ZONING ORDINANCE OF
THE CITY OF CLARKESVILLE, GEORGIA

Approved and Adopted by

THE MAYOR AND CITY COUNCIL OF THE CITY OF CLARKESVILLE
on
April 7, 2008

Amended February 2, 2009
(Changes to: 902.1, 1302.7 Section 14 of Zoning Procedures Also, Article XXVIII amended by adopting new Subdivision Regulations)
Amended December 6, 2010 (§2409 Burning Restrictions)
Amended May 2, 2011 (Article VIII Sign Regulations)
Amended October 3, 2011 (Article VIII Sign regulations)
Amended October 3, 2011 (Appendix D)
Amended February 6, 2012 (Article XXIX)
Amended March 5, 2012 (Article III)
Amended March 5, 2012 (Article XXII)
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Amended January 9, 2017 (Article XXX)
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Amended April 8, 2024 (Articles III, VII)
Amended September 8, 2025 (Article XXIII)

ZONING ORDINANCE
OF
THE CITY OF CLARKESVILLE, GEORGIA

CLARKESVILLE MAYOR AND CITY COUNCIL
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Franklin Brown, Mayor Pro Tempore
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ZONING ORDINANCE
CITY OF CLARKESVILLE, GEORGIA

AN ORDINANCE REPEALING THE ZONING ORDINANCE OF THE CITY OF CLARKESVILLE, GEORGIA ADOPTED AS AMENDED, AND ADOPTING A NEW ZONING ORDINANCE FOR THE CITY OF CLARKESVILLE, GEORGIA FOR THE PURPOSE OF REGULATING THE LOCATION, HEIGHT, BULK, NUMBER OF STORIES AND THE SIZE OF BUILDINGS AND STRUCTURES; THE AMOUNT OF LOT WHICH MAY BE OCCUPIED; THE SIZE OF YARDS, COURTS, AND OTHER OPEN SPACE;THE DENSITY AND DISTRIBUTION OF POPULATION; THE USE OF BUILDINGS, STRUCTURES, AND LAND FOR TRADE, INDUSTRY, COMMERCE, RESIDENCE, RECREATION, AGRICULTURE, CONSERVATION, WATER SUPPLY, SANITATION, PUBLIC ACTIVITIES, AND OTHER PURPOSES; CREATING DISTRICTS FOR SAID PURPOSES AND ESTABLISHING THE BOUNDARIES THEREOF; DEFINING CERTAIN TERMS USED HEREIN; PROVIDING FOR THE METHOD OF ADMINISTRATION AND AMENDMENT; DEFINING THE POWERS AND DUTIES OF THE ZONING ADMINISTRATOR AND GOVERNING AUTHORITY; PROVIDING PENALTIES FOR VIOLATION; REPEALING CONFLICTING REGULATIONS; AND FOR OTHER PURPOSES.

"This document has been approved as to its legal form and sufficiency by the legal counsel of the local government prior to its adoption."

ARTICLE I
PREAMBLE AND ENACTMENT CLAUSE

WHEREAS; The 1983 Constitution of the State of Georgia, Article IX, Section II, Paragraph IV, authorizes Cities and Counties in Georgia to exercise the power of planning and zoning; and

WHEREAS; The Georgia General Assembly has enacted a general law, commonly referred to as the "Zoning Procedures Law," Chapter 66 of Title 36 of the Official Code of Georgia Annotated, which establishes procedures for the exercise of local zoning power; and

WHEREAS; The Governing Body has complied with the "Zoning Procedures Law" by adopting "An Ordinance Adopting Procedures For The Calling and Conducting of Public Hearings and Adopting Standards Governing the Exercise of Zoning Power, and For Other Purposes," said ordinance having been adopted after adherence to notification, public hearing, and other procedural due process requirements of the Zoning Procedures Law; and

WHEREAS; The Georgia General Assembly has enacted a general law, commonly referred to as the "1989 Georgia Planning Act," Chapter 8 of Title 50 of the Official Code of Georgia Annotated (Georgia Laws 1989, pp. 1317-1391, Act 634); and

WHEREAS; Said planning act among other things provides for local governments to serve essential state interests in protecting and preserving the natural resources, the environment and vital areas of the state by authorizing, promoting and in effect mandating the establishment, implementation and performance of coordinated and comprehensive planning by municipal and county governments; and

WHEREAS; The Georgia Department of Community Affairs has established "Minimum Standards and Procedures for Local Comprehensive Planning", said standards being promulgated as Chapter 110-3-2 of the Rules of the Georgia Department of Community Affairs; and

WHEREAS; The City of Clarkesville, Georgia adopted a comprehensive plan in December, 1992; and

WHEREAS; Said Comprehensive Plan resulted in the establishment of detailed studies and recommended policies and programs relative to control of growth and land development; and

WHEREAS; The Governing Body finds that adoption of a new zoning ordinance is the most practical means of implementing the City of Clarkesville's plans and policies regarding growth and land development; and

WHEREAS; The Governing Body finds that the traditional public purposes for adopting local zoning regulations remain applicable presently in the City of Clarkesville, which include: promoting the health, safety, morals, convenience, order, prosperity, and general welfare of the municipality; lessening congestion in the streets; securing safety from fire, flood, panic and other dangers; providing adequate light and air; preventing the overcrowding of land; avoiding undue concentration of population; 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 buildings throughout the municipality;

NOW, THEREFORE, BE IT ORDAINED, AND IT IS HEREBY ORDAINED that the Zoning Ordinance for the City of Clarkesville, Georgia is enacted into law.

Adopted, this 7th day of April, 2008.

_____	_____
Terry Greene, Mayor	Bobby Webb
_____	_____
Brad Lewallen	Franklin Brown
_____	_____
Tina Evans	Casey Ramsey

Attest: _____
Elizabeth Kemp, City Clerk

ARTICLE II
SHORT TITLE

These regulations shall be known and may be cited as the "Zoning Ordinance of the City of Clarkesville, Georgia."

ARTICLE III
DEFINITIONS OF TERMS USED IN ORDINANCE

Amended (Section 301. Definitions- Words Sign & Temporary Sign 3-5-2012)
Amended 3-2-2015, Amended 12-7-2015, Amended 12-5-2022

Section 301. Definitions.

When used in this Ordinance, the following words and phrases shall have the meaning given in this Article. Terms not herein defined shall have their customary dictionary definitions where not inconsistent with the context. The term "shall" is mandatory. When not inconsistent with the context, words used in the singular number include the plural and those used in the plural number include the singular. Words used in the present tense include the future.

Abandonment: The cessation of the use of property by the owner or lessee without any intention of transferring rights to the property to another owner or of resuming the use of the property.

Abandoned Motor Vehicle: Any motor vehicle which has been left unattended on any private property without the property owner's consent; has been left unattended on any public street, road or highway or other public property for a period more than five (5) days; or that has been lawfully towed onto the property of another at the written request of a law enforcement officer and left there for a period more than sixty (60) days without any claim made thereto.

Abutting: Having property or district lines in common, or having property separated by only a public alley. Separation by a street right-of-way is not considered abutting.

Accessory Apartment: A second dwelling unit either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility for a single housekeeping unit, with provision within the accessory apartment for cooking, eating, sanitation, and sleeping. Such a dwelling is considered an accessory use and/or structure to the main dwelling.

Accessory Building or Use: A building or use which: is not more than two (2) stories in height; is subordinate to and serves a principal building or principal use; is subordinate in area, extent, or purpose to the principal building or use served; contributes to the comfort, convenience or necessity of occupants of the principal building or principal use; and is located on the same lot as the principal building or principal use.

Alley: An opened or unopened narrow street; *especially*: a thoroughfare through the middle of a block giving access to the rear of lots or buildings.

Alteration: Any change in the supporting members of a building; any modification or change in construction; any addition which increases the area or height; any change in use from that of one district classification to another.

Animal Hospital: A facility operated by a licensed veterinarian specifically for the practice of veterinary medicine.

Antique Shop: A store or shop for the sale of relics, objects of ancient times or of an earlier period, works of art, pieces of furniture or decorative objects made at a much earlier period than present.

Apartment House: A multi-family dwelling located on a parcel of land under a single ownership, designed for use by three or more housekeeping units, living independently of each other, and doing their own cooking on the premises.

Art Gallery: A facility, structure or building used for the display of sculptures, paintings, photographs or other artistic works for public viewing with only incidental sales.

Automated Teller: An accessory facility through which certain banking functions such as deposits and withdrawals can be completed without the personal assistance of a bank employee.

Automobile Sales Lot: An area of land on which more than one (1) car, truck, van, boat, agricultural vehicle or implement, motorcycle, recreational vehicle, or other motorized vehicle exists, and where such vehicles are indicated as for sale, as evidenced by "for sale" signs, dealer tags, warranty signs in windows, or other such indications.

Bed and Breakfast: Amended 7/10/17 A private residence which provides lodging and meals for guests, in which the owner or manager resides and which contains no more than eight (8) guest rooms.

Bed and Breakfast Inn: Amended 7/10/17 A private residence which provides lodging and meals for guests, in which the owner or manager resides and which contains more than eight (8) guest rooms and no more than eighteen (18) guest rooms.

~~Bed and Breakfast Inn: A commercial establishment, with common interior access to sleeping areas is provided, where no more than 10 guest rooms, with or without meals, are provided for compensation, and where the operator resides on the premises. Bed and Breakfast (B&B) accommodations differ from rooming or boarding houses in that they are truly transient accommodations, with guests rarely staying more than a few days. In addition, the owner almost always lives in the facility. The impact of a B&B should not be much greater than that of a private home with frequent houseguests, with the exception of parking demand. Many B&Bs are not accessible by mass transit and consequently, guests usually arrive by auto. Adequate parking must be provided. Bed and Breakfast Inns do not have a restaurant for serving meals to guests or the general public, but may serve breakfast meals to its guests only.~~

Broadcasting Studio: A room or suite of rooms operated as a radio or television broadcasting studio or station with local broadcast capability or intended for satellite distribution of programs.

Buffer: A landscaped open space and/or screen located between incompatible land uses for the purpose of visibly separating uses through distance and to shield or block noise, light, glare, visual or other nuisances; that portion of a given lot, not covered by buildings, pavement, parking, access and service areas, established for the purpose of screening and separating properties with incompatible land uses, the width of which is measured from the common property line and extending the

developed portion of the common property line. A buffer consists of trees, shrubs and other natural vegetation undisturbed by grading or site development and replanted where sparsely vegetated or where disturbed for approved access and utility crossings.

Buildable Area: The portion of a lot remaining after required yards, buffers and building setbacks have been provided, where construction of principal buildings is permitted.

Building: Any structure, either temporary or permanent, above or below ground, having a roof or other covering, and designed, built, or used as a shelter or enclosure for persons, animals, or property of any kind.

Building Inspector: The Building Inspector of the City of Clarkesville, or his authorized representative.

Building, Principal: A building or structure in which is conducted the main use of the property on which the building or structure is located. In any residential district, any structure containing a dwelling unit shall be defined to be the principal building on the lot on which said structure is located.

Building Setback Line: A line establishing the minimum allowable distance between the main or front wall of a building, including any covered porches, and the street right-of-way or property line when measured perpendicularly thereto. In the case of corner lots or double frontage lots, front yard requirements shall be observed for those areas adjacent to street right-of-ways.

Car Wash: An establishment engaged in the business of washing vehicles with self-serve, automated or staffed facilities.

Carport: An accessory structure or portion of a principal structure, consisting of a roof and supporting members such as columns or beams, unenclosed from the ground to the roof on at least two (2) sides, and designed or used for the storage of motor vehicles or boats.

Cemetery: Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, but not including crematories and mortuaries.

Certificate of Occupancy: A legal statement or document issued by the Building Inspector indicating that the building and use or reuse of a particular building or land is in conformity with all applicable codes and regulations, and that such building or land may be occupied for the purpose stated therein.

Character Area: A subdivision of the Preservation Corridor Overlay District based on the prevailing visual and architectural character and use within that area as well as on the desired future visual and architectural character and use within that area. There are five types of character areas: Residential, Commercial, Downtown, Greenspace and Redevelopment. Each type of character area has its own regulations for new commercial and multi-family construction (including duplexes); these regulations are referred to as "Site and Architectural Standards for New Commercial and Multi-family Construction." The Zoning Map shows the location and boundaries of the character areas. The regulations and standards for new construction are found in Article XX.

Church: An institution that people regularly attend to participate in or hold religious services, meeting and other purposes, including education, day care and recreation facilities when owned and operated by such church.

Circus: The temporary use of land offering entertainment and instruction in the form of such things as thrill rides, games of chance and skill, educational exhibits, display of oddities and the like. The term also includes carnivals and fairs.

City Engineer: The Engineer or Engineering Firm in the employ of the City of Clarkesville, or his authorized representative.

Clarkesville Preservation Corridor Overlay Zone: All that area within the City of Clarkesville laying within one block or 225 feet (whichever is greater) on either side of Washington Street from its intersection with Louise Street on the south thence northward to the "Downtown Square," all existing buildings and lots fronting on the Square, thence continuing northwest and north from the Square all that area lying within one block or 225 feet (whichever is greater) on either side of Grant Street to the City Limits and all that area lying within one block or 225 feet (whichever is greater) on either side of Bridge Street northward from its intersection with Grant Street to the Soque River. The intent of this designation is

to include all properties that lay within the above defined boundaries and their continuation of all contiguous lands under a single property owner that constitutes part of the parcel that lies within the corridor.

Clinic: A building designed and used for the diagnosis and treatment of patients that does not include overnight care facilities.

Club, Non-Profit: A building or facilities owned or operated by a group for social, educational or recreational purposes, but not customarily for profit or to render a service that is customarily carried on for gain.

Commercial Recreation Facility: Any use of building and/or land that involves the provision of sports and leisure activities to the general public for a fee, including but not limited to the following: amphitheaters and stadiums; assembly halls, auditoriums and meeting halls; billiard halls, pool rooms and amusement/video arcades; bowling alleys; firearms shooting ranges and turkey shoots; golf driving ranges, miniature golf courses and baseball batting cages; private clubs operated for profit, race tracks for animals and motor-driven vehicles, ice and roller skating rinks; horse and pony-riding rinks; circuses and carnivals; indoor and drive-in theaters; physical fitness facilities and health clubs; botanical gardens and zoological gardens; racquetball courts; bungee jumping.

Commercial Speech: Amended 12/5/22 An expression related solely to the economic interests of the speaker and its audience. Commercial speech does no more than propose a commercial transaction. Commercial brands, logos, names, or trademarks are considered commercial speech.

Compatibility: The characteristics of different uses or activities that permit such uses or activities to be located near each other in harmony and without conflict. Some elements affecting compatibility include: intensity of occupancy as measured by dwelling units per acre or gross square footage per acre; pedestrian or vehicular traffic generated; volume of goods handled; and such environmental effects as noise, vibration, odor, glare, air pollution or radiation.

Comprehensive Plan: Those coordinated plans or portions thereof which have been prepared by or for the Governing Body for the physical development of the

jurisdiction; or any plans that designate plans or programs to encourage the most appropriate use of the land in the interest of public health, safety and welfare.

Conditional Use: A use which would not be appropriate without restriction throughout a zoning district and is not automatically permitted by right within a zoning district, but which may be permitted within a zoning district subject to meeting specific conditions (such as controls on number, size, area, location and activities) contained in these regulations or required by the Governing Body. Such uses may be permitted only if approved by the Governing Body in accordance with the regulations established herein.

Conditional Zoning: The granting or adoption of zoning for property subject to compliance with restrictions as to use, size, density or actions stipulated by the Governing Body to mitigate adverse impacts that are anticipated without imposition of such conditions.

Condominium (Residential Building): A building or complex of multiple-unit dwellings in which a tenant holds full title to his unit and joint ownership in the common grounds.

Continuing Care Retirement Community: An age restricted development or facility that provides, to individuals of retirement status, accommodations and care such as board, independent living, licensed nursing care and medical or other health related services, and that typically enters into contracts to provide care.

Contractor's Establishment: An establishment engaged in the provision of construction activities including but not limited to plumbing, electrical work, building, paving, carpentry and other such contracting activities, including the storage of materials and the overnight parking of commercial vehicles.

Convalescent Home: A home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, wherein two (2) or more persons are professionally cared for.

Convenience Store: A small retail store which sells packaged food products, household items, and other items, and which may include the sale of gasoline and diesel fuel.

Conversion: Any change in the original use or purpose of a building or lot to a different use.

Country Inn: A commercial establishment, wherein no more than 30 guest rooms, with or without meals, are provided for compensation. Country Inn accommodations differ from bed and breakfast inns, rooming or boarding houses in that they are transient accommodations, with guests rarely staying more than a few days. The impact of a Country Inn should not be greater than that of a bed and breakfast. Adequate parking must be provided. Country Inns may have a restaurant for serving meals to guests or the general public. The owner(s) or agents do not normally live on the premises. Ingress and egress from rooms may be made from interior hallways or exterior doors from each guest accommodation.

Curb Cut: A provision for vehicular ingress and/or egress between property and an abutting public street.

Day Care Center: Any place operated by a person, society, agency, corporation, institution or group wherein are received for pay for group care, for fewer than twenty-four (24) hours per day without transfer of legal custody, seven (7) or more children under eighteen (18) years of age. A day care center of six (6) children or less may be considered to be a home occupation.

Density: The number of dwelling units developed, or to be developed, per gross acre of land, or the gross square footage of a building per acre of land.

Development: Any man-made change on improved or unimproved real estate including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or permanent storage of materials or equipment.

Developmentally Disabled Person: A person with a disability resulting in substantial functional limitations in such person's major life activities which disability is attributable to mental retardation, cerebral palsy, epilepsy, or autism or is attributable to any other condition related to mental retardation because such condition results in impairment of general intellectual functioning or adaptive behavior similar to that of mentally retarded persons.

Downtown Square: That section of public and private land in Clarkesville lying within the perimeter of the area shown on the accompanying map.

District, Zoning: A geographical area or areas, designated with the use of symbols on the Official Zoning Map, wherein uses of land are restricted in type, size, height and other limitations as established in these regulations.

Drive-in: A retail or service enterprise wherein service is provided to the customer within a motor vehicle on the outside of the principal building.

Drive-in Theater: A facility designed for the outdoor projection of motion pictures onto a permanent screen to be viewed from the patron's automobile.

Dry Cleaners: An establishment engaged in providing laundry, dyeing and dry-cleaning services to individual customers.

Dry Cleaning Plant: An establishment engaged in providing laundry, dyeing and dry-cleaning services on a large scale for institutions, businesses or other such establishments.

Dwelling: A building or portion thereof, designed, arranged or used for permanent living, and/or sleeping quarters.

Dwelling Unit: A building, or portion thereof, designed, arranged and used for living quarters for one (1) or more persons living as a single housekeeping unit with cooking facilities, but not including units in hotels or other structures designed for transient residence.

Dwelling, Multi-Family: A building designed for or occupied exclusively by three (3) or more single housekeeping units with separate kitchen and bath facilities for each family or housekeeping unit, including apartment houses, row houses, townhouses, and similar housing types but not including motels, hotels, lodging houses, hospitals, nursing homes, or public institutions such as prisons and mental institutions.

Dwelling, Single-Family: A building designed or arranged to be occupied by one (1) single housekeeping unit only.

Dwelling, Two-Family (Duplex): A building designed or arranged to be occupied by two (2) single housekeeping units living independently of each other.

Easement: A non-possessory interest in land; a grant by a property owner for the use by the public, a corporation, or persons, of a portion of land for a specified purpose or purposes.

Exterminator: An establishment or person engaged in the service of killing insects, mice, rats, or other pests.

~~Family: An individual, or two (2) or more persons related by blood, marriage, adoption or guardianship, or a group of not more than five (5) unrelated persons, occupying a single dwelling unit and using the same cooking facilities; provided however that domestic servants employed on the premises may be housed on the premises without being counted as a separate family or families. Any group which is licensed by the State of Georgia, or any political subdivision thereof, which contains up to six developmentally disabled persons and up to two supervisors or surrogate parents residing on the premise at one time shall constitute a family.~~

Family: Amended 3/2/15 Two or more persons residing in a single dwelling unit where all members are related by blood, marriage, or adoption up to the second degree of consanguinity, or by foster care. For the purposes of this definition, "consanguinity" means only the following persons are related within the second degree of consanguinity: Husbands and wives, parents and children, grandparents and grandchildren, brothers and sisters, aunts and uncles, nephews and nieces, and first cousins. For the purposes of this definition, a person shall be considered to reside in a dwelling unit if he or she stays overnight in a dwelling unit for more than 30 days within a 90 day period. The term "family" does not include any organization or institutional group.

Fence: A structural barrier for enclosure, screening or demarcation, presenting a solid face or having openings amongst or between its constituent members; also a wall separate from or extending from a building.

Finance, Insurance and Real Estate Establishments: Including but not limited to banks, savings and loan institutions and credit unions; security and commodity exchanges; insurance agents, brokers and service; real estate brokers, agents and managers; trusts; holding and investment companies.

Fireworks: Amended 12-7-2015 Any combustible or explosive composition or any substance or combination of substances or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, including blank cartridges, firecrackers, torpedoes, skyrockets, bombs, sparklers, and other combustibles and explosives of like construction, as well as articles containing any explosive or flammable compound and tablets and other devices containing an explosive substance.
Note:

1. Retail sales of consumer fireworks shall be limited to Highway Business (HB) and Light Industrial (M-1) zoning areas only. Such facilities shall conform to the requirements of NFPA 1124, and Chapter 10 of Title 25 of the Official Code of Georgia Annotated.
2. Temporary structures for the retail sales of consumer fireworks shall be limited to HB and M-1 areas only. Such structures shall comply with NFPA 1124, and such structure shall be placed within 1000 feet (maximum) of a working fire hydrant or a fire department connection of a building.

