction of the street along the front lot line. (*Accepted and Adopted by Comer City Council August 8, 2006*)



MANUFACTURED HOME: 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. The definition at the date of adoption of the part is as follows: “Manufactured Home means a structure, transportable in one or more sections, which in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as

a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein, except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary and complies with the standards established under this title.”

MANUFACTURING, PROCESSING AND ASSEMBLING: The mechanical or chemical transformation of materials or substances into new products. The land uses engaged in these activities are usually described as plants, factories or mills and characteristically use power driven machines and materials handling equipment. Establishments engaged in assembling component parts of manufactured products are also considered under this definition if the new product is neither a fixed structure nor other fixed improvement. Also included is the blending of materials such as lubricating oils, plastic resins or liquors.

MAYOR AND COUNCIL: Comer Mayor and Council.

MEMBER OF THE FAMILY: The spouse, mother, father, brother, sister, son or daughter of a city official. The definition applies to Article XIV only.

MINI-WAREHOUSE: A building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractors supplies.

MOBILE HOME: A transportable, factory-built structure designed to be used as a year-round residential dwelling and built prior to the enactment of the Federal Manufactured Housing Act of 1974, which became effective June 15, 1976.

MODULAR HOME: See “Industrialized Building.”

NON-CONFORMING BUILDING OR STRUCTURE: Any lawfully existing building or structure which does not conform to these ordinances governing the type, bulk, location, height or size of buildings or structures permitted in the district prior to the adoption of this ordinance but which is in full compliance with all applicable federal, state and local laws, rules and ordinances, and for which all required federal, state, and local permits have been issued.

NON-CONFORMING LOT: A lot, the area, width, or other characteristics of which fails to comply with applicable ordinances and which was of-record and in full compliance with all applicable federal, state and local laws, rules and ordinances prior to the enactment of these or other ordinances, but which does not comply with the requirements of this ordinance.

NON-CONFORMING USE: A lawful use of land that does not comply with the use ordinance for its zoning district but which complied with applicable ordinances at the time the use was established.

NURSING HOME: A facility for 3 or more unrelated ill or aged persons not operating as the functional equivalent of a family, that provides food, shelter, and medical care for compensation in addition to meeting the physical, emotional, and social needs of the unrelated aged or ill persons.

OFF-STREET PARKING: An area exclusive of a public or private thoroughfare where motor vehicles may be stored for the purposes of temporary, daily, or overnight parking.

OPEN SPACE: Land used for recreation, resource protection, amenity, or buffers. In no event must any area of a lot constituting the minimal lot area nor any part of an existing or future road, right-of-way, off-street parking, loading space, or area immediately underneath electrical transmission lines be counted as open space.

OPPONENT: Any person who opposes a rezoning action or any attorney or other person representing or acting on behalf of a person who opposes a rezoning action.

OPPOSE: To appear before, discuss with, or contact, either orally or in writing, a Comer official and argue against a rezoning action.

PERMITTED USE: Any use by right which is specifically authorized in a particular zoning district.

PERSON: An individual, partnership, committee, association, corporation, labor organization, or any other organization or group of persons.

PERSONAL CARE HOME: Any dwelling, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food service, and one or more personal services for 2 or more adults who are not related by blood or marriage to the owner or administrator of the home. Personal services includes, but is not limited to, individual assistance with or supervision of self-administered medication and essential activities of daily living such as eating, bathing, grooming, dressing, and toileting.

PLAT: A sketch, map or survey of a lot, tract or parcel of land including lot lines, street rights-of-way and easements, with the dimensions of these features inscribed thereon. Plat should be suitable for recording with the Madison County Superior Court.

PLAYSCHOOL: A school for pre-kindergarten children ranging in age from 3 to 4 years of age which operates for less than 4 hours a day.

PRINICIPAL USE: The primary purpose for which land or a building is used.

PROFESSIONAL: When used in connection with “use” and “occupancy”, a use or occupancy by persons generally engaged in rendering person, executive, sales, or administrative services or activities, including accountants, architects, professional engineers and land surveyors, doctors, lawyers, insurance offices, real estate offices, religious organizations, stock brokers and administrative agencies considered professional in character. The term, however, does not include repairs or sales of tangible personal property stored or located within the building nor any use which would create any loud noise or noxious odors within Comer.

PROPERTY INTEREST: The direct ownership of real property, including any percentage of ownership less than total ownership.

PUBLIC UTILITY: Any above-ground structure or facilities (other than buildings, unless such buildings are used as storage incidental to the operation of such structures or facilities) owned by a governmental entity, a nonprofit organization, a corporation, or any entity defined as a public utility for any purpose by the Georgia Public Service Commission and used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals, Excepted from this definition are electric power, telephone, telegraph, cable

television, gas, water, and sewer lines, wires or pipes, together with supporting poles or structures located within a public right-of-way.

REAL PROPERTY: Any tract or parcel of land and, if developed, any building or structures located on the land.

RECREATIONAL VEHICLE: A vehicular type unit primarily designed for recreation, camping, travel or seasonal use which has its own motor or power or is mounted on or towed by another vehicle. The basic entities are: travel trailer, folding camping trailer, park trailer, truck camper, motor home, and custom van conversions.

RELIGIOUS INSTITUTION: A religious institution that has been granted 501(c) tax exempt status by the Internal Revenue Service and whose property is deemed tax exempt by the Tax Assessor.

RESTAURANT: An establishment where food and beverage is sold for consumption on the premises, generally in an enclosed building. A snack bar or refreshment stand at a public or non-profit community swimming pool, playground, or park operated solely for the convenience of patrons of the facility is not a restaurant.

RESTAURANT, DRIVE-IN: An eating or drinking establishment which caters to motor-driven vehicle business where the person being served consumes his food or drink while sitting in a motor driven vehicle, as opposed to a restaurant serving exclusively inside an enclosed building.

RESTAURANT, FAST-FOOD: An establishment that offers quick food service, which is accomplished through a limited menu of items already prepared and held for service, or prepared, fried, or griddled quickly, or heated in a device such as a microwave oven. Orders are not generally taken at the customer's table and food is generally served in disposable wrapping or containers.

REZONING ACTION: An action by the Mayor and Council adopting an amendment to the zoning ordinance and map that has the effect of rezoning real property from one zoning classification to another.

RIGHT-OF-WAY: That area, distinguished from an easement, which is owned in fee-simple by Comer or other government, for the present or future use of roads, streets, and highways, together with its drainage facilities and other supporting uses and structures.

RIGHT-OF-WAY LINE: The outside boundary of a right-of-way, whether such right-of-way is established by usage, recorded easement, deed, dedication or by an official right-of-way map or Comer, Georgia.

SCHOOL: A public or private facility that provide a curriculum of elementary and secondary academic instruction including kindergartens and pre-kindergartens.

SCREENING: A method where a view of one site is shielded, concealed, or hidden from another site. Screening techniques include fences, walls, berms, densely planted vegetation, natural vegetation or other features. Screening must provide a visual and acoustical barrier which is of such nature and density that it provides year-round maximum shielding, concealment or hiding from the ground to a height of at least eight (8) feet or from view from the normal level of a first story window on an abutting lot.

SELF-STORAGE FACILITY: See “mini-warehouses.”

SETBACK: The minimum horizontal distance between the lot or property of right-of-way line and the nearest front, side or rear line of the building, including terraces or any covered projections but excluding steps.

SHOPPING CENTER: A group of retail business and service uses on a single site planned and developed as a unit, with common off-street parking facilities.

SIGN: A structure or device designed or intended to convey information to the public in written or pictorial form.

SIGN AREA: The area within a continuous perimeter enclosing the limits of writing, representation, emblem or any figure or similar character, together with any frame of other material or color forming an integral part of the display or used to differentiate this sign from the background against which it is placed excluding the necessary supports or uprights on which this sign is placed, provided, however, that any open space contained within the outer limits of the display face of a sign, or between any component, panel, strip or fixture of any kind composing the display face shall be included in the computation of the area of the sign whether this open space is enclosed or not by a frame or border.

SIGN FACE: The surface of the sign upon, against or through which the message of the sign is exhibited.

SIGN HEIGHT: The vertical measurement from the highest part of a sign, including all support structures, to the ground level. Any earth berm or elevated foundation that supports a sign, sign post, or sign support is included in the height of the sign.

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

SITE-BUILT: A building constructed on-site with approved building material, inspected periodically during construction, and constructed according to locally adopted building codes.

SKETCH: A rough drawing that identifies the layout of the development on the parcel.

SOLID FENCE: An artificially constructed barrier of any material or combination of materials generally manufactured for fencing, erected to enclose or screen areas of land in a manner where the area inside the fencing is not readily visible at any distance.

SOLID WALL: A wall constructed in such a manner to prohibit viewing of land, materials, buildings, etc., located behind the wall, from an individual standing outside and parallel to the wall.

SPECIAL EVENTS: Circuses, fairs, carnivals, festivals, or other types of special events that (1) run for longer than one day but no longer than two weeks, (2) are intended to or likely to attract substantial crowds, and (3) are unlike the customary or usual activities generally associated with the property where the special event is to be located.

STORAGE TRAILER: A prefabricated portable storage building commonly attached to a cab or chassis for transportation.

STORY: That portion of a building, other than a cellar, included between the surface of the floor and the ceiling above it.

STREET: A public or private thoroughfare which affords the principal means of ingress and egress to abutting property and is classified as follows. See §6.5 for street classifications.

STREET, PUBLIC: A street that is titles by description or deed and vested in Comer.

STREET LINE: The legal line between street right-of-way and abutting property.

STRUCTURE: Anything constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location on the ground. Structures include, but are not limited to the following: site-built buildings, manufactured, mobile and modular home, swimming pools and signs.

SUBDIVISION: The division of a tract, lot or parcel into 2 or more lots, building sites, or other divisions for the immediate or future purpose of sale, lease, offer or development. Also see Comer Subdivision Ordinances.

SUBDIVISION ORDINANCE: Comer Subdivision Regulations dated April 19, 1988 and as may be amended.

SUPERMARKET: A departmentized self-service chain or independent retail market that sells food, convenience goods, and household merchandise arranged in open mass display, to customers who purchase numerous items (in contrast to a convenience store). Illustrative examples of supermarkets are those operated by “Food Lion”, “Ingles”, “Winn Dixie”, and “Publix”.

TOWNHOUSE: A single-family attached dwelling unit that is erected in a row as part of a single building, on adjoining lots, each separated from the adjoining unit or units by approved fire resistant party wall or walls extending from the basement or cellar floor to the roof along the dividing lot line. Each unit shall have its own front door which opens to the outdoors, and shall have a minimum of 2 floors. There is no access between adjoining units.

TOWER: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like.

VARIANCE, AREA: A minimal relaxation or modification of the strict terms of the height, area, placement, setback, yard, buffer, landscape strip, parking and loading ordinances as applied to specific property when, because of particular physical surroundings, shape or topographical condition of the property, not due to the fault of the owner of said property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make a profit.

YARD: An open space on the same lot with a principal use, unoccupied and unobstructed by buildings or structures from ground to sky except where projections and accessory buildings are expressly permitted in these ordinances.

YARD, FRONT: An open, unoccupied space on the same lot with the principal use, extending the full width of the lot and situated between the right-of-way line and the building line projected to the side lines of the lot. Covered porches, whether enclosed or unenclosed, are considered part of the principal use and shall not project into a required front yard. On corner lots, the front yard is considered parallel to the street upon which the lot has its largest dimension.

YARD, REAR: A yard extending across the full width of the lot and lying between the rear lot line and the nearest line of the building. Rear yard depth shall be measured at the right angles to the rear line of the lot.

YARD, SIDE: A yard lying between the side line of the lot and the nearest line of the building and extending from the front yard to the rear yard, or in the absence of either of such front or rear lot lines. Side yard width shall be measured at right angles to side lines of lot.

ZONING ACTION: A request for any action under the Zoning Ordinance, including, but not limited to, rezoning, variance, conditional use permits, and sign ordinance.

ZONING ADMINISTRATOR: The individual or his/her designated representative, who is vested with the duty of administering land use regulations within the areas of Comer.

ZONING DISTRICT: A section of Comer, Georgia where the zoning ordinance is uniform.

ARTICLE IV: ESTABLISHMENT OF ZONING DISTRICTS

4.1 Establishment of Zoning Districts

For the purpose of this ordinance, Comer, Georgia is divided into zoning districts as follows:

AG	Agricultural Zoning District
RR	Rural Residential Zoning District
R1	Low Density Single-Family Residential Zoning District
R2	Medium Density Residential Zoning District
R3	High Density Residential Zoning District
RM	Multi-Family Residential Zoning District
C1	Neighborhood Business Zoning District
C2	Highway Business Zoning District
LI	Light Industrial Zoning District
G	Government Zoning District
WET	Wetlands Protection Zoning District
PUD	Planned Unit Development Zoning District
BR	Business Residential

4.2 Zoning Map

The boundaries of these Zoning Districts are hereby established as shown in the atlas entitled “The Official Zoning Map of Comer, Georgia”. Said map is hereby made a part of this Ordinance and shall be available for public inspection in the office of the City Clerk. As evidence of its authenticity, the Official Zoning Map shall be signed by the Comer Mayor and attested to by the City Clerk.

4.3 Map Amendment

If, in accordance with provisions of this Ordinance, changes are made in the Zoning District boundaries or other information portrayed in the Official Zoning Map, such changes must be made on the Official Zoning Map within 30 days after the amendment has been approved by the Mayor and Council together with a numerical entry on the Official Zoning Map referring to the application on file which states the date of the official action and the brief description of the nature of the changes. No amendment to this Ordinance which involves a matter portrayed on the Official Zoning Map is effective until after such change and entry is made on the map.

All changes made to the Official Zoning Map or matters shown thereon must be in conformity with the procedures set forth in this zoning ordinance. Any unauthorized change by any person is considered a violation of this Ordinance and punishable as provided by law and this ordinance.

4.4 Rules for Determining Boundaries

The following rules apply where uncertainty exists with respect to the boundaries of any of the zoning districts shown on the Official Zoning Map.

- 4.4.1. Unless otherwise indicated, the Zoning District boundaries are indicated as approximately following property lines, land lot lines, center lines of streets, highways, alleys or railroads, center lines of streams, reservoirs, or other bodies of water, or civil boundaries, and they shall be construed to follow such lines.
- 4.4.2. Where Zoning District boundaries are approximately parallel to or extend to the center lines of streets, highways, railroads, including their rights-of-way, or the center lines of streams, reservoirs, or other bodies of water, Zoning District boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, dimensions shall be determined by the scale shown on the Official Zoning Map.
- 4.4.3. Where a Zoning District boundary line divides a lot that is under single ownership at the time of enactment of this Ordinance, the use classification of a larger portion may be extended by the Mayor and Council to the remainder without recourse to the amendment procedure.
- 4.4.4. Where a public road, street or alley is officially abandoned, the ordinances applicable to the parcel to which it reverts shall apply.
- 4.4.5. In case the exact location of a boundary cannot be determined by the forging methods, the Mayor and Council shall, upon application, determine the location of the boundary.

ARTICLE V: APPLICATION OF ORDINANCES

5.1 Use

No building, structure, premises, or land shall be used or occupied and no building or part thereof shall be erected, extended, enlarged, constructed, moved, or altered except in conformity with these ordinances for the Zoning District in which it is, or will be, located.

5.2 Building Height

No building or structure shall be erected, constructed or altered that exceeds the height limit for the Zoning District in which it is located.

5.3 Lot Area and Lot Size

Unless acquired for public use, no lot shall be reduced in size so that it does not comply with applicable provision of this ordinance.

5.4 Yards

No part of a yard or other open space required for one building shall be included as part of a yard or other open space similarly required for another building. Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, cornices, buttresses, ornamental features, chimneys, flues, and eaves, provided such projections do not extend more than 2 feet into the yard area requirements.

5.5 Corner Lots

Minimum side yard requirements for corner lots shall not be less than the minimum front yard requirements for such lots.

5.6 Principal Buildings

In all Commercial and Light Industrial zones, more than 1 principal building containing a permitted or conditional use may be erected on a single lot or tract of land provided that all yard and other space requirements of this Ordinance are met for each structure as though it were on an individual lot. Further, in the Agricultural zone, more than one principal building housing a permitted single-family residential use may be erected on a single-family residential lot or tract of land provided all yard and other space requirements of this Ordinance are met for each structure as though it were on an individual lot.

The owner must record a plat of subdivision of the lot(s) with the Clerk of the Superior Court before a building permit can be issued where a parcel of land is under single ownership and 2 or more principal buildings are located on the parcel that meet the minimum space requirements as well as any other ordinances herein required, but is subject to the above paragraph.

5.7 Minimum Distance Between Buildings

The following minimum distance between building are required unless otherwise specified within this Ordinance.

5.7.1. The minimum distance between principal uses located on the same lot or parcel:

5.7.1.1.	Front to Front Arrangement	=	40 feet
5.7.1.2.	Front to Rear Arrangement	=	50 feet
5.7.1.3.	Rear to Rear Arrangement	=	30 feet
5.7.1.4.	Side to Side Arrangement	=	20 feet
5.7.1.5.	All Other Combinations	=	20 feet

5.7.2. There shall be a distance of not less than 20 feet between a principal and accessory building located on the same lot or parcel.

5.7.3. No accessory building shall be located closer than 20 feet to any lot line in any Zoning District.

5.8 Temporary Buildings

Temporary buildings used in conjunction with construction work only may be permitted in any Zoning District and shall be removed within thirty (30) days of the issuance of a Certificate of Occupancy.

5.9 Building Envelope

The Building Envelope (that portion of a lot located within the prescribed front, rear, and side yard setback) shall not exceed 15 feet beyond the building footprint with the exception of one 15 foot wide construction entrance to the site and the location of underground utilities. All trees outside the building envelope shall be protected. The construction entrance must be the same location of the finished driveway. Underground utilities should be installed adjacent to the construction entrance. However, if it is impossible, then no more than a 4 foot trenching entrance is permitted. Areas beyond building envelopes should be restricted against development. Building envelope lines should not be drawn into wetlands, floodplains, or steep slopes (slopes in excess of 25%) and shall not include the tops of ridge lines.

Existing features that would add value to residential development or to the local government as a whole, such as trees, watercourses and falls, beaches, historic spots, and similar irreplaceable assets, shall be preserved in the design of the subdivision. No trees shall be removed from any subdivision nor any change of grade of the land effected until approval of the preliminary plat has been granted. All trees on the plat required to be retained shall be preserved, and all trees where required shall be welled and protected against change of grade. The sketch plat shall show the number and location of existing trees as required by these regulations and shall further indicate all those marked for retention.

5.9.1 Protection of Root System and Tree Protection Zones

The root system of trees can easily extend 2 to 3 times beyond the dripline of the tree canopy. The root system within the dripline region is generally considered to be the critical root zone. Disturbance within this zone can directly affect a tree's chances for survival. To protect these critical root zones the following standards shall apply:

5.9.1.1. The use of tree save islands and stands are encouraged rather than the protection on individual (non-specimen) trees scattered throughout a site. This will facilitate overall site organization as related to tree protection.

5.9.1.2. The protection zone of specimen trees or stands of trees or otherwise designated tree save areas shall include no less than the total area beneath the tree canopy. A specimen tree is defined as:

Any tree in fair or better condition which equals or exceeds the following diameter sizes:

1. Large hardwoods (oaks, hickories, etc): 30" DBH (diameter breast height)
2. Large softwoods (pines, evergreens, etc): 30": DBH
3. Small trees (dogwoods, redbuds, etc): 10": DBH

Any tree in fair or better condition should meet the following minimum standards:

1. A life expectancy of greater than 15 years.
2. A relatively sound and solid trunk with no extensive decay or hollow, and less than 20 percent radial trunk dieback.
3. No major insect or pathological problem.

5.9.1.3. Layout of the project site utility and grading plans should accommodate the required tree protection zones. Utilities must be placed outside tree protection zones.

5.9.1.4. Construction site activities such as parking, material storage, concrete washouts, burn pit placement, vehicle and equipment maintenance shall be located outside tree protection zones and arranged so as to prevent disturbances within tree protection zones.

5.9.1.5. No disturbance shall occur within the protection zone of specimen trees or stands of trees without prior approval of the Zoning Administrator.

5.9.1.6. To avoid soil compaction, vehicular traffic should not be permitted in the root or tree protection zone. If vehicular traffic must occur in the root zone, minimize soil compaction by applying a 4-12" layer of coarse mulch in the traffic area.

5.9.1.7. Active tree protection tree fencing shall be installed along the outer edge of and completely surrounding the critical root zones of all specimen trees or stands of trees, or otherwise designated tree protection zones, prior to any land disturbance.

5.9.1.8. These fences will be a minimum of four (4) feet high constructed in post and rail configuration. A two (2) inch x four (4) inch post and a double one (1) inch x four (4) inch rail is recommended. Four (4) foot orange polyethylene laminar safety fencing is also acceptable. This fencing shall remain in place until the final inspection is issued on said project by the Building Inspector.

5.9.1.9. Passive forms of tree protection may be utilized to designate tree save areas which are remote from areas of land disturbance. These areas must be surrounded with continuous rope or flagging (heavy mil minimum four (4) inch wide). All passive tree protection must be accompanied by “keep out” signage.

5.9.1.10. All specimen trees or stands of trees, or otherwise designated tree protection zones must be protected from the construction processes that cause sedimentation, erosion, flooding, and other conditions resulting in tree damage.

1. Silt screening must be placed along the outer uphill edge of tree protection zones at the land disturbance interface.

2. Silt screening should be backed by twelve (12) gauge, two (2) inches x four (4) inch wire mesh fencing in areas of steep slope (a grade of 2:1 or greater).

3. All erosion control must comply with the Comer Soil Erosion and Sedimentation Control Ordinance.

5.9.1.11. All tree fencing and erosion control barriers must be installed prior to any land disturbance and maintained throughout the land disturbance process and the building construction. The fencing shall not be removed until landscaping is installed.

5.9.2 Shade Trees Planted by Developer

As a requirement of subdivision approval, where the development is not naturally wooded, the applicant shall plant shade trees on the property within the subdivision. Trees are to be planted within five (5) feet of the right-of-way of the road or roads within and abutting the subdivision. One (1) tree shall be planted for every forty (40) feet of frontage along each road. New trees shall have a minimum trunk diameter (measured twelve (12) inches above the ground level) of not less than two (2) inches. Only long-lived shade trees shall be planted.

5.9.3 Maintenance of Planted Trees

The developer shall be responsible for replacing any tree that dies within three years of the completion of the entire development or, if a phased development, within three years of the completion of the phase in which the now dead tree was planted.

5.10 Annexation

Any land annexed into Comer must be zoned in accordance with applicable provisions of O.C.G.A §36-6-4 et seq. Land annexed into the corporate limits of the City of Comer shall require application for amendments (rezoning) which may be filed pursuant to Article XIII of the Zoning Ordinance for Comer, Georgia.

(Adopted and Accepted by Comer City Council November 6, 2007)

ARTICLE VI: GENERAL CONDITIONS

6.1 Non-Conforming Buildings and Uses

The elimination of existing buildings and structures or uses that do not in conform with this Ordinance is as much a subject of health, safety and general welfare as is the prevention of the establishment of new uses that would violate the provisions of this Ordinance. It is also the intent of this Ordinance to administer the elimination of non-conforming uses, buildings, and structures so as to avoid any unreasonable invasion of established private property rights.

Any structure or use of land lawfully existing at the time of the enactment of this Ordinance and its amendments, but not in conformity with its use ordinances and provisions may be continued subject to the following provisions.

6.1.1 Unsafe Structures And structure or portion thereof declared unsafe by an appropriate governing authority may be restored to a safe condition, provided the requirements of Section 6.1 are met.

6.1.2 Alterations Any change in a lawfully existing non-conforming building, use, building site or yard area is subject to the following:

6.1.2.1. No lawfully existing non-conforming building, can be structurally altered, except repairs o the building or installation of plumbing fixtures required by law, the changing of interior partitions, and interior remodeling. Improvements on a lawfully existing non-conforming building shall not exceed 50 percent of the value of the building as determined by the Building Inspector.

6.1.2.2. No lawfully existing non-conforming building or lands, except those residential dwellings needing repairs on the building or installation of plumbing fixtures as required by law, can be substantially added to, moved, or extended in any manner unless such building or land is changed to conform with the provisions of this Ordinance.

6.1.2.3. If a lawfully existing non-conforming building is moved, all non-conforming minimum yard requirements, as defined in Article VIII or elsewhere in this ordinance, must be eliminated.

6.1.2.4. Whenever an owner of a lawfully existing residential dwelling must make repairs on or installation of plumbing fixtures which will force the location of the future addition of the dwelling nearer the lot line than permitted, the addition to the dwelling shall be allowed to extend to the existing building line but no nearer the property line than an existing portion of the dwelling.

6.1.3 Extension. A lawfully existing non-conforming use is restricted to the lot occupied by such use as of the effective date of this Ordinance. A non-conforming use must not be extended to include either additional building or land, except as permitted in §6.1.2.4, or unless the owner applies for and is granted a variance.

6.1.4 Restoration of Damaged Buildings Unless otherwise specified, a lawfully existing non-conforming structure that is destroyed (damage equals or exceeds 50 percent of the structures' replacement value, as determined by the Building Inspector), through no intent of the owner, may not be reconstructed or restored to the same non-conforming use except upon approval of the Zoning Administrator. However, residential dwellings that are nonconforming because of area and minimum yard requirements may be replaced regardless of extent of damage.

6.1.5 Discontinuance A lawfully existing non-conforming use which became such after the adoption of this Ordinance and which has been discontinued for a continuous period of 6 months, shall not re-established and any future use shall be in conformance with this Ordinance. Where government action impedes access to land, the time of any resulting discontinuance of a non-conforming use shall not be counted towards the time periods of this section.

6.2 Off-Street Automobile Parking

Within Comer, Georgia, off-street automobile storage or parking space shall be provided on every lot on which any permitted or conditional use is established in accordance with this ordinance.