Fireworks, consumer: Amended 12-7-2015 Any small fireworks devices containing restricted amounts of pyrotechnic composition, designed primarily to produce visible or audible effects by combustion, that comply with the construction, chemical composition, and labeling regulations of the United States Consumer Product Safety Commission as provided for in Parts 1500 and 1507 of Title 16 of the Code of Federal Regulations, the United States Department of Transportation as provided for in Part 172 of Title 49 of the Code of Federal Regulations, and the American Pyrotechnics Association as provided for in the 2001 American Pyrotechnics Association Standard 87-1, and additionally shall mean Roman candles.
Note:

1. Retail sales of consumer fireworks shall be limited to Highway Business (HB) and Light Industrial (M-1) zoning areas only. Such facilities shall conform to the requirements of NFPA 1124, and Chapter 10 of Title 25 of the Official Code of Georgia Annotated.

2. Temporary structures for the retail sales of consumer fireworks shall be limited to HB and M-1 areas only. Such structures shall comply with NFPA 1124, and such structure shall be placed within 1000 feet (maximum) of a working fire hydrant or a fire department connection of a building.

Fireworks, consumer retails sales facility: Amended 12-7-2015 Shall have the same meaning as provided for by NFPA 1124.
Note:

1. Retail sales of consumer fireworks shall be limited to Highway Business (HB) and Light Industrial (M-1) zoning areas only. Such facilities shall conform to the requirements of NFPA 1124, and Chapter 10 of Title 25 of the Official Code of Georgia Annotated.
2. Temporary structures for the retail sales of consumer fireworks shall be limited to HB and M-1 areas only. Such structures shall comply with NFPA 1124, and such structure shall be placed within 1000 feet (maximum) of a working fire hydrant or a fire department connection of a building.

Fireworks, consumer retail sales stand: Amended 12-7-2015 Shall have the same meaning as provided for by NFPA 1124.
Note:

1. Retail sales of consumer fireworks shall be limited to Highway Business (HB) and Light Industrial (M-1) zoning areas only. Such facilities shall conform to the requirements of NFPA 1124, and Chapter 10 of Title 25 of the Official Code of Georgia Annotated.
2. Temporary structures for the retail sales of consumer fireworks shall be limited to HB and M-1 areas only. Such structures shall comply with NFPA 1124, and such structure shall be placed within 1000 feet (maximum) of a working fire hydrant or a fire department connection of a building.

Flea Market: The use of land, structures or buildings for the sale of produce or new or used goods, usually of second quality or at cut-rate prices, in which more than two (2) vendors are accommodated in spaces on the same lot or within the same building.

Floor Area: The gross heated, finished horizontal area of the floor or floors of a dwelling unit, exclusive of basement, attic, carport or garage.

Food Truck: Amended 12/5/22 A large wheeled vehicle from which food is sold that typically contains cooking facilities where food is prepared.

Funeral Home: A building or part thereof used for human funeral services, which may contain space and facilities for: embalming and the performance of other services used in preparation of the dead for burial; performance of autopsies; storage of caskets; and chapel services.

Garage: An accessory building or portion of a principal building used only for the private storage of motor vehicles and other personal property as an accessory use.

Glare: A sensation of brightness within the visual field that causes annoyance, discomfort, or loss in visual performance and visibility.

Governing Body: The Mayor and City Council of the City of Clarkesville, duly elected by the citizens within the jurisdiction.

Greenhouse: A building designed or used for growing or propagating plants, with walls or roof usually designed to transmit light. Greenhouses shall not be construed to include commercial horticultural activities.

Group residential facility: Amended 3/2/15 A dwelling unit shared by persons excluding resident staff, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care, education and participation in community activities for the residents with the primary goal of enabling the residents to live as independently as possible in order to reach maximum potential under the direction and guidance of twenty-four (24) hour per day supervision. The term group residential facility shall not include a halfway house, a treatment center for alcoholism or drug abuse, a work release facility for convicts or ex-convicts, a home for the detention and/or rehabilitation of juveniles adjudged delinquent or unruly and placed in the custody of the state, or other housing facilities serving as an alternative to incarceration. The term group residential facility shall also not allow the use of a dwelling as an apartment or a duplex. A group residential facility shall not allow use of the dwelling as a home for individuals on parole, probation, or convicted and released from incarceration for any crimes including child molestation, aggravated child molestation, or child sexual abuse as defined in O.C.G.A. §16-6-4 or individuals required to register as

sex offenders pursuant to O.C.G.A. §42-1-12. A group residential facility may include a home for the handicapped which shall mean, consistent with the Fair Housing Act, a person (1) with a physical or mental impairment which substantially limits one or more of such person's major life activities; (2) having a record of having such an impairment; or (3) being regarded as having such an impairment. However, such term does not include the current illegal use of or addiction to a controlled substance, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals.

Group treatment facility/halfway house: Amended 3/2/15 A dwelling unit which is used to provide assisted community living for persons with physical, mental, emotional, familial, or social difficulties. Group treatment facility/halfway house includes dwelling units used for the purpose of providing transitional offender rehabilitation or similar purposes, whether for profit or nonprofit, and whether or not required to have a state or federal permit provided that a portion of the residents shall meet one of the following criteria:

1) On parole or probation, or has been ordered to reside in such type of facility as a condition of parole, probation, or participation in a drug court program; or
2) Has been convicted of a felony and has completed his or her sentence; or
3) Has been convicted of a criminal offense and has been ordered to reside in such type of facility as part of the criminal sentencing.

Guest House: A lodging unit used for temporary guests in an accessory building. No such lodging unit shall contain independent cooking or kitchen facilities and shall not be rented or otherwise used as a separate dwelling.

Height, Building: The vertical distance measured from the grade to the highest point of the coping of a flat roof; to the declines of a mansard roof; or to the mean height level between the eaves and ridge of a gable, hip or gambrel roof.

Historic District: A geographically definable area designated as a historic district pursuant to the criteria established by appropriate ordinance adopted by the Governing Body.

Historic Property: An individual building, structure, site, object or work of art including the adjacent area necessary for the proper appreciation thereof

designated by the Governing Body as a historic property pursuant to the criteria established by appropriate ordinance adopted by the Governing Body.

Home Occupation: Any occupation or profession engaged in by any occupant of a dwelling not including the conduct of a retail business, or a manufacturing business or repair business of any kind on the premises. Home occupation shall not include any occupation conducted in any building on the premises other than the building which is used by the occupant as his or her private dwelling and shall not include the employment of any additional person in the performance of such services. Such home occupations shall not include clairvoyance, fortune telling, experimentation that involve the use of chemicals or matter or energy that may create or cause to be created noises, noxious odors, or hazards that will endanger the health, safety, or welfare of the community.

Hospital: An institution providing health services, for in-patients and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patients department, training facilities, central service facilities and staff offices.

Hotel: A public commercial lodging facility, comprised of more than 30 guest rooms, intended for use as temporary residence which may make provisions for meals, entertainment and various personal services provided for compensation to persons traveling for business, tourism or other visitation purposes in which ingress and egress from all rooms is made through an inside lobby or office supervised by a person in charge at all hours.

Household Pet: An animal which is customarily kept for company or pleasure within a home or yard; such animal is not exhibited to the public or raised for commercial purposes (e.g. "show dogs"). Household pets include domestic canines, felines, tropical birds, fish, rabbits, rodents and other animals customarily sold in pet stores.

Inoperable Vehicle: Any motorized vehicle, other than those vehicles temporarily disabled incapable of immediately being driven. Any motorized vehicle without a current vehicle registration tag shall be considered an inoperable vehicle.

Junk: Any scrap material or debris, including iron, steel, brass, copper, tin, lead, or other base materials; cordage, ropes, rags, fibers and fabrics; rubber; bottles and glass; brick, wood and other building/structural materials; bones; wastepaper; used plumbing fixtures, stoves, refrigerators and other household appliances, tires and used auto parts; and inoperable and junk motor vehicles.

Junk Motor Vehicle: Any motorized vehicle which is inoperable for 30 days or more, dismantled or partially dismantled, wrecked beyond minor repair, ruined or scrapped.

Junkyard: Any yard, lot, place or property involving the abandonment, parking, storage, sale, resale, rental, dismantling, processing, salvage, baling, and/or disposal of junk, as defined by this ordinance, in whole units or by parts.

Kennel: The housing, breeding, boarding or training of four (4) or more dogs, cats, or other domestic animals, operated for the purpose of providing income or revenue.

Land-Disturbing Activity: Any activity which may result in soil erosion from water or wind and the movement of sediments into state water or onto lands of the State, including but not limited to clearing, dredging, grading, scraping, excavating, transporting, or filling of land; and any construction, rebuilding or alteration of a structure, but specifically excluding agricultural and gardening practices.

Landfill: An area wherein solid wastes are placed, under license, compacted and covered but specifically excluding hazardous or radioactive wastes.

Landscaping: Changing, rearranging or adding to the original vegetation or scenery of a piece of land to produce an aesthetic effect appropriate for the use to which the land is put. It may include reshaping the land by moving the earth, as well as preserving the original vegetation.

Landscaping Service: An establishment engaged in performing a variety of lawn and landscaping services such as lawn fertilizing, mowing, spraying and planting, and the planting and maintenance of landscaping.

Laundromat: A business that provides home-type washing and drying machines for hire to be used by customers on the premises.

Library: A building in which literary, musical, artistic or reference materials are kept for use but not generally for sale.

Livestock: Amended 12/5/22 Animals such as: cattle, donkeys, horses, sheep, goats, swine, poultry, farm rabbits or any other such animals.

Loading and Unloading Space: A space, typically with dimensions of twelve (12) feet by sixty (60) feet, logically and conveniently located for pickups and/or deliveries or for loading and/or unloading, scaled to delivery vehicles to be used, and accessible to such vehicles.

Lot: A parcel of land having principal frontage on a public street; a developed or undeveloped tract of land of one ownership legally transferable as a single unit of land.

Lot Area: The total horizontal area within the lot lines of a lot, exclusive of public street right-of-ways but inclusive of easements.

Lot, Corner: A lot abutting upon two or more streets at their intersection.

Lot Coverage: The part or percent of a lot occupied by buildings and structures, including accessory buildings and structures, but not including unenclosed parking areas.

Lot Depth: The mean horizontal distance from the front lot line to the rear lot line.

Lot, Double Frontage: Any lot, other than a corner lot, which has frontage on two (2) streets that do not intersect at a point abutting the property.

Lot, Flag: A tract or lot of land of uneven dimensions in which the portion fronting on a public street is less than the required minimum width for construction of a building or structure on that lot.

Lot Frontage: The width in linear feet of a lot where it abuts the right-of-way of any public street.

Lot of Record: A lot which is part of a subdivision, a plat of which has been recorded in the records of the County Superior Court Clerk; or a parcel of land, the deed of which has been recorded in the same office as of the date of adoption of these regulations.

Lot Width: The horizontal distance between side lot lines measured at the minimum required front yard (regulatory front building set back) line.

Manufactured Home: A structure, built to conform to national standards embodied in the National Manufactured Housing Construction and Safety Standards Act of 1974 as amended, 42 U.S.C. 5401, et seq. administered by the United States Department of Housing and Urban Development, 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 mandatory plumbing, heating, air-conditioning and electrical systems contained therein. A manufactured home displays a certificate from the U.S. Department of Housing and Urban Development.

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.

Marquee: A permanent roof-like structure made of metal or other durable material affixed to the wall of a building.

Metes and Bounds: A system of describing and identifying land by distances or measures (metes) and bearings or direction (bounds) from an identifiable point of reference, such as a monument or other marker or the corner of intersecting streets.

Mini-Warehouse: A building or group of buildings that contains varying sizes of individual, compartmentalized stalls or lockers used for storage, which may include accessory office and/or night watchman's residence, but not including retail sale on the premises, commercial repair or other services, manufacturing or any other commercial use.

Mobile Home: A structure, transportable in one or more sections, which, in the traveling mode, is eight (4) 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 required utilities and includes the plumbing, heating, air conditioning and electrical systems contained therein and manufactured prior to June 15, 1976.

Modular Structure: A factory fabricated transportable building consisting of units designed to be incorporated at a building site on a permanent foundation into a permanent structure to be used for residential or commercial purposes and which bears a seal of compliance with regulations of either the International Code Council or the Georgia Industrialized Building Act.

Motel: Amended 7/10/17 Means any structure or any portion of a structure, including any motel, lodging house, rooming house, dormitory, Turkish bath, bachelor hotel, hotel, motor hotel, auto court, inn, bed and breakfast, bed and breakfast inn, public club or private club, containing guestrooms and which is occupied, or is intended or designed for occupancy by guests, whether rent is paid in money, goods, labor, or otherwise. Such term does not include any jail, hospital, asylum, sanitarium, orphanage, prison, detention center or other buildings in which human beings are housed and detained under legal restraint.

~~Motel: A public commercial lodging facility, comprised of more than 30 guest rooms, intended for use as temporary residence, which may also include provision of meals, entertainment and various personal services, provided for compensation~~

~~to persons traveling for business, tourism or other visitation purposes, distinguished from a hotel in that ingress and/or egress to and from all rooms is made primarily from an exterior walkway rather than from an interior lobby.~~

Mural: Amended 12/5/22 A painting, mosaic, fresco, or other artwork attached or applied directly to the exterior of a structure. Murals are considered public art, not billboards or signs. Murals containing logos, slogans, or advertising messages of any kind are considered signs and will be subject to regulation as such.

Museum: An establishment engaged in the procurement, care, study, and display of objects of historical, educational and cultural value and interest.

NFPA 1124: Amended 12-7-2015 The National Fire Protection Association Standard 1124, *Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles, 2006 Edition.*

Non-Conforming Lot: A lot, the area, width, or other characteristic of which fails to meet requirements of the zoning district in which it is located and which was of record as of the date of adoption of these regulations. Any lot which was subsequently annexed into the Clarkesville City limits which does not meet the requirements of the particular zoning district shall also be considered a non-conforming lot.

Non-Conforming Structure: Any building or structure which does not conform to the regulations governing the bulk, location, height or size of buildings or structures permitted in the district.

Non-Conforming Use: Any building or use of land or building lawfully existing at the date of adoption of these regulations or as a result of subsequent amendments to these regulations, which does not conform to the permitted use provisions established herein for the district in which it is located.

Non-Commercial Speech: Amended 12/5/22 An expression that relates to more than a proposition of a commercial transaction.

Nuisance: Anything that interferes with the use or enjoyment of property, endangers public health or safety, or is offensive to the senses; anything that

causes hurt, inconvenience or damage to another, even though it may otherwise be lawful.

Nursing Home: A long-term care facility which admits patients by medical referral and provides for continuous medical supervision via 24-hour-a-day nursing care and related services in addition to food, shelter, and personal care. A nursing home may be licensed as a skilled nursing facility, an intermediate care facility, or an intermingled facility.

Obscenity: Amended 12/5/22 Content that if viewed by the average person applying contemporary community standards would find that the work taken as a whole appeals to prurient interest, whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by applicable state law, and whether the work taken as a whole lacks serious literary, artistic, political, or scientific value.

Off-street: Not located on a street as defined by this Article.

Office: A building or portion thereof wherein predominantly administrative, professional or clerical operations are performed, and not involving retail sales or other sales of any kind on the premises.

Official Zoning Map: The map, which accompanies the zoning ordinance text, that delineates the geographic location of the boundaries of zoning districts established in this ordinance in relation to natural features, man-made features and/or property uses.

Open Air Business: Any commercial establishment that displays products in a non-enclosed area.

Outdoor Display: The keeping of any goods, junk, material or merchandise outside of a business, building or establishment or in an area visible from a public street, for display, advertisement or purposes of attracting rental or sales. Such definition shall not be construed as to include the temporary loading or unloading of such goods, junk, material or merchandise to or from an enclosed area.

Outdoor Storage: The keeping of any goods, junk, material, merchandise, or commercial vehicles in the same outdoor place for more than twenty-four hours.

Parking Lot: Any public or private open area used for the express purpose of temporary parking of private motor vehicles. A parking lot may be the principal use on a given lot or an accessory use to the principal use on a given lot.

Parking Space: An area having an area of at least 160 square feet and three hundred (300) square feet including maneuvering space within a parking lot, to be used exclusively as a temporary parking space for a motor vehicle.

Permitted Use: A use which is specifically authorized in a particular zoning district.

Person: An individual, firm, partnership, corporation, company, association or institution, including any trustee, assigns or other representative.

Personal Care: Protective care and watchful oversight of a resident who needs a watchful environment but who does not have an illness, injury, or disability which requires chronic or convalescent care including medical and nursing services.

Personal Care Home: A building or group of buildings, a facility or place in which is provided two or more beds and other facilities and services, including room, meals and personal care, for non-family ambulatory adults.

Personal Care Home, Family: A personal care home for adults in a family-type residence, non- institutional in character, which offers care to two (2) through six (6) persons.

Personal Care Home, Group: A personal care home for adult persons in residence or other type building(s), non-institutional in character, which offers care to seven (7) through fifteen (15) persons.

Personal Care Home, Congregate: A personal care home for adults which offers care to sixteen (16) or more persons.

Photography Studio: An establishment engaged in photography for hire for the general public, including but not limited to portrait, passport, wedding and other special occasion photographs.

Planned Unit Development: A form of development usually characterized by a unified site design for a number of housing units, clustered buildings, common open space, and a mix of building types and land uses in a denser setting than allowable on separate zoned lots.

Planning Commission: The Clarkesville Planning Commission as previously established by City Charter or Ordinance.

Premises: A lot as otherwise used in this Ordinance.

Principal façade(s): Amended 12/5/22 The architectural front(s) of a building, often distinguished from the other faces by the use of higher quality materials and greater elaboration of architectural or ornamental details; usually faces a street.

Public Use: Any building, structure or use owned and/or operated by the Federal Government, State of Georgia, Habersham County or other county, the City of Clarkesville or other municipality, or any authority, agency, board or commission of the above governments, which is necessary to serve a public purpose, such as but not limited to the following: government administrative buildings, police and fire stations, public health facilities and hospitals, public works camps, parks and community centers, public roads and streets, airports, water and sanitary sewerage storage, intake, collection and treatment and pumping facilities, public housing facilities, jails and correctional centers.

Recreational Vehicle: A vehicular type portable structure which can be towed, hauled or driven and is primarily designed as temporary living accommodations for recreational, camping and travel uses.

Recreational Vehicle (RV) Park: Any lot of land upon which two or more recreational vehicle sites are located, established or maintained for occupancy on a temporary basis by recreational vehicles of the general public as temporary living quarters by campers, vacationers or travelers.

Recycling Collection Center: A principal or accessory use that serves as a neighborhood or regional drop-off point for temporary storage of recoverable resources such as cans, bottles and newspapers, but specifically excluding processing of such resources.

Rehabilitation: The process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions of the property which are significant to its historic, architectural and cultural values.

Rehabilitation Center: Facilities authorized or licensed by appropriate agencies for the primary purpose of rehabilitation of: offenders against the law; persons with drug or alcohol abuse problems; mentally handicapped; and physically handicapped.

Residence for Caretaker or Night Watchman: An accessory residence, located inside or in addition to the principal structure or use of a parcel of land, designed or occupied by security personnel for security reasons only.

Residential District: Any R, R-1, R-1A, R-1B, or R-2 Zoning District as indicated on the Official Zoning Map.

Restaurant: Any place or premises used for sale, dispensing or service of food, refreshment or beverages.

Restaurant, Drive-in: Any place or premises used for sale, dispensing or service of food, refreshment or beverage to person(s) in automobiles, including those establishments where customers may eat or drink on the premises.

Retail Trade Establishment, Enclosed: Any business offering goods and products for sale to the public, which operates entirely within a structure containing a roof and walls on all sides, except for outdoor display or other use during business hours and accessory storage in enclosed, subordinate buildings. Incidental repair is also included. The following are considered enclosed retail trade establishments (list is not all-inclusive): paint, glass and wallpaper stores; grocery and miscellaneous food stores including retail bakeries; apparel, shoe and accessory clothing stores; furniture, floor covering and home furnishing stores; household appliance stores; radio, television and computer stores; musical instrument stores; record, tape and

compact disc stores; eating and drinking places not involving drive- in or drive-through facilities; drug stores and proprietary stores; liquor stores; used merchandise stores; sporting goods and bicycle shops; book, art and stationery stores; hobby, toy and game shops; jewelry, gift, novelty, souvenir and antique shops; camera and photographic supply stores, luggage and leather goods stores; sewing, needlework and piece goods stores; catalog and mail order stores; florists; tobacco stores; optical goods stores; newsstands; automotive parts stores; video rental and sales stores; watch and clock shops; pawnshops; convenience stores with or without retail gasoline sales.

Retail Trade Establishment, Unenclosed: Any business offering goods and products for sale to the public, which does not operate entirely within a structure containing a roof and walls on all sides, and which all or a portion of the goods and products are displayed and/or stored, or business transacted, in the open-air or other shelter not completely enclosed. The following are considered unenclosed retail trade establishments (list is not all-inclusive): lumber and building materials; retail nurseries and garden supply stores; mobile and manufactured home/modular building dealers; new and used car, truck, boat, recreational vehicle, camper, motorcycle, and other motorized vehicle sales and leasing; eating and drinking places including drive-in and drive-through facilities; fuel oil and liquefied petroleum dealers; agricultural implement and equipment sales and rental; Christmas tree sales; flea markets; monument sales establishments; automatic teller facilities; gas stations; produce stands; firewood sales.

Rezoning: An amendment to or a change in the official zoning map.

Right-of-Way: That area, distinguished from an easement, which is owned in fee-simple title by the governing body 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.

Rooming House: A building where, for compensation, lodging only is provided.
Sanitarium: A hospital used for treating chronic and usually long-term illness.
School: A facility that provides a curriculum of elementary and secondary academic instruction. A school is considered public if operated by a unit of government.

School, Trade, Technical, Business: An establishment in which is offered, for compensation, instruction in a trade, craft, technical field, or business skills.

Screening: A method of shielding, obscuring or buffering one use or building from another use or building by fencing, walls, berms, densely planted vegetation, natural vegetation or other means; a visual and acoustical barrier which is of such nature and density that provides year-round maximum opacity from the ground to a height of at least six (6) feet or that screens structures and activities from view from the normal level of a first story window on an abutting lot. Screening methods include opaque fences, walls, hedges, berms and other features.

Semi-Public Use: Any building, structure or use owned and/or operated by private utilities or private companies for a public purpose, or which is reasonably necessary for the furnishing of adequate service by such utilities, such as but not limited to the following: underground or overhead gas, electrical, steam or water distribution or transmission lines or systems, electric power substations, wires, towers, cables, and poles, railroad facilities and bus and air terminals.

Service, Automotive: An establishment providing services and repairs to motor-driven vehicles, including but not limited to: rental car facilities; automobile parking lots; top and body, paint, automotive glass, transmission, and tire repair shops; car washes, including automated and full-service facilities; oil change and lubrication.

Service Establishment, Business: A facility engaged in support functions to establishments operating for a profit on a fee or contract basis, including but not limited to: advertising agencies; photocopying, blueprinting and duplication services; mailing agencies; commercial art and graphic design; disinfecting, exterminating and pest control; personnel supply services and employment agencies; computer and data processing services; protected and detective and security system services; accounting, auditing and bookkeeping services; publications and business consulting firms; food catering; interior decorating; and locksmiths.

Service Establishment, Personal: A facility engaged in the provision of services to persons and their apparel, including but not limited to: barber and beauty shops; coin-operated and full-service laundries and dry cleaners; photographic studios; shoe repair and shoeshine parlors; dance studios, schools and halls; specialized

instructional studios and schools; day care centers; massage parlors; travel agencies.

Service, Health: Health care facilities as well as establishments providing support to the medical profession and patients, such as medical and dental laboratories, blood banks, oxygen and miscellaneous types of medical supplies and services; offices of doctors, dentists and other medical practitioners.

Service, Lodging: A facility which offers temporary shelter accommodations, or place for such shelter, open to the public for a fee, including but not limited to: hotels, motels and motor hotels; rooming and boarding houses; bed and breakfast inns; recreational vehicle parks and campgrounds.

Service, Limited Lodging: A facility which offers temporary shelter accommodations, or place for such shelter, open to the public for a fee, as defined as a country inn.

Service, Miscellaneous: Those service establishments not otherwise specifically classified, including but not limited to: animal hospitals and veterinary clinics; funeral homes, mortuaries and mausoleums; construction contractor's establishments not involving outside storage of vehicles or materials; hospitals and clinics; palm reading and fortune telling; pet grooming, pet psychologists, dog obedience schools, taxidermists or tattoo parlors.

Service Station: Any building, structure or land used for the retail sale of motor vehicle fuel, oil, accessories, and motor vehicle servicing, except that major repairs, body repairs, and painting of motor vehicles shall not be considered motor vehicle servicing.

Setback: The minimum horizontal distance between a street, alley, or the property boundary lines of a lot and the front, rear, or side lines of a building located on that lot.

Shopping Center: A commercial use comprised of multiple tenant spaces within a single structure or multiple tenant spaces within a cluster of structures. A shopping center is further defined as a commercial use in which at least one tenant space is greater than 25,000 square feet in size (see also strip mall). A Shopping Center shall

be planned, developed, owned and managed as a unit (rather than individually owned structures or spaces) with off-street parking as required.

Short-term Rentals: Short–term rentals are typically defined as a rental of any residential home unit or accessory building for a short period of time. This generally includes stays of less than a month (30 days). Such examples are Airbnb and Vrbo.

Sign: Amended 3-5-2012 Any writing, pictorial presentation, illustration, or decoration, flag, banner or pennant or other device which is used to announce, direct attention to, identify, advertise or otherwise make anything known, and which is designed to be visible from any street or adjoining property, except for house numbers and address numbers and non-business letters on mailboxes. For the purposes of these regulations, any sign not visible from a street or adjoining property or is exempted from these regulations, as are all approved traffic control signs and devices.

Sign, Abandoned: Any sign that remains longer than a period of ninety (90) days where such sign no longer pertains to a business or other use on the subject property. The conditions of abandonment, including but not limited to occupational tax status, active utility services, etc., shall be determined by the Zoning Administrator.

Sign, Animated: Any sign of which all or any part thereof visibly moves in any fashion whatsoever; and any sign which contains or uses for illumination any light, lights or lighting device or devices which change color, flash or alternate, show movement or motion, or automatically change the appearance of said sign or any part thereof.

Sign, Area: The entire area within a circle, triangle, or parallelogram enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or 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 such sign is placed. Where a sign consists solely of lettering or other sign elements printed or mounted on a wall of a building without any distinguishing border, panel, or background; any blank rectangular area which consists of ten (10) percent or more of the area of the sign as otherwise computed shall be disregarded. All of the lettering and other sign elements printed or mounted upon a wall of a building

without any distinguishing border, panel, or background and pertaining to the same enterprise shall be treated as a single sign for purposes of area computation. Where a sign has two or more faces, the area of all faces shall be counted as the area of one face if the two faces are of equal area or as the area of the larger face if the two faces are of unequal area.

Sign, Bench: A sign located on any part of the surface of a bench or seat placed on or adjacent to a public right-of-way.

Sign, Billboard: Amended 12/5/22 A sign typically found in high-traffic areas such as alongside busy roads. Billboards typically represent large advertisements to passing pedestrians and drivers.

Sign, Construction: Any sign giving the name or names and location of principal contractors, architects, and lending institutions responsible for construction on the site where the sign is placed.

Sign, Directional: A sign temporarily or permanently erected on a site other than that to which persons are directed (off-site) which denotes the route to a particular business or other destination.

Sign, Flashing: A sign designed to attract attention through the use of a flashing, changing, revolving or flickering light source, or a change in light intensity.

Sign, Freestanding/Ground: A sign principally supported by a structure affixed to the ground, and not supported by a building, including signs supported by one or more columns, poles or braces placed in or upon the ground.

Sign Height: The vertical distance from the finished grade at the base of the supporting structure to the top of the sign, or its frame or supporting structure, whichever is higher.

Sign, Identification: A sign which depicts the name and/or address of a building, subdivision or establishment on the premises where the sign is located as a means of identifying said building, subdivision or establishment.

Sign, Internally Illuminated: A sign illuminated with a light source which is enclosed within the sign and viewed through a translucent panel.

Sign, Mansard: A sign attached to or erected against a mansard or marquee of a building, with the face horizontally parallel to the building wall. Since said sign is mounted parallel to and within the limitations of the building wall on which same is mounted, such sign is deemed to be a wall sign and not a roof sign.

Sign, Number: For the purposes of determining the number of signs, a sign shall be construed to be a single display surface or device containing elements organized, related and composed to form a single unit. A ground sign with sign surface on both sides of such sign shall be construed as a single sign, and the total area of such sign shall be the area computed on a single side.

Sign, Off-site: Any notice or advertisement, pictorial or otherwise which directs attention to goods, commodities, products, services, entertainment or other items that are not sold or offered upon the premises where such sign is located, except that government notices and directional signs shall not be considered off-site signs.

Sign, On-site: Any notice or advertisement, pictorial or otherwise which directs attention to goods, commodities, products, services or entertainment sold or offered upon the premises where such sign is located.

Sign, Political: A sign which announces, promotes or advertises the name, program, or political party of any candidate for public office, or an opinion regarding a public referendum.

Sign, Pole: See “Free-standing sign.”

Sign, Portable: A sign, whether on its own trailer, wheels, or otherwise, which is designed to be transported from one place to another. It is characteristic of a portable sign that the space provided for advertising messages may be changed at will by the replacement of lettering or symbols. Even though the wheels or supports of such sign should be removed and the sign converted and attached, temporarily or permanently, to the ground or other structure, such sign shall retain its character as a portable sign based on its original design unless modified to change its original design through incorporation into a permanent ground sign.

Sign, Projecting: A sign other than a wall sign affixed to any building or wall whose leading edge extends more than one (1) foot beyond such building or wall.

Sign, Real Estate: A temporary sign erected by the owner, or his agent, advertising the real property upon which the sign is located for rent, lease or for sale.

Sign, Roof: Any sign erected, constructed and maintained wholly upon or over the roof of any building with the principal support on the roof structure.

Sign, Sandwich: Any sign, double or single-faced, other than a portable sign as defined herein, which is portable and may be readily moved from place to place.

Sign, Spinner: Amended 12/5/22 A human sign holder known as directional in the advertising industry also known as sign walkers, sign waivers or sign twirlers.

Sign, Structure: Any construction used or designed to support a sign.

Sign, Temporary: Amended 3-5-2012 A Handbill, circular, pamphlet, postcard, sign or banners including but not limited to posters, signs or notices, for the purposes of advertising, notifying or otherwise publishing notice of any event, such event including but not limited to yard and garage sales, elections, community events, and flea markets.

Sign, Wall: A sign attached to or erected against the wall of a building with the face in a parallel plane to the plane of the building wall.

Sign, Window: Any sign painted or placed inside or upon a door or window facing the outside and which is intended to be seen from the exterior, which is devoted to operational aspects of a business or other establishment (i.e., open, closed, out-to-lunch, no smoking, etc.) or which may contain general advertising material.

Site Plan: A graphic illustration, two-dimensional, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a lot or tract and the location of all buildings, structures, uses and principal site development features proposed for a specific lot or tract of land.

Story: That portion of a building comprised between a floor and the floor or roof next above.

Street: A public or private thoroughfare which is open to the general public and which affords the principal means of access to abutting property.

Street, Arterial: Unless otherwise specified by the Comprehensive Plan, Transportation element of the Comprehensive Plan or Major Thoroughfare Plan, arterial streets are those streets and highway facilities, including full and partial access controlled highways and major urban area entrance highways, which are designed to carry the highest traffic volumes and the longest trips through and within an urban area.

Street, Collector: Unless otherwise specified by the Comprehensive Plan, the Transportation element of the Comprehensive Plan or Major Thoroughfare Plan, collector streets are those streets that collect traffic from minor streets or other collector streets and channel it to the arterial system. Collector streets provide land access and traffic circulation within residential neighborhoods, commercial and industrial areas.

Street, Public: A dedicated and accepted public right-of-way which affords the principal means of access to abutting properties.

Strip Mall: A commercial use comprised of multiple tenant spaces within a single structure or multiple tenant spaces within a cluster of structures. A strip mall is further defined as a commercial use in which no single tenant space is greater than 25,000 square feet in size (see also shopping center).

Structure: Anything constructed or erected, the use of which requires more or less permanent or semi-permanent location on the ground, or which is attached to something having more or less permanent location on the ground, not including utility poles, but specifically including tents, bleachers, gasoline pumps, recreational vehicles, travel trailers signs, and structures from which products are vended and similar objects.

Subdivision: The division of a parcel or tract of land into two (2) or more lots for the purposes of creation of lots for development, the rearrangement of existing lot lines, or for the purpose of transfer of ownership.

Temporary Use: A use intended for a specified limited duration.

Townhouse: One (1) of a group of three (3) or more attached dwelling units under fee simple ownership.

Transitional Use: A permitted use, building or structure that by nature or level and scale of activity acts as a transition or buffer between two or more incompatible uses.

Transportation, Communication and Utility Facilities: Including but not limited to the following: bus passenger stations and terminals; airports, heliports and helistops; taxi cab and limousine services; radio and television studios and broadcasting towers; recycling collection centers; truck stops and truck terminals; trucking and courier services; marinas; railroad facilities; gas, electric, water supply services; emergency medical services; ultra-light flight parks.

Travel Trailer: A portable dwelling or lodging unit having no other foundation than wheels, distinguished from a mobile or manufactured home, designed for short-term travel, recreational or vacation use, including pickup campers and motor homes.

Tree: Any self-supporting, woody perennial plant having a single trunk diameter of two (2) inches or more which normally grows at maturity to an overall height of a minimum of fifteen (15) feet.

Unenclosed Area: Any area of a given lot or structure which is not covered with a roof and protected by opaque walls on each of the sides of said area or structure.

Use: Any purpose for which a building or structure or a tract of land may be designed, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation carried on, or intended to be carried on, in a building or structure or on a tract of land.

Utility: Public or private water and sewer piping systems, water or sewer pumping stations, electric power lines, fuel pipelines, telephone lines, cable television lines, roads, driveways, river/lake access facilities, stormwater facilities, railroads, airports and bus terminals.

Variance: A minimal relaxation or modification of the strict terms of the height, area, placement, setback, yard, buffer, landscape strip, parking and loading regulations as applied to specific property when, because of particular physical surroundings, shape, or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make a profit.

Warehouse: A building or group of buildings for the storage of goods or wares, with controlled access to contents.

Wholesale Distribution: An establishment engaged in selling merchandise to retailers, to industrial, commercial, institutional or professional business users or to other wholesalers.

Wrecked Motor Vehicle Compound: An area used to store disabled motor vehicles until such time as their disposition (either by junk, salvage or repair) has been determined by the insurance company, the owner of the vehicle, or his legal representative.

Yard: A space on the same lot with a principal building, which is open, unoccupied, and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted. A yard may contain a parking and/or loading area unless otherwise specified by these regulations.

Yard, Front: A space on the same lot with a principal building, extending the full width of the lot, and situated between the street right-of-way and the front line of the building projected to the side lines of the lot. In the case of a corner lot, both spaces with street frontage shall be considered front yards. In the case of double frontage lots, the spaces as defined above shall both be considered front yards.

Yard, Rear: The space on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot.

Yard, Side: A space on the same lot with a principal building, situated between the building and the side lot line and extending from the rear line of the front yard to the front line of the rear yard.

Yard Sale: The temporary sale of home furniture, appliances, clothing and/or domestic items owned by an occupant of a residential dwelling and taking place on the premises on which such occupant resides, whether in the yard or in a carport or garage, usually as a result of the occupant moving/relocating to another place of residence. Yard sales which do not take place on the premises on which such occupant resides are considered open-air businesses.

Zero Lot Line: The location of a building on a lot in such a manner that one or more building sides have no side building set back and rest directly on a side lot line.

Zoning: A legislative procedure in which the community is divided into districts or zones within which permitted uses, and in some cases conditional uses, are established as well as regulations governing lot size, bulk, height and other development requirements.

Zoning Administrator: The City Manager of Clarkesville, or his/her authorized representative.

ARTICLE IV
ESTABLISHMENT OF DISTRICTS:
PROVISION FOR OFFICIAL ZONING MAP

Section 401. Use Districts.

For the purpose of this Ordinance, the City of Clarkesville is hereby divided into use districts as set out below:

A,	Agricultural District
CP,	Conservation and Preservation District
R,	Single-Family Residential District
R-1,	Single-Family Residential District
R-1A,	Single-Family Residential District
R-1B,	Single-Family Residential District
R-2,	Multiple-Family Residential District
INS,	Institutional District
PRO,	Professional District
DB	Downtown Business District
CB,	Community Business District
HB,	Highway Business District
M-1,	Light Industrial District

Section 402. Official Zoning Map.

The location and boundaries of the above listed districts are hereby established as shown on a map entitled Official Zoning Map of the City of Clarkesville, Georgia. Said map, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this Ordinance.

The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bear the seal of the City or that of a Notary Public under the following words: "This is to certify that this is the Official Zoning Map referred to in Article IV of the Zoning Ordinance, City of Clarkesville, Georgia", together with the date of the adoption of the Ordinance. The official Zoning Map may be reproduced so that additional copies of said map may be made available, upon proper certification as described above.

If in accordance with the provisions of this Ordinance and the applicable laws of the State of Georgia, changes are made in boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment has been approved by the City Council, with appropriate entry or indication of such amendment on the Official Zoning Map. The formal action by the City Council to change the boundaries of the Official Zoning Map shall be sufficient to make such zoning district change effective. Upon such changes, the Zoning Administrator is authorized to enter such changes on the Official Zoning Map, and re-adoption of the said map shall not be required.

No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance.

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map shall be located in the Office of the Zoning Administrator, City of Clarkesville and shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the City.

Section 403. Replacement of Official Zoning Map.

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Governing Body may adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bear the seal of the City or a Notary public under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted (date of adoption of map being replaced) as part of the Zoning Ordinance of the City of Clarkesville, Georgia."

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

Section 404. Interpretation of District Boundaries.

404.1 Where boundaries are indicated as approximately following the centerline of streets or highways, street right-of-way lines or railroad right-of-way lines or such lines extended, such centerline, street right-of-way lines, or railroad right-of-way lines shall be construed to be such boundaries.

404.2 Where boundaries are indicated as approximately following the corporate limit line of the city, such corporate limit line shall be construed to be such boundaries.

404.3 Where boundaries are indicated as approximately following property lines or such lines extended, such property lines or such lines extended, as indicated by boundary survey, deed or legal description maintained in the official file of said zoning adoption or amendment, if available, shall be construed to be such boundaries.

404.4 Where boundaries are indicated as approximately following the centerline of stream beds or river beds, such centerline shall be construed to be such boundaries.

404.5 In the case where the exact location of a boundary cannot be determined by the foregoing methods, the Governing Body shall, upon application, determine the location of the boundary.

Section 405. District Boundary Line Divides A Lot Of Single Ownership.

Where a boundary line as appearing on the Official Zoning Map divides a lot in single ownership at the time of the enactment of these regulations, the requirements for the district in which the greater portion of the lot lies may be extended to the balance of the lot without recourse or amendment procedure, provided that this provision shall not apply to a double frontage lot.

Section 406. Designation after Street Abandonment.

Where a public street, alley or other right-of-way is officially vacated or abandoned, the regulations applicable to the property to which it reverted shall apply to such vacated or abandoned Public Street, alley, or right-of-way.

ARTICLE V
NON-CONFORMING LOTS, BUILDINGS AND USES

Section 501. Purpose and Intent.

Within the districts established by this ordinance, there exist certain incompatible lots, buildings, structures, signs and uses of land which were lawful before these regulations were adopted but which would be prohibited, regulated or restricted under the terms of these regulations or future amendments.
It is the intention of this article to permit these non-conformities to continue but that non- conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for variances or for adding other structures or uses prohibited elsewhere in the same district.

Section 502. Non-Conforming Lots of Record.

In any district, notwithstanding limitations imposed by other provisions of these regulations, a single-family dwelling and customary accessory buildings or any other permitted use may be erected on any single lot of record existing at the effective date of adoption or amendment of these regulations, even though such lot fails to meet the requirements for area or width, or both, applicable to the particular district involved, provided that building setbacks are observed and the lot shall otherwise conform to the regulations for the district in which the lot is located. Except for those lots described above, if two (2) or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of adoption or amendment of these regulations, and if all or part of the lots do not meet the requirements for lot width and area as established by these regulations, the lands involved shall be considered an undivided parcel for the purposes of these regulations, and no portion of said parcel shall be used which does not meet lot width and area requirements established by these regulations, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the applicable requirements.

Section 503. Continuance of Non-Conforming Use.

The lawful use of any building, structure, sign or land existing at the time of enactment of these regulations may be continued, subject to the limitations of Section 504, even though such use does not conform to the provisions of these regulations, except that the use of a principal building, structure or land containing a non-conforming use shall not be:

503.1 Changed to another non-conforming use;

503.2 Re-established after discontinuance or abandonment for six (6) months. For purposes of this section a use shall be considered discontinued or abandoned if it has not been actively engaged in any principal non-conforming activity during the subject period;

503.3 Expanded, enlarged or extended, unless such use is changed to a use permitted in the district in which such use is located;

503.4 Rebuilt, altered or repaired after damage exceeding fifty (50%) percent of its replacement value at the time of destruction as determined by the Building Official;

503.5 Moved in whole or in part to any other portion of the lot occupied by such use, except in conformity with these regulations.

Nothing in this Article shall be deemed to prevent the strengthening or restoring to a safe condition any building, structure, or portion thereof, declared to be unsafe by an official charged with protecting the public safety or health, upon order of such official.

Changes in ownership or tenancy of a non-conforming use are permitted.

Section 504. Expansion of Non-Conforming Buildings.

A non-conforming building which contains a conforming use may be expanded, enlarged or extended, provided that any such additions meet the applicable yard and building setbacks, buffer and landscape strip requirements and all other regulations for the district in which it is located. This section shall not, however, be construed as to authorize the expansion of a non-conforming building for a use which is not permitted by the regulations for the district within which such building is located, except as otherwise specifically authorized elsewhere in this ordinance.

Section 505. Buildings under Construction.

Nothing in this Article shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the adoption of these regulations.

Section 506. Replacement of Non-Conforming Mobile/Manufactured Home Permitted.

Notwithstanding the provisions of Section 503, a non-conforming mobile home or manufactured home, whether located in a mobile/manufactured home park or on its own lot, may be replaced with another manufactured home as long as the replacement home is an upgrade (later year model) of the original home, as determined by the Zoning Administrator and comply with all design standards identified in Section 720 of this ordinance.

ARTICLE VI
OFF-STREET PARKING, LOADING AND ACCESS REQUIREMENTS

Section 601. Off-street Parking and Loading Spaces Required.

Off-street automobile parking and loading spaces shall be provided, as specified in this Article, for uses and structures hereafter established in all districts at the time of initial construction of any principal building, unless otherwise exempted from this Article. For developments phased in timing, parking and loading requirements may also be phased in accordance with the requirements applying for each particular time phase of development. Required parking and loading spaces shall be maintained and shall not be encroached upon by refuse containers, signs or other structures, unless an equal number of spaces are provided elsewhere in conformance with these regulations.

Required parking and loading spaces shall be provided with vehicular access to a public street.

Off-street parking and loading facilities required shall be located contiguous to the principal building or use. However, as much as twenty-five (25) percent of the required number of parking spaces may be located within two hundred (200) feet of the principal building or use, provided proof of ownership of such premises is provided to the Zoning Administrator. Such distance shall be measured between the nearest point of the parking facility and the nearest point of the principal building or use.