6.2.1 General Requirements. For the purpose of this Ordinance the following general requirements are specified:

- 6.2.1.1. The term "Off-Street Parking Space" means a space at least 9 feet wide and 20 feet in length with minimum net area of 180 square feet, excluding area for egress and ingress and maneuverability of vehicles.
- 6.2.1.2. If an off-street parking space cannot be reasonably provided on the same lot on which the principal use is conducted, the Zoning Administrator may permit such space to be provided on other off-street property, provided such space lies within 600 feet of the property line of the principal use. The parking space shall be associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.
- 6.2.1.3. The required number of parking space for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use at the same time.
- 6.2.1.4. Area reserved for off-street parking in accordance with the requirements of this Ordinance shall not be reduced in area or changed to any other use unless the permitted use which it serves is discontinued or modified, and unless equivalent parking space is provided to the satisfaction of the Zoning Administrator.
- 6.2.1.5. Off-street parking existing at the effective date of this Ordinance in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or use.

6.2.2 Parking Space Requirements for All Zoning Districts. Off-street automobile storage of parking space shall be provided with vehicular access to a street or alley, and shall be equal in or to at least the minimum requirements for the specific land use set forth.

	Land Use	Parking Requirements
	Dwellings	
1	One and Two-Families	2 spaces for each dwelling unit
2	Multi-Family	1 ½ space per dwelling unit except for efficiency apartments for which one space per dwelling unit shall be provided.
3	Hotels/Motels	1 space for each bedroom plus 1 additional space for each 5 employees on the largest work shift, plus 1 space per 3 persons to the maximum capacity of each public meeting or banquet room, plus 50 percent of the spaces otherwise required for accessory uses (e.g. restaurants and bars)
4	Manufactured Homes and Recreational Vehicle Parks	1 space for each guest bedroom, manufactured home, or recreational vehicle space, plus 1 additional space for a resident manager or owner
5	Boarding and Rooming Houses and Dormitories	1 space for each guest bedroom plus 1 space for every 4 employees on the largest work shift.
	Public Assembly	
1	Religious institutions and other Places of Worship	1 space for each 4 seats in the main auditorium or sanctuary
2	Community Center	1 space for each 5 active members
3	Theaters, Auditoriums, Stadiums and similar Places of Assembly	1 space for each 4 seats
4	Libraries, Museums	1 space for each 500 square feet of gross floor area
5	Schools, including Kindergarten, Playschools and Daycare Centers	1 space for each 4 seats in assembly hall, or 1 space for each employee, including teachers and administrators, whichever is greater, plus 5 spaces per classroom for high school and colleges
6	Skating Rinks, Dance Halls, Pool Rooms and Other Places of Amusement or Assembly without Fixed Seating Arrangements	1 space for each 200 square feet of floor area
7	Bowling Alley	4 spaces for each alley or lane

	Land Use	Parking Requirements
	Health Facilities	
1	Hospitals, Sanitariums, Nursing Homes, Homes for the Ages and Similar Institutional Uses	1 space for each 4 beds (not including bassinets), plus 1 space for each staff or visiting doctor, plus 1 for each 4 employees, including nurses, plus 1 space for each hospital vehicle.
2	Kennels and Animal Hospitals	A parking area equal to 25 percent of the total enclosed or cover area
3	Medical, Dental and Health Offices and Clinics	1 space for each 200 square feet of floor area used for offices and similar purposes
4	Mortuaries and Funeral Parlors	5 spaces per parlor or chapel unit, or 1 space per 4 seats, whichever is greater
	Businesses	
1	Automobile Repair Establishments	1 space for each regular employee plus 1 space for each 250 square feet of floor area
2	Food Stores (including convenience and supermarket)	1 space for each 400 square feet of floor area designated for retail sales only
3	Restaurants, including Bars, Grills, Diners, Cafe's, Fast-Food, Drive-In, Taverns, Night Clubs, Lunch Counters and Similar Dining Establishments	1 space for each 4 seats provided for patron use, plus 1 space for each 75 square feet of floor area provided for patron use but not containing seats
4	Office Buildings, including Banks, Business, Commercial and Professional Offices and Buildings but excluding Medical, Dental and Health Offices and Clinics	1 space for each 350 square feet of ground floor area, plus 1 for each 500 square feet of upper floor area.
5	General Business, Commercial or Personal Service Establishment Catering to the Retail Trade, but excluding Food stores	1 space for each 350 square feet of floor area designated for retail sales only
6	Governmental Offices	1 space for each 350 square feet of ground floor area plus 1 space for each 500 square feet of upper floor area and 1 space for each governmental vehicle.
7	Shopping Centers	5 spaces for each 1,000 square feet of floor area designated for retail sales only
8	Furniture Stores	1 for each 1,000 square feet of gross floor area

	Land Use	Parking Requirements
	Businesses	
9	Automobile Sales Lot, new and used	1 space per 600 square feet of enclosed floor space, plus 1 space for each 3,000 square feet of outside display area. Car display area does not have to be paved but must, at a minimum, be covered with 4 inches of gravel or crusher run
10	Public Utilities, such as Telephone Exchanges and Substations, Radio and floor area in the building TV Stations, and Electric Power and Gas Substations	A parking area equal to 25 percent of the gross floor area
	Industries	
1	Commercial, Manufacturing and Industrial Establishment, not Catering to the Retail Trade	1 space for each 3 employees on the maximum working shift, plus 1 for each company vehicle on the premises
2	Wholesale Establishments	1 space for every 50 square feet of customer service area, plus 2 spaces for each 3 employees on the maximum working shift plus 1 space for each company vehicle operating from the premises

6.2.3 Shared Parking. Two or more uses may share parking facilities without providing the minimum number of on-site required spaces for each use, provided the following conditions are met:

- 6.2.3.1. The minimum required number of parking spaces for the combines uses shall be reduced by 20 percent where hours of operation overlap.
- 6.2.3.2. Off-site spaces shall be within 600 feet walking distance of a building entrance or use. If the pedestrian access is to cross an arterial street, appropriate safety measures must be present to help the pedestrian cross the street. In any event, safe and convenient pedestrian access, such as a sidewalk or path, must exist or be provided from the structure or use to the parking lot.
- 6.2.3.3. The parking facility to be shared must contain at least the minim required spaces of the largest individual use sharing the lot and shall be developed to the extent of at least being paved and striped according to the standards of this ordinance.
- 6.2.3.4. The parking facility to be shared must be owned by the owner of one of the uses or leased for at least a 20-year term or through a permanent easement by the owner of the uses being served.

- 6.2.3.5. No changes shall be made to the shared parking facility which would reduce the parking provided for the uses, unless the owner of one of the uses makes other arrangements to provide parking. No such changes shall be made without approval of the Zoning Administrator.
- 6.2.3.6. Parking spaces to be shared must not be reserved for a specific person, individual, or use on a twenty-four hour basis.
- 6.2.3.7. Handicap parking spaces cannot be shared, unless the uses that are to share the spaces are adjacent to the handicap spaces and not inconvenience to the users of such spaces would be created.
- 6.2.3.8. Loading space shall not be shared
- 6.2.3.9. Any proposed change in the use of a structure that shares a parking facility will require proof that adequate parking is available.
- 6.2.3.10. Off-site and shared parking may be used in combination to develop parking facilities, provided all the requirements of this section are met.

6.2.4 Stacking Space for Drive-through facilities

- 6.2.4.1. Stacking spaces shall be provided for any use having a drive-through facility or areas having drop-off and pick-up areas. The following general standards shall apply to all stacking spaces and drive-through facilities:
 - 6.2.4.1.1. Stacking spaces and lanes for drive-through stations shall not impede on- and off- site traffic movements, shall not cross or pass through off-street parking areas, and shall not create a potentially unsafe condition where crossed by pedestrian access to a public entrance of a building.
 - 6.2.4.1.2. Drive-through lanes shall be separated from off-street parking areas. Individual lanes must be striped, marked or otherwise distinctly delineated.
 - 6.2.4.1.3. Approach lanes for drive-through facilities shall have the following minimum widths

One Lane	=	12 feet per lane
Two or More Lanes	=	10 feet per lane
 - 6.2.4.1.4. All drive-through facilities shall be provided with a bypass lane with a minimum width of 10 feet
 - 6.2.4.1.5. Alleys or driveways in residentially zoned areas adjacent to drive-through facilities shall not be used for circulation of customer traffic.
 - 6.2.4.1.6. Each stacking space shall be a minimum of 10 feet by 20 feet.

6.2.4.2. The number of stacking spaces shall be provided as follows:

6.2.4.2.1. Financial institutions with drive-through windows: 2 stacking spaces for each window

6.2.4.2.2. Drive-in or Fast Food Restaurant: 6 stacking spaces per drive-through window measured from the order board or station

6.2.4.2.3. All other uses: 3 stacking spaces for each window

6.2.5 Parking Area Site Requirements: All off-street parking shall be laid out, constructed, and maintained according to the following requirements (except for residential lots in the R1, R2, and R3 Zoning Districts). Off-street parking includes parking spaces or lots for customers and employees.

6.2.5.1. All parking areas shall be hard surfaces with concrete or plant bituminous material and maintained in dust-proof condition.

6.2.5.2. Lighting facilities shall be arranged so that light is reflected away from adjacent properties and streets. If individual light posts are integrated into or mounted on an exposed concrete base, the exposed concrete base cannot exceed 6 inches in height

6.2.5.3. The parking area shall be adequately drained

6.2.5.4. A raised curb of at least six (6) inches shall be erected along all of the property lines, except for driveway openings and those lot lines abutting residential Zoning Districts where the requirement of §6.7 shall prevail

6.2.5.5. No sign shall be placed within the public right-of-way. Signs and planting strips shall not obstruct the visibility of drivers or pedestrians.

6.2.6 Landscape Standards for Parking Lots. Parking lots should be effectively landscaped with trees and shrubs to reduce the visual impact of glare, headlights, and parking lot lights from the public right-of-way and from adjoining properties. In addition, parking lots should be adequately shaded to reduce the amount of reflected heat.

6.2.6.1. When a lot is located adjacent right-of-way, alternatives should be considered to reduce the visual impact of the parking lot. Some alternatives are:

6.2.6.1.1. *Landscape Setbacks.* Provide at least a 10-foot-wide landscaped area exclusive of the required for sidewalks or utility easements, as specified in this ordinance, between the right-of-way and the parking lot, to be planted with shade trees, and at least a three-foot-high evergreen hedge, wall, or fence

6.2.6.1.2. *Grade Changes.* In cases where substantial grading is necessary that results in a parking lot lower in elevation than the surrounding or adjacent right-of-way, the resulting embankment should be planted with low shrubs and shade trees. A minimum of 10 feet of landscaping should be provided between the right-of-way and the parking lot.

6.2.6.1.3. *Landscape Berms* Where feasible, create at least a two-and-one-half-foot-high berm with slopes not to exceed 25 percent for lawn areas. Berms planted with ground cover and shrubs can be steeper, however, no slope should exceed 50 percent.

6.2.6.1.4. *Woodland Preservation.* In cases where quality woodland exists, preserve existing trees between the parking lot and the right-of-way. Provide additional evergreen shrubs if needed to achieve an effective visual buffer. The vegetation should be saved.

6.2.6.2. Along the perimeter of the parking lot, to reduce its visual impact:

6.2.6.2.1. Provide a ten-foot-wide landscape strip around the perimeter of the lot, to be planted with shade trees and low shrubs. Provide a minimum of one shade tree per every 40 feet of lot perimeter. However, this does not mean that shade trees must be located 40 feet on center. Additional shade trees may be necessary to effectively shade/screen the parking lot.

6.2.6.2.2. In cases where quality woodland exists, preserve a minimum of 25 feet of vegetation along the perimeter of the lot. Provide additional evergreen shrubs if needed.

6.2.6.3. For the purpose of calculating off-street parking lot square footage, all areas within the lot's perimeter are counted, including the planting islands, curbed areas, corner lots, parking spaces, and all interior driveways and aisles except those with no parking spaces located on either side. Landscaped areas outside the parking lot may not be used to meet the interior planting requirement. Landscape provisions only apply to parking areas for customers or employees. The amount of landscaping required is based on the following sliding scale:

Total Area of Lot	Percentage of the Total Area (Square Footage) of Lot that must be an Interior Planting Area
0-15,000	5.00%
15,001-29,999	7.50%
30,000 or greater	10.00%

The above percentage must be planted in shade trees. This is necessary to break up the visual expansiveness of lots and to reduce glare and heat. A greater landscape percentage may be necessary to effectively shade the parking lot. Effectively shading the parking lot is considered to be shading of at least 60 percent of the lot, within 15 years of the issuance of the development permit, at high noon with the

trees in full foliage. To achieve these objectives, the following alternatives should be considered:

6.2.6.3.1. Provide a continuous landscape strip between every four rows of parking. This should be a minimum of eight feet in width to accommodate a low hedge and shade trees.

6.2.6.3.2. Create large planting islands (over 600 square feet) to be located throughout the lot and planted with shade trees, low shrubs, and/or ground cover. These should preferably be located at the ends of parking rows.

6.2.6.3.3. Provide planting islands (a minimum of nine feet wide) between every 10 to 15 spaces to avoid long rows of parked cars. Each of these planting islands should provide at least one shade tree having a clear trunk height of at least six feet.

6.2.6.4. Within the interior of the parking lot, landscaping should be used to delineate vehicular and pedestrian circulation patterns. Clear and legible signs, different color and texture paving materials, raised areas, and other techniques should be used to further direct the flow of both vehicular and pedestrian traffic within the lot.

6.2.6.5. The general guidelines listed below should be followed for all parking lots.

6.2.6.5.1. Use deciduous shade trees with ground cover of low shrubs as the primary landscape material within parking lots. Avoid tall shrubs or low-branching trees that will restrict visibility.

6.2.6.5.2. For planting islands that are parallel to spaces, islands should be minimum of nine feet wide to allow doors to open

6.2.6.5.3. For planting islands that are perpendicular to spaces, islands should be minimum of eight feet wide to allow for overhang of parked cars. If parking is only on one side of the island, an eight foot width is still required.

6.2.6.5.4. Screening of mechanical equipment, trash, and loading areas should be provided. This can be achieved using walls, fences, and/or landscaping.

6.2.6.5.5. Where appropriate, the use of porous pavement and/or specially designed brick or block should be considered to increase on-site water retention for plant material and groundwater supplies and to reduce problems associated with runoff

6.2.7 Maintenance of Perimeter and Interior Parking Lot Landscaping. The owner, tenant, and their agent, if any, are jointly and severally responsible for the maintenance of all landscaping in good condition so as to present a healthy, neat, and orderly appearance and shall be kept free from refuse and debris. All landscaped areas must be watered via an underground sprinkler systems or be provided with a readily available water supply with at least one (1) outlet located within one hundred fifty (150) feet of all plant material to be maintained.

- 6.2.7.1. All plant growth in landscaped areas must be controlled by pruning, trimming, or other suitable methods so that plant materials do not interfere with public utilities, restrict pedestrian or vehicular access, or otherwise constitute a traffic hazard.
- 6.2.7.2. All planted areas must be maintained in a relatively weed-free condition and clear of undergrowth
- 6.2.7.3. All planting must be fertilized and irrigated at such intervals as necessary to promote optimum growth
- 6.2.7.4. All trees, shrubs, ground cover, and other plant materials must be replaced during the next suitable plating period if they die or become unhealthy because of accidents, drainage problems, disease, or other causes.
- 6.2.7.5. Replacement plants must conform to all standards that govern the original installation of plantings.

6.3 Off-Street Loading and Unloading Space

Off-street loading and unloading spaces shall be provided as hereinafter required by this Ordinance.

- 6.3.1 Size of Off-Street Loading Spaces.** Each off-street loading space shall have a minimum of 14 feet in height, 12 feet in width, and 55 feet in length. However, upon sufficient demonstration that a particular loading space will be used exclusively by shorter trucks, the Zoning Administrator may reduce the minimum length accordingly to as little as 35 feet.
- 6.3.2 Connection to Street or Alley.** Each required off-street loading space shall have direct access to a street or alley or have a driveway which offers satisfactory ingress and egress for trucks
- 6.3.3 Floor Area Over 10,000 Square Feet.** Sufficient space for off-street loading and unloading must be provided for each hospital, institution, hotel, commercial or industrial building or similar use requiring the receipt or distribution of materials or merchandise, and having a floor area of more than 10,000 square feet of floor space or fraction thereof. Such space must be located so as not to hinder the free movement of pedestrians and vehicles over a sidewalk, street or alley.
- 6.3.4 Floor Area Less than 10,000 Square Feet.** Sufficient off-street loading space (not necessarily a full space if shared by adjacent establishments) must be provided for each commercial or industrial building requiring the receipt or distribution of materials for merchandise and having a floor area of less than 10,000 square feet. The space must be located so as not to hinder the free movement of pedestrians and vehicles over a sidewalk, street or alley.

6.3.5 Location of Off-Street Loading Spaces. All required off-street loading spaces shall be located on the same lot as the building which they intended to serve, or on an adjacent lot when the loading spaces are shared with the use occupying said adjacent lot.

6.3.6 Permanent Reservation. Area reserved for off-street loading in accordance with this Ordinance must not be reduced or changed to any other use unless the permitted use that the off-street loading serves is discontinued or modified. However, equivalent loading space may be provided and approved by the Zoning Administrator.

6.4 Control of Curb Cuts and Vision Clearance

The requirements for controlling curb cuts and maintaining vision clearance shall be as follows:

6.4.1 Curb Cuts. No curb cut shall be less than 9 feet nor exceed 30 feet in length unless the property will primarily serve tractor-trailer traffic. Single-family residential curb cuts shall not exceed 12 feet. Except in residential Zoning Districts, no curb cut shall be closer than 100 feet to another curb cut or access point. At street intersections, no curb cut or the access point shall be located closer to the intersection than is necessary to serve the property but in no case shall be closer than 50 feet from the intersecting point of the two street right-of-way or property lines involved (or such lines extended in case of a rounded corner), whichever is the least restrictive.

Adjacent properties are strongly encouraged to utilize shared parking arrangements as outlined in §6.2.3 in an effort to minimize curb cuts and impervious parking area.

A permit must be obtained from the Georgia Department of Transportation before curb cuts or any other point of access is authorized onto state-owned highway right-of-way from abutting property.

6.4.2 Vision Clearance. In all Zoning Districts, no fence, wall, shrubbery, sign, marquee or other obstruction to vision between the heights of 2 ½ and 10 feet from the ground level is permitted within 20 feet of the intersection of the right-of-way lines of two streets or railroad lines, of a street intersection with a railroad line, or of curb cuts or driveways.

6.5 Classification of Streets

All streets in Comer, Georgia, are divided into five (5) classes. See §3.1 “Streets” for diagram of street classifications.

6.5.1 Arterial. An arterial is a high-volume street that should have no residences on it. Its function is to conduct traffic between communities and activity centers and to connect communities to major state and interstate highways.

6.5.2 Collector. As the principal traffic artery within residential or commercial areas, the collector carries relatively high traffic volumes and conveys traffic from arterial streets to lower-order streets. Its function is to promote the free flow of traffic; as such, communities should not encourage parking or residences along a collector. The collector's secondary function is to serve abutting land uses. A collector street may also accommodate public transit such as buses.

6.5.3 Sub-Collector. The sub-collector provides passage to access streets and conveys traffic to collectors. Like the access street, the sub-collector is a relatively low-volume street. Sub-collectors usually serve more dwelling than an access street and carry a small volume of through-traffic to one or more access streets.

6.5.4 Access Roads. Sometimes called a place or lane, the access street is designed to conduct traffic between dwelling units and higher order streets. The access street usually carries no through-traffic and includes short streets, cul-de-sacs, and courts. Access streets are noteworthy for their complete lack of through-traffic and for the fact that they serve only a few dwelling units.

6.6 Storage and Parking of Recreational Vehicles, Trailers, and other Vehicles

Commercial vehicles and trailers of all types, including travel, boat, camping and hauling, shall not be parked or stored on any lot or parcel in any zoning district except in accordance with the following requirements:

6.6.1 No commercial vehicle used for hauling explosives, gasoline or liquefied petroleum products is permitted.

6.6.2 Recreational vehicles, hauling trailers, or boat trailers are permitted if parked or stored behind the front yard building line

6.6.3 A recreational vehicle shall not be occupied either temporarily or permanently while it is parked or stored in any area except in a recreational vehicle park authorized under this Ordinance, or as otherwise stated in this Ordinance.

6.6.4 In all residentially zoned districts it is prohibited to park or store abandoned, wrecked or junked vehicles, power-driven construction equipment, used lumber or metal, commercial vehicles (except those on a service call), or any other miscellaneous scrap or salvageable material in quantity. For the purposes of this subsection, an abandoned vehicle is a vehicle without current state license.

6.6.5 No automobile, recreational vehicle, trailer, or other vehicle offered for sale shall be parked in the right-of-way

6.7 Buffer Areas and Lighting

All required buffer areas and landscape strips are in addition to area, yard, and height requirements for the zoning district as specified in Article VIII.

6.7.1 In any business (C1, C2) or industrial (LI) district, any operation not conducted within a building, such as outdoor recreation, outdoor storage of materials, and outdoor servicing activities, shall be enclosed by a solid wall or solid fence or tight evergreen hedge not less than eight (8) feet in height. The bottom of the fence must be no higher than four (4) inches from the ground. The top of the fence must not evidence significant elevation changes (i.e. the top of the fence at the highest topographic elevation will determine the height of all portions of the fence, regardless of elevation changes). If constructed from wood, the fence height must be achieved by the installation of one continuous eight (8) foot, or greater, board. The Mayor and Council shall, based on the character of the area determine whether the applicant must install the solid wall, solid fence, or tight evergreen hedge. Prior to any site construction or grading, the Zoning Administrator must approve a landscaping plan prepared by a registered landscape architect that identifies all plants to be incorporated in the buffer area.
(Accepted and Adopted by Comer City Council November 6, 2007)

6.7.2 In any Zoning District not subject to the requirements of §6.7.1 but requiring screening of a specified operation, said screening shall be a solid wall or solid fence or tight evergreen hedge not less than eight (8) feet in height. The tight evergreen hedge shall grow to at least eight (8) feet in height within five (5) years. There shall be a perimeter landscape strip at least twenty (20) feet wide, unless otherwise specified, that conforms to the planting requirements of §6.2.6.5. All buffer area requirements are in addition to the area, yard, and height requirements for that Zoning District (Article VIII). Prior to any site construction or grading, the Zoning Administrator must approve a landscaping plan prepared by a registered landscape architect that identifies all plants to be incorporated in the buffer area.

6.7.3 A perimeter landscape strip of ten (10) feet in width, or six (6) feet if the commercial or industrial site is less than 15,000 square feet and not regulated by §6.7.1 and §6.7.2, shall be planted in accordance with §6.2.6 adjacent to the lot line when the following conditions exist or are created.

6.7.3.1. A proposed structure will exist on a lot where the side or rear lot line is a Zoning District boundary other than C1, C2, or LI

6.7.3.2. The lot or parcel on the opposite side of the boundary is zoned R1, R2, or RM

6.7.4 All outdoor lighting must reflect away from all residential dwellings and shall be situated to not directly reflect into any public right-of-way

6.7.5 Any grading, improvement or construction adjacent to the buffer must not disturb or encroach on the buffer area.

6.7.6 A manufactured home park shall be screened by a solid wall or solid fence or tight evergreen hedge and contain a perimeter landscape strip at least thirty (30) feet wide, unless otherwise specified, that conforms to the planting requirements of §6.2.6. All perimeter landscape strip requirements are in addition to the area, yard, and height requirements for that Zoning District (see Article VIII). Prior to any site construction or

grading, the Zoning Administrator must approve a landscaping plan prepared by a registered landscape architect that identifies all plants to be incorporated in the buffer area.

6.7.7 A ten (10) foot rear and side yard vegetated buffer is required for all multi-family development in addition to required side and rear yards specified in Article VIII or IX.

ARTICLE VII: USE REQUIREMENTS BY ZONING DISTRICT

7.1 AG Agricultural District

This zoning district is composed primarily of limited agricultural activities in areas where compatible low density, rural, single-family residential development has occurred or is occurring. The regulations for this Zoning District are designed to provide the landowner an opportunity to engage in limited hobby-type agricultural activities for personal use, with the exception of fresh fruits, flowers or vegetables raised on the property which may be sold to the public. Adult Entertainment Business is prohibited in this district.

7.1.1 Permitted Uses. Within the AG District, the following uses are permitted:

- 7.1.1.1. Dwelling, Single-family detached
- 7.1.1.2. Industrial building qualifying as Dwelling, Single-family, detached
- 7.1.1.3. Accessory buildings and accessory uses provided the requirements of §9.1.1.5 and §9.4 are met
- 7.1.1.4. Agricultural uses including small scale crop farming, truck gardening, forestry, but excluding poultry houses and feedlots
- 7.1.1.5. Animals, fowl, and rattites not to exceed the requirements specified in §3.1, Animal Units
- 7.1.1.6. Daycare home
- 7.1.1.7. Home occupation, provided that requirements of §9.5 are met
- 7.1.1.8. Fairgrounds
- 7.1.1.9. Home swimming pools, above and below ground, for home use, provided that the location is not closer than 10 feet to any property line; the pool is enclosed by a wall or fence of at least 4 feet in height; and approval has been obtained from Health Department
- 7.1.1.10. Home office
- 7.1.1.11. Nurseries for the production and sale of plants and their related products
- 7.1.1.12. Private garage
- 7.1.1.13. Produce stand

7.1.1.14. Public utility facilities, provided a complete site development sketch is submitted to and approved by the Zoning Administrator, and a minimum twenty (20) foot planted buffer strip is provided as suitable screening along property lines or within sixty (60) feet of the developed area. (An appropriate planted buffer shall contain vegetation that will attain a height of twenty (20) feet within three (3) years.)

7.1.1.15. Signs provided that requirements of Article X are met.

7.1.1.16. Special event

7.1.1.17. Veterinary hospitals, clinics and kennels, and animal shelters, provided no enclosed structure for the keeping of animals is located within two hundred (200) feet of property boundary.

7.1.2 Condition Uses. Within the AG District, the following uses may be permitted. Conditional Use applications may be approved or denied as submitted or may be approved subject to specified conditions in addition to those described herein.