The Zoning Administrator shall be authorized to increase or decrease the number of required parking spaces by not greater than nor less than ten percent (10%) of the required number of parking spaces. Granting of said reductions may be made upon request of the applicant after consideration of conditions that warrant such increase or decrease in the opinion of the Zoning Administrator. It shall be the responsibility of the Zoning Administrator to inform the Planning Commission and/or Governing Body of any such grant at the next regularly scheduled meeting.

Section 602. Minimum Number of Off-street Parking Spaces Required.

The minimum number of required off-street parking spaces for each type of permitted use shall be as indicated below. For uses not specifically listed, the off-street parking requirements shall be those of the most similar use as determined by the Zoning Administrator. When the application of these parking requirements results in a fractional space requirement, the fractional space requirement shall be construed to mean one (1) additional space.

Section 603. Handicapped Parking Requirements.

Each parking area of six (6) or more spaces devoted to uses other than residential shall provide handicapped parking spaces (a minimum of twelve feet in width) counted as a part of the total parking required, in accordance with the following scale:

TOTAL PARKING REQUIREMENTS	HANDICAPPED SPACES REQUIRED
6 – 25	1
26 – 50	2
51 – 75	3
76 – 100	4
101 – 150	5
151 – 200	6
201 – 300	7
301 – 400	8
401 – 500	9
501+	2% of total required

Section 604. Parking Space and Lot Design Flexibility.

Individual parking spaces shall be a minimum of 160 square feet. The angle of design for parking spaces and parking lots may be 30, 45, 60, 90 degrees or parallel to the curb, provided that sufficient maneuvering isle width is provided subject to the approval of the Zoning Administrator.

Section 605. Minimum Number Of Off-street Loading Spaces Required.

On the same lot with every new building, structure or part thereof, erected for manufacturing, storage, warehouse, truck freight terminal, goods display,

department store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning, retail business or other uses similarly involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for the standing, loading and unloading services to avoid undue interference with public use of streets and alleys.

Such loading and unloading space, unless otherwise adequately provided for, shall be an area twelve (12) feet by sixty (60) feet, with fourteen (14) foot height clearance, and shall be provided according to the following schedule.

For the above described uses, one (1) loading space shall be provided for the first 25,000 square feet of gross floor area or fractional part thereof. Uses in excess of 25,000 square feet shall provide loading spaces according to the following schedule:

SQUARE FEET	NUMBER OF SPACES
25,001 – 99,999	2
100,000 – 159,999	3
160,000 – 239,999	4
240,000 – 349,999	5
For each additional 100,000	1 additional or fraction thereof

All plans for off-street loading areas shall be subject to the approval of the Zoning Administrator.

Section 606. Parking and Loading Area Design Requirements.

606.1 Improvements of Parking Lots:

All parking areas containing more than five (5) spaces shall meet the following requirements:

a. They shall be graded to insure proper drainage, and maintained in good condition free of obstructions.
b. Parking areas shall not be used for the sale, repair, dismantling or servicing of any vehicle, equipment, materials or supplies.
c. Each parking space shall be clearly marked, and directional arrows or signs shall be provided wherever necessary. Markers, directional arrows and signs shall be properly maintained at all times.
d. A parking area setback of ten (10) feet from any public street right-of-way and five (5) feet from any exterior property line shall be provided,

except where access points and interconnections to other parcels have been approved. The parking area setback shall be increased to twenty-five (25) feet where such lot abuts a residential district. Concrete or other suitable curb stops shall be installed so as to prevent vehicle encroachment onto setback areas.

e. Parking lot landscaping shall consist of a minimum of 7% of the parking lot area plus one tree for each seven parking spaces. The tree species shall be an appropriate large canopied shade tree with a minimum of 3" caliper and shall be selected from the Clarkesville Native Plant List (see Section 2007). The landscaped area shall be planted with shrubs and/or groundcover to assure 80% coverage of the ground within five years. Landscaped area shall be evenly distributed throughout the parking area and parking perimeter at the required ratio.

f. Any lighting facilities installed shall be so arranged to prevent the direct illumination of adjacent residential properties or public streets.

A site plan indicating property lines, parking areas, location of parking spaces, parking lot area setbacks, drainage facilities, access and other features required to ensure compliance with this Article shall be submitted to the Zoning Administrator. A permit shall be required prior to the construction of new parking areas, or for the expansion or alteration of existing parking areas.

When adjacent to any public right-of-way, parking lots shall also incorporate a buffer that consists of a sight-obscuring landscaped screen that shall reach a height of 36 inches above the finished grade of the parking area, except for required vision clearance zones. The screen may be achieved by a combination of earth mounding and plant materials. The buffer shall be included as part of the parking lot landscaping requirements.

606.2 Curb Cut and Access Specifications:

Access from public streets to all parking areas, regardless of the number of parking spaces provided, shall meet the following requirements:

a. Curb cuts or access breaks for service drives, entrances and exits on public streets shall not be located within fifty (50) feet of the intersections of two (2) curb lines, street pavement lines or such lines extended or any street intersection nor within forty (40) feet of another curb cut or access break on the same side of the street.

b. Curb cuts shall be no greater than forty (40) feet in width and no closer than twenty-five (25) feet to any property line, unless common use of driveways for an abutting lot is required or approved by the City Engineer.
c. No more than two (2) curb cuts or access breaks shall be permitted for any lot or parcel with a frontage of two hundred (200) feet or less on any one (1) street.
d. All curb cuts or access breaks onto public streets, except for those serving single-family detached residences, shall require a permit from the Zoning Administrator.
e. Curb cuts for driveways that serve commercial, office or industrial zoning districts shall not be permitted to pass through residential zoning districts or to access alleys that abut a residential zoning district.
f. Where the side of an accessed public street or alley does not contain curbing, such curbing or other method of approved access control shall be provided.

Section 607. Parking Areas Must Be Appropriately Zoned.

Parking areas, parking lots or parking garages which constitute the principal use of a lot shall only be permitted in INS, DB, CB, HB and M-1 zoning districts. In cases where parking areas, parking lots or parking garages exist or are proposed to serve as accessory parking for a particular building or use, regardless of whether such parking is required by this Article, such land, area or lot, including all access drives, shall require the same or less restrictive zoning district as that within which such building or use it serves is located. Similarly, in cases where accessory parking serves a building or use which requires, or was approved as, a conditional use, such parking area and access drives shall require the same conditional use approval as that for which such conditional use or building it serves.

Section 608. Parking Space Requirement Not Specified.

Where the parking requirement for a particular use is not described in this chapter, and where no similar use is listed, the Zoning Administrator shall determine the number of spaces to be provided based on requirements for similar uses, location of the proposed use, the number of employees on the largest shift, and the expected demand and traffic generated by the proposed use.

Section 609. Required Parking for Multiple Uses.

When a building includes a combination of uses, the required number of parking spaces shall be the sum of the required parking for each use, when the multiple uses operate simultaneously. For non-simultaneous use, the parking requirements for the use requiring the greater number of parking spaces will govern.

Section 610. Reduction of Required Parking for Mixed or Joint Use of Parking Spaces.

The Zoning Administrator may authorize a reduction in the total number of required off-street parking spaces for two or more uses jointly providing parking facilities when their respective hours of need of maximum parking do not normally overlap, provided that the developer submits sufficient data to demonstrate that the hours of maximum demand for parking at the respective uses do not normally overlap.

Section 611. Reduction of Required Parking for Alternative Transportation Arrangements.

The Zoning Administrator may in individual cases administratively authorize a reduction in the minimum number of parking spaces for projects that are directly served by public transit and for projects that provide bicycle parking, provided that it can be shown that such available alternative travel modes will reduce the overall need for parking on the site proportional to the requested reduction in parking spaces.

Section 612. Reduction of Required Parking When On-Street Parking is Permitted.

The Zoning Administrator may in individual cases administratively authorize a reduction in the minimum number of parking spaces for projects that are directly served by on-street parking approved by the City Engineer.

Section 613. Parking Maximums.

To avoid excessive surpluses which increase development costs and impervious surfaces, parking shall not be provided in quantities greater than twenty-five percent (25%) above the required minimum; provided, however, the following:

The Zoning Administrator may allow parking at a rate greater than the twenty-five percent (25%) of the minimum required parking spaces, on a case-by-

case basis, based upon the scale and impacts of the request, for good cause shown. The applicant shall make said request in writing which shall include documentation from an acceptable industry publication (e.g., Institute of Transportation Engineers, Urban Land Institute, American Planning Association, etc.) or by a study prepared by a traffic engineering firm that documents parking requirements.

The Zoning Administrator may allow a land area for parking that exceeds twenty-five percent (25%) of the above required number of parking spaces to be designed and reserved for future parking use. In such case, said reserved parking area shall not be developed except by written permission from the Zoning Administrator and only after demonstration by the applicant that: (1) existing parking spaces are occupied at a rate of ninety percent (90%) or higher for twenty-five percent (25%) or more of the regular business hours in which the business or use is operated during a non-holiday week; (2) additional parking areas will be constructed of well-known permeable and pervious materials and design.

Section 614. Limited Waiver of Parking Requirement in DB District.

Parking requirements for uses allowed within the DB District, where there are setback requirements and where there is no or very limited private parking, but there is available some municipal parking, may be reduced or waived only after review and recommendation of the Zoning Administrator and approval of the City Council.

Table Article VI Parking, Loading and Access Requirements

USE CLASSIFICATION	MINIMUM PARKING SPACE REQUIREMENTS
Amusement park	One square foot of parking for each square foot of public activity area.
Apartment and other multiple family residential uses	Two spaces per dwelling unit plus four spaces per leasing office and ten spaces per clubhouse or recreation center.
Art gallery	One space for each 300 square feet of gross floor area.
Auction facility	One space for each four patron seats.
Auditorium, stadium, assembly hall, gymnasium or community center	One space per four fixed seats in largest assembly room or area.

Auto parts store	Three and one-third spaces for each 1,000 square feet of gross floor area.
Automobile sales	Six spaces per 1,000 square feet of showroom gross floor area, plus one for each employee and one additional parking space for each service bay. Such parking spaces shall be for the exclusive use of customers and employees and shall not be used for sales.
Automobile service and repair	One space for each 150 square feet of gross floor area.
Bank or financial institution	One space for each 250 square feet of gross floor area.
Barber and beauty shop	Two spaces for each operator or chair.
Bed and Breakfast	One space per guest room plus one space for each permanent resident.
Bed and Breakfast Inn	One space per guest room plus one space for each permanent resident.
Billiard hall, amusement arcade	One space for each 200 feet of gross floor area.
Boarding or rooming house	One space for each guestroom plus one additional space for each manager or resident owner.
Bowling alley	Four spaces for each alley plus one space for each employee.
Church or place of worship	One space per three fixed seats in largest assembly room.
Convenience retail store	One space for each 200 square feet of gross floor area.
Country Inn	One space for each guest room plus one space for each employee.
Dance studio or school	One space for each employee plus one space per 150 square feet of gross floor area.
Daycare center	One space for each eight children, plus one space per employee.
Duplex	Two spaces per dwelling unit.
Elderly housing	One space per two bedrooms.

Exterminator	One space per 800 square feet of gross floor area.
Funeral home or mortuary	One space for each four seats in largest assembly room.
Furniture or appliance store	One space per 800 square feet of gross floor area.
Gasoline service station	Two spaces per gasoline pump at the pump plus three spaces per service bay.
Golf Course (exclusive of Restaurant or Pro shop)	Three spaces for each hole plus one space for each employee.
Hardware store	Three spaces per 1,000 square feet of gross floor area.
Health club, spa	One space for each 200 square feet of gross floor area.
Hospital, clinic, nursing home	One space for each two beds plus one space for each staff doctor, plus one space for each two employees (non-doctors).
Hotel, motel	One space for each guest room plus one space for each two employees on largest shift.
Industrial or manufacturing	Two spaces for each three employees on largest shift.
Laundry, self service	One space for each two washer-dryer combinations.
Library, museum	One space for each 200 square feet of gross floor area.
Lodge, club	One space for each three seats in largest assembly room.
Marina	One space for each boat slip.
Miniature golf course	Two spaces per hole.
Office, general or professional	One space for each 250 square feet of gross floor area.
Office, medical or dental	Six spaces per practitioner.
Personal service establishment	One space for each 250 square foot of gross floor area.
Post office	One space per 250 square feet of gross floor area.

Restaurant or lounge	One space for each 100 square feet of gross floor area, plus one additional space for every four outside seats.
Retail business, indoor	One space for each 250 square feet of gross floor area.
Retail business, outdoor	One space for each 500 square feet of open sales/display area, plus one space per employee.
Sanitarium, rest and convalescent home, personal care home	One space for each four patient beds plus one space for each doctor and staff member.
School, elementary	Two spaces per classroom plus one for each administrator or staff person.
School, college, trade, vocational, or high school	Ten spaces per classroom plus one space for each administrative staff or person.
Self-service storage, facility mini-warehouse	One space for each twenty storage stalls, plus two spaces for resident manager's office.
Shopping center	One space for each 250 square feet of gross floor area.
Single-family residence	Two spaces per dwelling unit.
Skating rink	One space for each 200 square feet of gross floor area.
Theater, cinema	One space for each 200 square feet of gross floor area.
Veterinarian, animal hospital	Four spaces for each practitioner.
Wholesale, merchandise	One space for each 500 square feet of gross floor area.

ARTICLE VII
GENERAL PROVISIONS

Sec. 100-1. Restriction on Outdoor Water of Landscape. Outdoor watering for purposes of planting, growing, managing, or maintaining ground cover, trees, shrubs, or other plants may occur only between the hours of 4:00 p.m. and 10:00 a.m.; provided, however, that this limitation shall not create any limitation upon the following outdoor water uses:

(A) Commercial raising, harvesting, or storing of crops; feeding, breeding, or managing livestock or poultry; the commercial production or storing of feed for use in the production of livestock, including, but not limited to, cattle, calves, swine, hogs, goats, sheep, and rabbits, or for use in the production of poultry, including, but not limited to, chickens, hens, ratites, and turkeys; producing plants, trees, fowl, or animals; or the commercial production of aquacultural, horticultural, dairy, livestock, poultry, eggs, and apiarian products or as otherwise defined in O.C.G.A. § 1-3-3;

(B) Capture and reuse of cooling system condensate or storm water in compliance with applicable ordinances and state guidelines;

(C) Reuse of gray water in compliance with O.C.G.A. § 31-3-5.2 and applicable local board of health regulations;

(D) Use of reclaimed waste water by a designated user from a system permitted by the Environmental Protection Division of the Georgia Department of Natural Resources to provide reclaimed waste water;

(E) Watering personal food gardens;

(F) Watering new and replanted plant, seed, or turf in landscapes, golf courses, or sports turf fields during installation and for a period of 30 days immediately following the date of installation;

(G) Drip irrigation or irrigation using soaker hoses;

(H) Hand watering with a hose with automatic cutoff or handheld container;

(I) Use of water withdrawn from private water wells or surface water by an owner or operator of property if such well or surface water is on said property;

(J) Watering horticultural crops held for sale, resale, or installation;

(K) Watering athletic fields, golf courses, or public turf grass recreational areas;
(L) Installation, maintenance, or calibration of irrigation systems; or
(M) Hydroseeding.

Sec. 100-2. Enforcement.

(a) No person shall use or allow the use of water in violation of the restrictions on outdoor water use contained in ordinance.
(b) The Clarkesville Police Department shall be the enforcement authority for this ordinance. The city manager may also authorize other departments as may be deemed necessary to support enforcement.
(c) Criminal and alternative penalties. Any violation of this section may also be enforced by a citation or accusation returnable to the Clarkesville municipal court or by any other legal means as set forth in this Code.

Sec. 100-3. Repealer.

All ordinances or parts of ordinances in conflict with this ordinance are repealed.

Sec. 100-4. Effective Date. This ordinance shall go into effect on January 1, 2011.

Section 701. Use, Occupancy and Erection.

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

Section 702. Minimum Requirements.

Within each district, the regulations set forth shall be minimum requirements and shall apply uniformly to each class or kind of building, structure or land.

Section 703. Height Limitations.

No building or structure shall hereafter be erected, constructed, reconstructed, or altered, except as otherwise specifically exempted in this Article, to exceed the maximum height for the district in which said building or structure is located; provided, however, that the Governing Body may permit buildings and structures to exceed height limitations upon approval of a conditional use as specified in these regulations.

The height limitations established herein shall not apply to chimneys, smokestacks, church spires and steeples, domes, flag poles, public monuments, observation towers, water towers, noncommercial radio and television towers, electricity transmission towers, utility poles and similar structures.

Section 704. Every Use Must Be Upon A Lot.

No building or structure shall be erected or use established unless upon a lot of record as defined by these regulations except as otherwise provided herein.

Section 705. One Principal Building On A Lot.

Only one principal building and its accessory buildings may hereafter be erected on any one lot intended for such use; provided, however, that more than one multiple dwelling, office, institutional, commercial or industrial building may be located upon a lot, subject to setbacks and separation as provided in these regulations.

Section 706. Reduction In Lot Size Prohibited.

No lot shall be reduced, divided or changed in size so that lot width, size of yards, lot area per dwelling unit or any other requirement of these regulations is not maintained, unless said reduction or division is necessary to provide land which is acquired for a public purpose.

Section 707. Annexation.

Any land area subsequently added to the incorporated area of Clarkesville shall automatically be classified R-1 (Single-Family Residential District) until or unless otherwise classified by amendment to the Official Zoning Map. Within sixty (60) days after the date of annexation approval, the Planning Commission shall, after public hearing, recommend to the Governing Body a zoning classification for each newly annexed area which will carry out the objectives of the Comprehensive Plan. Upon such recommendation by the Planning Commission, for an amendment

to the Official Zoning Map as related to the subject property the Governing Body may act in accordance with normal procedures specified in these regulations to assign a different zoning district to the property.

Section 708. Street Frontage Requirement.

No building or structure shall hereafter be erected on a lot, and no lot shall be subdivided, that does not abut for at least thirty (30) feet on a public street, except as provided for non-conforming lots in Article V.

Section 709. Use Prohibited When Not Specified.

Unless otherwise stated, any use not specifically permitted in a use district as provided in these regulations shall be prohibited in that district.

Section 710. Accessory Buildings and Uses.

Accessory buildings and uses shall be permitted only in side or rear yards, except as otherwise provided by these regulations.

Accessory buildings and uses shall be permitted only if they meet the following:

1. Accessory buildings and uses shall be setback a minimum of ten (10) feet from any lot line.
2. Where a building housing an accessory use is structurally attached to the principal building, it shall be subject to and must conform to all regulations applicable to the principal building and shall not be considered an accessory building.
3. In the case of double frontage lots, accessory buildings shall observe front yard requirements on both streets.
4. Detached accessory buildings shall be located a minimum of ten (10) feet from the principal building on a lot.
5. The exterior cladding of accessory buildings shall be constructed with natural materials consistent with the material used on the exterior of the principal structure.

Section 711. Regulations for Specific Accessory Structures.

The following specified structures shall conform to the following regulations:

1. Fences and Walls:

   All fences and walls shall conform to the following:

   a. A permit shall be obtained from the Zoning Administrator.

b. No fence or wall shall be erected closer than two (2) feet from a public right-of-way or in such a manner as to obstruct vision on a public right-of-way.

c. Barbed wire top strands six (6) feet above the ground may be permitted in industrial zoning districts only.

2. Gasoline Pumps:

Gasoline pumps and pump islands shall be setback a minimum of twenty-five (25) feet from any public right-of-way or property line.

3. Canopies and Carports:

Canopies and other attached or detached structures intended for cover shall be setback a minimum of ten (10) feet from any public right-of-way or property line.

4. Non-Residential Occupancy of Manufactured Homes:

Manufactured homes or other temporary portable structures shall not be used as a permanent or temporary office, classroom, store, or for-hire work space in any district; provided, however that such homes or structures may be used for a temporary construction office for a licensed contractor in any district, upon issuance of a permit by the Zoning Administrator. Said permit shall be temporary but renewable once after a period of six (6) months.

5. Swimming Pools:

Swimming pools accessory to residences shall be enclosed by a security fence a minimum of forty-two inches (42”) in height. (This shall include aboveground pools that are of fifteen feet in diameter or greater, and a minimum of three feet deep). Said fence shall provide security against unauthorized use of the swimming pool, and all pools shall meet the requirements of the International Building Code.

A permit shall be obtained from the Zoning Administrator for siting and construction of a swimming pool. Swimming pools which are operated as an accessory use to hotels, motels or other uses shall be restricted to use by the patrons/guests of the principal use on the subject property and shall not be opened to the general public for a fee.

Section 712. Home Occupations.

A home occupation as defined by these regulations shall conform to the following requirements:

1. Only residents of the dwelling may be engaged in the home occupation, with the exception that employment of one (1) person not residing in the dwelling may be permitted.
2. The home occupation shall be clearly incidental and secondary to the residential use of the dwelling and shall not change the residential character of the building or lot.
3. Only vehicles used primarily as passenger vehicles shall be permitted in connection with the conduct of a home occupation.
4. No internal or external alterations of the dwelling solely for the accommodation of a home occupation are permitted, with the exception of one (1) additional outside entrance for business use.
5. One (1) non-illuminated, non-animated business identification sign or name plate not exceeding four (4) square feet in area indicating the name and/or occupation of occupant shall be permitted.
6. Use of a building for a home occupation shall not exceed twenty-five (25%) percent of one (1) floor of the principal building. Home occupations are not permitted, in whole or part, within accessory buildings.
7. A business license shall be obtained from the City of Clarkesville prior to the operation of any home occupation. Said business license shall require approval by the Zoning Administrator.
8. The following uses are allowable as home occupations (not all inclusive): Tutoring, consultation and instruction in music, dance, arts, crafts and similar subjects, limited to six (6) students at one time; day care centers serving six (6) or less persons; professional services (i.e., attorneys, architects, accountants, realtors, insurance and travel agents; secretarial services and answering services); mail order and general offices not involving storage of equipment, materials or vehicles; phone solicitations; beauty salons and barber shops limited to two patrons at a time; food catering and home products sales agents.
9. The following uses are specifically prohibited as home occupations (not all inclusive): cabinet shops and or metal cutting; doctors, dentists

or other medical professions; automobile repair or related work, small engine repair shops, and landscaping/nursery/greenhouse operations.

The failure of a home occupation licensee to comply with any of the above conditions shall be reasonable grounds for revocation of a home occupation business license.

Section 713. Visibility at Intersections and Driveways.

No fence, wall, sign, hedge or planting which obstructs the sight visibility at any street intersection, or any driveway intersection with a street, shall be placed or permitted to remain.

Section 714. Amended 12/5/22 Parking, Storage, or Temporary Use of Recreational Vehicles and other vehicles and or equipment.

Recreational equipment such as boats, boat trailers, travel trailers, pick-up campers or coaches, motorized dwellings, motor coaches, tent trailers and other vehicles may be parked or stored only in side yards, rear yards, carports, or in an enclosed building, provided, however, that such equipment may be parked or stored anywhere on residential premises for a period not to exceed twenty-four (24) hours during loading and unloading. The temporary use of recreational vehicles such as motor homes, travel trailers and tent trailers at private residences shall be permitted but limited to a maximum duration in time of twenty-one (21) consecutive days per year. Such parking or use shall be limited to one (1) recreational vehicle. Connection to city sewer system is prohibited under these terms.

In Single and Multiple Family Residential Zoning but not including R & R-1, Single-Family Residential, heavy equipment such as bobcats, skid-steers, dozers, work/storage trailers, trucks with a US DOT gross vehicle weight rating over 10,001 pounds and other similar vehicles and equipment may be parked or stored only in rear yards, or in an enclosed building, provided, however, that such equipment may be parked or stored anywhere outside on residential premises for a period not to exceed twenty-four (24) hours during loading and unloading.

Section 715. Subdivision Plats Must Meet Zoning Requirements.

No proposed plat of a subdivision, nor any plat of re-subdivision, shall hereafter be approved by the Governing Body or by the Planning Commission unless the lots within such plat equal or exceed the minimum size and width

requirements set forth in the various zoning districts in these regulations and unless such plat fully conforms with the statutes of the State of Georgia and regulations of the Governing Body.

Section 716. Yard Sales.

Yard sales are subject to the following requirements:

1. Yard sales will be allowed in all residential zoning districts not more than two times during a twelve-month period.
2. The duration of any yard sale shall not exceed forty-eight (48) hours.
3. Sales must be operated in such a manner so as not to be a nuisance to the neighbors or obstruct sidewalks or driveways, etc.
4. Yard sales shall be permitted in Institutional Districts for non-profit/charitable fundraising purposes provided that the organization or group conducting the yard sale is directly affiliated with the institutional organization owning the property
5. A permit shall be required from the City of Clarkesville.

Section 717. Design Standards and Requirements for Accessory Apartments.

All accessory apartments shall conform to the following:

a) Only one accessory apartment for a total of two dwelling units per lot shall be permitted.
b) The lot must meet the minimum lot size for the zoning district in which it is located, and there must be a minimum lot area of 6,000 square feet for each dwelling.
c) One additional off-street parking space for the accessory apartment is required, which must be located in a side or rear yard.
d) The heated floor area for an accessory apartment shall be at least 400 square feet and shall not exceed the size of the principal dwelling.
e) Accessory apartments shall not be permitted on a lot in conjunction with a home occupation.
f) Accessory apartments created or converted as a part of the principal dwelling must have its entrance at the side or in the rear rather than the front of the principal dwelling, and the apartment shall have an architectural treatment (brick, wood, stucco, etc.) substantially similar to that of the principal dwelling.

g) Accessory apartments must observe the principal building setbacks established in Section 2001 and maximum lot coverage for the zoning district in which it is located.

The Zoning Administrator must certify that existing/proposed water, sanitary sewer and/or septic tank facilities are adequate to serve both the principal dwelling and the accessory apartment.

Section 718. Amended 12/5/22Facades for Residential and Commercial Buildings

In an effort to maintain high quality, long-lasting and sustainable development within the City of Clarkesville, the City adopts the following design guidelines and minimum design standards. These guidelines are intended to enhance the visual aspect and livability of the entire city. They are intended to encourage an "old-town" look and feel of historic Georgia villages. Minimum Design Standards are intended to be flexible standards that will allow creativity while maintaining high quality design, fostering architectural diversity and interest, yet achieve and maintain consistent, durable, and pleasing aesthetic/visual quality. All applications received shall be equally reviewed with consideration for the city's intent and best interest, as well as the concept, integrity of the design, and intent of each applicant.

These documents identify the character of the neighborhood and encourages rehabilitation, additions and new construction that are compatible with existing historic and non-historic structures. This document should be used by property owners, occupants, developers, and architects when considering any construction projects within a historic district. By consulting the guidelines first, designers will ensure compliance with the goals of the Clarkesville Planning Commission. You may obtain a copy of these design guidelines (Zoning Ordinance of the City of Clarkesville) online at www.clarkesvillega.com. Reference Article XXII Preservation Corridor Overlay Zone.

Residential Buildings

All residential buildings located in R, Single-family; R-1, Single-family; R-1A, Single-family; R-1B, Single-family; R-2, Multiple family Districts shall have the facades of buildings that front on a public right-of-way constructed of natural and natural appearing materials. The use of a common palate of building materials should be maintained for all building facades to create a consistent and traditional architectural identity. Traditional architecture includes the use of red brick, pitched roofs, and subdued colors. For multiple family buildings, variations in façade,

roofline and depth should be provided to lend the appearance of multi-tenant occupancy. These include wood, brick, stone, stucco and concrete board such as Hardiplank or similar brand material. Specifically excluded are metal, vinyl and standard concrete block as the primary exterior building material.

All facades for residential buildings must conform to the following:

a) All building plans submitted as an application for a building permit should clearly indicate all of the proposed building materials and colors for each façade as described herein. The plans should clearly show the location and calculate the amount/percentage of all building materials per façade.
b) Exterior paint colors: contrasting accent colors on any single façade shall be limited to no more than 10% of the total wall area for any single façade. Exterior paint colors shall be limited to black and colors within the Benjamin Moore Historical Collection or similar. Exterior colors for pre-colored materials such as brick, stone, etc. shall be muted, earth-tone colors generally consistent with the above paint schemes.

Allowed building materials:

a) Brick – Brick veneers which are intended to simulate brick exteriors are not acceptable;
b) Stone – Natural stone such as, but not limited to, granite, limestone, and marble are allowed building materials. Terra cotta and/or cast stone, which simulate natural stone, are also acceptable;
c) Split-face block/concrete masonry unit (CMU);
d) Tilt/architectural pre-cast concrete;
e) High grade stucco;
f) Natural wood and/or cement-based artificial wood siding;
g) Glass;
h) Painted concrete block

Non-allowed building materials:

a) Vinyl

Commercial Buildings

All commercial, professional or manufacturing buildings located in the INS, Institutional; Pro, Professional; CB, Community Business; HB, Highway Business; and M-1, Light Manufacturing Districts shall have the facades of buildings that front on a public right-of-way constructed of natural and natural appearing materials. The use of a common palate of building materials should be maintained for all

building facades to create a consistent and traditional architectural identity. Traditional architecture includes the use of red brick, pitched roofs, low-profile signage and subdued colors. For large commercial/retail buildings, variations in façade, roofline and depth should be provided to lend the appearance of multi-tenant occupancy. These include wood, brick, stone, stucco and concrete board such as Hardiplank or similar brand material. Specifically excluded are metal, vinyl and standard concrete block as the primary exterior building material.

All facades for commercial buildings must conform to the following:

c) All building plans submitted as an application for a building permit should clearly indicate all of the proposed building materials and colors for each façade as described herein. The plans should clearly show the location and calculate the amount/percentage of all building materials per façade.

d) If provided, dumpsters shall be screened to a height of eight feet with an opaque screen on all sides made of brick, stucco, or split-face block and located behind the building they serve.

e) Exterior paint colors: contrasting accent colors on any single façade shall be limited to no more than 10% of the total wall area for any single façade. Exterior paint colors shall be limited to black and colors within the (need to choose paint collections). Exterior colors for pre-colored materials such as brick, stone, etc. shall be muted, earth-tone colors generally consistent with the above paint schemes.

f) Permanent mounted exterior neon lights shall not be allowed.

Allowed building materials:

i) Brick – Brick veneers which are intended to simulate brick exteriors are not acceptable;

j) Stone – Natural stone such as, but not limited to, granite, limestone, and marble are allowed building materials. Terra cotta and/or cast stone, which simulate natural stone, are also acceptable;

k) Split-face block/concrete masonry unit (CMU);

l) Tilt/architectural pre-cast concrete;

m) High grade stucco;

n) Natural wood and/or cement-based artificial wood siding;

o) Glass;

p) Painted concrete block

Allowed Building Materials – Multi-family/Commercial/Office/Industrial

Zoning Category	Brick	Stone	Glass	Tilt/ Pre-Cast	Stucco		Concrete Block		CMU/Split-Face Block		Siding		Metal	Tile
					Front	Side/Rear	Front /Side	Rear	Front /Side	Rear	Front	Side/Rear		
R-1B, R-2	Yes	Yes	No	No	Max. 50% per Façade	Max. 50% per Façade	No	No	No	No	Max. 50% per Façade	Max. 50% per Façade	No	No
INS	Yes	Yes	Yes	No	Max. 25% per Façade	Max. 50% per Façade	No	No	No	No	No#	No#	No	No
PRO	Yes	Yes	Yes	No	Max. 25% per Façade	Max. 50% per Façade	No	Yes*	No	Yes*	No	25%	No	No
DB, CB	Yes	Yes	Yes	No	Max. 25% per Façade	Max. 50% per Façade	No	Yes*	No	Yes*	No	25%	No	No
HB	Yes	Yes	Yes	No	Max. 25% per Façade	Max. 50% per Façade	No	Yes*	Max. 25% per Façade	Yes*	No	No	No	No
M-1	Yes	Yes	Yes	No	Max. 25% per Façade	Max. 50% per Façade	No	Yes*	Max. 25% per Façade	Yes*	No	No	No	No

Notes:

* Allowed only on Rear Facades of buildings larger than 10,000 square feet gross floor area.
When allowed it must be tinted or painted to blend with the balance of the building.

Allowed for buildings intended to have a residential appearance. Building must have a minimum 4:12 roof pitch.

Accent/Trim Exterior Building Material

Small amounts of building materials such as wood, tile, etc., may be used to enhance the elevation of the building or for decorative elements but should not exceed 10% of total wall area per façade.

Façade Calculations

With the exception of accent/trim materials, there shall be no more than two primary building materials used. When a material is restricted as a percentage in the *Allowed Building Materials* table, such as stucco, siding, etc., the building material may not be combined with another restricted building material**.** The allowed façade materials shall not apply to windows, glass-front windows, entry doors and/or roll-up doors.

The amount of permitted material shall be calculated using the gross square footage of wall area per façade. A building material that is allowed (such as brick) may be used in any percentage throughout the structure. A material that is restricted (such as stucco) is allowed as a maximum percentage.

> For example, a building has a front façade with a gross façade area of 1,200 square feet with 400 square feet consisting of windows and doors. Begin with 1,200 square feet for required building material calculations. In this case, the front façade of a building in DB/CB zoning districts with a wall area of 1,200 square feet shall have no more than 300 square feet of stucco on the front façade [ex. (1,200 X 25% = 300)]. The balance shall be brick or other allowed material.

Pitched Roofs

All one-story buildings less than 10,000 gross square feet must have a pitched roof (between 4:12 and 12:12) as much as possible. If a pitched roof is not possible, a combination of flat roof and pitched roof is required. Provide a pitched roof on front and side of the building to screen view of any flat roof. Create arcades, drive-under canopies, porches and other features with pitched roof.

Materials for pitched roofs shall be limited to architectural dimensional grade asphalt shingles, natural slate, natural terra cotta, natural wood shake, copper or factory finished sheet metal.

Mansard Roofs

Mansard roofs shall have a maximum pitch of 12:12 with a minimum 12-foot vertical surface length.

Flat Roofs

Flat roofs may be of any material that meets local codes. Exposed metal flashing shall be copper or factory finished sheet metal. If factory finished metal flashing is used, such as standing seam, the color must be subdued to blend with other materials or of a color to simulate weathered copper or bronze.

All buildings with flat roofs should include parapet articulation on the front façade(s) of such building. There shall be roof articulations/offsets at a minimum of one per each 125 linear feet of length by a change in the top line of the parapet. Additional articulation may occur at any lesser distance. If the front facade is less than 125 linear feet, then a minimum of one roof articulation must occur.

Other

Drive under canopies for gasoline pumps shall have a pitched roof consistent with the pitched roof material requirements in the above paragraph *Pitched Roofs*. The materials, ratio, and color of the gas canopies pitched roof shall be consistent with any associated primary structure. Where a full pitch is not possible, a hip roof may be provided. In such situations, a minimum 6-foot vertical surface length shall be maintained.

Arcade/Structural Canopy for Retail Use

For any multi-tenant commercial shopping center or strip center, a covered arcade/structural canopy shall be provided along the front façade of the building. Arcades are covered walkways connected to or separate from the principal building. They should be designed in a manner which provides architectural depth to the building and includes covered areas for relief from the weather. The arcade should be a minimum of five feet in width.

Alternate Review

This Ordinance is intended to be followed as outlined above. In the event the intent of this Ordinance can be achieved with minor deviations which do not

substantially impact the goals or intent of this Ordinance, the City of Clarkesville Planning Department has the authority to modify the specific provisions.

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

Section 719. Telecommunications Towers and Antennas.

The placement of all telecommunications towers and antennas shall be restricted to water tanks located within the city. A written request must be made to the City of Clarkesville and approval granted prior to the placement of any antennas on city water towers. A permit must be obtained for construction or installation of antennas on water towers.

Section 720. Single-Family Dwelling Design Standards.

Within all zoning districts, all conventionally site-built, mobile, modular, and manufactured homes shall meet the following requirements:
Conventionally site-built, modular or manufactured residential structures shall meet the currently adopted International Code Council Residential Code or be certified by the U.S. Department of Housing and Urban Development (HUD) or Georgia Department of Community Affairs (DCA) if placed or constructed on any residential lot in the City of Clarkesville.

All site-built, modular or manufactured structures must be placed on a permanent foundation meeting the requirements of the International Code Council Building or Residential Code for the City of Clarkesville.

All residential structures must be designed proportionally so that the narrowest structural width shall not be less than sixty percent (60%) of the greatest structural length. Residences must be constructed with a minimum roof slope of

four inches rise for each twelve inches of horizontal run (4:12), commonly referred to as a "slope of 4 in 12."

All towing devices, wheels, axles and hitches must be removed.

Each home shall be completely skirted with an appropriate barrier and properly ventilated to enclose the area between the bottom of the structure and the ground. Such skirting shall not be required for those homes with a complete masonry or concrete perimeter foundation.

Section 721. Amended 12/5/22 Animals Restricted within the city limits.

Unless otherwise permitted by these ordinances, it shall be unlawful for any person to keep any type livestock, ie. Hogs, cattle, sheep, roosters, horses, or any other such animals for commercial or non-commercial purposes. Goats may be permitted temporarily with Zoning Administrator approval for the control and elimination of invasive plant species such as kudzu.

Section 725: Amended 3/2/15 Group Residential Facility; location.

Group residential facilities, as defined in Article III, may be established in any residential district.

The following requirements shall apply in addition to all other applicable requirements of this Zoning Code for the residential district in which such use is located:

1) A group residential facility must be approved by the appropriate state licensing agency;
2) A group residential facility must be located at least three thousand five hundred (3,500) feet from any group residential facility, measured from property line to property line.
3) All new construction or exterior alteration of existing buildings shall be in harmony with the scale and design of surrounding buildings; and
4) Use of a parcel as a group residential facility is permissible only by special use permit pursuant to Article VII, Section 727
5) Use of a parcel as a group residential facility shall be a Conditional Use as defined in Article III, and shall be permitted only if approve the Governing Body in accordance with the regulations established herein.

Section 726: Amended 3/2/15 Group Treatment Facility/Halfway House; location.

Group treatment facilities/halfway houses with no more than five (5) residents, excluding staff, may be established in any residential zone. Group treatment

facilities/halfway houses with more than five (5) residents and less than sixteen (16), excluding staff, may be established within R-2(Multiple-Family Residential District), INS (Institutional District), PRO (Professional District), DB (Downtown Business District), CB (Community Business District), HB (Highway Business District) or M-1 (Light Industrial District). Group treatment facilities/halfway houses with more than fifteen (15) residents, excluding staff, must be built to dormitory standards and may be established within R-2(Multiple-Family Residential District), INS (Institutional District), PRO (Professional District), HB (Highway Business District), or M-1(Light Industrial District). The following requirements shall apply in addition to all other applicable requirements of this Code for the district in which such use is located:

1) If required by state regulations, a group treatment facility/halfway house must be approved by the appropriate state licensing agency;
2) A group treatment facility/halfway house must be located at least 3,500 (three thousand five hundred feet) from any other group treatment facility/halfway house, measured in a straight line from property line to property line.
3) All new construction or exterior alteration of existing buildings shall be in harmony with the scale and design of surrounding buildings; and
4) Use of a parcel as a group treatment facility/halfway house is permissible only by special use permit pursuant to Article VII, Section 727
5) Use of a parcel as a group treatment facility/halfway house shall be a Conditional Use as defined in Article III, and shall be permitted only if approve the Governing Body in accordance with the regulations established herein.

Section 727: Amended 3/2/15 Conditional Use and Special Use Permit Required for Group Residential Facility and Group Treatment Facility/Halfway House.

(a) All operators of group residential facilities and group treatment facilities/halfway houses, including those facilities operating as a nonconforming use in a residential zone, are required to apply for and obtain a Conditional Use as defined in Appendix D, Section 3 of this Code, prior to applying for the special use permit required by this section.

(b) All operators of group residential facilities and group treatment facilities/halfway houses, including those facilities operating as a nonconforming use in a residential zone, are required to apply for and obtain a special use permit

from the City and to register the facility with the City. The applicant shall apply for the permit required under this Code with the City Clerk or his/her designee on forms provided by the City and shall provide such information as may be reasonably required including, without limitation, the following:

(1) The name and address of the applicant;

(2) If the applicant is not an individual, the names and addresses of all members of the board of directors if the applicant is a corporation. If the applicant is an entity other than a corporation, the applicant shall state the type of entity, principals, and where organized.

(3) The name, address and telephone number of the manager of the facility;

(4) Whether the proposed location will serve as a group residential facility or a group treatment facility/halfway house, including the nature of the services and treatment to be provided to resident of the facility and the maximum number of residents, excluding staff, to be housed at any one time;

(5) Whether the applicant contends that the facility at issue is operating as an allowable non- conforming use in a residential zone and, if so, the date the facility began operations, and

(6) If the application is for a group treatment facility/halfway house, the applicant shall submit a "good neighbor plan" which contains, at minimum, the following components:

a. Hours of operation

b. Designated staff member, 24-hour telephone contact information and administrative procedure for neighborhood complaints or concerns; and

c. Grounds maintenance plan

(c) Any special use permit issued pursuant to this section shall become invalid if the appropriate permits or licenses required by the State of Georgia are revoked or otherwise terminated. Such special use permits shall also become invalid if the facility is not operated for a continuous period of six (6) months.

(d) Each group treatment facility/halfway house governed by this ordinance shall be required to apply for and receive certification from one of the following:

(1) For group treatment facilities/halfway houses that do not have any residents on probation, parole, or otherwise in the court

system, certification must be obtained from the Georgia Association of Recovery Residences, GARR, within two (2) years of receipt of the special use permit required hereunder, and shall maintain such certification while operating the group treatment facility/halfway house.

(2) For group treatment facilities/halfway houses that have residents on probation, parole, or otherwise in the court system, certification must be obtained from the Georgia State Board of Pardons and Paroles, Transitional Housing for Offender Reentry Facility Standards, THOR, within two (2) years of receipt of the special use permit required hereunder, and shall maintain such certification while operating the group treatment facility/halfway house.

(e) Each facility shall be required to pay an annual permit fee of $50.00, said fee to be paid no later than January 1st of each year of operation. For a facility which begins operation subsequent to January 1st the permit fee shall not be prorated but shall be due in full for the remainder of the calendar year.

(f) (1) Any special use permit which has been issued or which may hereafter be issued by the City to any permittee under this code section may be suspended or revoked for due cause as hereinafter defined, and after a hearing has been held by the hearing officer as ordered by the Mayor and Council for the purpose of considering any such suspension or revocations. At least five (5) days prior to such hearing, written notice of the time, place, and purpose of such hearing, and a statement of the charge or charges upon such hearing is to be held, shall be given to the holder of such special use permit for which suspension or revocation is to be considered.

(2) Due cause for the suspension or revocation of a special use permit shall consist of a violation of any laws or ordinances applicable to regulating such group residential facility or group treatment facility/halfway house, violation of regulations made pursuant to authority granted for the purposes of regulating such facility, or failure of the permittee or his employees to promptly report to the police department any violation of the law or ordinances, any breach of the peace, disturbance or altercation resulting in violence which may occur in or upon the permitted premises.

(3) A decision shall be rendered in writing by the Mayor and Council within ten (10) days of the hearing referenced hereinabove. Appeal of such decision

shall be by writ of certiorari or any other lawful process to the Superior Court of Habersham County.

Section 728. Bed and Breakfast; location.

A Bed and Breakfast with no more than eight (8) guest rooms may be established within R-1A (Single Family Residential), R-1B (Single Family Residential), R-2 (Multiple Family Residential), PRO (Professional), DB (Downtown Business), and CB (Community Business) provided the following conditions are met and the proposed facility is compatible with the character of the area and does not negatively affect the health safety and general welfare of the area residents.