7.1.2.1. Bed and Breakfast provided the requirements of §9.7 are met.

7.1.2.2. Home industry.

7.1.2.3. Private schools provided that a complete site development sketch is submitted with the application. The school must be located on a lot fronting an arterial or collector street. All buildings must be at least fifty (50) feet from any property line. The property must be bordered by a ten (10) foot wide buffer area along its exterior boundary lines that do not border the frontage street. The buffer must not extend into the required front yard. The buffer area should be planted with evergreen trees or shrubs that grow at least eight (8) feet tall within five (5) years and provide an effective visual screen

7.1.2.4. Religious institutions and their customary related facilities, provided such uses are located on a lot with a minimum of 2 acres and front on a public right-of-way or a private street which connects with a public right-of-way. The minimum building front setback is fifty (50) feet. A ten (10) foot wide buffer area is required along any property line abutting residentially zoned property

7.1.2.5. Towers, provided the requirements of Section 9.12 are met.

7.2 RR Rural Residential District

This zoning district is comprised primarily of limited agricultural activities I areas where very low density, single-family residential development has occurred or is occurring. The regulations for this Zoning District are designed to provide the landowner an opportunity to engage in limited hobby-type agricultural activities for personal use. Adult Entertainment Business is prohibited in this district.

7.2.1 Permitted Uses. Within the RR District, the following uses are permitted:

7.2.1.1. Dwelling, Single-family detached

7.2.1.2. Accessory buildings and accessory uses provided the requirements of §9.1.1.5 and §9.4 are met

7.2.1.3. Agricultural uses including small scale crop farming, truck gardening, forestry, but excluding poultry houses and feedlots.

7.2.1.4. Animals, fowl, and rattites are not to exceed the requirements specified in §3.1, Animal Units

7.2.1.5. Daycare home

7.2.1.6. Home swimming pools, above and below ground, for home use, provided that the location is not closer than 10 feet to any property line; the pool is enclosed by a wall or fence of at least 4 feet in height; and approval has been obtained from Health Department

7.2.1.7. Home office

7.2.1.8. Private garage

7.2.1.9. Signs, provided that requirements of Article X are met

7.2.2 Conditional Uses. Within the RR Zoning District, the following uses may be permitted. Conditional Use applications may be approved or denied as submitted or may be approved subject to specified conditions in addition to those described herein.

7.2.2.1. Bed and Breakfast provided the requirements of §9.7 are met

7.2.2.2. Convalescent or nursing homes

7.2.2.3. Home industry

7.2.2.4. Home occupation, provided that requirements of §9.5 are met

7.2.2.5. Private schools provided that complete site development sketch is submitted with the application. The school must be located on a lot fronting an arterial or collector street. All buildings must be at least fifty (50) feet from any property line. The property must be bordered by a ten (10) feet wide buffer area along its exterior boundary lines that do not border the frontage street. The buffer must not extended into the required front yard. The buffer area should be planed with evergreen trees or shrubs that grow at least eight (8) feet tall within five (5) years and provide an effective visual screen.

- 7.2.2.6. Recreational developments, including but not limited to, public fishing lakes, public swimming pools, and golf courses or driving ranges, or other recreational developments provided a comprehensive plan for the area is submitted which includes the location of the site on plats of not less than 1" = 400' scale, the location and function of all buildings and modifications of the natural landscape, the location and surface treatment of all roadways, appropriate details of drinking water or sanitary facilities, certificated by the Health Department if wells or septic tanks are involved and a time schedule setting for a development program.
- 7.2.2.7. Religious institutions and their customary related facilities, provided such uses are located on a lot with a minimum of 2 acres and front on a public right-of-way or a private street which connects with a public right-of-way. The minimum building front setback is 50 feet. A ten (10) foot wide buffer area is required along any property line abutting residentially zoned property.
- 7.2.2.8. Utility facilities, provided a complete site development sketch is submitted to and approved by the Zoning Administrator, and a minimum of twenty (20) foot planted buffer strip is provided as suitable screening along property lines or within sixty (60) feet of the developed area. (An appropriate planted buffer shall contain vegetation that will attain a height of twenty (20) feet within three (3) years.)
(Accepted and Adopted by Comer City Council November 6, 2007)

7.3 R1 Low-Density Residential Zoning District

The R1 Zoning District is composed primarily of low density residential areas where similar developments appear likely to occur. The Zoning District is designed to encourage single-family development in a rural setting and certain uses allied to or customarily incidental to residential developments in a rural area. Adult Entertainment Business is prohibited in this district.

7.3.1 Permitted Uses. Within the R1 Zoning District, only the following uses are permitted.

- 7.3.1.1. Dwelling, single-family, detached
- 7.3.1.2. Accessory building provided the requirements of §9.1.1.5 and §9.4 are met
- 7.3.1.3. Home office
- 7.3.1.4. Daycare home
- 7.3.1.5. Private garage
- 7.3.1.6. Signs, provided the requirements of Article X are met.
- 7.3.1.7. Swimming pools, above and below ground, provided the location is not closer than 10 feet to any property lines; the pool is enclosed by a wall or fence of at least four (4) feet in height; and approval from the Health Department has been granted. Only home swimming pools and private community pools are permitted.

7.3.2 Conditional Uses. Within the R1 Zoning District, the uses enumerated below may be permitted. Conditional use applications may be approved or denied as submitted or may be approved subject to specified conditions in addition to those described herein.

7.3.2.1. Bed and Breakfast provided the requirements of §9.7 are met

7.3.2.2. Home occupation provided the requirements of §9.5 are met

7.3.2.3. Recreational developments, including but not limited to, public fishing lakes, public swimming pools, and golf courses or driving ranges, or other recreational developments provided a comprehensive plan for the area is submitted which includes the location of the site on plats of not less than 1" = 400' scale, the location and function of all buildings and modifications of the natural landscape, the location and surface treatment of all roadways, appropriate details of drinking water or sanitary facilities, certificated by the Health Department if wells or septic tanks are involved and a time schedule setting for a development program.

7.3.2.4. Utility facilities, provided a complete site development sketch is submitted to and approved by the Zoning Administrator, and a minimum twenty (20) foot planted buffer strip is provided as suitable screening along property lines or within sixty (60) feet of the developed area. (An appropriate planted buffer shall contain vegetation that will attain a height of eight (8) feet within three (3) years.)
(Accepted and Adopted by Comer City Council November 6, 2007)

7.4 R2 Medium-Density Residential Zoning District

The R2 Zoning District is comprised of medium density residential areas where similar development appears likely to occur in the near future. The Zoning District is designed to encourage similar and complementary uses which may be desirable in a neighborhood. Adult Entertainment Business is prohibited in this district.

7.4.1 Permitted Uses. With the R2 Zoning District, only the following uses are permitted:

7.4.1.1. Dwelling, single-family, detached

7.4.1.2. Accessory building provided the requirements of §9.1.1.5 and §9.4 are met

7.4.1.3. Daycare home

7.4.1.4. Home office

7.4.1.5. Private garage

7.4.1.6. Swimming pools, above and below ground, provided the location is not closer than 10 feet to any property line; the pool is enclosed by a wall or fence of at least four (4) feet in height; and approval from Health Department has been granted. Only home swimming pools and private community swimming pools are permitted.

7.4.2 Conditional Uses. Within the R2 Zoning District, the uses enumerated below may be permitted. Conditional Use applications may be approved or denied as submitted or may be approved subject to specified conditions in addition to those described herein.

7.4.2.1. Bed and Breakfast provided the requirements of §9.7 are met

7.4.2.2. Residential home occupation provided the requirements of §9.5 are met

7.4.2.3. Recreational developments, including but not limited to, public fishing lakes, public swimming pools, and golf courses or driving ranges, or other recreational developments provided a comprehensive plan for the area is submitted which includes the location of the site on plats of not less than 1" = 400' scale, the location and function of all buildings and modifications of the natural landscape, the location and surface treatment of all roadways, appropriate details of drinking water or sanitary facilities, certificated by the Health Department if wells or septic tanks are involved and a time schedule setting for development program.

7.4.2.4. Religious institutions and their customary related facilities, provided such uses are located on a lot with a minimum of 2 acres and front on a public right-of-way or a private street which connects with a public right-of-way. The minimum building front setback is 50 feet. A ten (10) foot wide buffer area is required along any property line abutting property in residential zoning districts.

7.4.2.5. Private primary and secondary schools provided that a complete site development sketch is submitted to and approved by the Zoning Administrator.

7.4.2.6. Utility facilities, provided a complete site development sketch is submitted to and approved by the Zoning Administrator, and a minimum of twenty (20) foot planted buffer strip is provided as suitable screening along property lines or within sixty (60) feet of the developed area. (An appropriate planted buffer shall contain vegetation that will attain a height of eight (8) feet within three (3) years.)
(Accepted & Approved by Comer City Council November 6, 2007)

7.5 R3 High-Density Residential Zoning District

The R3 Zoning District is comprised of high density residential areas plus certain open areas where similar development appears likely to occur in the near future. The zoning district is designed to encourage similar and complementary uses which may be desirable in a neighborhood. Adult Entertainment Business is prohibited in this district.

7.5.1 Permitted Uses. With the R3 Zoning District, only the following uses are permitted.

7.5.1.1. Dwelling, single-family, detached

7.5.1.2. Individual manufactured home qualifying as dwelling, single-family, detached

- 7.5.1.3. Industrialized home qualifying as dwelling, single-family, detached
- 7.5.1.4. Two-family dwelling
- 7.5.1.5.** Accessory buildings provided the requirements of §9.1.1.5 and §9.4 are met
- 7.5.1.6. Daycare home
- 7.5.1.7. Home office
- 7.5.1.8. Private garage
- 7.5.1.9. Swimming pools, above and below ground, provided the location is not closer than 10 feet to any property line; the pool is enclosed by a wall or fence of at least four (4) feet in height; and approval from the Health Department has been granted. Only home swimming pools and private community swimming pools are prohibited.

7.5.2 Conditional Uses. Within the R3 Zoning District, the uses enumerated below may be permitted. Conditional Use applications may be approved or denied as submitted or may be approved subject to specified conditions in addition to those described herein.

- 7.5.2.1.** Residential home occupation provided the requirements of §9.5 are met
- 7.5.2.2. Religious institutions and their customary relative facilities, provided such uses are located on a lot with a minimum of 2 acres and front on a public right-of-way or a private street which connects with a public right-of-way. The minimum building front setback is 50 feet. A ten (10) foot wide buffer area is required along any property line abutting property in residential zoning districts.
- 7.5.2.3. Private primary and secondary schools provided that a complete site development sketch is submitted to and approved by the Zoning Administrator.
- 7.5.2.4. Utility facilities, provided a complete site development sketch is submitted to and approved by the Zoning Administrator, and a minimum twenty (20) foot planted buffer strip is provided as suitable screening along property lines or within sixty (60) feet of the developed area. (An appropriate planted buffer shall contain vegetation that will attain a height of eight (8) feet within three (3) years.)
(Accepted and Adopted by Comer City Council November 6, 2007)

7.6 RM Multi-Family Residential Zoning District

The RM Zoning District is composed of areas with existing or proposed high density residential use. The ordinance is designed to accommodate open space, convenience services, and community facilities needed for high density living. Adult Entertainment Business is prohibited in this district.

7.6.1 Permitted Uses. Withing the RM Zoning District, only the following uses are permitted.

- 7.6.1.1. Dwelling, single-family, detached
- 7.6.1.2. Dwelling, two family
- 7.6.1.3. Dwelling, multi-family
- 7.6.1.4. Garage apartments
- 7.6.1.5. Apartments
- 7.6.1.6. Townhouses and condominiums provided that the requirements of §9.3 are met
- 7.6.1.7. Accessory buildings and accessory uses provided the requirements under §9.1.1.5 and §9.4 are met
- 7.6.1.8. Daycare home
- 7.6.1.9. Home occupation provided the requirements of §9.5 are met
- 7.6.1.10. Private garage
- 7.6.1.11. Swimming pools, above and below ground, provided the location is not closer than 10 feet to any property line; the pool is enclosed by a wall or fence of at least four (4) feet in height; and approval from the Health Department has been granted. Only home swimming pools and private community swimming pools are permitted.

7.6.2 Conditional Uses. Within the RM Zoning District, the uses enumerated below may be permitted. Conditional Use applications may be approved or denied as submitted or may be approved subject to specified conditions in addition to those described herein.

- 7.6.2.1. Bed and Breakfast provided the requirements of §9.7 are met
- 7.6.2.2. Community center provided the requirements of §9.8 are met
- 7.6.2.3. Home office
- 7.6.2.4. Kindergartens, playschools, and daycare centers. A complete site development sketch must be submitted with the application

- 7.6.2.5. Person care home or group home provided that a complete site development sketch is submitted with the application showing adequate paved and lined off-street parking. All buildings must be placed at least fifty (50) feet from any property line and bordered by a ten (10) foot wide buffer area along the front, side and back lot lines. The buffer area should be planted with evergreen trees or evergreen shrubs that grow at least eight (8) feet tall within five (5) years and provide an effective visual screen.
- 7.6.2.6. Private primary and secondary schools provided that a complete site development sketch is submitted with the application. The school must be located on a lot fronting an arterial or collector street. All buildings must be at least fifty (50) feet from any property line. The property must be bordered by a ten (10) foot wide buffer area along its exterior boundary lines that do not border the frontage street. The buffer must not extend into the required front yard. The buffer area should be planted with evergreen trees or evergreen shrubs that grow at least eight (8) feet tall with five (5) years and provide an effective visual screen.
- 7.6.2.7. Recreational developments, including but not limited to, public fishing lakes, public swimming pools, and golf courses and driving ranges, or other recreational developments provided a comprehensive plan for the area is submitted which includes the location of the site on plats of not less than 1" = 400' scale, the location and function of all buildings and modifications of the natural landscape, the location and surface treatment of all roadways appropriate details of drinking water or sanitary facilities, certificated by the Health Department if wells or septic tanks are involved and a time schedule setting for a development program.
- 7.6.2.8. Religious institutions and their customary related facilities, provided such uses are located on a lot with a minimum of 2 acres and front on a public right-of-way or a private street which connects with a public right-of-way. The minimum building front setback is 50 feet. A ten (10) foot wide buffer area is required along any property line abutting residentially zoned property.
- 7.6.2.9. Utility facilities, provided a complete site development sketch is submitted to and approved by the Zoning Administrator, and a minimum of twenty (20) foot planted buffer strip is provided as suitable screening along property lines or within sixty (60) feet of the developed area. (An appropriate planted buffer shall contain vegetation that will attain a height of eight (8) feet within three (3) years.)
(Accepted & Approved by Comer City Council November 6, 2007)

7.7 C1 Neighborhood Convenience Commercial Zoning District

This zoning district is intended for the development of small clusters of retail sales and service establishments which when appropriately located are designed to provide limited convenience shopping and services only for surrounding residential areas. Adult Entertainment Business is prohibited in this district.

7.7.1 Permitted Uses. Within the C1 Zoning District, only the following uses are permitted:

7.7.1.1. Accessory buildings and accessory uses provided the requirements of §9.1.1.5 and §9.4 are met

7.7.1.2. Antique store

7.7.1.3. Gas station provided the requirements of §9.6 are met

7.7.1.4. Bakery

7.7.1.5. Barber and beauty shop

7.7.1.6. Clothing alteration

7.7.1.7. Convenience store

7.7.1.8. Daycare center

7.7.1.9. Drug store

7.7.1.10. Dry cleaners

7.7.1.11. Professional or business office

7.7.1.12. Restaurant

7.7.1.13. Self service laundry

7.7.1.14. Service occupation

7.7.1.15. Shopping centers with uses otherwise permitted in the C1 Zoning District and a total leasable floor area of less than thirty thousand (30,000) square feet.

7.7.1.16. Signs, provided the requirements of Article X are met

7.7.1.17. Temporary commercial use, including the sale of Christmas trees or the sale of seasonal fruit, but not to exceed a period of two consecutive months in a calendar year

7.7.1.18. Veterinary hospitals, clinics and kennels, provided no unenclosed structure for the keeping of animals is located within two hundred (200) feet of a property boundary.

7.7.2 Conditional Uses. Within the C1 Neighborhood Convenience Commercial Zoning District, the uses enumerated below may be permitted. Conditional use applications may be approved or denied as submitted or may be approved subject to specified conditions in addition to those described herein.

- 7.7.2.1. Bed and Breakfast provided the requirements of §9.7 are met
- 7.7.2.2. Convalescent or nursing homes
- 7.7.2.3. Utility facilities, provided a complete site development sketch is submitted to and approved by the Zoning Administrator, and a minimum of twenty (20) foot planted buffer strip is provided as suitable screening along property lines or within sixty (60) feet of the developed area. (An appropriate planted buffer shall contain vegetation that will attain a height of eight (8) feet within three (3) years.)
(Accepted & Approved by Comer City Council November 6, 2007)
- 7.7.2.4. Towers, provided the requirements of Section 9.12 are met.
(Accepted and Approved by Comer City Council November 6, 2007)

7.8 C2 General Commercial Highway Oriented Zoning District

The C2 General Commercial Highway Oriented Zoning District is intended for denser commercial development that may extend along highways and provide services to both highway oriented and municipality-oriented trade. All business, services, storage or processing shall be conducted within an enclosed building, except where the nature of the activity makes it impossible (i.e., off-street loading, automobile parking for customers while on the premises, and the sale of automobile fuel at service stations.) Use, processes or equipment employed on the premises shall be limited to those which are not objectionable by reason of odor, dust, bright lights, smoke, noise, or vibration. Adult Entertainment Business is prohibited.

- 7.8.1** Permitted Uses. Within the C2 Zoning District, only the following uses are permitted:
 - 7.8.1.1. Accessory buildings and accessory provided that requirements of §1.1.5 and §9.4 are met
 - 7.8.1.2. Ambulance Service
 - 7.8.1.3. Antique Store
 - 7.8.1.4. Apparel stores (individual)
 - 7.8.1.5. Appliance store including radio and television service
 - 7.8.1.6. Arts and Crafts stores
 - 7.8.1.7. Auto parts store
 - 7.8.1.8. Automobile sales lot
 - 7.8.1.9. Gas station provided the requirements of §9.6 are met
 - 7.8.1.10. Automobile repair garage

- 7.8.1.11. Bakery
- 7.8.1.12. Barber and beauty shop
- 7.8.1.13. Bicycle or motorcycle store
- 7.8.1.14. Books, stationary and card shops
- 7.8.1.15. Bowling alleys
- 7.8.1.16. Cafes, grills, and lunch counters
- 7.8.1.17. Camera or photographic supply store.
- 7.8.1.18. Car wash
- 7.8.1.19. Catering establishments
- 7.8.1.20. Clothing, shoe, dry goods or gift store
- 7.8.1.21. Commercial parking garage or lot provided no entrance or exit is on the same block as a school, and curb breaks are limited to two (2) for each one hundred (100) feet of street frontage, each not to exceed thirty (30) feet in width and not located closer than twenty (20) feet to a street intersection.
- 7.8.1.22. Community Center or club provided the requirements of §9.8 are met
- 7.8.1.23. Computer sales and services
- 7.8.1.24. Confectionery store
- 7.8.1.25. Convenience store
- 7.8.1.26. Daycare center
- 7.8.1.27. Dressmaking and tailoring shops
- 7.8.1.28. Drug store
- 7.8.1.29. Dry cleaning and laundry establishments
- 7.8.1.30. Electronic supply store
- 7.8.1.31. Fairgrounds
- 7.8.1.32. Fabric store
- 7.8.1.33. Financial institution

- 7.8.1.34. Florist, nursery and gift shop
- 7.8.1.35. Frame shop
- 7.8.1.36. Funeral home
- 7.8.1.37. Furniture, home furnishings, including office furniture and equipment
- 7.8.1.38. Grocery, fruit, vegetable, meat market, delicatessen, catering and supermarkets
- 7.8.1.39. Hardware store
- 7.8.1.40. Health Club
- 7.8.1.41. Jewelry store
- 7.8.1.42. Laundromat
- 7.8.1.43. Laundry and dry cleaning pick-up stations, and self service laundry
- 7.8.1.44. Laundry and dry cleaning store
- 7.8.1.45. Lawn and Garden Shop
- 7.8.1.46. Medical clinic
- 7.8.1.47. Mini-warehouse provided the mini-warehouse facility is inclosed within a solid fence and an evergreen hedge is planted outside the solid fence. The evergreen hedge should reach a height of 8 feet within 5 years.
- 7.8.1.48. Miscellaneous repair service
- 7.8.1.49. News and tobacco center
- 7.8.1.50. Nurseries for the sale of plants and their related products.
- 7.8.1.51. Nursing home
- 7.8.1.52. Parking lot
- 7.8.1.53. Paint store
- 7.8.1.54. Professional or business office
- 7.8.1.55. Printing, blue printing, book binding, photo stating, lithography and publishing establishments
- 7.8.1.56. Private clubs, fraternal orders or lodges

- 7.8.1.57. Produce and farmers markets
- 7.8.1.58. Radio/TV repair
- 7.8.1.59. Restaurants
- 7.8.1.60. Restaurants, drive-in
- 7.8.1.61. Restaurants, fast food
- 7.8.1.62. Self storage facility
- 7.8.1.63. Service occupations, including barber and beauty shop, shoe repair, appliance repair, and similar occupations
- 7.8.1.64. Shopping centers with uses as otherwise permitted in the C2 Zoning District and a total leasable floor area of more than seventy-five thousand (75,000) square feet.
- 7.8.1.65. Signs, provided the requirements of Article X are met
- 7.8.1.66. Special event
- 7.8.1.67. Sporting Goods store
- 7.8.1.68. Supermarket
- 7.8.1.69. Temporary commercial use, including the sale of Christmas trees or the sale of seasonal fruit, but not to exceed a period of two consecutive months in a calendar year
- 7.8.1.70. Theater
- 7.8.1.71. Travel agency
- 7.8.1.72. Utility facility, provided a complete site development sketch is submitted to and approved by the Zoning Administrator, and a minimum 20 foot planted buffer strip is provided as suitable screening along property lines or within 60 feet of the developed area. (An appropriate planted buffer shall contain vegetation that will attain a height of 20 feet within 3 years.)
- 7.8.1.73. Veterinary hospitals, clinics and kennels, provided no unenclosed structure for the keeping of animals is located within two hundred (200) feet of a property boundary
- 7.8.1.74. Towers, provided the requirements of Section 9.12 are met.
(Approved & Accepted by Comer City Council November 6, 2007)

7.8.2 Conditional Uses. Within the C2 General Highway Oriented Commercial Zoning District, the uses enumerated below may be permitted. Conditional Use applications may be approved or denied as submitted or may be approved subject to specified conditions in addition to those described herein.

7.8.2.1. Bed and Breakfast provided the requirements of §9.7 are met

7.8.2.2. Combined gas station/convenience store/fast-food restaurant provided the requirements of §9.14 are met.

7.9 LI Light Industrial Zoning District

The LI Zone is established to protect and promote a suitable environment for light industrial purposes, including accessibility to major transportation facilities, and availability of adequate utilities and other public services. Industrial uses that cause obnoxious noise, vibrations, smoke gas, fumes, odor, dust, glare, fire hazards or other objectionable environment conditions are prohibited from this Zoning District.

7.9.1 Permitted Uses. Within the LI Zoning District, only the following uses are permitted:

7.9.1.1. Accessory buildings and accessory uses provided that requirements under §9.1.1.5 and §9.4 are met

7.9.1.2. Any establishment for manufacture, repair, assembly or processing of materials which are not objectionable by reason of smoke, dust, odors, bright light, noise or vibrations, or which will no contribute to the congestion of traffic

7.9.1.3. Contractor's storage and equipment yards when located entirely within a building or fence area as required by §6.7

7.9.1.4. Mini-warehouse provided the mini-warehouse facility is enclosed within a solid fence and an evergreen hedge is planted outside the solid fence. The evergreen hedge should reach a height of 8 feet within 5 years.

7.9.1.5. Processing a raw or semi-finished materials

7.9.1.6. Trade shops including sheet metal, roofing, upholstery, electrical, plumbing, cabinet making and carpentry, provided that all operations are conducted entirely within a building which shall not have any opening, other than stationary windows, within 100 feet of any residential zoning district.

7.9.1.7. Utility facilities, provided a complete site development sketch is submitted to and approved by the Zoning Administrator, and a minimum 20 foot planted buffer strip is provided as suitable screening along property lines or within 60 feet of the developed area. (An appropriate planted buffer shall contain vegetation that will attain a height of 20 feet within 3 years.)

7.9.1.8. Retail sales of good or products produced or processes on the site, provided sufficient paved off-street parking and loading space is constructed to accommodate retail customers.

7.9.1.9. Signs, provided the requirements of Article X are met

7.9.1.10. Towers provided the requirements of §9.12 are met

7.10 G Government Zoning District

The G Government Zoning District is established to provide an area for public use by the Federal, state, county, and municipal governments with jurisdiction in the city. Adult Entertainment Business is prohibited in this district.

7.10.1 Permitted Uses. Withing the G Zoning District, only the following uses are permitted:

7.10.1.1. Government offices and buildings for government operations

7.10.1.2. Public schools and related uses

7.10.1.3. Public parks and recreational areas

7.10.1.4. Public utility stations and structures, including sewage treatment facilities

7.10.1.5. Municipal owned cemetery

7.11 PUD Planned Unit Development Zoning District

The PUD Zoning District provides for innovative concepts in large-scale residential development which enables economy in capital maintenance, yet does not forsake the desired rural setting of openness and liveable environment. Allied uses, public facilities and enclosed recreational uses are allowed. All requirements of Section 9.18, Planned Unit Development, must be met. The PUD Zoning District is an overlay zoning district that is permitted in the following zoning districts: R1, R2, RM, and RR

7.11.1 Permitted Uses. Within the PUD Zoning District, only the following uses are permitted:

7.11.1.1. Dwelling, single-family, detached

7.11.1.2. Dwelling, multi-family

7.11.1.3. Dwelling, two-family

7.11.1.4. Accessory buildings and accessory uses provided the requirements of §9.1.1.5 and §9.4 are met

7.11.1.5. Condominiums and townhouses provided the requirements of §9.3 are met

7.11.1.6. Daycare home

7.11.1.7. Home office

7.11.1.8. Home swimming pools, above and below ground, for home use, provided that the location is not closer than 10 feet to any property line; the pool is enclosed by a wall or fence of at least 4 feet in height; and approval has been obtained from Health Department

7.11.1.9. Public or private park or recreational area which may include a golf course, swimming pool, tennis court, playgrounds, lakes or similar recreation uses.