1) The residence shall be occupied by an owner or manager.
2) The rooms utilized are a part of the existing residential structure.
3) Sufficient off-street parking is provided as required by Article VI, Parking.
4) Signs shall be specified as in Section 729 (h)
5) Does not serve food or drink to the general public for pay.
6) May include incidental retail business related to the lodging business.
7) Length of stay shall not be more than twenty-one (21) consecutive days.

Section 729. Conditional Use for Bed and Breakfast.

(a) All owners of a Bed and Breakfast are required to apply for and obtain a Conditional Use as defined in Appendix D, Section 3 of this Code.

(b) All owners of a Bed and Breakfast are required to annually apply for and obtain an Occupational Tax Certificate under this Code with the City Clerk or his/her designee on forms provided by the City and shall provide such information as may be reasonably required. All Bed and Breakfasts are subject to hotel/motel taxation.

(c) All business activity and storage must take place within the interior of the dwelling and/or accessory building with the exception of weddings, receptions, teas, showers or similar events which may take place on porches, patios, or decks which adjoin the main dwelling.

(d) No alteration to the exterior of the residential dwelling, accessory building, or yard that alters the residential character of the premises is permissible. Parking shall not alter the residential character of the premises.

(e) The conduct of the Bed and Breakfast shall not violate any of the City's ordinances concerning nuisance, fire, or health, or any other City, County, State or other public laws or regulations applicable.

(f) Bed and Breakfast establishments that wish to serve alcohol to guests must be licensed in accordance with Chapter 6, Alcoholic Beverages, of the Clarkesville Code of Ordinances.

(g) The City reserves the right to perform an annual inspection of the premises during Occupation Tax renewal time period to confirm the continued occupancy of the Bed and Breakfast.

(h) Signage shall be limited to one (1) sign which may not be interior illuminated erected on the property not to exceed four (4) square feet in area. Signage shall be professionally made and installed and shall meet the characteristic of the residence and character area.

(i) Food may only be served to overnight guests and/or guests attending a wedding, reception, tea, shower or similar event as an accessory use for overnight guests of the Bed and Breakfast. Basic minimum requirements for food service shall be required.

(j) Residence must meet current codes with Georgia amendments for residential housing, multifamily dwellings, rooming houses, and/or hotel fire codes. A fire escape plan shall be posted in guest bedrooms. Fire extinguisher(s) shall be readily accessible to guests at all times. There shall be a fire extinguisher in the kitchen. Working smoke alarms shall be in all sleeping rooms and common areas.

(k) Any Conditional Use and Occupational Tax certificate is non-transferable.

Section 730. Bed and Breakfast Inn; location.

A Bed and Breakfast Inn with more than eight (8) guest rooms and no more than eighteen (18) guest rooms may be established within CB (Community Business) provided the following conditions are met and the proposed facility is compatible with the character of the area and does not negatively affect the health safety and general welfare of the area residents.

1) The residence shall be occupied by an owner or manager.
2) The rooms utilized are a part of the primary residential use, and if any structural modifications are contemplated or required, construction plans to include access, parking, signage, screening and landscaping shall be submitted and reviewed in order to determine compliance with City Ordinances and the facility's compatibility with adjacent properties.
3) Sufficient off-street parking is provided as required by Article VI, Parking.
4) Signs shall be specified as in Article VIII.
5) May include incidental retail business related to the lodging business. occupation.
6) Length of stay shall not be more than twenty-one (21) consecutive days.

Section 731. Conditional Use for Bed and Breakfast Inn.

(a) All owners of a Bed and Breakfast Inn are required to apply for and obtain a Conditional Use as defined in Appendix D, Section 3 of this Code.

(b) All owners of a Bed and Breakfast Inn are required to annually apply for and obtain an Occupational Tax Certificate under this Code with the City Clerk or his/her designee on forms provided by the City and shall provide such information as may be reasonably. All Bed and Breakfast Inns are subject to hotel/motel taxation.

(c) All business activity and storage must take place within the interior of the dwelling and/or accessory building with the exception of weddings, receptions, teas, showers or similar events which may take place on porches, patios, or decks which adjoin the main dwelling.

(d) The conduct of the occupation shall not violate any of the City's ordinances concerning nuisance, fire, or health, or any other City, County, State or other public laws or regulations.

(e) The City reserves the right to perform an annual inspection of the premises during Occupation Tax renewal time period to confirm the continued occupancy of the Bed and Breakfast.

(f) Food may be served to guests attending a wedding, reception, tea, shower or similar event as an accessory use for groups and individuals who are not overnight guests provided that:

1. The offsite impacts as proposed are, in the opinion of the Council, not a burden on or a nuisance to nearby and adjacent property owners; and

2. The onsite impacts do not diminish the use or enjoyment of the principal use of the property as a Bed and Breakfast Inn.

(g) Bed and Breakfast Inns that wish to serve alcohol to guests must be licensed in accordance with Chapter 6, Alcoholic Beverages, of the Clarkesville Code of Ordinances.

(h) All structures must meet current codes with Georgia amendments for residential housing, multifamily dwellings, rooming houses, and/or hotel fire codes. A fire escape plan shall be posted in guest bedrooms. Fire extinguisher(s) shall be readily accessible to guests at all times. There shall be a fire extinguisher in the kitchen. Working smoke alarms shall be in all sleeping rooms and common areas.

(i) Any Conditional Use and Occupational Tax certificate is non-transferable.

Section 732. Amended 4/8/24 Short-term Rentals; Purpose.

The purpose of this article is to establish regulations for the use of a residential structure or any part thereof as a short-term rental in the City of Clarkesville while minimizing the negative, secondary effects on surrounding properties, to ensure proper safety precautions are in place, and to facilitate the collection and payment of hotel/motel taxes as allowed by state law and city code.

Section 733. License required.

It is unlawful for any person to operate or advertise as a short-term rental within the city without a valid business occupational tax license, and authorization to collect hotel/motel tax.

Section 734. Permitted uses.

(a) Short-term rentals are allowed as a permitted use in DB Downtown Business District and HB Highway Business District. Short-term rentals in the Downtown Business District shall not be permitted on first-floor or street-level spaces.

(b) Short-term rentals are allowed as a conditional use in R-1 Residential Single-Family, R-1A Residential Single-Family, R-1B Residential Single-Family, R-2 Residential Multi-Family, PRO Professional, and CB Community Business Districts. Short-term rental properties in these districts will have to acquire a conditional use permit through the process outlined in this ordinance and obtain an occupational tax license and hotel/motel tax authorization certificate, prior to renting the property.

(c) Short-term rentals are prohibited in R Single-Family Residential, INS Institutional, and M-1 Light Industrial Districts.

(d) Conditional use permits for short-term rentals will not be issued to property owners in subdivisions unless short-term rentals are specifically allowed by the subdivision or homeowners association covenants - or with a signed majority of the homeowners in the subdivision if there is no homeowners association.

Section 735. Applications and Location.

Short-term rental conditional use permit applications have to comply with Appendix D, Section 3 of the Zoning Ordinance and in addition:

1) Acknowledge that the applicant will keep the total number of guests to that number which can safely stay on the premises and that the applicant may be subject to the State of Georgia's fire safety code regulations.
2) Certify that there are no deed restrictions and/or covenants on a property that prohibit the use of the property as a short-term rental.
3) Certify that the owner has commercial or specific short-term rental insurance for the property.
4) Attest by the Zoning Administrator or third-party inspector that short-term rentals meet applicable International Building Codes, International Fire Code regulations, and NFPA 101 Life Safety Codes. Refer to Clarkesville's Certificate of Occupancy/Pre-Fire Plan Checklist for common items that are required.
5) Short-term rentals must be located at least fifteen hundred (1,500) feet from an existing short-term rental. This measurement is from property line to property line.
    a. Exceptions to this distance requirement for businesses in operation at the time of adoption of this ordinance, may be allowed during the Conditional Use approval process.
    b. Conditional Use and the Occupational Tax license will expire upon change of ownership.

Section 736. Short-term rental requirements.

This section applies to all short-term rental properties in the City of Clarkesville. It is in addition to any rules that the property is subject to via any land covenants, homeowner association covenants, subdivision rules, etc.

Parking. Vehicles shall not be parked on any public right-of-way so as to hinder access to such and shall not be parked along any roadways which would cause safety issues, hinder access to such roadways or be in violation of any laws, subdivision rules, etc.

Solid waste/trash. Trash and refuse shall not be left or stored in such a way that would cause safety issues, hinder access to the public right-of-way, violate subdivision rules, etc.

Noise. Short-term rentals shall not violate any noise or sound regulations, subdivision rules, etc.

Hours of operation. Check-in/departure and other rental-related activities should occur between 3 p.m. and 10 p.m.

Additional information. Short-term rental owners or responsible parties must provide the City of Clarkesville Clerk's office with the following information:

1. Full contact information for a local contact (responsible party) who is available 24 hours a day to respond within two hours to any complaint about the property or guest behavior.
2. The 911 address for all properties owned/operated by the occupational tax license owner or responsible management company within the City of Clarkesville.
3. Certify that there are no unpaid financial obligations to the City of Clarkesville.
4. Business occupation tax certificate and hotel/motel tax authorization certificate must be prominently displayed at the property.

Section 737. Violations.

All violations will be dealt with in accordance with article XXVI of this Ordinance.

ARTICLE VIII
SIGN REGULATIONS

(Adopted 5-2-2011)
(Amended 10-3-2011, 12-5-22)

Section 801. Purpose and Intent.

The following regulations are designed to promote the public health, safety, order, aesthetics and general welfare of the community by: controlling the number, placement, size and height of signs; preventing excessive and undue distractions to motorists and pedestrians; preventing traffic hazards; and by encouraging a more attractive urban environment.

Section 802. Signs Shall Meet Applicable Codes.

Signs and other advertising structures shall be constructed and maintained in strict conformity with building and electrical codes and all other applicable regulations. Amended 12-7-2015 Signs and other advertising structures shall be professionally made and installed by a licensed sign company.

Section 803. Signs Are Permitted Accessory Uses.

Signs and other advertising structures are permitted as accessory uses subject to all applicable limitations as specified in these regulations. For examples of free standing and ground supported signs, refer to Appendix C of Zoning Ordinance.

Section 804. Permit Required.

Unless otherwise excepted by the provisions of this Article, it shall be unlawful for any person to erect, construct, enlarge, move, replace or convert any sign without first obtaining a permit from the Zoning Administrator; provided, however that nothing in this section shall be construed to require a permit for the repainting, cleaning or other normal maintenance or repair of a sign or sign structure.

Section 805. Permit Application.

Applications for permits to erect, construct, enlarge, move or convert signs shall be made to the City Zoning Administrator. The application for permit shall include information such as, but not limited to, ownership information, location, construction cost, site plans, and building elevations, structural details or other

information necessary to ensure compliance with the provisions of these regulations and all applicable codes.

Section 806. Permit Fees.

No permit shall be issued until the appropriate application has been filed and fees have been paid as established by the Governing Body from time to time.

Section 807. Signs And Sign Devices Prohibited.

1. Abandoned signs.
2. Animated signs. Except one (1) OPEN sign per street frontage may be animated during hours of operation limited to three (3) square feet or less. Advertising logos, words or symbols for products attached to the open sign are prohibited.
3. Portable signs.
4. Signs erected on or over public property including public rights-of-ways, other than signs erected by public authority for a public purpose.
5. Amended 12-7-2015 Internally illuminated signs within ~~all zoning districts~~ the following zoning districts: All R (Residential) zonings, INS (Institutional), PRO (Professional), DB (Downtown Business), and CB (Community Business) with the exception of OPEN signs allowed by Section 807.2. Signs may be spot-lighted or up-lighted so long as the light does not create a hazard or spill over onto adjacent properties.
6. Amended 12-7-2015 Off-site signs, ~~including directional signs for the sale of real estate, yard sales or any other purpose~~ in all districts with Residential and Institutional Zoning. Real Estate and yard sale signs shall not apply.
7. Signs installed on a roof or that extend above the roof line of the building.
8. Signs, which are erected or maintained upon trees or painted or drawn upon rocks or other natural features.
9. Signs attached to parking lot light poles and other poles structures other than those specifically permitted in this ordinance.
10. Signs attached to or painted onto a vehicle parked adjacent to and visible from a street for the sole purpose of advertising onto said street and that are otherwise not used for daily operational use on the public streets.

11. All advertising and other signage that is attached to or painted on the exterior windows or walls of a building, the total of which exceeds twenty-five (25) percent of the street facing window or wall area. Signs facing a street frontage window and located within five feet of the window will be included in the total allowable signage.
12. Illuminated signs, with the exception of signs described in Section 807.5., facing a street frontage window and located within ten feet of the window.
13. Amended 12-7-2015 Inflatable Air Shakers or similar devices.
14. Sign spinners.
15. Illuminated signs advertising alcohol or tobacco/E-Cig products in or within ten feet of the window.
16. No more than two (2) temporary yard signs (no larger than 4 square feet).
17. Signs, billboard.

Section 808. Public Signs And Sign Devices Exempted.

Any sign designed, erected or maintained for a public purpose by a public agency or authority is exempt from the provisions of this Article. Public signs include, but are not limited to, the following: signs denoting routes to any city, town, village, historic place, shrine or hospital; signs directing or regulating traffic; notices of any railroad bridge, airport or other transportation activity necessary for the direction or safety of the public; legal notices or other official instruments denoting time and place of civic meetings; signs denoting street names and street number, address or unit designations, flags of the United States, state, county, municipality or other public authority; flags, banners and other devices for celebrations, conventions, commemorations, events, festivals and other community activities authorized by the Governing Body, and public memorial signs and tablets.

Section 809. Amended 12-7-2015 Signs Permitted In Districts Zoned Residential – R, R-1, R-1A, R-1B, & R-2. Note: Clarkesville Preservation District Overlay Article XXII Shall Apply.

1. One (1) identification sign per premise at the entrance drive of each individual residence, estate, farm, conservation area, ranch and plantation which does not exceed four (4) square feet of area.

2. One (1) project identification sign at each entrance to a residential subdivision or complex, or other permitted use, not exceeding thirty-two (32) square feet of area, provided such signs are not internally illuminated.
3. Signs for licensed sales, rental and leasing offices, manager's residences that do not exceed four (4) square feet of area.
4. Political signs, not exceeding four (4) square feet in area. See Section 819.1.
5. Real estate signs that pertain to the rent, lease or sale of properties of less than one acre may not exceed four (4) square feet in area. One (1) sign per premise per each street frontage is permitted. When the property exceeds one acre, one real estate sign per street frontage not exceeding thirty-two (32) square feet in area is permitted.

Section 810. Amended 12-7-2015 Signs Permitted In The INS Zoning District. Note: Clarkesville Preservation District Overlay Article XXII Shall Apply.

1. Any sign permitted in Section 809 specific to the use described.
2. Identification sign and/or bulletin board for churches, places of worship, fraternal organizations or other similar permitted institutional uses, provided only one (1) sign not exceeding thirty-two (32) square feet of area with a maximum height of ten (10) feet is permitted to be located on site per premise.
3. Directional signs pertaining only to property on which located, not to exceed four (4) square feet.

Section 811. Amended 12-7-2015 Signs Permitted In CB and PRO Zoning Districts. Note: Clarkesville Preservation District Overlay Article XXII Shall Apply.

1. Any sign permitted in Section 809 specific to the use described.
2. One (1) free-standing identification sign per premises, not exceeding twenty-four (24) square feet in area and eight (8) feet in height including its supporting structure.
3. One (1) primary sign installed on a wall, window, or hanging sign with a total sign area not exceeding the greater of either ten (10) percent of the area of the building face or twenty-four (24) square feet.
4. One (1) secondary wall, window, or hanging sign, or sign installed on an awning or canopy per street frontage not exceeding nine (9) square

feet in area on which the name and nature of the business or organization operated on the premises are shown.

5. Directional signs pertaining only to property on which located, not to exceed four (4) square feet.
6. Off-site signs by permitted use only. Permanent/Temporary off-site signs for businesses shall have written consent from the off-site property owner and shall be limited to one (1) sign per business and limited in size to a maximum nine (9) square feet. Business requesting off-site signage shall hold a valid City of Clarkesville business license. Variances shall not be considered.

Section 812. Amended 12-7-2015 Signs Permitted In HB and M-1 Zoning Districts. Note: Clarkesville Preservation District Overlay Article XXII Shall Apply.

1. Any sign permitted in Section 809 specific to the use described.
2. One (1) free-standing identification sign per premises, not exceeding thirty-two (32) square feet in area and ten (10) feet in height including its supporting structure.
3. One (1) primary sign installed on a wall, window, or hanging sign with a total sign area not exceeding the larger of either ten (10) percent of the area of the building face or thirty-two (32) square feet.
4. One (1) secondary wall, window, or hanging sign, or sign installed on an awning or canopy per street frontage not exceeding nine (9) square feet in area on which the name and nature of the business or organization operated on the premises are shown.
5. Directional signs pertaining only to property on which located, not to exceed four (4) square feet.
6. Off-site signs by permitted use only. Permanent/Temporary off-site signs for businesses shall have written consent from the off-site property owner and shall be limited to one (1) sign per business and limited in size to a maximum nine (9) square feet. Business requesting off-site signage shall hold a valid City of Clarkesville business license. Variances shall not be considered.
7. Internally illuminated signs.

Section 813. Amended 12-7-2015 Signs Permitted In DB Zoning District. Note: Clarkesville Preservation District Overlay Article XXII Shall Apply.

1. Any sign permitted in Section 809 specific to the use described.

2. One (1) primary sign installed on a wall, window, awning or hanging structure of a licensed business location with a total sign area not exceeding the larger of either ten (10) percent of the area of the building face or twenty-four (24) square feet.
3. Secondary signs, not to exceed two (2) signs installed on the wall, window, awning or hanging that are dissimilar in type to the primary sign not to exceed nine (9) square feet in area for each sign.
4. Sandwich board signs with the following conditions of use:
    a) Sandwich board signs shall not exceed six square feet (6 sq. ft.) in area per side.
    b) Only one (1) sandwich board is permitted per building face and shall be placed within the area immediately in front of the building.
    c) Sandwich board signs shall be also placed at or near the building entrance; provided, however such signs shall not obstruct the means of egress from any building and shall be only allowed wherein six feet (6') of clear passage along the sidewalk is maintained.
    d) Sandwich board signs shall be removed from the sidewalk at the close of each business day and shall not be permitted to remain on sidewalks after 9 p.m. under any circumstances.
    e) The permit for a sandwich board sign may be revoked for reasons of public health or safety. Examples of grounds for revocation shall include but are not limited to: a hazard to pedestrian travel, the practice of repeatedly left overnight, allowed to be cast from the sidewalk during inclement weather or improper use that results in the creation of a nuisance to pedestrians and the public.
5. Off-site signs by permitted use only. Permanent/Temporary off-site signs for businesses shall have written consent from the off-site property owner and shall be limited to one (1) sign per business and limited in size to a maximum six (6) square feet. Business requesting off-site signage shall hold a valid City of Clarkesville business license. Variances shall not be considered.

Section 814. Maximum Sign Height and Width.

No permitted sign or mounting support for a sign, regardless of type, shall exceed the height of ten (10) feet or a width of eight (8) feet in any zoning district.

Section 815. General Requirements for Signs.

Signs, regardless of the zoning district in which they are located, shall conform to the following requirements:

1. Signs, together with any supporting members, shall be kept in good repair and maintained so as to present a neat, clean appearance and be in a safe state of preservation. Painted areas and sign surfaces shall be kept in good condition, and illumination if permitted shall be maintained in safe and good working order.
2. Signs shall be set back a minimum of two (2) feet from any public street right-of-way.
3. No sign shall be erected where it will interfere with vision clearance along any street or obstruct the vision of either drivers or pedestrians.
4. Monuments or other structures on which freestanding signs are mounted may not have a total surface area greater than eighty (80) square feet per side.
5. Any illuminated sign shall be placed so that the rays and illumination there from shall not be cast upon neighboring properties.
6. The construction and installation of all permitted signs shall be inspected by the Building Inspector.
7. Other attached signs shall be inspected for safety and compliance with this Ordinance.
8. When a building is constructed, remodeled, or expanded, all signs shall be approved by the appropriate official before an occupancy permit is issued. Drawings containing dimensions of signs and/or descriptions of sign dimensions, construction materials, and methods of erection or design and stress diagrams may be approved by the Building Inspector or other appropriate official, when, in his best judgment, erection of the sign will not constitute a safety hazard and upon determination that the sign meets all the requirements of this Ordinance and the Building Code of the City of Clarkesville.

Section 816. Variances Permitted.

Recognizing that the strict application of the provisions of this Article may, in limited instances involving unique or unusual physical conditions or other such unanticipated situation, pose an unnecessary hardship to the owner or user of a sign, the Planning Commission Body is authorized to permit variances from the provisions of this Article, including but not limited to the following:

1. An increase in the height of a sign.
2. Reduction of the required two (2) foot setback for a sign.
3. An increase in the maximum area of a sign.
4. Temporary signs and sign devices not complying with Section 819.
5. Signs of a historic nature which are re-created and depict a certain era such as signs painted on walls, old neon signs and others.

Any application for a variance from the terms of this Article shall be filed and heard in accordance with variance procedures and shall require the filing of an elevation drawing of the sign or signs proposed to be erected, constructed, modified or continued, along with written justification that unusual conditions warrant such consideration. An appeal of the decision of the Planning Commission may be made to the Governing Body.

Section 817. Nonconforming signs.

1. Signs which on the effective date of the ordinance from which this section derives were legally erected and maintained under previous ordinances and regulations, or which become nonconforming with respect to the requirements of this chapter, may be continued so long as the size of the sign is not increased beyond that existing as of the effective date of the ordinance from which this section derives or any change thereto is made in conformance with this chapter. The display faces of freestanding, monument or other nonconforming signs may be replaced or repainted with a new display face so long as the total area of the sign is not increased.
2. A nonconforming sign shall not be replaced by another sign except one which complies with the requirements of this chapter.
3. Minor repair and maintenance of nonconforming signs such as repainting, electrical repairs and lighting shall be permitted. However, no structural repairs or changes in the size or shape of a nonconforming sign shall be permitted except to make the sign comply with the requirements of this chapter.

4. A nonconforming sign may not be rebuilt, altered or repaired after damage exceeding fifty (50) percent of its replacement value at the time of destruction.
5. Nonconforming signs may not be continued if the use of the property changes as a result of the owner's actions.
6. Illegally installed, nonconforming signs for which no permits were issued, and all nonconforming temporary signs shall be removed or made to conform to the requirements of this chapter within 90 days of the effective date of the ordinance from which this section derives.

Section 818. Procedure for Removal of Abandoned, Dangerous or Unlawful Signs.

Should any sign be unlawful or become abandoned, insecure or in danger of falling or otherwise unsafe in the opinion of the Building Inspector, the owner thereof, or the person or firm maintaining the sign, shall upon written notice from the Building Inspector forthwith in the case of immediate danger and in any case within ten (10) days remove, or if lawful, secure the sign in a manner to be approved by the Building Inspector, in conformity with the Building Code of the City of Clarkesville. If such order is not complied with in ten (10) days, the sign shall be removed under instruction of the appropriate official at the expense of the owner or lessee thereof. In case any sign shall be installed, erected or constructed in violation of any of the terms of this Ordinance, the Building Inspector shall notify by certified mail or written notice served personally, the owner or lessee thereof to alter such sign, secure the necessary permit, make required alterations, or remove the sign. If such order is not completed within twenty-four (24) hours from the time of notice being received, the sign shall be removed under instruction of the appropriate official at the expense of the owner of lessee thereof.

Section 819. Amended 10-3-2011 Temporary Signs.

It shall be unlawful for any person to place on public or private property any temporary sign as defined by this ordinance without compliance with the following provisions:

1. A temporary sign permit shall be obtained prior to the installation of any temporary sign. Two (2) temporary signs less than four (4) square feet may be placed in all zoning areas without a permit. Up to four (4) may be placed with a permit. Signs shall be professional in nature. During political campaigns signs supporting a candidate and political party are permitted one (1) per candidate or party supported per lot.

Campaign signs shall be subject to Preservation District guidelines found in Article XXII. Real estate signs in areas zoned M1, HB, CB, PRO or INS for the sale or lease of properties less than one acre, are permitted one (1) per road frontage not to exceed twenty-four (24) square feet unless in the Clarkesville Preservation District. Real estate signs in the Clarkesville Preservation District and those in zoning area DB are permitted up to sixteen (16) square feet one sign per road frontage. Real estate signs larger than four (4) square feet are required to have a permit. There will be no cost for this permit. Any sign erected in violation of this ordinance may be removed at the discretion of the Zoning Administrator.

2. Temporary signs shall not be placed on or in any automobile or on any object or structure that is not a part of the building to which the sign pertains.
3. Temporary signs shall not be placed on public property, to include the public right of way, without the express permission of the Governing Body; except real estate directional signs less than two (2) square feet in area, one (1) per property per intersection shall be permitted from 4pm Friday through 6pm Sunday.
4. Only one temporary sign per premise no larger than twenty-four (24) square feet is permitted at one time. Temporary signs shall be limited to three (3) occurrences per Premise per calendar year. Temporary signs shall not remain in place for more than forty-Five (45) days.
5. There shall be no cash bond required provided the applicant has not been in previous violation of this ordinance. Should the applicant have been in previous violation of this ordinance, applicant shall post a $100.00 cash bond with the Clerk of the City and further complete all applicable application and registration procedures with the City. The $100.00 cash bond shall be returned to the applicant after all terms and provisions of this ordinance have been fully complied with. Should the applicant not fully comply with all terms and provisions of this ordinance, such $100.00 cash bond may be forfeited in addition to other penalties as may be provided for violations of this ordinance.

Section 820. Amended 12/5/22 Murals and Wall Signs Purpose and Intent.

The purpose and intent of the murals and wall signs regulations are to include language supporting "Integrating public art elements that infuse the character of Clarkesville into its streetscape..." and to provide opportunities to celebrate the City's unique identity. Murals are an avenue to reinforce the uniqueness of Clarkesville as a place that is proud of its identity and authenticity.

These regulations are also meant to recognize that there should be deliberate consideration to placing murals on historic structures, and in particular that it may be desirable to focus the placement of murals onto non-residential or mixed-use buildings in the Downtown Business District. An important tenant in supporting our Downtown Business District is to encourage visual interest and to encourage people to visit the district to see the architecture, public art & amenities and patronize our local businesses.

Proposed murals in the Downtown Business District shall be reviewed by the Planning Commission using these guidelines. Murals or wall signs that do not meet the criteria may be tabled for further review.

Murals and or Wall signs applied to buildings in these designated areas prior to the adoption of these guidelines shall be considered legally non-conforming to the degree to which they may not comply with these guidelines.

The following guidelines for murals and wall signs shall apply only to those properties located within the Downtown Business District/Clarkesville Downtown Preservation District Overlay. Please see the Clarkesville Preservation District map in Article XXII of the Zoning Ordinance for reference.

1. Submittal Requirements

Prior to installing a mural, an applicant shall comply with the following requirements:

a. A completed Mural Application shall be submitted to the City Zoning Administrator.

b. A written Consent letter from the building owner shall be submitted with the application if the applicant is not the owner.

c. A sketch or rendering that illustrates the building elevation, showing placement of existing architectural features (such as windows and doors), the scale of the mural, type of substrate, proposed artwork and design for the mural shall be submitted with the application. This shall include a written description of the type of mural (painted, mosaic, etc.) and details showing how the mural is affixed to the wall surface if it is not a surface applied painted mural

and the application technique and paint type for surface applied murals.

d. Structural Review- The method of attachment of non-surface applied murals shall be reviewed to ensure safety of hanging murals by the Zoning Administrator.

2. Review Criteria for all Murals

a. Relationship to Historic Design Guidelines:

i. Murals located within Clarkesville's historic zoning Districts shall comply with the language contained within and the approved Clarkesville Zoning Ordinance regulations for those zoning districts as appropriate. For example, painting masonry that has not historically been painted shall not be permitted.

ii. All Proposed Murals that conform or do not conform to those standards shall be reviewed by the Planning commission.

Note: The color palate for murals/wall signs shall come from the Benjamin Moore Historical Collection or similar colors from other manufacturers.

b. Murals as Signs

i. If Murals include commercial speech, they shall comply with the City of Clarkesville sign regulations contained within the Zoning Ordinance. Applicants may appeal the Planning Commission's interpretation of commercial speech to the City Council for review.

ii. Non-commercial speech shall not be regulated as signage.

iii. The name or signature of the mural artist may be placed on the mural but shall be limited in scale.

iii. To the extent no constitutional protection is provided under federal or state law, murals shall not contain obscenity, fighting words, defamation, child pornography, perjury, blackmail, incitement to imminent lawless action, true threats of bodily injury or death, or solicitation to commit crimes.

c. Mural Location:

i. Murals shall not be located on the principal façade(s) of a building. Murals may be located on other facades of the building including the side, rear, or alley-facing facades.

ii. Murals shall not be placed above the building's roof line or

extend/project beyond eaves, parapets, or the sides of a building.

d. Mural Relationship to Architectural Features:

i. Murals shall not cover or detract from architectural features. Eaves, cornices and other architectural features shall keep their character and remain painted to match the rest of similar architectural features on the building.

d. Non-Surface applied Murals:

i. A mural that has been applied to another surface to be hung on a building shall be installed in a manner that does not damage the building it is attached to. Murals hung on historic masonry structures shall attach via the mortar and not by drilling into the historic brick or attached by another method that has been demonstrated not to damage the masonry.

ii. Murals may be applied to a separate material designed for exterior applications upon City Zoning Administrator approval and secure application to the wall. It shall be demonstrated to City Zoning Administrator that such materials are removable without damage to the walls at the end of their term.

f. Mural Maintenance/Removal:

i. Paint utilized shall be intended for exterior use and of sufficient quality which will not corrode or compromise the integrity of the material to which it is applied. Reference materials for paint, preparation of the surface, and application information are available by the Zoning Administrator.

ii. The applicant shall be responsible for maintenance of the mural, including the repair of material failure (peeling paint) and promptly removing vandalism. Damaged, chipped, cracked, or peeling paint shall be enforced in accordance with Section Exterior Painting contained within the City of Clarkesville Clean Community Regulations. If the applicant is absentee then the responsibility of the mural shall be the property owner.

iii. The applicant or property owner may apply for a permit to remove an approved mural or apply for consideration of a different mural to replace one approved under the authority of this regulation at any time.

The removal permit is required so the Zoning Administrator may review the removal method to ensure it will not damage the building in accordance with the City of Clarkesville Historic Design Guidelines.

g. Additional guidelines for Murals in the Historic Zoning Districts.

i. All Murals proposed on non-residential structures which directly face adjacent residential structures within the Downtown Business District shall be reviewed by the Zoning Administrator.

3. Scope of Clarkesville Planning Commission review of proposed murals.

When the CPC reviews a proposed mural the board's review shall be limited to judgments about the scale, location, and degree to which the proposed mural damages or detracts from the architectural features of the façade of the building it is to be placed upon. The CPC shall make judgments in regard to the content of the mural with the exception of determinations regarding commercial and non-commercial speech as referenced above and defined in these regulations.

4. Enforcement

Violations to these guidelines or murals placed in contradiction to these guidelines shall be enforced in accordance with the enforcement penalties put forth in the Zoning Ordinance Article XXVI.

Note: Other public agencies/entities that may be generally exempt from local planning regulations may still be subject to restrictions based on their own respective governing regulations.

Section 821. Penalty for Violation of Sign Ordinance

Penalties for violating this ordinance are described in Section 2606 of The Code of the City of Clarkesville.

ARTICLE IX
R, SINGLE FAMILY RESIDENTIAL DISTRICT

Section 901. Purpose and Intent.

The R, Single Family Residential District is intended to establish and preserve quiet, stable single-family residential neighborhoods at low densities (up to approximately 1.45 units per acre) free from other uses except those which are compatible with and convenient to the residents of such a district.

The R district is generally located on the periphery of the city in the more remote, undivided areas of Clarkesville that are not necessarily served by public sanitary sewer. The R district is intended to help maintain the agricultural, larger lot, rural, park and open space character of these areas of Clarkesville. Through larger lot sizes, the R district is also intended to implement the city's resource protection strategies relative to the Soque River. Furthermore, the R district in some cases serves as a "holding" zone, and in the future areas zoned R may be justifiably rezoned to higher density residential and or non-residential categories.

Section 902. Permitted Uses. Amended 12/5/22

1. Single-family detached dwellings not including mobile homes, manufactured homes, house trailers, modular homes, industrialized homes (as regulated under Georgia law in Title 8, Chapter2, Article 2 of the Code, as amended) or any home constructed off site for delivery and set up on site.
2. Accessory buildings and uses customarily incidental to the principal residential use of the property, including guest houses (not accessory apartments) home gardens, noncommercial greenhouses, and shelters or enclosures for household pets. Non-commercial livestock is a permitted accessory use on lots with a minimum area of two (2) acres, provided that any buildings or enclosures for the maintenance or shelter of animals shall be setback a minimum of one hundred fifty (150) feet from any property line. A no-cost special use permit is required for non-commercial livestock.
3. Churches, temples, synagogues and places of worship, and their solely owned and operated customary accessory facilities, including cemeteries, provided such uses are located on a lot with a minimum area of two (2) acres, principal buildings are setback a minimum of fifty (50) feet from any property line, and parking areas are located outside

of the required front yard and separated from any side or rear property line by a minimum six (6) foot high, opaque fence or wall, or a densely planted landscape strip of at least ten (10) feet in width.

4. Home occupations, as defined in Article III and limited in Section 713.
5. Parks, playgrounds, community centers, tennis courts, swimming pools, golf courses and other recreational facilities, operated on a non-profit basis.
6. Public and semi-public buildings and uses, as defined in Article III.
7. Schools, public elementary, middle and secondary.
8. Schools, parochial and private offering courses in general education substantially similar to that of a public school, not offered for profit.

Section 903. Conditional Uses.

Accessory apartments, as defined in Article III, subject to Section 717. Amended 3/2/15 Group residential facility as defined in Article III of this ordinance and in accordance with Article VII Sections 725 and 727 of this ordinance.

Amended 3/2/15 Group treatment facility/Halfway house as defined in Article III of this ordinance and in accordance with Article VII Sections 726 and 727 of this ordinance.

~~Personal Care Home, Family as defined in Article III of this Ordinance~~.

Section 904. Area, Height, Density and Placement Requirements.

As specified in Article XXIII.

Section 905. Application of Preservation Corridor Overlay District.

For those properties zoned R, Single Family, and that lie within the boundaries of the Preservation Corridor Overlay District, additional standards and performance measures found in Article XXII shall apply.

ARTICLE X
R-1, SINGLE FAMILY RESIDENTIAL DISTRICT

Section 1001. Purpose and Intent.

The R-1 district is intended to establish and preserve quiet, stable single-family residential neighborhoods at low-medium densities (up to approximately 2.90 units per acre) free from other uses except those which are compatible with and convenient to the residents of such a district.

Section 1002. Permitted Uses. Amended 12/5/22

Any use permitted in the R district. Animals and livestock, as specified in Section 721 are prohibited, and subject to the same limitations except as provided in Article XXII. Pets such as dogs and cats are permitted.

Section 1003. Conditional Uses.

Accessory apartments, as defined in Article III, subject to Section 717. Amended 3/2/15 Group residential facility as defined in Article III of this ordinance and in accordance with Article VII Sections 725 and 727 of this ordinance.
Amended 3/2/15 Group treatment facility/Halfway house as defined in Article III of this ordinance and in accordance with Article VII Sections 726 and 727 of this ordinance.
~~Personal Care Home, Family as defined in Article lll of this Ordinance.~~

Section 1004. Area, Height, Density and Placement Requirements.
As specified in Article XXIII.

Section 1005. Application of Preservation Corridor Overlay District.

For those properties zoned R-1, Single Family, and that lie within the boundaries of the Preservation Corridor Overlay District, additional standards and performance measures found in Article XXII shall apply.

ARTICLE XI
R-1A, SINGLE-FAMILY RESIDENTIAL DISTRICT

Section 1101. Purpose and Intent.

The R-1A district is intended to preserve and maintain single-family residential neighborhoods in areas served by public water and sanitary sewer that exist "in town", in close proximity to commercial areas of the city, at moderate densities (up to approximately 4.30 units per acre) free from other uses except those which are compatible with and convenient to the residents of such a district.

Section 1102. Permitted Uses.

Any use permitted in the R district. Animals and livestock, as specified in Section 721 are prohibited, and subject to the same limitations except as provided in Article XXII. Pets such as dogs and cats are permitted.

Section 1103. Conditional Uses.

Accessory apartments, as defined in Article III, subject to Section 717.
Amended 3/2/15 Group residential facility as defined in Article III of this ordinance and in accordance with Article VII Sections 725 and 727 of this ordinance.
Amended 3/2/15 Group treatment facility/Halfway house as defined in Article III of this ordinance and in accordance with Article VII Sections 726 and 727 of this ordinance.
~~Personal Care Home, Family as defined in Article lll of this Ordinance.~~
Amended 7/10/17 Bed and Breakfast as defined in Article III of this ordinance and in accordance with Article VII Sections 728 and 729 of this ordinance.

Section 1104. Area, Height, Density and Placement Requirements.

As provided in Article XXIII.

Section 1105. Application of Preservation Corridor Overlay District.

For those properties zoned R-1A, Single Family, and that lie within the boundaries of the Preservation Corridor Overlay District, additional standards and performance measures found in Article XXII shall apply.

ARTICLE XII
R-1B, SINGLE-FAMILY RESIDENTIAL DISTRICT

Section 1201. Purpose and Intent.

The R-1B district is intended to establish, preserve and maintain "in town" neighborhoods that are served by public water and sewer services. R-1B neighborhoods are located within or in close proximity to commercial areas of the city and major thoroughfares. The R-1B district permits small single-family residential lots and moderate densities (up to approximately 4.30 units per acre).

Section 1202. Permitted Uses.

1. Any use permitted in the R district. Animals and livestock, as specified in Section 721 are prohibited, and subject to the same limitations except as provided in Article XXII. Pets such as dogs and cats are permitted.
2. Accessory apartments, as defined in Article III, subject to Section 717.
3. Single-family attached dwellings, (townhouses), subject to the requirements of Section 1204.
4. Two-family dwellings (duplexes), with a minimum lot size of 10,000 square feet.

Section 1203. Conditional Uses.

Amended 3/2/15 Group residential facility as defined in Article III of this ordinance and in accordance with Article VII Sections 725 and 727 of this ordinance.

Amended 3/2/15 Group treatment facility/Halfway house as defined in Article III of this ordinance and in accordance with Article VII Sections 726 and 727 of this ordinance.

~~Personal Care Home, Family as defined in Article III of this Ordinance.~~

Amended 7/10/17 Bed and Breakfast as defined in Article III of this ordinance and in accordance with Article VII Sections 728 and 729 of this ordinance.

Section 1204. Townhouse Development Regulations.

All developments containing fee-simple townhouses shall conform to the following requirements:

1. Lots - Each townhouse shall be located on its own lot of record, and subdivision plat approval shall be required in accordance with the City of Clarkesville Subdivision Regulations.

2. Minimum Lot Size, Frontage, and Width - Each townhouse lot shall contain a minimum lot area of two thousand (2,000) square feet. The minimum lot width and frontage for each lot shall be eighteen (18) feet. The minimum lot area for a townhouse development shall be one (1) acre.
3. Setbacks - Townhouses shall conform to the setbacks established for the zoning district in which it is located; provided however that zero lot line (no side building setback) is permitted between individual townhouse units forming the same building. Between buildings, there shall be a side yard of not less than twenty-five (25) feet. The rear setback shall be a minimum of twenty-five (25) feet. Dwelling units which form a part of a single building shall have the front setbacks and rooflines varied/staggered by a minimum of two (2) feet.
4. Maximum Units Per Building - No more than six (6) townhouses shall be permitted to form any building.
5. Streets - All streets within a townhouse development shall be built to City specifications as provided in the City of Clarkesville Subdivision Regulations and dedicated to the City.
6. Maximum Density - Townhouse developments shall not exceed the maximum density permitted within the particular zoning district.
7. Parking - Off-street parking facilities shall be grouped in bays, either adjacent to streets or in the interior of blocks. 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 is intended to serve.

Section 1205. Area, Height, Density and Placement Requirements.

As specified in Article XXIII.

Section 1206. Application of Preservation Corridor Overlay District.

For those properties zoned R-1B, Single Family, and that lie within the boundaries of the Preservation Corridor Overlay District, additional standards and performance measures found in Article XXII shall apply.

ARTICLE XIII
R-2, MULTIPLE-FAMILY RESIDENTIAL DISTRICT

Section 1301. Purpose and Intent.

The R-2, Multiple-Family Residential District is intended to provide suitable land for a variety of dwelling types at high densities (up to 10.00 units per acre) in areas served by public water and sanitary sewer.

Section 1302. Permitted Uses. (Section 7 Added 02-02-2009)

1. Apartments, with a minimum lot size of two (2) acres for any apartment development and subject to the provisions of Section 1305.
2. Condominiums, with a minimum lot size of two (2) acres for any condominium development, and subject to the provisions of Section 1306.
3. Continuing care retirement communities, as defined in Article III, not to exceed accommodations for sixteen (16) residents.
4. Personal care homes, "family" and "group", as defined in Article III.
5. Single-Family attached dwellings (townhouses) subject to the townhouse regulations as specified in Section 1204.
6. Two-family dwellings (duplexes), with a minimum lot size of 10,000 square feet.
7. All permitted uses in the R-2 zoning district must be stick built on site and may not be constructed off site for delivery. This provision does not prohibit use of pre-constructed components for incorporation into any home constructed on site such as roof and floor trusses or pre-manufactured wall assemblies.

Section 1303. Conditional Uses (Amended 3/2/15).

Group residential facility as defined in Article III of this ordinance and in accordance with Article VII Sections 725 and 727 of this ordinance.

Group treatment facility/Halfway house as defined in Article III of this ordinance and in accordance with Article VII Sections 726 and 727 of this ordinance.

Amended 7/10/17 Bed and Breakfast as defined in Article III of this ordinance and in accordance with Article VII Sections 728 and 729 of this ordinance.

Section 1304. Area, Height, Density and Placement Requirements.

Conditional Uses

As specified in Article XXIII.

Section 1305. Apartment Development Standards.

1. Site plan approval by the Planning Commission shall be required.
2. Apartment buildings shall be constructed with a separation of at least twenty (20) feet if one (1) or more buildings contain two (2) stories, and a separation of at least thirty (30) feet if one (1) or more buildings contain three (3) or more stories.
3. No principal building shall be constructed less than forty (40) feet from any property line. 4. Each apartment development shall have a minimum of twenty percent (20%) of the development's total land area as landscaped open space.

Section 1306. Residential Condominium Development Regulations.

All developments containing residential condominiums shall conform to the following requirements:

1. Site plan approval by the Planning Commission shall be required.
2. Condominium developments shall meet all applicable state laws, including the Georgia Condominium Act.
3. Proposed condominium bylaws shall be submitted with the application for site plan approval. Residential condominiums shall conform to the setbacks established for the zoning district in which it is located; provided however that the rear setback for all residential condominium buildings shall be twenty-five (25) feet. Parking - Off-street parking facilities shall be grouped in bays, either adjacent to streets or in the interior of blocks. 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 is intended to serve.

Section 1307. Application of Preservation Corridor Overlay District.

For those properties zoned R-2, Multiple Family, and that lie within the boundaries of the Preservation Corridor Overlay District, additional standards and performance measures found in Article XXII shall apply.

ARTICLE XIV
INS, INSTITUTIONAL DISTRICT

Section 1401. Purpose and Intent.