7.11.1.10. Utility facility, provided a site development plan is submitted and approved by the Zoning Administrator, and a minimum 20 foot planted buffer strip is provided as suitable screening along property lines or within 60 feet of the developed area. (An appropriate planted buffer shall contain vegetation that will attain height of five (5) feet within three (3) years.)

7.11.1.11. Recreational developments, including but not limited to, public fishing lakes, public swimming pools, and golf courses or driving ranges, or other recreation developments provided a comprehensive plan for the area is submitted which includes the location of the site on plats of not less than 1" = 400' scale, the location and function of all buildings and modifications of the natural landscape, the location and surface treatment of all roadways, appropriate details of drinking water or sanitary facilities, certificated by the Health Department if wells or septic tanks are involved and a time schedule setting for a development program.

7.11.1.12. Signs, provided the requirements of §9.5 are met

7.11.2 Conditional Uses. Within the PUD Zoning District, the uses enumerated below may be permitted. Conditional Use applications may be approved or denied as submitted or may be approved subject to specified conditions in addition to those described herein.

7.11.2.1. Home occupation provided the requirements of §9.5 are met

7.12 WET Wetlands Zoning District

The wetlands within Comer, Georgia 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; erosion control; natural resource education; scientific study; and open space and recreational opportunities. In addition, the wise management of forested wetlands is essential to the economic well-being of many communities within the State of Georgia.

Nationally, a considerable number of these important natural resources have been lost or impaired by draining, dredging, filling, excavating, building, pollution and other acts. Piecemeal or cumulative losses will, over time, destroy additional wetlands. Damaging or destroying wetlands threatens public safety and the general welfare.

It is therefore necessary for Comer, Georgia to ensure maximum protection for wetlands by discouraging development activities that may adversely affect wetlands.

The purpose of this section is to promote wetland protection, while taking into account varying ecological, economic development, recreational and aesthetic values. Activities that may damage wetlands should be located on upland sites to the greatest degree practicable as determined through a permitting process. The objective of this Ordinance is to protect wetlands from alterations that will significantly affect or reduce their primary functions for water quality, floodplain and erosion control, groundwater recharge, aesthetic nature and wildlife habitat.

7.12.1 Definitions.¹

- 7.12.1.1. Functions—The beneficial roles that wetlands serve, including: storage, conveyance and attenuation of floodwater and storm water; protection of water quantity and quality and reduction of erosion; habitat for wildlife, including rare, threatened and endangered species; food chain support for a wide variety of wildlife and fisheries; educational, historical and archeological value protection; and scenic, aesthetic and recreational amenities.
- 7.12.1.2. Generalized Wetland Map—A map showing the general location of wetlands within Comer.
- 7.12.1.3. Hydric Soils—Soils that form as a result of saturated soil conditions. A list of these soils is maintained by the Soil Conservation Service
- 7.12.1.4. Hydrophytic Vegetation—Macrophytic plants tolerant of or dependent on saturated soil conditions
- 7.12.1.5. Jurisdictional Determination—An official, written statement or map signed by the U.S. Army Corps of Engineers, or in the case of coastal marshlands, the Georgia Department of Natural Resources.
- 7.12.1.6. Temporary Emergency Permit—A temporary permit that may be issued in certain circumstances specified in §7.11.5
- 7.12.1.7. Wetland—An area that is inundated or saturated by surface water or groundwater at a frequency and distribution sufficient to support, and under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation. Wetlands generally include swamps, marshes, bogs and similar areas.

¹ Where other terms or words require definition, please refer to the 1987 U.S. Army Corps of Engineers Wetlands Manual or call the Zoning District Corps office in Savannah, at 1-800-448-2402

7.12.1.8. Wetland Delineation—The establishment of wetland boundaries by a representative of the U.S. Army Corps of Engineers or an authority designated by the Corps.

7.12.1.9. Wetland Protection Zoning District ²—This section shall apply to all lands within wetlands located within Comer, Georgia. The Generalized Wetland Map, adopted as part of this ordinance, shows the general location of wetlands and should be consulted by persons contemplating activities or near wetlands. The Generalized Wetland Map, together with all explanatory matter thereon and attached thereto, is hereby adopted by reference and declared to be a part of this ordinance. The Generalized Wetland Map is located in the Comprehensive Plan, June 1996, Maps 4-24 and 4-28 and shall be on file in the office of the Comer Zoning Administrator. In addition, the area identified on the General Wetland Map are also depicted on the Official Zoning Map.

7.12.1.10. Wetland Protection Zoning District Boundaries—The Generalized Wetland Map is a general reference document, and wetland boundaries indicated on the map are approximations. The purpose of the Generalized Wetland Map is to alert developers/landowners if they are within proximity to a wetland, which means that there is a high likelihood of the presence of a jurisdictional wetland and a need for the developer/landowner to seek U.S. Army Corps of Engineers guidance as to whether a Section 404 permit will be required prior to any activity. The Generalized Wetland Map does not represent the boundaries of jurisdictional wetlands within Comer and cannot serve as a substitute for delineation of wetland boundaries by the U.S. Army Corps of Engineers, as required by Section 404 of the Clean Water Act, as amended. Any local government action under this ordinance does not relieve the land owner from federal or state permitting requirements.

7.12.2 Relationship to Zoning—The Wetland Protection Zoning District shall comprise on averlay zone that supplements and is indicated on the Comer Zoning Map

7.12.3 Permit Requirements. No regulated activity will be allowed within the Wetland Protection Zoning District without written permission from Comer in the form of a local development permit. Issuance of a local development permit is contingent on full

² The source wetlands map was the Fish and Wildlife Service National Wetlands Inventory Maps. Wetlands identified in the Comprehensive Plan reflect those wetlands where the quality, extent, or present use may qualify them for special consideration regarding mitigation requirements if those wetlands are altered or degraded. Comer should consider the limitations of available map resources used to compile the Generalized Wetland Map. To varying degrees, all maps contain systematic distortion and inaccuracy. Generally, inaccuracy grows larger with decreasing map scale. Commonly used wetland maps, such as the National Wetland Inventory (NWI) Maps, are drawn at a scale of 1:24,000. This means that 1 inch on the map represents 24,000 inches o the ground, or 2,000 feet (approximately two-fifth of a mile). Maps of this scale cannot define wetland boundaries in a legally defensible way. In addition, many small and isolated wetlands may not be shown on these maps. For these reasons, the Generalized Wetland Map adopted by Comer can only be regarded as a general reference document, which may serve a variety of functions, such as indicating the need for seeking advice or a wetland determination from the U.S. Army Corps of Engineers. A Generalized Wetland Map, at a scale of 1:24,000, cannot be used to delineate, in a legally defensible manner, the boundaries of jurisdictional wetlands. Formal delineation of wetlands that are protected by Section 404 of the Clean Water Act, is vested with the U.S. Army Corps of Engineers. The Soil Conservation Service (SCS) of the U.S. Department of Agriculture is the lead agency for making wetland delineations on agricultural lands. As noted in Subsection 2.2., the Generalized Wetland Map cannot serve as a substitute for a formal wetland delineation performed or approved by the U.S. Army Corps of Engineers.

compliance with the terms of this ordinance and other applicable regulations. All activities that are not identified in §7.11.4 or by other local development ordinances, shall be prohibited without prior issuance of local development permit. If the area proposed for development is located within 200 feet of the Wetland Protection Zoning District boundary, as determined from the Generalized Wetland Map, a U.S. Army Corps of Engineers determination shall be required. If the Corps determines that wetlands are present on the proposed development site and that a Section 404 Permit or Letter of Permission is required, a local development permit will be issued only following issuance of the Section 404 Permit or Letter of Permission.

7.12.4 Permitted Uses. The following uses shall be allowed as a right within a wetland to the extent that they are not prohibited by any other ordinance or law, including laws of trespass, and provided they do not require structures, grading, fill, draining or dredging except as provided herein.

7.12.4.1. Conservation or preservation of soil, water, vegetation, fish and other wildlife, provided they do not affect waters of Georgia or of the United States in such a way that would require an individual 404 Permit³.

7.12.4.2. Outdoor passive recreational activities, including fishing, bird watching, hiking, boating, horseback riding and canoeing.

7.12.4.3. Forestry practices applied in accordance with best management practices approved by the Georgia Forestry Commission and as specified in Section 404 of the Clean Water Act⁴

7.12.4.4. The continued cultivation of agricultural crops. Agricultural activities shall be subject to best management practices approved by the Georgia Department of Agriculture⁵

7.12.4.5. The pasturing of livestock, provided that riparian wetlands are protected, that soil profiles are not disturbed and that approved agricultural Best Management Practices are followed

7.12.4.6. Education, scientific research and nature trails

3 The activities listed in §7.11.4.1 are exempted from Section 404 regulations provided they do not have impacts on a navigable waterway that would necessitate acquisition of an individual 404 permit. However, under Section 10 of the Rivers and Harbors Act, a permit may be required in some circumstances.

4 Section 404 does not require permits for normal, ongoing silvicultural activities. However, Section 404 does list some required performance standards and 15 specific road construction best management practices (BMPs) that must be followed in order to qualify for such an exemption.

5 Under Section 404, normal on-going agricultural activities are exempted from 404 regulations and do not require a permit. Normal agricultural activities include planting and harvesting of crops and pasturing of livestock.

Under provisions of the Food Securities Act of 1985 (the so-called "Swampbuster Provisions") eligibility for all U.S. Department of Agriculture programs is denied to farms that convert wetlands to croplands. These programs include USDA price and income supports, disaster payments, crop insurance, Farmers Home Administration loans, Commodity Credit Corporation storage payments, farm storage facility loans, Conservation Reserve Program payments, and other programs under which payments are made to the farmer with respect to commodities produced.

7.12.5 Temporary Emergency Permit—A temporary emergency permit can be issued by Mayor and Council for the following reason:

7.12.5.1. Maintenance or repair of lawfully located roads or structures and of facilities used in the service of the public to provide transportation, electric, gas, water, telephone, telegraph, telecommunication or other services, provided that such roads, structures or facilities are not materially changed or enlarged and written notice prior to the commencement of work has been given to the Mayor and Council and provided that the work is conducted using best management practices to ensure that flow and circulation patterns and chemical and biological characteristics of the wetland are not impaired and that any adverse effect on the aquatic environment will be minimized.

7.12.5.2. Temporary water-level stabilization measures associated with ongoing silvicultural operations.

7.12.5.3. Limited ditching, tilling, dredging, excavating or filling done solely for the purpose of maintaining or repairing existing drainage systems necessary for the cultivation of agricultural crops, provided that the maintenance or repair activity does not result in the impairment, alteration or loss of wetlands not previously subject to agricultural and silvicultural use under the terms and provisions of §7.11.4

7.12.5.4. Limited excavating and filling necessary for the repair and maintenance of piers, walkways, nature trails, observation decks, wildlife management shelters, boathouses or other similar water-related structures, provided that they are built on pilings to allow unobstructed flow of water and preserve the natural contour of the wetland.

7.12.6 Site plans. Applications for a local development permit within the Generalized Wetland Protection Zoning District shall include a site plan, drawn at a scale of 1" = 50', with the following information:

7.12.6.1. A map of all planned excavation and fill, including calculations of the volume of cut and fill involved, cross-sectional drawings showing existing and proposed grades. Elevations, horizontal scale and vertical scale must be shown on the cross-sectional drawings.

7.12.6.2. A map of any wetland boundaries occurring within the site must be provided. This boundary may be included on other maps provided by the applicant.

7.12.6.3. Location, dimensions and area of all impervious surfaces, both existing and proposed, on the site and adjacent to the site for a distance of 5000 feet.

7.12.6.4. The orientation and distance from the boundaries of the proposed site to the nearest bank of an affected perennial stream or water body.

7.12.6.5. Elevations of the site and adjacent lands within 200 feet of the site at contour intervals of no greater than two feet; and no greater than one foot for slopes less than or equal to two percent.

7.12.6.6. Location and detailed design of any spill and leak collection systems designed for the purpose of containing accidentally released hazardous or toxic materials.

7.12.6.7. All proposed temporary disruptions or diversions of local hydrology

7.12.7 Activities to Comply with Site Plan. All development activities or site work conducted after approval of the site plan shall conform with the specifications of said site plan. The site plan may be amended only with the approval of Mayor and Council. The Mayor and Council may require additional information deemed necessary to verify compliance with the provisions of this ordinance or to evaluate the proposed use in terms of the purposes of this ordinance.

7.12.8 Subdivision Design Options in the Wetland Protection Zoning District. Any subdivision that includes Jurisdictional Wetlands shall be allowed and encouraged to use the following options:

7.12.8.1. Lot Size Averaging ⁶. Lot size averaging is encouraged in single-family detached subdivisions as a means to work around wetland areas. The Mayor and Council may allow a reduction in lot size provided that the same number of lots in the same subdivision are oversized by an equal or greater area. The maximum permissible reduction shall not exceed 25 percent of the minimum required lot area. The number of lots with areas reduced shall not exceed 25 percent of the total number of lots in the subdivision. The Mayor and Council shall require no more than 25 percent adjustment of rear, side and front setbacks for each affected lot.

7.12.8.2. Cluster Development. Clustering of residential development is encouraged. When considering subdivision approval, the Mayor and Council will allow incorporation of wetland or other significant natural areas as open space in the subdivision plan. Such plans should designate at least 25 percent of the gross land area as open space. Density shall be calculated by subtracting from the total acreage of a parcel all land dedicated or in use for private or public roads, including all vehicular right-of-way. The resultant acreage will then be divided by the minimum allowed lot size of the Zoning District to derive the number of lots permissible.

7.12.9 Filing Fee. At the time of application, the applicant shall pay a filing fee as specified by the Mayor and Council. This fee may be used to retain expert consultants who will provide services pertaining to functional assessment, mitigation and wetland boundary determinations as deemed necessary by the Mayor and Council.

7.12.10 Applications. Application shall be made pursuant to Article XIII

7.12.11 Appeals. Appeals shall be made pursuant to §15.7

7.12.12 Duration of Permit

⁶ The lot-size averaging and cluster development provisions provide for flexibility in site design and minimization of development impacts upon wetlands. Developers will not lose buildable lots and will have an opportunity to reduce costs for utilities and other infrastructure and for filling of low-lying areas within the parcel.

7.12.12.1. If construction described in the development permit has not commenced within 12 months from the date of issuance, the permit shall expire.

7.12.12.2. If construction described in the development permit is suspended or abandoned after work has commenced, the permit shall expire 12 months after the date the work ceased

7.12.12.3. Written notice of the pending expiration of the development permit shall be issued by the Zoning Administrator.

7.12.13 Monitoring and Enforcement. The Mayor and Council, its agent, officers and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this ordinance and may take or cause to be made such examinations, surveys or sampling as the [governing authority or its designee] deems necessary.

7.12.13.1. All enforcement and monitoring activities conducted by the Mayor and Council that involves entrance to privately owned land by the Zoning Administrator or its designee shall be preceded by written notification to the landowner. Said notification shall be issued at least five (5) days prior to the activities specified in the notification.

7.12.13.2. The Zoning Administrator shall have authority to enforce this ordinance; issue permits hereunder; and address violations or threatened violations hereof by issuance of violation notices, administrative orders and civil and criminal actions. All costs, fees and expenses in connection with such actions may be recovered as damages against the violator.

7.12.13.3. Law enforcement officials or other officials having police power shall have authority to assist the Zoning Administrator in enforcement

7.12.13.4. The Zoning Administrator shall have authority to issue cease and desist orders in the event of any violation of this ordinance. Cease and desist orders may be appealed to a court of competent jurisdiction, as identified in §15.7

7.12.14 Penalties

7.12.14.1. Any person who commits, takes part in or assists in any violation of any provision of this Ordinance may be fined not more than \$1,000 for each offense. Each violation shall be a separate offense and, in the case of a continuing violation, each day's continuance shall be deemed to be a separate and distinct offense.

7.12.14.2. When a building or other structure has been constructed in violation of this section, the violator may be required to remove the structure at the discretion of the Mayor and Council

7.12.14.3. When removal of vegetative cover, excavation or fill has take place in violation of this section, the violator may be required to restore the affected land to its original contours and to restore vegetation, as far as practicable, at the discretion of the Mayor and Council

7.12.14.4. If the Zoning Administrator discovers a violation of this ordinance that also constitutes a violation of any provision of the Clean Water Act as amended, the Mayor and Council shall issue written notification of the violation to the U.S. Environmental Protection Agency, the U.S. Army Corps of Engineers and the landowner.

7.12.15 Suspension, Revocation. The Zoning Administrator may suspend or revoke a permit if it finds that the applicant has not complied with the conditions or limitations set forth in the permit or has exceeded the scope of the work set forth in the permit. The Zoning Administrator shall cause notice of denial, issuance, conditional issuance, revocation or suspension of a permit to be published in a daily newspaper having a broad circulation in the area where the wetland is located

7.12.16 Judicial Review

7.12.16.1. Jurisdiction. All final decisions of the Mayor and Council concerning denial, approval or conditional approval of a special permit shall be reviewable in the Comer Municipal Court.

7.12.16.2. Alternative Actions. Bases on these proceedings and the decision of the court, the Mayor and Council may, within the time specified by the court, elect to:

7.12.16.2.1. Institute negotiated purchase or condemnation proceedings to acquire an easement or fee interest in the applicant's land;

7.12.16.2.2. Approve the permit application with lesser restrictions or conditions (i.e., grant a variance); or

7.12.16.2.3. Institute other appropriate actions ordered by the court that fall within the jurisdiction of the Zoning Administrator.

7.12.17 Map Amendment. These regulations and the Official Zoning Map may from time to time be amended in accordance with procedures and requirements in the general statutes and as new information concerning wetlands, soils, hydrology, flooding or plant species peculiar to wetlands becomes available.

7.12.18 Tax Assessment. Assessors and boards of assessors shall consider wetland regulations in determining the fair market value of land. Any owner of an undeveloped wetland who has dedicated an easement or entered into a conservation program with the government or a nonprofit organization restricting activities in a wetland shall have that portion of land assessed consistent with those restrictions. Such landowner shall also be exempted from special assessment on the wetland to defray the cost of municipal improvements such as sanitary sewers, storm sewers and water mains.

7.13 BR (Multi-Use) Business/Residential Zoning District

(Approved and Accepted by the Comer City Council September 3, 2002)

The BR Zoning District is composed of areas with existing or proposed combinations of commercial and high density residential use. The Zoning District is designed to accommodate higher density living in association with commercial, office, or retail use on the same lot. This District is primarily allowed to encourage preservation, renovation, and economic use of existing buildings and structures that may have historic significance to the town of Comer, and is not intended as a means to avoid density, minimum yard and lot size requirements, or minimum square footage requirements of other residential districts within Comer, although in certain circumstances a lot may be used for residential purposes without commercial use on the same lot. For this reason, a conditional use permits is required for all residential use or development within this district. Use, processes or equipment employed on the premises shall be limited to those which are not objectionable by reason of odor, dust, bright lights, smoke, noise, or vibration. Adult Entertainment Business is prohibited in this district.

7.13.1 Permitted Uses. Within the BR Zoning District, only the following uses are permitted:

(Adopted and Accepted by Comer City Council January 7, 2003)

7.13.1.1. Any use allowed in the C1 Neighborhood Convenience Commercial Zoning District.

7.13.1.2. Accessory buildings and accessory uses provided the requirements under §9.1.1.5 and §9.4 are met.

7.13.1.3. Home occupation provided the requirements of §9.5 are met

7.13.1.4. Swimming pools, above and below ground, provided the location is not closer than 10 feet to any property line; the pool is enclosed by a wall or fence of at least four (4) feet in height; and approval from the Health Department has been granted. Only home swimming pools and private community swimming pools are permitted.

7.13.1.5. Dwelling, single-family detached

7.13.1.6. Dwelling, two-family

7.13.1.7. Dwelling, multi-family

7.13.1.8. Garage apartment

7.13.1.9. Apartments

7.13.1.10. Home office

7.13.2 Conditional Uses. Within the BR Zoning District, the uses enumerated below may be permitted. Conditional Use applications may be approved or denied as submitted or may be approved subject to specified conditions in addition to those described herein.

(Adopted and Accepted by Comer City Council January 7, 2003)

7.13.2.1. Any use permitted in the C2 General Commercial Highway Oriented Zoning District.

7.13.2.2. (reserved)

7.13.2.3. (reserved)

7.13.2.4. (reserved)

7.13.2.5. (reserved)

7.13.2.6. (reserved)

7.13.2.7. Community center provided the requirements of §9.8 are met

7.13.2.8. (reserved)

7.13.3 Residential Use Restrictions

The following restrictions apply to all residential use in the BR Zoning District:

7.13.3.1. Minimum Floor Space Requirements/Maximum Number of Occupants

Studio Unit (Efficiency or Loft Apartment)	500 sq ft	2 Occupants
One Bedroom	750 sq ft	2 Occupants
Two Bedroom	1000 sq ft	4 or more Occupants

7.13.3.2. Building Codes

All residential renovations shall comply with all existing requirements of the Comer Zoning Ordinance and any Comer City Ordinance or state law regarding residential or commercial building codes and fire codes, as determined by the Zoning Administrator.

7.13.3.3. Restrictions

7.13.3.3.1. No outside mailboxes are permitted.

7.13.3.3.2. Daily or weekly boarding rooms are prohibited. Only full-time renter or owner occupied dwelling units are permitted.

7.13.3.3.3. No drying of clothes is permitted on the outside of any building.

7.13.3.3.4. Entry to the unit or to a hallway serving one or more units shall be provided by a stairway opening directly to the outside; except where the owner occupies both the ground level and upper floor residential apartment, then entry may be through the ground floor.

7.13.3.3.5. No recreation, entertainment, public gathering or placement of furniture is allowed on the sidewalks unless permitted by the Mayor and Council.

7.13.3.3.6. No garage sales or yard sales are allowed.

7.13.3.3.7. A separate residential approved trash container for each dwelling unit with its location approved by the city shall be furnished by the lot owner.

7.13.4 Apartments and Multi-Family Dwellings:

Apartments and Multi-Family Dwellings must meet all requirements of Section 9.3.2 unless different requirements are established by this Section 7.13. The provisions of Section 7.13 shall control over any conflict with Section 9.3.2, with the two being read together whenever possible. The density requirements in the BR District are established by the Area, Lot Size, Yard and Height requirements of Article VIII which shall supercede those of Section 9.3.2.1

7.13.5 Parking

Off-street Parking requirements of Section 6.3 and Parking Space Requirements of Section 6.2.2 shall apply separately for residential dwelling units and for commercial or business use.

7.13.6 Buffer Requirements

7.13.6.1. Residential

Vegetative Buffer requirements of Section 6.7.7. for multi-family development may be reduced or eliminated by variance, provided that the variance permit issued states a reason for such reduction or elimination based on the Objectives of Section 1.1 or the Criteria of Section 13.3.6 of this Ordinance.

7.13.6.2. Commercial

Perimeter Landscape Strip requirements of Section 6.7.2 for business district use may be reduced or eliminated by variance, provided that the variance permit issued states a reason for such reduction or elimination based on the Objectives of Section 1.1 or the Criteria of Section 13.3.6 of this Ordinance.

7.13.7 Commercial Use

Commercial use of non-conforming lots is already permitted (“grandfathered in”) in the C1, C2, and LI Zoning Districts, subject to the requirements of those Zoning Districts and to the restrictions on Non-Conforming Buildings and Uses of Section 6.1. The Business/Residential Multi Use District is therefor not intended to allow commercial or business use without accompanying residential use on the same lot.

7.13.8 Variances for Renovation or Reconstruction of Existing Buildings:

For residential development involving renovation or reconstruction of existing buildings, and in order to promote historic preservation and economic development in Comer, the Mayor and Council may grant a variance from those requirements set forth in Article VIII as to Lot Area, Lot Width, Minimum Yard or Setback Requirements, and Building Height. Variances for residential use of lots in existence at the time of this amendment to the Zoning Ordinance may be allowed in the BR District notwithstanding the requirements of Section 11.2.1, whether or not this residential use is concurrent with commercial use on the same lot.

Zoning District	Minimum Lot Size *			Min Sq. Ft. per Dwelling Unit/Min Heated Floor Area	Minimum Yard Requirements*				Maximum Height of Building*
	Lot Area (sq.ft.)	Lot Size per Dwelling Unit	Lot Width (ft)		Front setback edge of right of way		Minimum Side Yard	Minimum Rear Yard	
					Arterial and Collector	All other streets			
BR (dwelling units)									
studio unit	10890	–	60	500	50	35	15	20	35
one bedroom	10890	–	60	750	50	35	15	20	35
two bedroom	10890	–	60	1000	50	35	15	20	35

* Variance may be granted for renovation or reconstruction of exiting buildings for residential use.

ARTICLE VIII: AREA, YARD AND HEIGHT REQUIREMENTS

This Article is established to show the minimum size, width, and maximum height requirements for the land uses within each designated Zoning District. Lot size shall be based on factors including the size of the building required for that use, required parking, and ground water flow. The Zoning Administrator is authorized to increase minimum lot sizes and otherwise vary Zoning District development standards to accommodate the need to use septic tanks and/or wells and Health Department regulations in this regard. The unavailability of public sewer and/or water shall preclude the ability to develop projects which cannot utilize septic tanks. *(Adopted and Accepted by Comer City Council April 5, 2005)*

Flag lots and lots accessed by a private access drive shall have the lot width and front lot line measured from end of the private access drive. *(Adopted and Accepted by Comer City Council August 8, 2006)*

Zoning District	Minimum Lot Size			Min. Sq. Ft per Dwelling Unit/Min Heated Floor Area	Minimum Yard Requirements				Maximum Height of Building
	Lot Area (sq.ft.)	Lot Size per Dwelling Unit	Lot Width (ft)		Front setback edge of right of way		Minimum Side Yard	Minimum Rear Yard	
					Arterial and Collector	All other streets			
AG	217,800	217,800	150	1200/1200	50	30	20	40	35
RR	87,120	87,120	125	1200/1200	50	30	20	40	35
R1	20,000	20,000	100	1500/1500	70	55	20	40	35
R2									
one unit	20,000	20,000	80	1200/1200	70	55	15	20	35
R3									
one unit	15,000	15,000	60	1000/1000	70	55	15	20	35
two units	15,000	7,500	60	1000/1000	70	55	15	20	35
RM									
one unit	20,000	20,000	60	1000/1000	70	55	15	20	35
two units	10,000	5,000	60	900/900	70	55	15	20	35
Multifamily ¹	21,780	4,356	60	600/600	70	55	15	20	35
C1	--	--	--	--	50	35	20	20	35
C2	--	--	--	--	50	35	20	20	35
PUD				requirements same as for RR, R1, R2 or RM for	which PUD lot(s) form overlay, or as set forth in §7.10				
WET				requirements same as for district	for which WET lot(s) form overlay or as set forth in §7.11				
G	--	--	--	--	50	30	20	20	35
LI	--	--	--	--	50	50	20	20	35
BR (dwelling units)									
studio unit	10,890	--	60	500	50	35	15	20	35
one bedroom	10,890	--	60	750	50	35	15	20	35

¹ All multi-family development must comply with §9.3

ARTICLE IX: SPECIAL PROVISIONS

9.1 Individual Manufacture Home and Mobile Homes

9.1.1 Individual Mobile Homes or Individual Manufactured Homes. Individual mobile or manufactured homes not meeting the definition of Dwelling, Single-family, shall comply with the following and other applicable sections of this ordinance.

9.1.1.1. Limitations. No mobile home, as defined in this ordinance, is permitted to be moved to Comer for use as a residential dwelling.

The attachment of a mobile or manufactured home to an existing mobile or manufactured home is permitted only if both units were engineered and manufactured for such attachment.

9.1.1.2. Building and Occupancy Permits. Building and Occupancy Permits issued by the Comer Building Inspector or his/her authorized agent are required for any mobile or manufactured home:

9.1.1.2.1. which is hereafter located to Comer;

9.1.1.2.2. which is moved from one location to a second location within the city where that manufactured housing unit will house persons or property;

9.1.1.2.3. which has not been occupied within the preceding twelve (12) months;

9.1.1.2.4. where there is a change in use of the manufactured housing unit; or

9.1.1.2.5. if the mobile or manufactured home is added to or structurally altered 100 sq ft or more

A building permit shall not be issued for a mobile home containing aluminum wiring

Prior to issuing a building permit, it is unlawful to move, locate, relocate, erect or make utility connections of any kind to a mobile or manufactured home in Comer

All mobile and manufactured homes must be registered with the Madison County Tax Commissioner and approval of the septic system by the Madison County Health Department must be obtained before an Occupancy Permit can be issued

Prior to issuing an occupancy permit it is unlawful to occupy or otherwise use as a residence a mobile or manufacture home in Comer

9.1.1.3. Application Requirements for Building and Occupancy Permits or Manufactured Home. An application for permits for location and occupancy of a mobile home or manufactured home is required to be filed by the owner or the owner's agent in the office of the Comer Building Inspector before a Building or Occupancy Permit is issued.

The permit application shall describe the mobile or manufactured home as to size, dimension, year, model, the Zoning District and tax map and parcel number of the planned location of the mobile or manufactured home, the intended use of the mobile or manufactured home, the name of the owner and the name of the intended occupants, and the source of water and type of waste disposal system

If the intended use of the mobile or manufactured home is as an accessory use, hardship use or farm caretaker, then details of such proposed use shall be provided by the applicant.

Mobile and manufactured homes shall:

Be provided with prefabricated or permanent stairs and landing, constructed or pressure treated lumber, masonry or metal sufficient to provide safe ingress and egress from two (2) exterior doors of the unit. Individual landings shall meet Comer building codes; and, be underpinned with skirting material, masonry construction or other materials manufactured for such purpose. All manufactured homes must be attached to a permanent foundation with underpinning of brick or masonry construction; and meet all other applicable state and city statutes, regulations and ordinances, provided that for manufactured homes, load bearing masonry curtain walls shall not be required (although curtain walls may be required for aesthetic purposes), and non-load bearing curtain walls may be attached to the manufactured home for aesthetic purposes and not for structural support. See Georgia Rules and Regulations Section 120-3-7-14. as , may hereinafter be amended.

9.1.1.4. Temporary Usage. A manufactured home may be used as an office in a subdivision, by a contractor during construction or development, as a temporary residence during construction of a permanent residence, or as temporary residence during the reconstruction of a permanent residence which has been destroyed by fire, natural disaster or condemnation. All of the above uses must be requested in writing, be for a period not exceed twelve (12) months, and have written approval of the Zoning Administrator. The Zoning Administrator may extend the twelve (12) month period one time where necessary for up to an additional twelve (12) month period.

9.1.1.5. Accessory Buildings. A mobile or manufactured home may not be used as an accessory building.

9.2 **Manufactured Home Installation**

9.2.1 Installation. All manufactured homes, located to or moved within Comer, Georgia, at or after the adoption of this ordinance shall be installed by a licensed installer as required by O.C.G.A. §8-2-164, and in accordance with the applicable manufacturer's installation instructions, specifically including, without limitation, correctly installed tie-downs and anchors. In the absence of such instructions, installations shall be performed in accordance with the applicable rules and regulations adopted by the Georgia Safety Fire Commissioner. (See O.C.G.A. §8-2-160 et seq)

No manufactured home shall be located within thirty (30) feet of any permanent type of building.

The manufactured home unit must be fitted with a masonry curtain wall that completely encloses that undercarriage, a vapor barrier must be installed by the dealer or installer, the soil must be treated for termites, and the unit must be connected to water and sewerage in compliance with the applicable ordinance of Comer

9.2.1.1. All manufactured homes shall have an original shingle roof or an original roof made out of roofing material composed of other appropriate substances which are nonmetallic.

9.2.1.2. All manufactured homes shall have original wood or original wood-type siding. Metallic siding is not permitted.

9.2.1.3. All manufactured homes shall be located on permanent foundation.

9.2.1.4. No manufactured home shall be allowed to be occupied in Comer, Georgia, unless it bears an insignia issued by the United States Department of Housing and Urban Developments

However, a manufactured home which has been continuously and legally located in Comer, Georgia shall be allowed to remain if the following conditions are met:

9.2.1.4.1. all ad valorem taxes on the manufactured home have been timely paid in full;

9.2.1.4.2. the Building Inspector of Comer, Georgia finds that the manufactured home is in compliance with all applicable federal, state, and local codes.

9.2.2 Penalties for Improper Installation. Failure by the owner of a manufactured home to obtain and utilize tiedowns and anchors for his manufactured home or modular home place in Comer, Georgia, after the effective date of this ordinance shall constitute a misdemeanor, punishable in the Madison County Superior Court.

9.2.3 Non-conformance. Any manufactured home which does not meet the requirements in the above paragraphs shall be removed after receipt of notice of its non-conformance from the Zoning Administrator.

9.3 Townhouses, Condominiums, Apartments, and Multi-Family Dwellings

9.3.1 Townhouses and Condominiums

9.3.1.1. No more than ten (10) nor fewer than three (3) continuous townhouses or condominiums shall be built in a row with approximately the same front line. Density shall not exceed eight (8) dwelling units per acre of buildable land and no more than fifty (50) percent of the lot area shall be occupied by dwelling units and accessory buildings.

9.3.1.2. No side or rear yard as such is required in connection with any townhouse or condominium insofar as such structures may share a common wall. The front setback from the street right-of-way and minimum rear yard shall conform to Article VIII. Corner lots shall have the same side yard as established in Article VIII, and the end buildings in any townhouse or condominium grouping shall conform to the side yard requirements established in Article VIII. Spacing between buildings shall conform to Section 5.7. Each townhouse shall have its own lot yard at least twenty (20) feet in depth that is private and reasonably secluded from view from the streets or from neighboring property, including adjacent townhouses. Such yard shall not be used for any accessory building.
(Accepted and Adopted by Comer City Council November 6, 2007)

9.3.1.3. No more than fifty (50) percent of the lot area shall be occupied by the buildings.

9.3.1.4. Insofar as practicable, off-street parking facilities shall be grouped in bays, either adjacent to streets or in the interior of blocks; and no off-street parking space shall be more than one hundred (100) feet by the most direct pedestrian route from a door of the dwelling unit it intends to serve. All parking shall be paved.

9.3.1.5. All townhouses or condominium complexes shall be served by the public sanitary sewer system and public water system. No other means of waste disposal shall be permitted or authorized

9.3.1.6. All other requirements within the Zoning District in which the townhouses are located shall prevail

9.3.1.7. A preliminary plat prepared in ink or pencil on a reproducible medium shall be submitted to the Zoning Administrator prior to any grading, construction, or installation of improvements. No grading, construction, or installation of improvements shall be had until the Mayor and Council formally approves the preliminary plat.

The preliminary plat shall illustrate the ultimate development of the entire plat owned by the applicant and shall identify the section for which formal plat approval will initially be requested. The preliminary plat shall be prepared at a scale of one (1) inch equal one hundred (100) feet and shall, at a minimum, include the following

9.3.1.7.1. Development name if within an existing development

- 9.3.1.7.2. Proposed name, if not within a previously platted development
 - 9.3.1.7.3. Name, address, and telephone number of legal owner or agent of the property
 - 9.3.1.7.4. Name, address, telephone number of registered professional responsible for development design, design of improvements, and for survey
 - 9.3.1.7.5. Date, scale and north arrow
 - 9.3.1.7.6. Vicinity map including zoning classification of all adjacent parcels
 - 9.3.1.7.7. Total acreage
 - 9.3.1.7.8. Location of existing property lines, major easement/right-of-way, required setbacks, watercourses, drainage areas and ditches, and distinctive natural features.
 - 9.3.1.7.9. Existing buildings and roads
 - 9.3.1.7.10. The location of all proposed buildings, the number of dwelling units per building, the square footage of each building, the square footage of each dwelling unit, and all proposed roads
 - 9.3.1.7.11. The location of flood hazard areas as taken from FEMA, FIRM, or HUD maps. Where no such map exists, Soil Conservation Service maps may be used
 - 9.3.1.7.12. Statement of proposed water/sewer supply or collection method
 - 9.3.1.7.13. Information and data relating to surface water runoff as it effects storm water drainage and impact on adjacent areas
 - 9.3.1.7.14. If development is to be located in the Watershed Protection Zoning District, the percentage of impervious surface must be shown
- 9.3.1.8. All townhouses or condominium complexes must receive approval from the Mayor and Council prior to any grading, construction, or installation of improvements

9.3.2 Apartments and Multi-Family Dwellings

- 9.3.2.1. Density of apartments and multi-family dwellings shall not exceed eight (8) units per acre of buildable land.
(Accepted & Adopted by Comer City Council November 6, 2007)
- 9.3.2.2. All parking shall be off-street parking and shall be grouped in bays, either adjacent to the street or in interior of blocks; and an off-street parking space shall not be more than one hundred (100) feet by the most direct pedestrian route from a door of the dwelling unit it intends to serve. All parking shall be paved

- 9.3.2.3. All streets, drives or alley in the development shall have a pavement width of twenty (20) feet, and a bituminous, concrete surface, or asphalt surface.
- 9.3.2.4. Minimum building setback shall be the minimum setback for the zone in which the apartments are located provided that if required parking is not in the front of the apartment, then the building setback shall be twenty-five (25) feet from street right-of-way. However, if required parking is to be located in front of said apartment, then building setback from street right-of-way shall be twenty-five (25) feet plus the parking depth.
- 9.3.2.5. All other requirements within the Zoning Districts in which the apartments and multi-family dwellings are located shall prevail.
- 9.3.2.6. All apartments and multi-family dwellings shall be required to tie into the public sanitary sewer and water system. No other method of waste disposal shall be authorized or permitted.
- 9.3.2.7. All apartment and multi-family dwellings must receive approval from Mayor and Council prior to any grading, construction, or installation of improvements.
- 9.3.2.8. All multi-family developments must meet the buffer requirements of Section 6.7.7.

9.4 Accessory and Temporary Buildings

9.4.1 Accessory Buildings. The location of accessory buildings and uses in residential and commercial Zoning Districts must meet the following requirements:

- 9.4.1.1. Where an accessory building is attached to the main building, a substantial part of one wall of the accessory building shall be an integral part of the main building or such accessory building shall be attached to the main building in a substantial manner by a roof, and therefore meet the requirements applicable to the main building.
- 9.4.1.2. In R1, R2, and RM zones, a detached accessory structure cannot exceed one (1) story in height nor 150 square feet in gross floor area excluding garages and carports. No more than one (1) accessory building per lot is permitted in R1, R2, and RM zones. A detached accessory building in a C1, and C2 Zoning District, shall not be more than two (2) stories in height or the height of the principal building, whichever is less, and shall not be constructed on more than thirty (30) percent of the rear yard.
- 9.4.1.3. A detached accessory building in all other Zoning Districts shall not be more than two (2) stories in height, and shall not be constructed on more than thirty (30) percent of the rear yard.
- 9.4.1.4. No detached accessory building may be located on the front yard of a lot.

9.4.1.5. Mobile or manufactured homes shall not be used as accessory building in any residential Zoning District.

9.4.1.6. No storage trailer shall be used as a temporary or accessory structure.

9.4.2 Temporary Buildings. Temporary buildings used in conjunction with construction work only may be permitted in any non-residential Zoning District provided that no temporary building shall be used for a residential purpose and the building shall be removed immediately upon completion of construction.

9.5 Home Occupation

9.5.1 Residential Home Occupation. The conduct of business in residential units may be permitted under the provisions of this section. It is the intent of this section to: ensure the compatibility of home occupations with other uses permitted in the applicable Zoning Districts; maintain preserve the character of residential neighborhoods; and provide peace, quiet, and domestic tranquility within all residential neighborhoods within the Zoning District, in order to guarantee to all residents freedom from excessive noise, excessive traffic, nuisance, fire hazard, and other possible effect of the commercial uses being conducted in this Zoning District. Residential home occupations, where permitted, must meet the following special requirements:

9.5.1.1. A home occupation is subordinate to the use of a dwelling unit for residential purposes. No more than 10 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.

9.5.1.2. No more than one (1) home occupation shall be permitted within a single dwelling unit

9.5.1.3. A home occupation shall be carried on wholly within the principal use. No home occupation nor any storage of goods, materials, or products connected with a home occupation shall be allowed in accessory buildings or garages, attached or detached.

9.5.1.4. No one other than residents of the dwelling shall be employed in the conduct of a home occupation.

9.5.1.5. A home occupation shall produce no noise or obnoxious odors, vibrations, glare, fumes, or electrical interference detectable to normal sensory perception outside the structure.

9.5.1.6. A home occupation which will constitute a fire hazard to neighboring residences, will adversely affect neighboring property values, or will constitute a nuisance or otherwise be detrimental to the neighbors because of excessive traffic, excessive noise, odors, or other circumstances is not to be permitted.

9.5.1.7. No traffic shall be generated by such home occupations in greater volumes 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 off-street and other than in a front yard

9.5.1.8. 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 home occupation.

9.5.1.9. There shall be no exterior indication of the home occupation or variation from the residential character of the principal use.

9.5.1.10. No on-street parking of business related vehicles (either marked or commercially equipped) shall be permitted to park overnight on the premises. The number of business related vehicles in limited to one (1).

9.5.1.11. Permitted residential home occupations:

- 9.5.1.11.1. Architectural services
- 9.5.1.11.2. Art Studio
- 9.5.1.11.3. Beauty Shop
- 9.5.1.11.4. Consulting Services
- 9.5.1.11.5. Data Processing
- 9.5.1.11.6. Direct sale product distribution (Amway, Avon, Tupperware)
- 9.5.1.11.7. Grafting and graphic services
- 9.5.1.11.8. Dressmaking, sewing, tailoring, contract sewing (1 machine)
- 9.5.1.11.9. Electronic assembly
- 9.5.1.11.10. Engineering Service
- 9.5.1.11.11. Financial Planning or Investment services
- 9.5.1.11.12. Flower Arranging
- 9.5.1.11.13. House Cleaning Services
- 9.5.1.11.14. Insurance Sales or Broker
- 9.5.1.11.15. Interior Design
- 9.5.1.11.16. Locksmith
- 9.5.1.11.17. Real Estate Sales or Broker
- 9.5.1.11.18. Tutoring
- 9.5.1.11.19. Writing, Computer Programming
- 9.5.1.11.20. Other similar uses as approved by the Mayor and Council

9.5.1.12. Prohibited residential home occupations:

- 9.5.1.12.1. Ambulance Service
- 9.5.1.12.2. Appliance Repair
- 9.5.1.12.3. Automobile repair, parts sales, upholstery, or detailing, washing service (including businesses working at customer's home)
- 9.5.1.12.4. Boarding house, bed and breakfast
- 9.5.1.12.5. Carpentry, cabinet makers
- 9.5.1.12.6. Contracting, masonry, plumbing, or painting

- 9.5.1.12.7. Medical or dental office (not any practice of physical or medical application, including chiropractors)
- 9.5.1.12.8. Restaurants, food preparation
- 9.5.1.12.9. Tow truck services
- 9.5.1.12.10. Veterinary uses (including care, grooming or boarding)

9.6 Gas Stations

Within the Zoning Districts permitting gasoline service stations, the following requirements shall apply:

- 9.6.1** Location. The property on which a gasoline service station is located shall not be within one hundred (100) feet of any residential Zoning District, or any property containing a school, public playground, church, hospital, public library, institution for children or dependents.
- 9.6.2** Site Requirements. A gasoline service station shall have a minimum frontage on the primary street of one hundred twenty (120) feet and a minimum area of twelve thousand (12,000) square feet. All buildings shall be set back forty (40) feet from all street right-of-way lines and all canopies shall be set back fifteen (15) feet from all street right-of-way lines.
- 9.6.3** Access to Site. Vehicular entrances or exits at a gasoline service stations:
 - 9.6.3.1. Shall not be provided with more than two curb cuts for the first one hundred twenty (120) feet of street frontage or fraction thereof
 - 9.6.3.2. Shall contain an access width along the curb line of the street of not more than thirty (30) feet as measured parallel to the street at its narrowest point and shall not be located closer than twenty-five (25) feet from the intersecting point of the two streets right-of-way or ten (10) feet to the adjoining property
 - 9.6.3.3. Shall not have any two (2) driveways, or curb cuts, any closer than twenty (20) feet at both the right-of-way line and the curb or edge of the pavement along a single street.
- 9.6.4** Gasoline Pump Islands. All gasoline pump islands shall be set back at least fifteen (15) feet from the right-of-way line, or where a future widening line has been established, the setback line shall be measured from such line, and where pump islands are constructed perpendicular to the right-of-way line, the pump island shall be located not less than thirty (30) feet from the right-of-way line; however, the pump island shall be at least sixty (60) feet from the center line of a collector street and forty-five (45) feet from the center line of other streets.
- 9.6.5** Off-Street Parking. A minimum of two (2) off-street parking spaces are required with an additional off-street parking space for each lubrication and wash bay.
- 9.6.6** Other Site Improvements. In addition to the above requirements, the following additional site improvements shall be adhered to:

- 9.6.6.1. A raised curb of at least six (6) inches in height shall be erected along the street property lines, except for driveway openings.
- 9.6.6.2. A solid fence or wall six (6) feet in height shall be erected along all property lines adjacent to a residential zoned lot or a lot used for residential purposes.
- 9.6.6.3. Exterior lighting shall be arranged so that it is deflected away from adjacent properties and streets.
- 9.6.6.4. Signs, whether permanent or temporary, shall not be placed within the public right-of-way and shall be arranged so that they do not obstruct visibility for drivers or pedestrians.
- 9.6.6.5. All drives, parking, storage, and service areas shall be paved and curbed and a good stand of grass shall be maintained on the remainder of the lot.

9.6.7 Storage of Inflammable Products. Outside above ground tanks for storage of gasoline, liquefied petroleum gas, oil or other inflammable liquids or gases shall be prohibited at any gasoline service station in all Zoning Districts. All used motor oil shall be stored in underground tanks. However, storage tanks for the retail sale of propane gas shall be permitted.

9.7 Bed and Breakfast

- 9.7.1 The acceptance of paying guests shall be an accessory use to the dwelling unit;
- 9.7.2 The only uses permitted shall be the renting of rooms and the serving of foods to guests renting said rooms (accessory uses commonly associated with hotels and motels; i.e. laundry services, gift shops, banquet halls, barber and beauty shops, shall not be permitted);
- 9.7.3 All parking shall be off-street; and
- 9.7.4 One (1) wall sign, not exceeding one (1) sq.ft in area, motionless, non-lighted, shall be permitted. No other signs shall be permitted on the premises.

9.8 Community Center or Club

The buildings are placed not less than fifty (50) feet from any property line;

- 9.8.1 Unless located in a C2 Zoning District, there shall be a planted buffer area ten (10) feet wide along its exterior boundary lines not bordering the frontage street and not extending into the required front yard. The buffer area should be planted with evergreen trees or evergreen shrubs that grow at least eight (8) feet tall within five (5) years and provide an effective visual screen.
- 9.8.2 A complete development sketch must be submitted with the application

9.8.3 Adequate paved and lined off-street parking must be provided

9.9 Outdoor Storage Yards

9.9.1 The storage yard must not be located within a required front yard

9.9.2 The storage yard must be setback at least twenty-five (25) feet from any side or rear property lines and shall be screened by a solid fence of material commonly manufactured for fencing, at least eight (8) feet high which is setback a similar distance from any side or rear property lines, appropriately landscaped and maintained.

9.9.3 If an outdoor storage yard is established in connection with a permitted building, it shall meet the above requirements

9.10 Non-Operating Vehicles

9.10.1 Vehicles not in operating condition shall not be parked between the residence and the street or streets the residential parcel adjoins

9.10.2 All vehicles not in operating condition must be parked in the rear yard, carport, or garage

9.10.3 All automobile parts must be stored within a garage or enclosed building

9.11 Satellite Dish Antenna

9.11.1 Thirteen foot diameter or larger satellite antenna dish must be located behind the rear building line and outside the side yard setback

9.11.2 Eighteen inch or smaller satellite antenna dish shall not be located on the dwelling's front yard wall or on any front yard roof plane. Dish antennas may be located on either a back yard roof plane, back yard dwelling wall, or side yard dwelling wall.

9.11.3 If a dish cannot be located as per §9.11.1 and §9.11.2 to receive adequate signal, said dish may be located as necessary on the dish owner's property to facilitate adequate reception.

9.12 Towers

9.12.1 Transmission Towers. As used in this ordinance, the following terms shall have the meanings indicated:

9.12.1.1. Alternative tower structure shall mean man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers

9.12.1.2. Antenna shall mean any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves

- 9.12.1.3. FAA shall mean the Federal Aviation Administration.
- 9.12.1.4. FCC shall mean the Federal Communications Commission
- 9.12.1.5. Preexisting towers and antennas shall have the meaning set forth in §9.12.2.4 of this ordinances
- 9.12.1.6. Height shall mean, when referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna
- 9.12.1.7. Public officer shall be defines as in §41-2-8 of the Official Code of Georgia Annotated
- 9.12.1.8. Tower shall mean any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like

9.12.2 Applicability

- 9.12.2.1. Zoning District Height Limitations. The requirements set forth in this ordinance shall govern the location of towers that exceed, and antennas that are installed at the height in excess of, the height limitations specified for each Zoning District. The height limitations applicable to buildings and structures shall not apply to towers and antennas
- 9.12.2.2. Public Property. Antennas or towers located on property owned, leased, or otherwise controlled by the governing authority shall be exempt from the requirements of this ordinance, provided a license or lease authorizing such antenna or tower has been approved by the governing authority
- 9.12.2.3. Amateur Radio; Receive-Only Antennas. This ordinance shall not govern any tower, or the installation of any antenna, that is under seventy (70) feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas
- 9.12.2.4. Preexisting Towers and Antennas. Any tower or antenna for which a permit has been properly issue prior to the effective date of this ordinance shall not be required to meet the requirements of this ordinance, other than the requirements of §9.12.3.5 and §9.17.3.6. Any such towers or antennas shall be referred to in this ordinance as “preexisting towers” or “preexisting antennas.”
(Accepted & Adopted by Comer City Council November 6, 2007)

9.12.3 General Guidelines and Requirements

9.12.3.1. Purpose: Goals: The purpose of this ordinance is to establish general guidelines for the siting of towers and antennas. The goals of this ordinance are to: (i) encourage the location of towers throughout the community, (ii) encourage strongly the joint use of new and existing tower sites, (iii) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal, (iv) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas, and (v) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently.

9.12.3.2. Principal or Accessory Use. Antennas and towers may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For purposes of determining whether the installation of a tower or antenna complies with Zoning District development regulations including but not limited to set-back requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.

9.12.3.3. Inventory of Existing Sites. Each applicant for an antenna and or tower shall provide to the Zoning Administrator an inventory of its existing towers that are either within the City of Comer or within one-quarter mile of the city limits, including specific information about the location, height, and design of each tower. The Zoning Administrator may share such information with other applicants applying for administrative approvals or special use permits under this ordinance or other organizations seeking to locate antennas within the jurisdiction of the city, provided, however, the city is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

9.12.3.4. Aesthetics: Lighting. The guidelines set forth in this section shall govern the location of all towers, and the installation of all antennas, governed by this ordinance; provided, however that the governing authority may waive these requirements if it determines that the goals of this ordinance are better served thereby.

9.12.3.4.1. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness

9.12.3.4.2. At t tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environmental

9.12.3.4.3. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipments 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.

9.12.3.4.4. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting alternative and approve the design that would cause the least disturbance to the surrounding views.

9.12.3.5. Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owners expense. Any such removal by the governing authority shall be in the manner provided in §41-2-8 through §41-2-17 of the Official Code of Georgia Annotated.

9.12.3.6. Building Codes: Safety Standards. To ensure the structural integrity of tower, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Comer Building Inspector concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance within said thirty (30) days. Upon the owner's failure to do so, the city may remove such tower at the owner's expense. Any such removal by the city shall be in the manner provided in §41-2-8 through §41-2-17 of the Official Code of Georgia Annotated.

9.12.4 Permitted Uses

9.12.4.1. General. The uses listed in this section are deemed to be permitted uses and shall not require administrative review or a special use permit. Nevertheless, all such uses shall comply with §9.12.3.4 through §9.12.3.6 of this ordinance and all other applicable ordinances

9.12.4.2. Specific Permitted Uses. The following uses are specifically permitted:

9.12.4.2.1. Locating a tower or antenna, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna, in any industrial or heavy commercial Zoning District; provided, however, that such tower shall be set back from any existing off-site residence

equal to the height of the tower;

9.12.4.2.2. Installing an antenna on an existing structure other than a tower (such as a building, sign, light pole, water tower, or other free-standing nonresidential structure) that is fifty (50) feet in height or greater, so long as said additional antenna adds no more than twenty (20) feet to the height of said existing structure; and

9.12.4.2.3. Installing an antenna on any existing tower of any height, so long as the addition of said antenna adds not more than twenty (20) feet to the height of said existing tower and said existing tower is not a preexisting tower; provided, however, that such specific permitted use shall not include the placement of additional buildings or other supporting equipment used in connection with said antenna

9.12.5 Administrative Approvals

9.12.5.1. The Zoning Administrator may administratively approve the uses listed in this section

9.12.5.2. Each applicant for administrative approval shall apply to the Zoning Administrator, providing the information set forth in §9.12.6.2 and §9.12.6.4

9.12.5.3. The Zoning Administrator shall respond to each such application within thirty (30) days after receiving it by either approving or denying the application. If the Zoning Administrator fails to respond to the applicant within said thirty (30) days, then the application shall be deemed to be approved.

9.12.5.4. In connection with any such administrative approval, the Zoning Administrator may, in order to encourage shared use, administratively waive any Zoning District setback requirements by up to fifty percent (50%)

9.12.5.5. If administrative approval is denied, the applicant may appeal said denial in accordance with the provisions of the zoning ordinance concerning appeals of administrative decisions

9.12.5.6. **Specific Administratively Approved Uses.** The following uses may be approved by the Zoning Administrator after conducting an administrative review, provided that for uses within a Zoning District requiring a conditional use permit, the Zoning Administrator shall submit the conditional use petition with his or her recommendation to the Mayor and Council for action pursuant to Article XI.
(Accepted & Approved by Comer City Council November 6, 2007)

9.12.5.6.1. Installing an antenna on an existing structure other than a tower (such as a building, sign, light pole, water tower, or other free standing nonresidential structure) that is less than fifty (50) feet in height, so long as such addition does not add more than twenty (20) feet to the height of the existing structure;

- 9.12.5.6.2. Installing an antenna on an existing tower of any height, including a preexisting tower and further including the placement of additional buildings or other supporting equipment used in connection with said antenna, so long as the addition of said antenna adds no more than twenty (20) feet to the height of said existing tower.
- 9.12.5.6.3. Locating any alternative tower structure in a Zoning District other than industrial or heavy commercial that in the judgment of the Zoning Administrator is in conformity with goals set forth in §9.12.3.1 of this ordinance;
- 9.12.5.6.4. Locating any tower in a Zoning District other than industrial or heavy commercial, provided a licensed professional engineer certifies, the tower can structurally accommodate the number of share users proposed by the applicant; the Zoning Administrator concludes the tower in in conformity with the goals set forth in §9.12.3.6; the tower is to be set back from any existing off-site residence a distance equal to the height of the tower; and that the tower meets the following height and usage criteria;
- 9.12.5.6.4.1. for a single user, up to ninety (90) feet in height;
 - 9.12.5.6.4.2. for two users, up to one hundred twenty (120) feet in height;&
 - 9.12.5.6.4.3. for three or more users, up to one hundred fifty (150) feet in height.

9.12.6 Special Use Permits

9.12.6.1. General. The following provision shall govern the issuance of special use permits;

9.12.6.1.1. If the tower or antenna is not a permitted use under §9.12.4.2 of this ordinance or permitted to be approved administratively pursuant to §9.12.5 of this ordinance, then a special (conditional) use permit shall be required for the construction of a tower or the placement of an antenna in all Zoning Districts allowing towers or antennae.

(Accepted & Adopted by Comer City Council November 6, 2007)

9.12.6.1.2. In granting a special use permit, the governing authority may impose conditions based on the extent the governing authority concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.

9.12.6.1.3. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical shall be certified by a licensed professional engineer.

9.12.6.2. Information Required. Each applicant requesting a special use permit under this ordinance shall submit a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professions, showing the location and dimensions of all improvements, including information concerning topography, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed by the governing authority to be necessary to assess compliance with this ordinance.

9.12.6.3. Factors Considered in granting Special Use Permits. The governing authority shall consider the following factors in determining whether to issue a special use permit, although the governing authority may waive or reduce the burden on the applicant of one or more of these criteria if the governing authority concludes that the goals of this ordinance are better served thereby.

9.12.6.3.1. Height of the proposed tower;

9.12.6.3.2. Proximity of the tower to residential structures and residential Zoning District boundaries;

9.12.6.3.3. Nature of uses on adjacent and nearby properties;

9.12.6.3.4. Surrounding topography;

9.12.6.3.5. Surrounding tree coverage and foliage;

9.12.6.3.6. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness; and

9.12.6.3.7. Proposed ingress and egress; and

9.12.6.3.8. Availability of suitable existing towers and other structures as discussed in §9.12.3.3 of this ordinance

9.12.6.4. Availability of Suitable Existing Towers or Other Structures. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the governing authority that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate that no existing tower or structure can accommodate the applicant proposed antenna may consist of any of the following:

9.12.6.4.1. No existing towers or structures are located within the geographic area required to meet applicant engineering requirements.

9.12.6.4.2. Existing towers or structures are not of sufficient height to meet applicant engineering requirements.

9.12.6.4.3. Existing towers or structures do not have sufficient structural strength to support applicant proposed antenna and related equipment.

9.12.6.4.4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

9.12.6.4.5. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding the new tower development are presumed to be unreasonable.

9.12.6.4.6. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

9.12.6.5. Setbacks and Separation. The following setbacks and separation requirements shall apply to all towers and antennas for which a special use permit is required; provided, however that the governing authority may reduce the standard setbacks and separation requirements if the goals of this ordinance would be better served thereby.

9.12.6.5.1. Towers must be set back a distance equal to the height of the tower from any off-site residential structure.

9.12.6.5.2. Towers, guys, and accessory facilities must satisfy the minimum Zoning District setback requirements.

9.12.6.5.3. In Zoning Districts other than industrial or heavy commercial Zoning Districts, towers over ninety (90) feet in height shall not be located within one-quarter of a mile from any existing tower that is over ninety (90) feet in height.

9.12.6.6. Security Fencing. Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device; provided, however, that the governing authority may waive such requirements, as it deems appropriate.

9.12.6.7. Landscaping. The following requirements shall govern the landscaping surrounding towers for which a special use permit is required; provided, however, that the governing authority may waive such requirements if the goals of this ordinance would be better served thereby.

9.12.6.7.1. Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from adjacent residential property. The standard buffer shall consist of a landscaped strip at least four (4) feet wide outside the perimeter of the compound.

9.12.6.7.2. In locations where the visual impact of the tower would be minimal, the landscaping requirements may be reduced or waived altogether.

9.12.6.7.3. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

9.12.7 Removal of Abandoned Antennas and Towers.

Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove same within ninety (90) days of receipt of notice from the governing authority notifying the owner of such abandonment. If such antenna or tower is not removed within said ninety (90) days, the city may, in the manner provided in §41-2-8 through §41-2-17 of the Official Code of Georgia Annotated, removed such antenna or tower at the owner's expense. If there are two or more users of a single tower, then the provision shall not become effective until all users cease using the tower.

9.13 Planned Unit Development

The purpose of Planned Unit Developments is to encourage the best possible site plans and building arrangements under a unified plan of development rather than under lot-by-lot regulation. The developer benefits from better land utilization, economy in the provision of roads and utilities, and flexibility in design. The City gains the advantages of variety in building types, compatibility of uses and optimum community development. Review and approval of the development plan by the Comer Mayor and Council provides an opportunity to assure that the development will be in harmony with the character of the neighborhood in which the development is located.

The Planned Unit Development is not intended to encourage greater density of development, but rather encourage ingenuity and resourcefulness in land planning and to assure the provision of park and recreation facilities for the use of the occupants of the development.

The purpose of the Planned Unit Development is to:

1. allow for greater flexibility and creativity in the design of residential development;
2. encourage the permanent preservation of open space, agricultural and forestry land, and other natural resources;
3. maintain Comer's rural character and land use patterns that preserve open space and farmlands;
4. protect scenic vistas from development which would destroy or obstruct such vistas;
5. preserve unique and significant natural, historical and archeological resources;
6. facilitate the construction and maintenance of streets, utilities and public services in more economical and efficient manner;
7. protect existing and potential drinking water supplies; and,
8. encourage a less sprawling form of development.

These standards are not intended to restrict imagination, innovation, or variety, but rather to assist in focusing on design principles which can produce creative solutions that will develop a satisfactory visual appearance within the City, preserve taxable values, and promote the public health, safety, and welfare.

9.13.1 General Design Standards

- 9.13.1.1.** The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal. Conflicts between development and the rural environment should be minimized. For example, tucking house lots and driveways into wooded lots is recommended.
- 9.13.1.2. The orientation of individual building sites shall be such as to maintain maximum natural topography and cover. Topography, tree cover, and natural drainage ways shall be treated as fixed determinants of road and lot configuration rather than as malleable elements than can be changed to follow a preferred development scheme.
- 9.13.1.3. Streets shall be designed and located in such a manner as to maintain and preserve natural topography, cover, significant landmarks, and trees; to minimize cut and fill; and to preserve and enhance views and vistas on or off the subject parcel.
- 9.13.1.4. Maintain or create a buffer of natural vegetation of at least one hundred (100) feet in width adjacent to surface waters and wetlands.
- 9.13.1.5. Maintain unblocked or uninterrupted scenic views and vistas, particularly as seen from public roads or as designated in the Comer Comprehensive Plan. For example, a one hundred (100) foot deep no build buffer is recommended to screen homes from the street and vice verse.
- 9.13.1.6. The removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable.
- 9.13.1.7. Protect the habitat areas of species listed as rare or endangered by the Department of Natural Resources, Freshwater Wetlands and Natural Heritage Inventory.
- 9.13.1.8. The open space shall be reasonably contiguous, coherent, and, if the tract of land abuts adjacent open space or other permanently protected open space, it shall connect with that adjacent or permanently protected open space.

9.13.2 Density

- 9.13.2.1. The maximum number of dwelling units allowed shall equal the number of dwelling units which could reasonably be expected to be developed on the property under the underlying Zoning District, in full conformance with zoning, Subdivision Regulations, health codes, and other local, state and federal requirements.
- 9.13.2.2. Within the Planned Unit Development where there are no shopping facilities, the following percentages of the total land area shall be devoted to the specified uses:

9.13.2.2.1. A maximum of fifty (50) percent for residential use which shall include streets, parking areas, private open space and courts which abut and primarily service residences or groups of residences, but shall not include the usable open space;

9.13.2.2.2. a minimum of fifty (50) percent for open space as defined in §9.13.5 of these regulations

9.13.2.3. Within the planned unit development where there are shopping facilities, the following percentage of the total land area shall be devoted to the specified uses;

9.13.2.3.1. a maximum of fifty (50) percent for residential use which shall include streets, parking areas, private open space and courts which abut and primarily service residences or groups of residences, but shall not include the usable open space.

9.13.2.3.2. a maximum of ten (10) percent for commercial use which shall include streets and parking areas which primarily service commercial establishment within the development but shall not include usable open space

9.13.2.3.3. a minimum of forty (40) percent for open space as defined in §9.13.5 of these regulations.

9.13.3 Minimum Dimensional Requirements for Residential Lots

9.13.3.1. The Building Envelope (that portion of a lot located within the prescribed front-, rear-, and side-yard setback) shall not exceed forty (40) percent of the lot or 20,000 square feet, whichever is less. In the design process the most suitable areas for development should be shown. Areas beyond these building envelopes should be restricted against development. Building envelope lines should not be drawn into wetlands, floodplains, or steep slopes (slopes in excess of 25 percent) and shall not include the tops of ridge lines. Building envelopes shall avoid open fields as much as possible. Building envelopes shall be located on the edges of fields and in wooded areas to minimize the visual impact of development.

9.13.3.2. Maximum total lot disturbance shall not exceed fifty percent of the lot area or 25,000 square feet, which ever is less. Site disturbance shall include all areas disturbed for the purpose of constructing buildings and structures as well as all graded areas and lawns. The total shall include disturbed areas both inside and outside the building envelope.

9.13.3.3. Minimum Frontage: Not less than one hundred (100) feet. Lots located on the turnaround of a cul-de-sac shall have a minimum of forty (40) feet of street frontage providing a front building line is designated on the site plan for such a lot and the width of the lot at this building line is at least equal to the minimum frontage requirement.

- 9.13.3.4. Front Yards: Front yards may be staggered to provide a variety in the size of such yards. The minimum average of all front yards shall be forty (40) feet; however, no front yard shall be less than thirty (30) feet. The depth of the front yard shall be measured between the front line of the building and the right-of-way line.
- 9.13.3.5. Side yards: There shall be at least twenty-four (24) feet between buildings.
- 9.13.3.6. Rear Yards: Rear yards shall be a minimum of forty (40) feet.
- 9.13.3.7. The front, side and rear setback lines shall be shown on the Final Plat
- 9.13.3.8. Buffer Areas: All single-family dwellings and accessory structures shall be located a minimum of fifty (50) feet from adjacent tracts of land.
- 9.13.3.9. Accessory Use: All accessory uses shall be located to the rear of the front building line but no closer than ten (10) feet to the rear lot line.

9.13.4 Requirements for Commercial Lots

- 9.13.4.1. Area Requirements for Retail Sales and Services: If a retail sales and service area is provided, a maximum of 4,800 square feet of floor space for retail sales and services is permitted for each one hundred (100) dwelling units in a Planned Unit Development. All commercial areas shall be located within the confines of the Planned Unit Development for the purpose of service primarily those people living within the development. There shall not be less than four (4) square feet of commercial lot area for each one (1) square foot of permitted retail sales and service floor area.
- 9.13.4.2. Structures for Retail Sales and Services: Retail sales and services shall be conducted entirely within a wholly and permanently enclosed building or buildings which shall be of an architectural design compatible with the residential structures within the Planned Unit Development. All signage related to the retail sales and services shall also be of a architectural design compatible with the residential structures within the Planned Unit Development.
- 9.13.4.3. Relation to residentially zoned or developed property lying outside the Planned Unit Development: The sides, rear or front of a lot developed for retail sales and services shall neither abut nor lie across the street from property lying outside the Planned Unit Development that is developed or zoned for single-family dwellings.
- 9.13.4.4. Structures for retail and service businesses shall not be comprised of one or two long interconnected buildings. Rather, structures shall be compact, grouped in a non-linear design, and have sufficient space for three to five establishments depending on the square footage requirements of the establishment.
- 9.13.4.5.** The lot area devoted to the commercial use shall be landscaped to blend with the residential use and meet the design elements of §9.13.1 of these regulations.

9.13.4.6. Required parking for the commercial use shall be sensitively sited and landscaped so that it not visually apparent from the residential development or from the collector or arterial street from which access is gained. Large, uninterrupted paved parking areas are discouraged.

9.13.4.7. The off-street parking and loading and unloading requirements of §6.3

9.13.5 Requirements for Open Space

It is the intent of these regulations that open space be comprised of buildable and non-buildable lands. Land so designated as open space shall be in a location and configuration that relates to the ultimate purpose of the open space (i.e., outdoor recreation, landscape protection, habitat protection, etc.). Development should be designed around these natural features.

9.13.5.1. Not less than fifty (50) percent of the total area of the tract of land to be developed as a Planned Unit Development shall be dedicated as common open space.

9.13.5.2. At least fifty (50) percent of the required open space shall be forested, preferably hardwood, and shall be dedicated and used for open space.

9.13.5.3. Up to fifty (50) percent of the required open space may be composed of land that is pasture/agricultural land.

9.13.5.4. No more than twenty (20) percent of the required open space may be in land that is located in a floodplain or wetlands.

9.13.5.5. Rights-of-way for streets, above ground utility easements, drainage easements, and detention ponds shall be excluded from land considered for open space.

9.13.5.6. If the development is to be built in phases, fifty (50) percent of the open space of the entire development must be shown on the Phase I final plat and must be deeded to the Home Owners Association or other entity responsible for its maintenance and payment of taxes. This requirement must be met prior to approval of the final plat.

9.13.6 Design Standards for Public Road

It is the intent of this section to minimize the amount of site disruption caused by roadways and the associated grading required for their construction.

9.13.6.1. Streets shall follow existing contours to minimize the extent of cuts and fills.

9.13.6.2. Maximum center line radius for residential collectors shall be 150 feet. However, when topography or aesthetic design concerns prohibit streets which typically take right angle turns followed by an intervening straight segment, reverse curves can be used (no intervening straight segment is required).

9.13.6.3. In order to stimulate intra-neighborhood accessibility, all streets within the subdivision shall interconnect as much as possible. Where the interconnection of a street would not promote the purpose of the Planned Unit Development (Section 1), non interconnected streets (cul-de-sacs) are permissible. A cul-de-sac shall not serve more than twenty-five (25) single-family dwellings and shall not exceed one thousand (1,000) feet in length. Should a cul-de-sac be desired, a turning loop is recommended. Turning loops should include a quarter-acre island of undisturbed native vegetation. The area included in an island that is at least one quarter acre of undisturbed vegetation shall be counted towards required open space. Turning loops should not be perfectly circular. If the developer demonstrates that a turning loop is for topographic reasons not a feasible development option, a circular, totally paved, cul-de-sac with a radius of thirty (30) feet shall be permitted. An off-center turnaround is preferred as it creates visual variety and improves turning ease for the driver. The right-of-way for a cul-de-sac or turning loop shall extend ten (10) feet beyond the edge of the street pavement.

9.13.6.4. Every dwelling shall have direct access to a public street.

9.13.6.5. A 25 mile per hour design speed shall be used to establish criteria for minimum grade, maximum grade, minimum tangent length between reverse curves and maximum grade within fifty (50) feet of an intersection.

9.13.7 Required Improvements

9.13.7.1. Water Supply. Each dwelling unit shall be connected to a public or community water system approved by the Health Department.

9.13.7.2. Sewerage. All sewerage systems within the development shall meet the requirements of the Health Department

9.13.7.3. Utilities. All utilities within the subdivision shall be underground

9.13.7.4. Storm water Runoff. The volume and velocity of storm water runoff after development shall not exceed the volume and velocity of storm water runoff prior to development.

9.13.7.5. Storm Drainage System. The developer shall provide a storm drainage system for the subdivision which shall be of sufficient size and design to collect, carry off, and dispose of all predictable surface water runoff within the development and shall be so constructed as to conform with the statutes, ordinances, and regulations of the State of Georgia and Comer, Georgia. Proposed storm drainage system shall be approved by the Comer Zoning Administrator.

9.13.7.6. Fire Hydrant. The developer shall provide a fire hydrant within five hundred (500) feet of each dwelling unit.

9.13.8 Ownership of the Open Space

All of the land in a Planned Unit Development shall be owned initially by an individual, by a corporation or by some legal entity. The owner may sell to another person a portion of the Planned Unit Development to developed by said person, provided a preliminary plat, in accordance with the original Planned Unit Development of said portion of the property, has been approved by the Comer Mayor and Council and a performance bond, to assure construction of streets, has been posted for said property. Individual lots or units in a Planned Unit Development may be sold after a Final Plat has been recorded with the lots and units subject to private deed covenants that assure the continuance of the Planned Unit Development as originally approved and planned.

The development must submit to the Comer Mayor and Council proposed articles of association or incorporation which establish the homeowners' association. Said document must be approved in writing by the Comer Mayor and Council prior to approving said development. *The articles of association or incorporation shall be reviewed by the city attorney prior to any action by the city.* Any proposed changes in said articles shall require the prior written approval of Comer Mayor and Council.

Membership in the homeowners' association shall be mandatory for property owners and made a required covenant in all deeds issued or passed. The association shall provide voting and use rights in the open space area(s) when applicable and charge dues or levy assessments to cover expenses which may include the maintenance of the common areas, open space areas, improvements, right-of-way, utilities, etc. Such association shall be responsible for the perpetuation, maintenance, and function of all common lands, uses, and facilities. The homeowner's association shall be deemed to have assented to allow Comer to perform maintenance of the Open Space and related facilities if the homeowner's association fails to provide adequate maintenance. If the homeowner's association fails to provide adequate maintenance, Comer shall first provide fifteen (15) days written notice to the homeowner's association as to the maintenance that is lacking, and, if the association fails to complete said work, the City may perform the work. The owner of each lot or dwelling unit in the planned unit development for the full cost of such maintenance, which liens shall be released upon payment to the city of same. Each individual deed, as well as the articles of incorporation, shall include a provision to carry these provisions into effect. Documents creating such corporation shall be submitted to the Comer Mayor and Council for approval and shall be recorded by the Clerk of Court.

All lands and improvements, including any improvements to the open space, shall be described and identified as to location, size, use and control in a restrictive covenant. These restrictive covenants shall be written so as to run with the land and become a part of the deed of each lot or dwelling unit within the development. All open space shall be deemed a common area and may be used by all residents in the development. A pro rata portion of the open space shall be included with each residential or commercial lot in the planned unit development for tax purposes only. Taxes on the open space shall be paid by the individual home owner rather than the home owners association.

Such restrictive covenants and the association shall continue in effect so as to control the availability of facilities for their intended function, and to protect the development from additional unplanned densities and use. Such association shall not be dissolved, nor shall such association dispose of any common, open space or natural land by sale or otherwise, except to an organization or association conceived and organized to own and maintain such areas, without prior written consent of the Comer Mayor and Council.

Any and all open space lands shall be held in common ownership by the dwelling unit owners. All open space, however, has been set aside to lessen the environmental and visual impact of the subdivision on the rural landscape. Therefore, any change in the open space, other than to maintain it in reasonable order and condition in accordance with the approved final plan, required prior written approval of Comer.

9.13.9 Procedural Requirements

9.13.9.1. Formal application for Conceptual plan Approval of the project shall be submitted to the Comer Mayor and Council.

9.13.9.1.1. The applicant shall submit to Comer Mayor and council the following information to determine whether the proposed development meets the required standards and shall pay any required fees.

9.13.9.1.2. A separate sketch plan showing the maximum number of dwelling units which could reasonably be expected to be developed on the property under the underlying Zoning District, in full conformance with zoning, Subdivision Regulations, health codes, and other local, state and federal requirements.

9.13.9.1.3. A topographic and boundary line map with five (5) foot contour lines that shows the edge of the hardwood forest, wetlands, floodplains, identified scenic views, historic or archeological sites, and environmentally sensitive habitats.

9.13.9.1.4. The relationship of the proposed development to surrounding development and roads.

9.13.9.1.5. A preliminary sketch site plan showing approximate locations of proposed streets, road, and parking where appropriate, proposed locations of lots, types and locations of proposed buildings, and the locations of proposed public or common open spaces and the amount of acreage developed to specific uses.

9.13.9.1.6. Any statistical tabulations required to show that the proposed development meets the specific requirements of a Planned Unit Development as specified in these regulations.

9.13.9.2. If the conceptual plan is approved by the Mayor and Council, the developer shall thereafter submit a Preliminary Plat containing all the information required by these regulations and any other applicable regulations of Comer for any part or section of the land for which he expects to seek subdivision approval and shall pay any required fees. The preliminary plat shall be submitted to Comer Mayor and Council in accordance with the Comer Subdivision Regulations.

9.13.9.3. Approval of the Preliminary Plat by the Mayor and Council shall be in accordance with the Comer Subdivision Regulations.

9.13.9.4. Initiation of improvements shall proceed in accordance with the Comer Subdivision Regulations.

9.13.9.5. Request for the Final Plat approval shall be in accordance with the Comer Subdivision Regulations.

9.14 Combination Gas Station/Convenience Store/Fast-Food Restaurant

Combination gas station, fast-food restaurant, and convenience stores shall be regulated on a site-by-site basis under conditional standards that address the following issues.

9.14.1 Circulation. The Mayor and Council shall require that the site accommodate high levels of traffic while maintaining the smooth circulation of vehicles on site.

9.14.1.1. Driveways and service areas shall be placed in locations that reduce the chance of interrupting on-site vehicle movement. Buildings must be placed in a manner that screens the drive-through land and creates pedestrian pathways and spaces. In order to maintain on-site circulation, each drive-through area is to be separate from pump islands and from routes necessary for entering and exiting the property.

9.14.2 Parking. On-site parking for facilities that combine gas stations with convenience stores and fast food restaurants must equal 3 spaces per 1,000 square feet of gross floor area.

9.14.3 Landscaping/Buffering

9.14.3.1. Where the site is adjacent to residential development or C1 zoned properties, landscaping requirements include the construction of a 30-foot-deep transitional organically landscaped buffer yard and an opaque or nearly opaque screen consisting of a wall, fence, or evergreen vegetation to a height of at least eight feet, in addition to a minimum total landscaping equal to at least 20 percent of the area of the site not covered by buildings.

9.14.3.2. Speaker boxes shall not be audible on any residential property adjacent to the business.

9.14.4 Signs. Signs shall comply with Article X as applied to the C2 zoning district with the following limitations:

9.14.4.1. Only one freestanding sign identifying businesses located on the property is allowed.

9.14.4.2. One wall sign is allowed per subtenant but the aggregate square footage of all subtenant signs cannot exceed 25 percent of the front wall area.

ARTICLE X: SIGNS

10.1 Purpose

The purpose of this Article is to provide standards to safeguard life, public health, property and welfare by regulating the location, size, illumination, erection, maintenance, and quality of materials of all signs, and all signs and sign structures.

10.2 Definitions

For the purpose of this Article, the following definitions shall apply.

BANNER: Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered a banner.

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

CANOPY: Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

FREESTANDING: 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 and which was not designed as a temporary or portable sign.

FRONTAGE, BUILDING: The width in linear feet of each exterior wall of a business which faces a street or public way.

INCIDENTAL: A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as “no parking”, “entrance”, “loading only”, “telephone”, and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental,

IDENTIFICATION: A permanent sign depicting the name of a building or address of an establishment or development on the zone lot where the sign is located. A sign identifying a development must be located at the entrance to the development.

ILLUMINATED SIGN, DIRECT: A sign illuminated by flood lights or spot lights positioned on the ground.

ILLUMINATED SIGN, INDIRECT: A sign on which light is cast from a source other than the display area.

OFFICIAL: Any sign, symbol or device erected and maintained by a government or governmental agency for the purpose of informing or guiding the public.

PORTABLE: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, a sign designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich boards 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 the the normal day-to-day operations of the business.

PROJECTING: Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.

RESIDENTIAL SIGN: Any sign located in a Zoning District zoned for residential uses that contains not commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of the zoning ordinance.

ROOF, INTEGRAL: Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

SIGN: Any name, identification, description, display, illustration, banner, string of lights, or device which is affixed to or represented directly or indirectly upon a building, structure, or land in view of the general public, and which directs attention to a product, place, activity, person, institution or business.

SIGN FACE: The surface of the sign upon, against or through which the message of the sign is exhibited.

SIGN HEIGHT: The vertical measurement from the highest part of a sign, including all support structures, to the ground. Any earth berms and elevated foundation supporting signs, sign posts, sign supports are included in the height of the sign.

SIGN AREA: The area within a continuous perimeter enclosing the limits of writing, representation, emblem or any figure or similar character, together with any frame of other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed; excluding the necessary supports or uprights on which this sign is placed; provided, however, that any open space contained within the outer limits of this display face of a sign, or between any component, panel, strip or fixture of any kind composing the display face shall be included in the computation of the area of the sign whether this open space be enclosed or not by a frame or border. In computing square foot area of a double-face sign, only one side shall be considered, provided both faces are identical. In "V" type structures, the interior angle of which exceeds forty-five (45) degrees, both sides shall be considered in calculating sign areas.

SUSPENDED SIGN: A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

TEMPORARY: A sign intended for use for only a limited period of time that is not permanently mounted.

WALL: Any sign attached to or erected in a plane with and against a wall which is an integral part of the building, and which shall project no more than 24 inches fro the wall of the building.

WINDOW: Any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

ZONE 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.

10.3 Computations

- 10.3.1** Computation of Area of Individual Signs. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.
- 10.3.2** Computation of Area of Multifaced Signs. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.
- 10.3.3** Computation of 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) the 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 zone lot, whichever is lower.
- 10.3.4** Computation of Maximum Total Permitted Sign Area for Zone Lot. The permitted sum of the area of all individual signs on a zone lot shall be computed by applying the formula contained in the Table below, Maximum Total Sign Area, to the lot frontage, building frontage, or wall area, as appropriate for the Zoning District in which the lot is located. Lots fronting on two or more streets are allowed the permitted sign area for each street frontage. However, the total sign area that is oriented toward a particular street may not exceed the portion of the lot's total sign area allocation that is derived from the lot, building, or wall area frontage on that street.

Flags of the United States, the state, the city, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided that such a flag shall not exceed 60 square feet in area. Flags not meeting any one or more of these conditions shall be considered a banner sign and shall be subject to regulation as such.

Maximum Total Sign Area per Zone Lot by Zoning District								
The maximum total area of all signs on a zone lot except incidental, building marker, and identification signs, and flags shall not exceed the lesser of the following:								
	R1, R2, R3, RR	RM	AG	C1	C2	LI	G	Ins^a
Max. Number of Total Sq Ft	8	100	16	100	100	400	8	100
Percentage of Ground Floor Area of Principal Building	NA	NA	NA	4	8	2	NA	NA
Sq Feet of Signage per linear foot of street frontage	NA	0.5	NA	2	4	NA	1	0.5

^a The column does not represent a Zoning District. It applies to institutional uses permitted under the zoning ordinance in residential Zoning Districts. Such uses may include, but are not necessarily limited to, churches, schools, funeral homes, and cemeteries.

10.3.5 Permitted Signs.

Within the various Zoning Districts as described in Article VII and shown on the Comprehensive Zoning Map, no sign shall be erected, used or maintained except in accordance with the requirements of this Article and the following Table of Permitted Signs, unless otherwise specified.

AG Zoning District							
Sign Type	Setback fm R/W	Max. Sign Area (sq.ft)/Face	Max. Ht. (ft)	Number signs allowed	Vertical Clearance (ft.)		
					From Sidewalk/Pvt Drive/Parking	From Public Street	
Freestanding							
Residential ^a	5	4	6	1 per street frontage	NA	NA	
Other	5	2	4	1	NA	NA	
Incidental ^b	5	2	4	1	NA	NA	
Identification	5	24	4	1 per entrance to development	NA	NA	
Building							
Banner	not permitted	not permitted	not permitted	not permitted	not permitted	not permitted	
Building Marker ^c	NA	2.25	NA	1 per bldg	NA	NA	
Canopy	NA	25% of vertical surface of canopy	NA	1 per entrance	9	12	
Identification ^d	NA	2.25	4	1 per bldg	9	12	
Incidental ^b	NA	4	NA	NA	NA	NA	
Projecting	not permitted	not permitted	not permitted	not permitted	not permitted	not permitted	
Residential ^a	NA	4	NA	1 per bldg	9	12	
Roof, Integral	not permitted	not permitted	not permitted	not permitted	not permitted	not permitted	
Roof	not permitted	not permitted	not permitted	not permitted	not permitted	not permitted	
Suspended	not permitted	not permitted	not permitted	not permitted	not permitted	not permitted	
Temporary	not permitted	not permitted	not permitted	not permitted	not permitted	not permitted	
Wall	NA	1.5	NA	NA	NA	NA	
Window	not permitted	not permitted	not permitted	not permitted	not permitted	not permitted	
Miscellaneous							
Banner ^b	not permitted	not permitted	not permitted	not permitted	not permitted	not permitted	
Flag ^e	5	NA	24	see e below	9	12	
Portable	not permitted	not permitted	not permitted	not permitted	not permitted	not permitted	

- a. No commercial message allowed on sign, except for a commercial message drawing attention to an activity legally offered on the premises.
- b. No commercial message of any kind allowed on sign if such message is legible from any location off the zone lot on which the sign is located.
- c. May include only building name, date of construction, or historical data on historic site.
- d. Only address and name of occupant allowed on sign
- e. Within the AG Zoning District, flags must be flown from a mounted metal or wood arm or post appropriate for flying a flag.

C1 Zoning District						
Sign Type	Setback fm R/W	Max. Sign Area (sq.ft)/Face	Max. Ht. (ft)	Number signs allowed	Vertical Clearance (ft.)	
					From Sidewalk/Pvt Drive/Parking	From Public Street
Freestanding						
Residential ^a	not permitted	not permitted	not permitted	not permitted	not permitted	not permitted
Other	5	12	12	1	NA	NA
Incidental ^b	5	2	4	1	NA	NA
Building						
Banner	NA	24	NA	1	9	12
Building Marker ^c	NA	2.25	NA	1 per bldg	NA	NA
Canopy	NA	25% of vertical surface of canopy	NA	1 per entrance	9	12
Identification ^d	NA	12	4	1 per bldg	9	12
Incidental ^b	NA	4	NA	NA	NA	NA
Projecting	NA	12	NA	1	9	12
Residential ^a	not permitted	not permitted	not permitted	not permitted	not permitted	not permitted
Roof, Integral	NA	24	below roof line	2 per bldg	NA	NA
Roof	NA	24	below roof line	2 per bldg	NA	NA
Suspended	NA	NA	NA	1 per entrance	9	12
Temporary	NA	6	NA	1 per entrance	NA	NA
Wall	NA	25% of front wall area	NA	NA	NA	NA
Window	NA	25% of front window area	NA	NA	NA	NA
Miscellaneous						
Banner ^b	not permitted	not permitted	not permitted	not permitted	not permitted	not permitted
Flag	5	NA	24	1 pole	9	12

- a. No commercial message allowed on sign, except for a commercial message drawing attention to an activity legally offered on the premises.
- b. No commercial message of any kind allowed on sign if such message is legible from any location off the zone lot on which the sign is located.
- c. May include only building name, date of construction, or historical data on historic site.
- d. Only address and name of occupant allowed on sign.

C2 Zoning District						
Sign Type	Setback fm R/W	Max. Sign Area (sq.ft)/Face	Max. Ht. (ft)	Number signs allowed	Vertical Clearance (ft.)	
					From Sidewalk/Pvt Drive/Parking	From Public Street
Freestanding						
Residential ^a	not permitted	not permitted	not permitted	not permitted	not permitted	not permitted
Other	5		12	1	NA	NA
Incidental ^b	5	2	4	1	NA	NA
Building						
Banner	NA	24	NA	1	9	12
Building Marker ^c	NA	2.25	NA	1 per bldg	NA	NA
Canopy	NA	25% of vertical surface of canopy	NA	1 per entrance	9	12
Identification ^d	NA	24	4	1 per bldg	9	12
Incidental ^b	NA	4	NA	NA	NA	NA
Projecting	NA	12	NA	1	9	12
Residential ^a	not permitted	not permitted	not permitted	not permitted	not permitted	not permitted
Roof, Integral	NA	24	below roof line	2 per bldg	NA	NA
Roof	NA	24	below roof line	2 per bldg	NA	NA
Suspended	NA	NA	NA	1 per entrance	9	12
Temporary	NA	6	NA	1 per entrance	NA	NA
Wall	NA	25% of front wall area	NA	NA	NA	NA
Window	NA	25% of front window area	NA	NA	NA	NA
Miscellaneous						
Banner ^b	not permitted	not permitted	not permitted	not permitted	not permitted	not permitted
Flag	5	NA	24	1 pole	9	12

- a. No commercial message allowed on sign, except for a commercial message drawing attention to an activity legally offered on the premises.
- b. No commercial message of any kind allowed on sign if such message is legible from any location off the zone lot which the sign is located.
- c. May include only building name, date of construction, or historical data on historic site.
- d. Only address and name of occupant allowed on sign.

LI Zoning District						
Sign Type	Setback fm R/W	Max. Sign Area (sq.ft)/Face	Max. Ht. (ft)	Number signs allowed	Vertical Clearance (ft.)	
					From Sidewalk/Pvt Drive/Parking	From Public Street
Freestanding						
Residential ^a	not permitted	not permitted	not permitted	not permitted	not permitted	not permitted
Other	5	72	6	1	NA	NA
Incidental ^b	5	2	4	1	NA	NA
Building						
Banner	not permitted	not permitted	not permitted	not permitted	not permitted	not permitted
Building Marker ^c	NA	2.25	NA	1 per bldg	NA	NA
Canopy	NA	25% of vertical surface of canopy	NA	1 per entrance	9	12
Identification ^d	NA	36	NA	1 per bldg	9	12
Incidental ^b	NA	4	NA	NA	NA	NA
Projecting	not permitted	not permitted	not permitted	not permitted	not permitted	not permitted
Residential ^a	not permitted	not permitted	not permitted	not permitted	not permitted	not permitted
Roof, Integral	not permitted	not permitted	not permitted	not permitted	not permitted	not permitted
Roof	not permitted	not permitted	not permitted	not permitted	not permitted	not permitted
Suspended	NA	NA	NA	1 per entrance	9	12
Temporary	NA	6	NA	1 per entrance	NA	NA
Wall	NA	25% of front wall area	NA	NA	NA	NA
Window	NA	25% of front window area	NA	NA	NA	NA
Miscellaneous						
Banner ^b	not permitted	not permitted	not permitted	not permitted	not permitted	not permitted
Flag	5	NA	24	1 pole	9	12

- a. No commercial message allowed on sign, except for a commercial message drawing attention to an activity legally offered on the premises.
- b. No commercial message of any kind allowed on sign if such message is legible from any location off the zone lot on which the sign is located.
- c. May include only building name, date of construction, or historical data on historic site.
- d. Only address and name of occupant allowed on sign,

10.4 Sign Permits

10.4.1 No sign listed within this section shall be placed, constructed, erected, or modified on a zone lot without first obtaining a sign permit from the Zoning Administrator. The property owner shall maintain in force, at all times, a sign permit for any such sign as required in this section. A sign permit is required before a sign is erected or attached to, suspended from or supported on a building or structure, and before an existing sign may be enlarged, relocated or materially improved upon to an extent of 60 percent of its total replacement value.

10.4.2 No sign permit of any kind shall be issued for an existing or proposed sign unless such sign is consistent with the requirements of this ordinance.

Signs Requiring Permit by Zoning District							
	R1, R2, R3, RR, AG, G	RM	C1	C2	LI	INS ⁸	
Freestanding							
Residential	NP	NP	--	--	--	NP	
Other	NP	NP	P	P	P	NP	
Incidental	NP	NP	NP	NP	NP	NP	
Identification	P	P	--	--	--	P	
Building							
Banner	--	--	P	P	--	--	
Building Marker	NP	P	NP	NP	NP	NP	
Canopy	--	P	NP	NP	NP	NP	
Identification	NP	P	P	P	P	P	
Incidental	NP	NP	NP	NP	NP	NP	
Projecting	--	--	P	P	--	--	
Residential	NP	NP	--	--	--	--	
Roof, Integral	--	--	P	P	--	--	
Roof	--	--	P	P	--	--	
Suspended	--	--	NP	NP	NP	--	
Temporary	--	--	NP	NP	NP	NP	
Wall	NP	NP	NP	NP	NP	--	
Window	--	--	NP	NP	NP	--	
Miscellaneous							
Banner	--	--	--	--	--	--	
Flag	NP	NP	NP	NP	NP	NP	
Portable	--	--	P	P	--	--	

P—permit required

NP—no permit required

⁸—This column does not represent a zoning district. It applies to institutional uses permitted under the zoning ordinance in residential zoning districts. Such uses may include, but are not necessarily limited to, churches, schools, funeral homes, and cemeteries.

10.4.3 A sign permit shall be issued by the Zoning Administrator when the plans, specifications and intended use of the applied sign or part thereof conform in all respects to the applicable provisions of this Article and the Building Code as certified by the Zoning Administrator. The application shall be accompanied by plans or such other information as the Zoning Administrator may require in the exercise of sound discretion in acting upon the application. Standardized sign plans may be filed with the Zoning Administrator.

10.4.4 Each application shall contain an agreement to indemnify and save the City harmless of all damages, demands or expenses of every character which may in any manner be caused by the sign or sign structure. Each applicant shall present to the City on request certification of liability insurance prior to the issuance of a sign permit. *(Accepted & Adopted by Comer City Council November 6, 2007)*

10.4.5 Every sign constructed, erected or maintained for which a permit is required shall have the number of the permit issued for said sign by the Zoning Administrator affixed on the framework of the sign in such a manner that the information contained herein shall be readily accessible and durable.

10.4.6 All signs using electrical wiring and connections shall require an electrical permit.

10.4.7 A sign permit shall become null and void if the sign for which the permits was issued has not been completed within a period of six months after the date of issuance.

10.5 Design, Construction, and Maintenance

10.5.1 All signs shall be designed, constructed, and maintained in accordance with the following standards: all signs shall comply with the applicable provisions of the building code and electrical code of Comer; except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of this ordinance, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure; and,

10.5.2 All signs shall be maintained at all times in good structural condition, in compliance with all building and electrical codes, and in conformance with this ordinance.

10.6 Lighting Requirements

10.6.1 Signs may be illuminated in one of the following ways:

10.6.1.1. Internal lighting—Internally lit signs may have white or light colored letter and logos, but the background must be a dark, earth tone color that prohibits the transmission of the internal light.

10.6.1.2. Direct, external lighting—this includes flood lights or spot lights positioned on the ground.

10.6.1.3. External lighting that is integral to the sign—this includes bulbs that spell out a message.

10.6.2 The light from illuminated signs shall be established in such a way that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways.

10.6.3 No illuminated signs shall be constructed or maintained within one hundred (100) feet of any residential Zoning District or dwelling, except where the sign is on the same parcel as the dwelling.

10.6.4 Flashing signs, animated signs or signs which are illuminated intermittently are excluded from all Zoning Districts; provided, however, that time and weather information signs, official warning or regulatory signs shall be exempt from this requirement.

10.6.5 The sign light source must be shielded or directed to prevent beams or rays of light from being directed at any portion of the traveled way or into a residence.

10.7 Master or Common Signage Plan

No permit shall be issued for an individual sign requiring a permit unless and until a Master Signage Plan or a Common Signage Plan for the zone lot on which the sign will be erected has been submitted to the Zoning Administrator as conforming with this section.

10.7.1 Master Signage Plan

For any zone lot on which the owner proposed to erect one or more signs requiring a permit, unless such zone lot is included in a Common Signage Plan, the owner shall submit to the Zoning Administrator a Master Signage Plan containing the following:

10.7.1.1. An accurate plot plan of the zone lot, at such scale as the Zoning Administrator may reasonably require;

10.7.1.2. Location of buildings, parking lots, driveways, and landscaped areas on such zone lot;

10.7.1.3. Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding signs allowed on the zone lot(s) included in the plan under this ordinance; and

10.7.1.4. An accurate indication on the plot plan of the proposed location of each present and future sign of any type, whether requiring a permit or not, except that incidental signs need not be shown.

10.7.2 Common Signage Plan

10.7.2.1. If the owners of two or more contiguous (disregarding intervening streets and alleys) zone lots or the owner of a single lot with more than one building (not including any accessory building) file with the Zoning Administrator for such zone lots a Common Signage Plan conforming with the provision of this section, a 25 percent increase in the maximum total sign area shall be allowed for each included zone lot. However, to qualify for the bonus all signs must be wooden and shall be externally lit only. This bonus shall be allocated within each zone lot as the owner(s) elects.

10.7.2.2. The Common Signage Plan shall contain all of the information required for a Master Signage Plan and shall also specify standards for consistency among all signs on the zone lots affected by the Plan with regard to : color scheme; lettering or graphic style; lighting; location of each sign on the buildings; material; and sign proportions.

10.7.2.3. A common Signage Plan or Master Signage Plan including window signs may simply indicate the areas of the windows to be covered by the window signs and the general type of the window signs (e.g., paper affixed to window, painted, etched on glass, or some other material hung inside window) and need not specify the exact dimension or nature of every window sign.

10.7.2.4. The Common Signage Plan, for all zone lots with multiple uses or multiple users, shall limit the number of freestanding signs to a total of one for each street on which the zone lots included in the plan have frontage and shall provide for shared or common usage of such signs.

10.7.3 Procedures. A Master or Common Signage Plan shall be included in any development plan, site plan, planned unit development, or other official plan required by the city for the proposed development and shall be processed simultaneously with such other plan.

10.7.4 Amendment. A Master of Common Signage Plan may be amended by filing a new Master or Common signage Plan that conforms with all requirements of the ordinance then in effect.

10.7.5 Binding Effect. After approval of a Master or Common Signage Plan, no sign shall be erected, placed, painted, or maintained, except in conformance with such plan, and such plan may be enforced in the same way as any provision of this ordinance.

10.8 Exempt Signs

The following signs shall be exempt from regulation under this ordinance:

10.8.1 any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance;

- 10.8.2** any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet beyond the lot line of the zone lot or parcel on which such sign is located;
- 10.8.3** works of art that do not include a commercial message;
- 10.8.4** holiday lights and decorations with no commercial message, but only between November 15 and January 15;
- 10.8.5** traffic control signs on private property, such as Stop, Yield, and similar signs, the face of which meet Department of Transportation standards and which contain no commercial message; and
- 10.8.6** official signs posted by the city.

10.9 Prohibited Signs

All signs not expressly permitted under this ordinance or exempt from regulation hereunder, are prohibited within Comer. Such signs include, but are not limited to: beacons; pennants; strings of lights not permanently mounted to a rigid background, except those exempt under the previous section; and inflatable signs.

10.10 General Permit Procedures

The following procedures shall govern the application for, and issuance of, all sign permits under this ordinance, and the submission and review of Common Signage Plans and Master Signage Plans.

- 10.10.1 Applications.** All applications for sign permits and for approval of a Master or Common Signage Plan shall be submitted to the Zoning Administrator on an application form furnished by the city.
- 10.10.2 Fees.** Each application for a sign permit or for approval of a Master or Common Signage Plan shall be accompanied by the applicable fees, which shall be established by the Mayor and Council from time to time.
- 10.10.3 Completeness.** Within five days of receiving an application, the Zoning Administrator shall review it for completeness. If the application is found to be complete, the application shall then be processed. If the application is found to be incomplete, the Zoning Administrator shall, within such five-day period, send to the applicant a notice of the specific ways in which the application is deficient, with appropriate references to the applicable sections of this ordinance.

10.10.4 Action on Sign Permit Application. Within seven days of the submission of a complete application for a sign permit, the Zoning Administrator shall either issue the sign permit, if the proposed sign conforms with this ordinance or with a previously approved Master or Common Signage Plan, if applicable, or reject the sign permit if the proposed sign fails to conform with the requirements of this ordinance and the Master or Common Signage Plan, if applicable. In case of a rejection, the Zoning Administrator shall specify in the rejection the section or sections of the ordinance or applicable plan with which the sign(s) is inconsistent.

10.10.5 Action on Plan Permit Application. On any application for approval of a Master or Common Signage Plan, the Zoning Administrator shall take action on the applicable one of the following dates:

10.10.5.1. Fourteen (14) days after the submission of a complete application if the application is for sign for existing buildings; or

10.10.5.2. on the date of final action on any related application for building permit, site plan, or development plan for signs involving new construction.

On or before such applicable date, the Zoning Administrator shall either:

10.10.5.3. Approve the proposed plan if the sign(s) as shown on the plan and the plan itself conforms in every respect with the requirement of this ordinance; or

10.10.5.4. Reject the proposed plan if the sign(s) as shown on the plan or the plan itself fails in any way to conform with the requirement of this ordinance. In case of a rejection, the Zoning Administrator shall specify in the rejection the section or sections of this ordinance with which the plan is inconsistent.

10.10.6 Permits to Construct or Modify Signs. An application for construction, creation, or installation of a new sign or for modification of an existing sign shall be accompanied by detailed drawings to show the dimensions, design, structure, and location of each particular sign, to the extent that such details are not contained on a Master Signage Plan or Common Signage Plan then in effect for the zone lot. One application and permit may include multiple signs on the same zone lot.

10.10.7 Inspection. The Zoning Administrator shall cause an inspection of the zone lot for which each permit for a new sign or for modification of an existing sign is issued during the sixth month after the issuance of such permit or at such earlier date as the owner may request. If the construction is substantially complete at the time of inspection, the permit shall lapse and become void. If the construction is complete and in full compliance with this ordinance and the building and electrical codes, the Zoning Administrator shall affix to the premises a permanent decal identifying the sign(s) and the applicable permit by number or other reference. If the construction is substantially complete but not in full compliance this ordinance and applicable codes, the Zoning Administrator shall give the owner or applicant notice of the deficiencies and shall allow an additional 30 days from the date of inspection for the deficiencies to be corrected. If the deficiencies are not corrected by such date, the permit shall lapse. If the construction is then complete, the Zoning Administrator shall affix the decal to the premises.

10.11 Sign Permits—Continuing

10.11.1 Initial Sign Permit. An initial sign permit shall be automatically issued by the Zoning Administrator covering the period from the date of the inspection of the completed sign installation, construction, or modification through the last day of the calendar year.

10.11.2 Subsequent Sign Permits. Sign permits shall be issued for 12 months. Except as provided herein, sign permits shall be renewable annually upon submission of a renew application form and the applicable fees. Renewal applications shall contain an representation by the applicant that no change in signage under the permit has been made or shall contain dimensions, drawings, and photos of any changes.

10.11.3 Lapse of Sign Permit. A continuing sign permit shall lapse automatically if not renewed or if the business license for the premises lapses, is revoked, or is not renewed. A sign permit shall also lapse if the business activity on the premises is discontinued for a period of 180 days or more and is not renewed within 30 days of a notice from the city to the last permittee, sent to the premises, that the sign permit will lapse if such activity is not renewed.

10.11.4 Assignment of Sign Permit. A current and valid sign permit shall be freely assignable to a successor as owner of the property or holder of a business license for the same premises, subject only to filing such application as the Zoning Administrator may require and paying any applicable fee. The assignment shall be accomplished by filing and shall not require approval.

10.12 Nonconforming Existing Signs—Continuing

10.12.1 Any legally existing sign that existed prior to the effective date of this ordinance but which by reason of its size, height, location, design, or construction is not in conformance with this ordinance shall be deemed a nonconforming sign and shall be permitted without alteration is size or location.

10.12.2 Minor repairs and maintenance of nonconforming sign such as repainting, electrical repairs and the replacement of light bulbs and neon tubes shall be permitted. However, no structural repairs or changes in size or shape of the sign is permitted except to make the sign comply with this ordinance.

10.12.3 A nonconforming sign shall not be replaced by another nonconforming sign except that the substitution or interchange of poster panels, printed boards, or demountable material on such signs shall be permitted.

10.13 Sign Removal

A sign that was constructed, painted, installed, or maintained in conformance with a permit under this ordinance, but for which the permit has lapsed or not been renewed or for a nonconforming sign that has been abandoned, shall be removed without notice of or action from the city.

10.14 Violation

Any of the following shall be a violation of this ordinance and shall be subject to the enforcement remedies and penalties provided by this ordinance:

10.14.1 to install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the zone lot on which the sign is located:

10.14.2 to install, create, erect, or maintain any sign requiring a permit without such a permit;

10.14.3 to install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the zone lot on which the sign is located;

10.14.4 to fail to remove any sign that is installed, created, erected, or maintained in violation of this ordinance, or for which the sign permit has lapsed; or

10.14.5 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.

10.14.6 Each sign installed, created, erected, or maintained in violation of this ordinance shall be considered a separate violation when applying the penalty portions of this ordinance.

ARTICLE XI: CONDITIONAL USE AND VARIANCE

Uses listed as “conditional uses” in a Zoning District may only be permitted by special review and approval by the Mayor and Council after a public hearing based upon findings that the proposed use is consistent with the adopted 1996 Madison County Comprehensive Plan and that the location, construction, and operation of the proposed use will not result in a significant adverse impact upon surrounding areas or the community in general as further described.

11.1 Conditional Use Procedure

All petitions for conditional use approval shall be submitted to the Zoning Administrator at least 45 days prior to a regularly scheduled Mayor and Council Meeting on application forms supplied by the Zoning Administrator along with fees as determined by Mayor and Council. Incomplete applications will not be placed on the agenda. Applications for all conditional uses must be accompanied by the following information:

- 11.1.1** Three (3) copies of a written description of the proposal designed to inform the City, in detail, about all aspects of the proposed use and its anticipated impact on the community. The description should include, when pertinent, information on the hours of operation, number of employees, number of dwelling units, vehicle trip ends, noise, water usage, sanitary waste treatment and any other relevant concerns identified by the City or applicant.
- 11.1.2** Three (3) copies of the preliminary building and site plans drawn to scale showing the following information:
- 11.1.3** Three (3) copies of surveyed plat signed by a registered surveyor.
- 11.1.4** Project name.
- 11.1.5** Project owner.
- 11.1.6** Date, scale, and north arrow.
- 11.1.7** Vicinity map.
- 11.1.8** Use of adjacent property.
- 11.1.9** Exterior dimensions of the site.
- 11.1.10** Total project acreage.
- 11.1.11** Location, name and width of all existing or proposed streets.
- 11.1.12** Location of all proposed structures.
- 11.1.13** Location of all off-street parking and driveway serving the project.
- 11.1.14** Proposed buffers and/or screening.

- 11.1.15** Location, height, fixture type and wattage of site lighting.
- 11.1.16** Dumpster locations.
- 11.1.17** Rough flood plans, including gross floor area.
- 11.1.18** Building height.
- 11.1.19** The submittal of inaccurate or incomplete information may be cause for denial of the request, or, if said discrepancies are realized after approval of the petition or issuance of the relevant local permits, cause for the revocation of the approval and any related permits by the Mayor and Council.
- 11.1.20** The Zoning Administrator shall prepare a recommendation regarding the petition for consideration by the Mayor and Council at its regularly scheduled meeting.
- 11.1.21** The Mayor and Council shall hold a public hearing on the proposed use in accordance with the notice and hearing provisions for zoning amendment. They Mayor and Council shall then review the inspectors report and conduct a comprehensive review of the proposed use and approve, approve with condition(s), or deny.
- 11.1.22** The Mayor and Council shall issue its findings within forty (40) days of the receipt of the public hearing. They Mayor and Council may approve, approve with condition(s), or deny the request.
- 11.1.23** In determining the compatibility of a use with adjacent properties and the overall community, the May and Council must make the following findings if the use is to be approved or approved with condition(s):
- 11.1.23.1. adequate provision is made by the applicant to reduce any adverse environmental impacts of the proposed used to an acceptable level;
 - 11.1.23.2. vehicular traffic and pedestrian movement on adjacent streets will not be substantially hindered or endangered;
 - 11.1.23.3. off-street parking and loading, and the entrance to and exit from such parking and loading, will be adequate in terms of location, amount and design to service the use;
 - 11.1.23.4. public facilities and utilities are capable of adequately serving the proposed use;
 - 11.1.23.5. granting the request would not be an illogical extension of a use which would intrude a damaging volume of (1) agricultural, (2) commercial, (3) industrial, or (4) high density apartment use into a stable neighborhood of well maintained single-family homes, and likely lead to decreasing surrounding property values, neighborhood deterioration, spreading of blight, and additional requests of a similar nature which would expand the problem;

- 11.1.23.6. granting the request would not lead to congestion, noise and traffic hazards or overload public facilities current or planned;
- 11.1.23.7. granting this request would conform to the general expectations for the area population growth and distribution according the the Comprehensive Land Use Plan;
- 11.1.23.8. granting this request would not lead to a major negative change in existing (1) levels of public service, (2) government employees or (3) fiscal stability; and
- 11.1.23.9. granting this request would not have a “domino effect,” in that it becomes the opening wedge for further rapid growth, urbanization or other land-use change beyond what is indicated in the Comprehensive Land Use Plan.

11.1.24 Unless otherwise noted, the site plan submitted in support of an approved conditional use shall be considered part of the approval and must be followed.

11.1.25 Approval of a proposed use by the City Council does not constitute an approval for future expansion of or additions or changes to the initially approved operation. Any future phases or changes that are considered significant by the City and not included in the original approval are subject to the provisions of this Article and the review of new detailed plans and reports for said alterations by the governing authority. All uses, construction or building approved in the Conditional Use must begin within 60 days of approval of the Mayor and Council and be fully completed within 1 year of approval.

11.2 Variance

11.2.1 Where the owner of a plot of land consisting of one (1) or more adjacent lots or record at the time of the enactment of this ordinance, does not own sufficient contiguous land to enable him/her to conform to the minimum lot size requirements of this ordinance; or if the topography, physical shape, or other unique features of such lots or record, prevent reasonable compliance with the setback if used as a building site upon approval of the Mayor and Council; the yard and other space requirements of the Zoning District in which the property is located may be reduced by the smallest amount that will permit reasonable use of the property as a building site. Such reduction of these space requirements shall constitute a variance. However, in no case shall the Mayor and Council permit any lot in a residential Zoning District to be used as a building site which is less than seventy-five percent of the Zoning District's minimum area and yard requirements as set forth in Article VIII of this Ordinance. Further, the Mayor and Council may grant variances only upon finding that all of the following conditions exist:

- 11.2.1.1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography; and
- 11.2.1.2. The application of this Ordinance to the particular piece of property would create an unnecessary hardship; and
- 11.2.1.3. Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of this Ordinance; and

11.2.1.4. Such conditions are peculiar to the particular piece of property involved; and

11.2.1.5. The special circumstances surrounding the request for a variance are not the result of acts by the applicants; and

11.2.1.6. The variance is not a request to permit a use of land, buildings, or structures which is not permitted by right or by conditional use permit in the Zoning District involved.

11.2.2 Public hearings on variances shall be conducted pursuant to Article XIII of this ordinance.

11.2.3 If the variance request is denied, then the same property may not be considered for a variance for at least six (6) months immediately following the denial of the variance by the Mayor and Council.

ARTICLE XII: ZONING ADMINISTRATION ENFORCEMENT AND PENALTIES

12.1 Zoning Administrator

The Zoning Administrator of Comer, Georgia is hereby given the authority and responsibility to act as the Code Enforcement Office for Comer, Georgia, and to administer and enforce the provisions of this Ordinance. The Zoning Administrator does not have the authority to take final action on applications or matters involving variances, non-conforming uses, or other exceptions which this Ordinance has reserved for public hearings. The Zoning Administrator shall keep records of all and any permits, the Certificates of Occupancy issued, and all submitted subdivision plats, with notations of all special conditions involved. He shall file and safely keep copies of all sketches and plans submitted, and the same shall form a part of the records of his office and shall be made as public records.

12.2 Building Permits

It shall be unlawful for any building to be located, erected, moved, or added to, or structurally altered in excess of five hundred (500) dollars construction cost without obtaining a Building Permit issued by the Building Inspector. No Building Permit shall be issued except in conformance with the provisions of this Ordinance.

12.3 Application for Permits

12.3.1 An application shall be accompanied by two (2) copies of a dimensional sketch or a to-schedule plan, signed by the owner, or his authorized agent, to include, as a minimum, the following;

12.3.1.1. lot dimensions with property line monuments located thereon;

12.3.1.2. shape, size, height, and location of the buildings proposed to be erected, demolished, altered, or moved, and of any buildings already on the lot, yard dimensions and use of structures, including the number of dwelling units within each structure where appropriate;

12.3.1.3. easements (private and public);

12.3.1.4. water courses;

12.3.1.5. fences;

12.3.1.6. street names and street right-of-way lines; and

12.3.1.7. such other information regarding abutting property as directly affects the application.

12.3.2 Each permit shall be conspicuously posted and displayed on the premises described in the permit during the period of construction or reconstruction.,

- 12.3.2.1. If the proposed excavation, filling, construction, or movement set forth in said sketch or plan are in conformity with the provisions of this Ordinance, and other appropriate codes and ordinances of Comer then in effect, the Building Inspector shall sign and return one (1) copy of the sketch plan to the applicant and shall issue a Building Permit. The Building Inspector shall retain one (1) copy of the Building Permit and one (1) copy of the sketch or plan for his records.
- 12.3.2.2. If the sketch or plan submitted describes work which does not conform to the requirements of this Ordinance, the Building Inspector shall not issue a Building Permit but shall return one (1) copy of the sketch of plan to the applicant along with a signed refusal and shall cite the portions of these Ordinances with which the submitted sketch plan does not comply. The Building Inspector shall retain one (1) copy of the sketch plan and two (2) copies of the refusal.
- 12.3.2.3. Any Building Permit shall automatically expire six (6) months from the date of issuance if the person, firm, or corporation to which the certificate or permit was issued has not clearly demonstrated that the permit is being exercised for the purpose for which it was issued, or if the work so authorized is suspended or discontinued for a period of one (1) year.

12.4 Issuance of Certificate of Occupancy

The Zoning Administrator shall sign and issue a Certificate of Occupancy if the proposed use of land or buildings, as stated on the application for such certificate and signed thereto by the owner or his appointed agent, is found to conform to the applicable provisions of this Ordinance, and if the building, as finally constructed, complies with the sketch or plan submitted for the Building Permit.

12.5 Penalties for Violation

Any person violating any provision of the Ordinance shall be guilty of a misdemeanor, and upon conviction shall be punished for each offense according to law. Each day such violation continues shall be considered as a separate offense.

12.6 Remedies

In the event any building is erected, constructed, altered, repaired, converted or maintained, or any building or land is used in violation of this Ordinance, the Zoning Administrator of Comer, Georgia, is authorized and required to institute injunction, mandamus, warrant for arrest, or other appropriate action or proceeding to prevent or abate the violation in the case of each building or land use. The Zoning Administrator is the Zoning Enforcement Officer. Any person who would be damaged by such violation may also institute action to prevent or abate the violation.

12.7 Developments of Regional Impact (DRI)

The Georgia Planning Act of 1989 authorized the Department of Community Affairs to establish procedures for regional review of development projects that are of sufficient size that they are likely to create impacts beyond the jurisdiction in which the project will be located. The DRI review process involves the host local government, the reviewing Regional Development Commission (RDC), and other potentially affected local governments, RDC's and agencies.

Thresholds are used to determine whether a proposed development is a DRI. Because positive and negative impacts of DRI's are not necessarily confined to the host local governments' jurisdictional boundaries, impacts on other jurisdictions need to be assessed.

If a development project is submitted to the Comer Mayor and Council for review, then the time deadlines imposed in Article XV are suspended until the DRI review process is completed.

ARTICLE XIII: AMENDMENTS

13.1 Authority

The Mayor and Council may from time to time amend the boundaries of the Zoning Districts established on the Official Zoning Map of Comer and/or the ordinances set forth in this Ordinance.

13.2 Application for Amendment

An application for amendment must be filed with the Zoning Administrator at least thirty (30) days prior to the Mayor and Council meeting at which time the request will be heard. An application must contain the following information:

13.2.1 A survey of the property prepared by a licensed survey or showing existing and proposed structures and uses, access drives, easements, utilities, buffers, existing zoning, and any other supporting documentation required by the Zoning Administrator to assist the Mayor and Council in rendering a decision, including concept plans;

13.2.1.1. When an application for amendment is to rezone a smaller parcel of land for subdivision out of a larger parent parcel of land, and no survey exists of the smaller parcel to be considered for rezoning, a diagram of the area to be subdivided (containing the same information required by the survey in section 13.2.1 above) may be submitted with the application to rezone in place of a survey of the smaller parcel; provided that the diagram submitted is approved by the Zoning Administrator based on the requirements of Section 13.2.1; and further provided that if the application for amendment is approved by the Mayor and Council, such approval is conditioned upon final approval thereafter by the Zoning Administrator of a survey prepared by a licensed surveyor of the property to be rezoned that accurately depicts the area to be subdivided as indicated by the above-referenced diagram.
(Approved and accepted by Comer Mayor and Council October 5, 1999)

13.2.2 A list of adjoining property owners as shown on the tax rolls;

13.2.3 Any additional information the applicant or the Zoning Administrator believes to be pertinent.

13.2.4 Additionally, the applicant, if other than the Mayor and Council, must pay the required application fee to cover the administrative and advertising costs of the application and sign a statement certifying he/she or the owner represented has at least fifty-one percent (51%) ownership interest in the property.

13.2.5 Once the application is submitted it cannot be amended. Incomplete applications will not be processed.

13.2.6 The Zoning Administrator shall present the application and all its supporting documents, along with a written analysis of the requested zoning's impact to the Mayor and Council at its regular business meeting the month in which the public hearing on the application is scheduled. The written analysis shall show that the Zoning Administrator has considered the proposed change in relation to the following, where applicable.

- 13.2.6.1. What is the existing land use pattern in the area?
- 13.2.6.2. Would approval create an isolated Zoning District designation unrelated to adjacent and nearby Zoning District designations?
- 13.2.6.3. Would approval significantly increase or possibly overtax available infrastructure including, but not limited to schools, streets, and public safety services?
- 13.2.6.4. Are the existing boundaries illogically drawn in relation to existing conditions on the property proposed for change?
- 13.2.6.5. Would change or changing conditions make the passage of the proposed amendment necessary?
- 13.2.6.6. Will the proposed change adversely influence living conditions in the neighborhood?
- 13.2.6.7. Will the proposed change create or excessively increase traffic congestion or otherwise affect public safety?
- 13.2.6.8. Will the proposed change seriously reduce light and air to adjacent areas?
- 13.2.6.9. Will the proposed change adversely affect property values in the adjacent area?
- 13.2.6.10. Will the proposed change be a deterrent to the improvement or development of adjacent property in accordance with existing regulations?
- 13.2.6.11. Will the proposed change constitute a grant of special privilege to an individual owner as contrasted with the public welfare?
- 13.2.6.12. Are there substantial reasons why the property cannot be used in accordance with its existing zoning?
- 13.2.6.13. Is the proposed change out of scale with the needs of the neighborhood or the city?
- 13.2.6.14. To what extent is the proposed change consistent with the City's Comprehensive Plan?
- 13.2.6.15. What other factors, if any, should be considered in balancing the interest in promoting the public health, safety morality or general welfare against the right to unrestricted use of the property?

13.3 Public Hearings, Procedures, and Rezoning Standards

- 13.3.1** Public Hearing Required. Before enacting an amendment to this ordinance, one (1) public hearing must be held by the Mayor and Council.

13.3.2 Applicant Notification. The Zoning Administrator must notify the applicant of the date, time, and place of the required public hearing.

13.3.3 Publication of Notice. Not less than fifteen (15) days, and not more than forty-five (45) days prior to the date of the public hearing in a newspaper of general circulation in Comer. The notice shall also include the location of the property, the present zoning classification of the property, and the proposed zoning of the property.

13.3.4 Sign. In addition to the newspaper notice and lot less than fifteen (15) days prior to the public hearing, the Zoning Administrator shall cause to have posted in a conspicuous place on the lot or parcel to be rezoned, one (1) or more signs, which shall provide adequate notice of the zoning action.

If, because of circumstances peculiar to the location of the property to be posted, the sign will either be inconspicuous or invisible from any well-traveled right-of-way, the sign shall be posted on the property to be rezoned and on the other property in such a location that it is likely to be seen by persons potentially interested in the decision.

13.3.5 Mayor and Council Action. The Mayor and Council shall review the record prepared by the Zoning Administrator and vote on the proposed amendment to the zoning ordinance or the zoning map. The Mayor and Council may approve, approve with conditions, or deny the application. Within seven (7) days of its decision, the council shall notify the applicant. If the Mayor and Council fail to act on the application within thirty (30) days of its submission to the Council or at its next regularly scheduled meeting, whichever is later, the application is deemed to have been approved.

13.3.5.1. Denial. If the zoning ordinance amendment or Official Comprehensive Zoning Map amendment is denied by the Mayor and Council, then the same property may not be considered for rezoning until the expiration of at least six (6) months immediately following the denial of the rezoning by the Mayor and Council.

13.3.6 Zoning Amendment Criteria (Standards of Review). In the adoption of a zoning ordinance, an amendment to an existing zoning ordinance or amendment to the Official Zoning Map, the Mayor and Council shall consider factors relevant in balancing the interest in promoting the public health, safety, morals or general welfare against the right of the individual to the unrestricted use of property and must specifically consider the following factors as they may be relevant to the application:

13.3.6.1. The existing land use pattern;

13.3.6.2. The possible creation of an isolated Zoning District unrelated to adjacent and nearby Zoning Districts;

13.3.6.3. The population density pattern and possible increase or over-taxing of the load on public facilities, but not limited to, schools, utilities, and streets;

13.3.6.4. The cost of the City and other governmental entities in providing, improving, increasing or maintaining public utilities, schools, streets and other public safety measures;

- 13.3.6.5. The possible impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality;
- 13.3.6.6. Whether the proposed zoning map amendment will be a deterrent to the value or improvement or development of adjacent property in accordance with existing regulations;
- 13.3.6.7. Whether there are substantial reasons why the property cannot be used in accordance with existing regulations;
- 13.3.6.8. The aesthetic effect of existing and future use of the property as it relates to the surrounding area;
- 13.3.6.9. The extent to which the proposed zoning map amendment is consistent with the comprehensive plan;
- 13.3.6.10. The possible effect of the proposed zoning map amendment on the character of a Zoning District, a particular piece of property, neighborhood, a particular area, or the community;
- 13.3.6.11. The relation that the proposed zoning map amendment bears to the purpose of the overall zoning scheme, with due consideration given to whether or not the proposed change will help carry out the purposes of these zoning regulations;
- 13.3.6.12. The consideration of the preservation of the integrity of residential neighborhoods shall be considered to carry great weight;
- 13.3.6.13. In those instances in which property fronts on a major thoroughfare and also adjoins an established residential neighborhood, the factor or preservation of the residential area shall be considered to carry great weight.

After hearing evidence at the zoning hearing, the Mayor and Council shall apply the evidence of the Standards of Review in making their decision. It will not be required that the Mayor and Council consider every criteria contained in the Standards of Review. It shall be the duty of the applicant to carry the burden of proof that the proposed zoning map amendment promotes the public health safety, morality or general welfare.

13.3.7 Procedure for Conducting a Public Hearing. All public hearings held pursuant to this ordinance shall be conducted as follows:

- 13.3.7.1. The presiding office shall allow the Zoning Administrator to present an overview of the application. Following this presentation, the applicant or the applicant's agent or attorney shall be allowed to present the applicant's case and then shall be afforded an opportunity, prior to the closing of the public hearing, to answer questions and respond to objections of others in attendance. There is a maximum of ten (10) minutes for presentation of data, evidence, and opinion by proponents of each zoning decision and a maximum of ten (10) minutes for presentation by opponents of each proposed zoning decision.

- 13.3.7.2. Others desiring to speak or make a statement shall be given reasonable opportunity to do so but must first be recognized by the presiding officer. Upon rising to speak, the person recognized will state his/her name. The presiding officer may also request that the person furnish a home or business street address, as may be appropriate. The person speaking will be allowed two (2) minutes to express opinions and make points on each separate element of the proposed revision which they wish to address, with a maximum of up to ten (10) minutes allowed per person.
- 13.3.7.3. Groups, affiliations, and associations shall designate a spokesperson who shall speak for the group. The spokesperson will be allowed up to thirty (30) minutes to express opinions and make points on the proposed revisions.
- 13.3.7.4. Both proponents and opponents of the matter under consideration shall be given comparable time and opportunity by the presiding officer to speak.
- 13.3.7.5. Questions shall be directed only to the presiding officer who shall respond or designate another person for the response.
- 13.3.7.6. The presiding officer may limit or terminate the discussion, statements or comments because of time, repetitiveness or irrelevancy.
- 13.3.7.7. After all discussion concerning the zoning application(s) is concluded, the presiding officer shall close the public hearing for that particular zoning application or applications addressed during the public hearing, and shall resume the meeting of the City of Comer Mayor and City Council in order to vote on the proposed amendment to the zoning ordinance or the zoning map pursuant to Section 13.3.5. *(Accepted & Adopted by Comer City Council November 6, 2007)*

13.3.8 Meeting Format.

- 13.3.8.1. Minutes of the meeting will be taken by the City Clerk. Should a complete transcript of the meeting be requested it will be provided at the expense of the person making the request.
- 13.3.8.2. No set time will be set for each person to talk but it is suggested remarks be kept short and to the point.
- 13.3.8.3. Following is an outline of how the meeting will be held:
- Hearing called to order
 - Proposal or ordinance summarized
 - Applicant or proponent states his case
 - Persons in favor testify
 - Persons opposed testify
 - Rebuttal and cross examination
 - Hearing closed

- Recommendations submitted to Mayor and Council for public hearing before Mayor and Council.

13.3.1 Evaluation Criteria

The same criteria shall be used to evaluate and determine if changes proposed by the Mayor and Council are to be recommended.

13.3.2 Publication of Standards

The above criteria shall be available to the public to aid in the preparation for a change in the Zoning Ordinance or the Official Zoning Map of Comer, Georgia.

ARTICLE XIV: DISCLOSURE REQUIREMENTS

14.1 Disclosure of Financial Interests

A city official who knows or reasonably should know he or she:

- 14.1.1** Has a property interest in any real property affected by a rezoning action upon which that official's local government will have the duty to consider.
- 14.1.2** Has a financial interest in any business entity which has a property interest in any real property affected by a rezoning action which that official's local government will have the duty to consider; or
- 14.1.3** Has a member of the family having an interest described in paragraph (1) or (2) of this section, shall immediately disclose the nature and extent of such interest, in writing, to the Mayor and Council. The city official who has an interest as defined in paragraph (1) or (2) of Section 14.1 of this ordinance, shall disqualify himself from voting on the rezoning action. The disqualified city official shall not take any other action on behalf of himself or any other person to influence action on the application for rezoning. Disclosures provided for in the section shall be a public record and available for public inspection at any time during normal working hours.

14.2 Disclosure of Campaign Contributions

- 14.2.1** When any owner or applicant for zoning action has made, within two (2) years immediately preceding the filing of the applicant's application for the rezoning action, campaign contribution(s) aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the Mayor and Council showing:
 - 14.2.1.1.** the name and official position of the local government official to whom the campaign contribution was made; and
 - 14.2.1.2.** the dollar amount and description of each campaign contribution made by the applicant or owner to the city official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

14.2.2 The disclosures required by §14.2.1 shall be filed within ten days after the application for rezoning action is first filed.

14.2.3 When any opponent of a rezoning action has made, within two years immediately preceding the filing of the rezoning action being opposed, campaign contributions aggregating \$250.00 or more to a city official which will consider the application, it shall be the duty of the opponent to file a disclosure with the governing authority of the respective local government showing:

14.2.3.1. the name and official position of the city official to whom the campaign contribution was made; and

14.2.3.2. the dollar amount and description of each campaign contribution made by the opponent to the city official during the two years immediately preceding the filing of the application for the rezoning action and date of such contribution.

14.2.4 The disclosure required by §14.2.3 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.

14.2.5 Any person knowingly failing to comply with the disclosure requirements or violating the provision of this section is guilty of a misdemeanor.

ARTICLE XV: LEGAL STATUS PROVISIONS

15.1 Conflict with Other Laws

When the provisions of this Ordinance specify more restrictive standards than required by any other statute, the requirements of this Ordinance shall govern. Whenever the provisions of any other statute require more restrictive standards, the provisions of such statute shall govern.

15.2 Separability

Should any section or part of a section or any provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the Ordinance as whole or any part thereof other than the part so declared to be unconstitutional or invalid.

15.3 Repeal of Conflict in Ordinances

All Ordinances and parts of ordinances in conflict herewith are repealed.

15.4 Incorporation by Reference of Maps

The official Zoning District zoning maps and atlas of maps of Comer, Georgia, are by reference incorporated herein and made a part hereof.

15.5 Copies

This zoning ordinance of Comer, Georgia shall be and is hereby executed in triplicate, each signed copy being an original to be marked and distributed as follows:

15.5.1 City Work Copy. Shall be maintained in the Zoning Administrator's office for day to day use in zoning and planning.

15.5.2 Minute Book Original. Shall be incorporated into the minutes of the meeting of the Mayor and Council of Comer and maintained by the City Clerk. The Minute Book original shall hereafter be deemed the original or official copy. Any subsequent amendment shall be made only by official action as prescribed herein. The original shall not be altered but amendments shall be identified on separate sheets each separately numbered and supported by the date and official action ordinance amendment in which the change was approved. In the case of comprehensive amendment to the zoning ordinance, a copy of all proposed changes may be incorporated into one (1) document. Since a comprehensive amendment may incorporate substantial material changes as well as insignificant technical changes, all substantial material changes must be made available to the public separate from the complete zoning ordinance and clearly identifiable. Substantial changes must be approved individually by the Mayor and Council.

15.6 Enforcement

If the Zoning Administrator his/her assistant determines that any person is in violation of this ordinance, the Zoning Administrator shall issue an order requiring the owner to comply with this ordinance including orders requiring restoration of preexisting conditions and orders requiring restitution to the city by means that are deemed appropriate by the city. In addition, the city may bring a civil action for enforcement and may seek equitable and injunctive relief under this ordinance.

Any person who is determined to be in violation of any provision of this ordinance by the city shall be fined a civil penalty of not less than \$100.00 per day of violation and not more than \$1,000.00 per day of violation.

Any person violating any provision of this ordinance shall be guilty of a misdemeanor and, upon conviction in Municipal Court shall be punished by imprisonment of not more than 6 months or by a fine of not more than \$500.00, or both for the first offense and by imprisonment of not more than one (1) year or by a fine of not more than \$1,000.00 or both for each subsequent offense. Additionally, any violation of any provision of this ordinance of failure to comply with any of its requirements shall be grounds for immediate suspension or revocation by the Zoning Administrator of any and all related permits.

15.7 Appeals

15.7.1 Appeal from the Zoning Administrator. Any person or persons jointly or severally aggrieved by any decision of Comer Zoning Administrator shall have the right of appeal to Comer Mayor and Council if such appeal is filed with the Clerk of the City Council within thirty (30) days of the rendering of the decision.

15.7.2 Appeal from Mayor and Council. Any person or persons jointly or severally aggrieved by any decision of Comer Mayor and Council regarding any zoning matter shall have the right of appeal to the Madison County Superior Court if said appeal is filed with the Clerk of Court within thirty (30) days of the rendering of the decision by Comer Mayor and Council.

15.7.3 Stay of Proceedings. An appeal to the Court of Record stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the City Attorney after the notice of appeal has been filed with him/her, that by reason of facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life and property.

15.8 Effective Date

This Ordinance shall take effect and be in force from and after its adoption, the public welfare demanding it.

Mayor

Adoption Date

City Clerk

Effective Date