The Institutional district is intended to establish areas for the development and maintenance of public facilities, semi-public uses, institutionalized residential facilities and other similar uses in locations that are adjacent or reasonably accessible to major thoroughfares. It is characteristic of Institutional uses that a high percentage of the lot is covered with building(s).

Section 1402. Permitted Uses.

1. Accessory buildings, structures and uses customarily incidental to one or more permitted principal uses.
2. Assembly halls, auditoriums and meeting halls.
3. Churches, temples, synagogues and places of worship.
4. Clubs, lodges, fraternal institutions and other places of public assembly for non-profit membership groups.
5. Colleges, universities and technical schools.
6. Continuing care retirement communities.
7. Convalescent homes, nursing homes, group homes, rehabilitation centers, sanitariums and similar institutionalized residential facilities involving professional care and treatment, provided no buildings are located closer than one-hundred (100) feet to any property line, and provided copy of the approved state license or permit is filed with the Zoning Administrator prior to the issuance of a Certificate of Occupancy.
8. Day care centers, kindergartens and nursery schools.
9. Hospitals and clinics.
10. Institutional studios, such as music, dance, gymnastics, aerobics and martial arts.
11. Libraries, museums and art galleries.
12. Parking garages and parking lots.
13. Personal care homes, homes for the elderly, boarding homes, and dormitories, but not including hotels, motels and bed and breakfast inns.
14. Public and semi-public buildings, structures and uses.
15. Schools, public, parochial, private, vocational- technical, and business.

16. Single-family detached dwellings.

Section 1403. Conditional Uses.

1. Amphitheaters and stadiums.
2. Offices and facilities for electric, gas, cable television and other utility companies, but not including unenclosed storage of materials.
3. Residences for a caretaker or night watchman.
4. Restaurants, retail shops, snack bars and personal service establishments, but only in conjunction with the operation of one or more permitted principal uses, and predominantly serving the residents or patrons of the facility on-site, as opposed to the general public.
5. Group residential facility as defined in Article III of this ordinance and in accordance with Article VII Sections 725 and 727 of this ordinance.
6. Group treatment facility/Halfway house as defined in Article III of this ordinance and in accordance with Article VII Sections 726 and 727 of this ordinance.

Section 1404. Area, Height, Density and Placement Requirements.

In accordance with Article XXIII.

Section 1405. Application of Preservation Corridor Overlay District.

For those properties zoned INS, Institutional, and that lie within the boundaries of the Preservation Corridor Overlay District, additional standards and performance measures found in Article XXII shall apply.

ARTICLE XV
PRO, PROFESSIONAL DISTRICT

Section 1501. Purpose and Intent.

The Professional District is intended to establish and provide suitable areas for the development of offices and professional enterprises. This district is primarily intended to apply to properties along Washington Street where commercial development may be incompatible with adjacent or nearby residences but where existing residential dwellings may no longer be viable for residential use. The Professional district also may be suitable for transitional areas in other portions of the city, usually along major thoroughfares, where such permitted uses provide a buffer between commercial and residential districts.

Section 1502. Permitted Uses.

1. Accessory buildings, structures and uses customarily incidental to one or more permitted principal uses.
2. Finance, insurance and real estate establishments, but not including commercial banks.
3. Offices, medical, professional and general.
4. Public and semi-public buildings, structures and uses.
5. Services, health.
6. Single-family detached residences.

Section 1503. Conditional Uses.

1. Services, business.
2. Services, personal.
3. Group residential facility as defined in Article III of this ordinance and in accordance with Article VII Sections 725 and 727 of this ordinance.
4. Group treatment facility/Halfway house as defined in Article III of this ordinance and in accordance with Article VII Sections 726 and 727 of this ordinance.
5. Amended 7/10/17 Bed and Breakfast as defined in Article III of this ordinance and in accordance with Article VII Sections 728 and 729 of this ordinance.

Section 1504. Area, Height, Density and Placement Requirements.

As specified in Article XXIII.

Section 1505. Application of Preservation Corridor Overlay District.

For those properties zoned PRO, Professional, and that lie within the boundaries of the Preservation Corridor Overlay District, additional standards and performance measures found in Article XXII shall apply.

ARTICLE XVI
DB, DOWNTOWN BUSINESS DISTRICT

Section 1601. Purpose and Intent.

The Downtown Business District is intended to establish and preserve the central areas of the City containing a variety of retail business and service establishments that are intended as pedestrian destinations. The DB district is intended to encourage pedestrian movement to, from and among the various establishments. Off-street parking may be in nearby public (or private) parking lots to facilitate pedestrian access to the area. The DB district can also support limited residential use with limited parking needs.

The DB district is not considered appropriate for areas outside the downtown area since this district permits buildings to open directly onto the public right-of-way and there is little or no space for landscaping on private property.

Limited outside merchandise displays are permitted in the DB district with the approval of the City Manager or Zoning Administrator. Such displays shall not block pedestrian traffic.

Section 1602. Permitted Uses.

1. Accessory uses and structures normally incidental to principal permitted uses and structures. Any use permitted in the INS, Institutional District, as enumerated in Section 1402.
2. Clubs, lodges, fraternal institutions and other places of public assembly for membership groups, non-profit or for profit.
3. Commercial recreation facilities, enclosed only.
4. Finance, insurance and real estate, establishments.
5. Offices, medical and professional.
6. Residences of all types, excluding mobile or manufactured homes.
7. Restaurants, including outside seating arrangements, but not including drive-in or drive-through facilities.
8. Services, business.
9. Services, personal.
10. Retail Trade establishments enclosed. 12/07/2009
11. Services, Limited Lodging. 01/09/2012
12. Farmer's Markets. 01/09/2017
13. Food Trucks. Amended 12/5/22

Section 1603. Conditional Uses.

1. Night clubs and dance halls.
2. Day care centers.
3. Group residential facility as defined in Article III of this ordinance and in accordance with Article VII Sections 725 and 727 of this ordinance.
4. Group treatment facility/Halfway house as defined in Article III of this ordinance and in accordance with Article VII Sections 726 and 727 of this ordinance.
5. Amended 7/10/17 Bed and Breakfast as defined in Article III of this ordinance and in accordance with Article VII Sections 728 and 729 of this ordinance.

Section 1604. Area, Height, Density and Placement Requirements.

As specified in Article XXIII.

Section 1605. Application of Preservation Corridor Overlay District.

For those properties zoned DB, Downtown Business District, and that lie within the boundaries of the Preservation Corridor Overlay District, additional standards and performance measures found in Article XXII shall apply.

ARTICLE XVII
CB, COMMUNITY BUSINESS DISTRICT

Section 1701. Purpose and Intent.

The Community Business District is intended to establish and preserve a central area in the city containing a broad range of retail businesses, service establishments, and other institutional/public uses. The Community Business District is not intended to accommodate automotive sales/service establishments and other businesses that normally cater to patrons in automobiles who are traveling to other destinations. Automobile-oriented uses are generally not appropriate in the CB district because they are not pedestrian destinations. The CB district is intended to encourage pedestrian movement to, from and among the various uses. The CB district also encourages the mixture of residential and commercial uses.

The CB district is also considered appropriate in certain areas outside of the central downtown as a more restricted, more compatible alternative to the highway business zoning district.

Section 1702. Permitted Uses.

1. Accessory uses and structures normally incidental to principal permitted uses and structures.
2. Any use permitted in the DB, Downtown Business District, as enumerated in Section 1602.
3. Clubs, lodges, fraternal institutions and other places of public assembly for membership groups, non-profit or for profit.
4. Commercial recreation facilities, enclosed only.
5. Finance, insurance and real estate establishments.
6. Offices, medical, professional and general.
7. Residences of all types, but not including mobile or manufactured homes. Home occupations are permitted as accessory uses, without being subject to the limitations of Section 713.
8. Restaurants, including outside seating arrangements, but not including drive-in or drive-through facilities.
9. Retail trade establishments, enclosed.
10. Services, business.
11. Services, health.
12. Services, miscellaneous.

13. Services, personal.
14. Temporary uses approved by the Zoning Administrator.

Section 1703. Conditional Uses.

1. Commercial recreation facilities, unenclosed.
2. Expansion of an existing non-conforming use.
3. Planned unit developments, with a minimum lot size of ten (10) acres.
4. Retail trade establishments, unenclosed, not including automotive related facilities.
5. Transportation, communication and utility facilities that necessarily require a location in the downtown area.
6. Service, Limited Lodging
7. Group residential facility as defined in Article III of this ordinance and in accordance with Article VII Sections 725 and 727 of this ordinance.
8. Group treatment facility/Halfway house as defined in Article III of this ordinance and in accordance with Article VII Sections 726 and 727 of this ordinance.
9. Amended 7/10/17 Bed and Breakfast as defined in Article III of this ordinance and in accordance with Article VII Sections 728 and 729 of this ordinance.

Section 1704. Shopping Center Specifications

Shopping centers, as defined in Article III, shall be designed and developed in accordance with an approved site plan:

1. Shopping centers shall be subject to an architectural review for appropriate design.
2. Shopping centers shall submit a signage plan for compliance with the sign regulations.
3. Shopping centers shall provide for greenspace and impervious surface to the maximum extent possible; however, such provision shall be not less than twelve percent (12%) of the total land area.
4. Shopping center site plans shall contain, as a minimum, the following provisions:
5. A graphic depiction of all structures, parking areas and appurtenances with setback distances, utility information, building dimensions and stormwater devices.
6. Construction plans for all structures.

7. A graphic depiction of the surrounding properties including the type and use of all structures.
8. Traffic impact projections, tree removal and landscaping projections.

Section 1705. Strip Mall Specifications.

Strip Malls, as defined in Article III, shall be designed and developed in accordance with an approved site plan:

1. Strip Malls shall be subject to an architectural review for appropriate design.
2. Strip Malls centers shall submit a signage plan for compliance with the sign regulations.
3. Strip Malls shall provide for greenspace and impervious surface to the maximum extent possible; however, such provision shall be not less than ten percent (10%) of the total land area.
4. Structures within a strip mall development shall be separated by not less than twenty feet (20') between buildings.
5. Strip Malls site plans shall contain, as a minimum, the following provisions:
6. A graphic depiction of all structures, parking areas and appurtenances with setback distances, utility information, building dimensions and stormwater devices.
7. Construction plans for all structures.
8. A graphic depiction of the surrounding properties including the type and use of all structures.
9. Traffic impact projections, tree removal and landscaping projections.

Section 1706. Area, Height, Density and Placement Requirements.

As specified in Article XXIII.

Section 1707. Application of Washington Street Overlay District.

For those properties zoned CB, Community Business, and that lie within the boundaries of the Washington Street Overlay District, additional standards and performance measures found in Article XXII shall apply.

ARTICLE XVIII
HB, HIGHWAY BUSINESS DISTRICT

Section 1801. Purpose and Intent.

The Highway Business District is intended to provide adequate space for various types of general business uses that serve residents on a broader community level, including the retailing of major goods and services of large scale, automotive and other types of more intensive commercial activities and establishments that rely on highway-oriented traffic. The HB district is also distinguished from the CB, Community Business District, in that it permits unenclosed and "open air" business activities. The HB district is generally only appropriate along major thoroughfares.

Section 1802. Permitted Uses.

1. Any use permitted in the CB, Community Business District as enumerated in Sections 1702 and 1402.
2. Accessory uses and structures normally incidental to permitted principal uses.
3. Commercial recreation facilities, unenclosed.
4. Automobile sales lots, new and/or used.
5. Contractor's establishments, building, electrical and plumbing.
6. Mini-warehouses and mini-storage facilities, where no individual storage stall or compartment exceeds 500 square feet of total floor area.
7. Restaurants, including drive-in and drive-through facilities.
8. Retail trade establishments, unenclosed, and open-air businesses.
9. Services, automotive.
10. Services, lodging.
11. Services, miscellaneous.
12. Warehousing and storage uses.
13. Wholesale and wholesale distribution.
14. Service, Limited Lodging
15. Fireworks, consumer retail sales facility. Amended 12-7-2015
16. Fireworks, consumer retail sales stand. Amended 12-7-2015
17. Farmer’s Markets. 01/09/2017
18. Food Trucks. Amended 12/5/22

Section 1803. Conditional uses.

1. Planned Unit Developments, with a minimum development of ten (10) acres.
2. Transportation, communication and utility facilities.
3. Group residential facility as defined in Article III of this ordinance and in accordance with article VII Sections 725 and 727 of this ordinance.
4. Group residential facility as defined in Article III of this ordinance and in accordance with article VII Sections 726 and 727 of this ordinance.

Section 1804. Shopping Center Specifications

Shopping centers, as defined in Article III, shall be designed and developed in accordance with an approved site plan:

1. Shopping centers shall be subject to an architectural review for appropriate design.
2. Shopping centers shall submit a signage plan for compliance with the sign regulations.
3. Shopping centers shall provide for greenspace and impervious surface to the maximum extent possible; however, such provision shall be not less than twelve percent (12%) of the total land area.
4. Shopping center site plans shall contain, as a minimum, the following provisions:
5. A graphic depiction of all structures, parking areas and appurtenances with setback distances, utility information, building dimensions and stormwater devices.
6. Construction plans for all structures.
7. A graphic depiction of the surrounding properties including the type and use of all structures.
8. Traffic impact projections, tree removal and landscaping projections.

Section 1805. Strip Mall Specifications.

Strip Malls, as defined in Article III, shall be designed and developed in accordance with an approved site plan:

1. Strip Malls shall be subject to an architectural review for appropriate design.
2. Strip Malls centers shall submit a signage plan for compliance with the sign regulations.

3. Strip Malls shall provide for greenspace and impervious surface to the maximum extent possible; however, such provision shall be not less than ten percent (10%) of the total land area.
4. Structures within a strip mall development shall be separated by not less than twenty feet (20') between buildings.
5. Strip Malls site plans shall contain, as a minimum, the following provisions:
6. A graphic depiction of all structures, parking areas and appurtenances with setback distances, utility information, building dimensions and stormwater devices.
7. Construction plans for all structures.
8. A graphic depiction of the surrounding properties including the type and use of all structures.
9. Traffic impact projections, tree removal and landscaping projections.

Section 1806. Area, Height, Density and Placement Requirements.

As specified in Article XXIII.

Section 1807. Application of Preservation Corridor Overlay District.

For those properties zoned HB, Highway Business, and that lie within the boundaries of the Preservation Corridor Overlay District, additional standards and performance measures found in Article XXII shall apply.

ARTICLE XIX
M-1, LIGHT INDUSTRIAL DISTRICT

Section 1901. Purpose and Intent.

The Light Industrial District is established with the purpose of reserving certain areas with relatively level topography, adequate water and sewerage facilities, and access to arterial streets for industrial operations, but where the proximity of Light Industrial Districts to residential and other districts makes it desirable to limit industrial operations to those that are not objectionable by reason of the emission of noise, vibration, smoke, dust, gas, fumes, odors or radiation and that do not create fire or explosion hazards or other objectionable conditions. Such objectionable uses may be permitted as conditional uses. Uses permitted within this district do not require substantial quantities of water for manufacturing operations and do not necessarily require rail, air and water transportation. Certain commercial uses having an open storage characteristic, or which are most appropriately located as neighbors of industrial uses, are also included within this district.

Section 1902. Permitted Uses.

1. Accessory uses and structures normally incidental to permitted principal uses, including offices, showrooms and administrative facilities.
2. Contractor's establishments.
3. Distribution of products and merchandise.
4. Dry-cleaning plants.
5. Electronic equipment manufacturing.
6. Exterminators and pest control businesses.
7. Furniture and fixtures manufacturing.
8. Instruments and related products manufacturing.
9. Kennels.
10. Leather and leather products manufacturing.
11. Lumber yards, planning and sawmills.
12. Lumber and wood products manufacturing, but not including paper and allied products.
13. Machine shops.
14. Mini-warehouse and mini-storage facilities.
15. Parking garages and parking lots.

16. Public and semi-public buildings, structures and uses.
17. Radio and television broadcasting towers, and cellular phone antennas.
18. Repair of household appliances.
19. Recycling plants, including any processing activities.
20. Research and scientific laboratories.
21. Residences for caretaker or night watchman.
22. Service, automotive.
23. Sign fabrication and painting shops.
24. Storage buildings and storage yards, including unenclosed materials.
25. Soft drink bottling and distributing plants.
26. Transportation, communication and utility facilities.
27. Welding shops.
28. Wholesaling, wholesale distribution, and warehousing facilities.
29. Wrecked motor vehicle compounds and wrecker services, subject to screening requirements of Section 2208.
30. Fireworks, consumer retail sales facility. Amended 12-7-2015
31. Fireworks, consumer retail sales stand. Amended 12-7-2015

Section 1903. Conditional Uses.

1. Chemicals and allied products manufacturing.
2. Industrial machinery and equipment manufacturing.
3. Paper and allied products manufacturing.
4. Petroleum and coal products manufacturing.
5. Rubber and miscellaneous plastics products manufacturing.
6. Stone, clay and glass products manufacturing.
7. Transportation equipment manufacturing.
8. Group residential facility as defined in Article III of this ordinance and in accordance with article VII Sections 725 and 727 of this ordinance.
9. Group residential facility as defined in Article III of this ordinance and in accordance with article VII Sections 726 and 727 of this ordinance.

Section 1904. Area, Height, Density and Placement Requirements.

As specified in Article XXIII.

Section 1905. Application of Preservation Corridor Overlay District.

For those properties zoned M-1, Light Industrial, and that lie within the boundaries of the Preservation Corridor Overlay District, additional standards and performance measures found in Article XXII shall apply.

ARTICLE XX
CONSERVATION AND PRESERVATION DISTRICT
SECTION 2001.

RESERVED

ARTICLE XXI
AGRICULTURAL DISTRICT
SECTION 2101.

RESERVED

ARTICLE XXII (Amended 03/05/2012, 12/5/2022)
CLARKESVILLE PRESERVATION DISTRICT
(OVERLAY ZONE)

Section 2201. Definition, Purpose and Intent.

The purpose of the Clarkesville Preservation District overlay zone (CPD) is to preserve and protect the area's historic and scenic character and to effect changes such that, over time, the district's scenic quality and historic character are maintained or enhanced. The CPD includes all that area identified by the Official CPD Map, a map available for public view, a copy of which is kept in the office of the Zoning Administrator of the City of Clarkesville. The CPD regulations are in addition to other regulations of the Clarkesville Zoning Ordinance. Where these regulations are in conflict with less restrictive regulations contained elsewhere in this ordinance, the CPD regulations apply.

Section 2202. Application.

The regulations contained in this section pertain to all properties located within the Clarkesville Preservation District (CPD).

Section 2203. District Boundary Map.

The Clarkesville Preservation District (CPD) regulations pertain to the following areas: area identified on the Official CPD Map and any parcel or portion of a parcel that is not located within the CPD but that in the future might be platted to join with a parcel that is located within the CPD.

Section 2204. Demolitions Review Required.

Any proposed demolition of structures located within the Preservation District shall be reviewed and approved by the Planning Commission according to the procedures outlined in the Preservation District Demolition Procedures and Regulations found in Article XXV.

Section 2205. Project Plan Review Required.

Any proposed construction affecting the exterior of structures and sites located within the Preservation District shall be reviewed by the Planning Commission for conformance with the Preservation District requirements, and for its appropriateness to that particular character area. Plans required for project reviews may include site plans and/or construction documents.

Site Plans shall include applicable elements from the following list:

- Property dimensions
- Location of structures with setback requirements
- Location of parking areas with setback requirements
- Location of signage with setback requirements
- Description (Drawing) of Proposed Signage
- Construction detail of signage
- Location of light fixtures and average light levels for the site
- Location of sidewalks
- Location and details of fencing
- Location and screening of waste containers
- Landscape plan in conformance with the Landscape Buffer Guidelines and Parking Requirements
- Construction/expansion of parking areas
- Construction/expansion of signage
- Land clearing and grading activities
- Specimen trees (removal limited see Tree Ordinance Article XXIX)

Construction Documents shall include the following applicable documents:
Exterior elevation submittal should include architectural features which clearly indicate all of the proposed building materials and colors for each facade. Include all exterior changes to structures such as the painting or otherwise changing of exterior colors, changes to exterior building materials including roof structures and or coverings, windows or doors, or any other exterior changes.

Section 2206. Plan Review Procedure.

Meet with the Zoning Administrator to review the proposed project and scope of work as it relates to the Preservation Guidelines. Submit plans of the proposed project to Zoning Administrator. Plans should be of adequate detail in order that a thorough project review can be completed. Planning Commission will review plans for compliance with the Clarkesville Preservation district ordinance. Appeal of decisions of the Planning Commission may be made to Governing Body.

Section 2207. Character Areas.

Definition – A character area is an area within the Clarkesville Preservation District of similar prevailing and desired visual and architectural character and where compatible property uses exist. The character areas are as follows:

Old Town (OT) – This area of town is characterized by narrow shaded streets. Old homes, churches, several of which are listed on the National Registry of Historic Places, and the old Clarkesville cemetery.

Washington Street (WS) – This area is primarily residential in character and includes the primary traffic corridor through the City along Historic 441 highway. Many of the structures along this corridor depict some of the history of Clarkesville and include homes, churches and commercial buildings.

Downtown (DT) - This area includes the area known as "downtown Clarkesville" and includes the many of the buildings constructed on and adjacent to the square. It is characterized by zero lot lines and a mix of residential and commercial use. (Restaurants, retail stores, and service businesses).

Park (P) – This area of town includes Pitts Park, Mary Street Park, and the Clarkesville Greenway and is bordered to the north by the Soque River. The area is mostly residential neighborhoods, recreational areas with a limited number of commercial buildings located along Historic 441.

The purpose of the character areas is to maintain and/or create the desired visual and architectural character of each area.

Section 2208. Clarkesville Preservation District Performance Standards.

All properties and land uses that lie within the Clarkesville Preservation District shall be subject to the performance standards established in Article XXII as well as other provisions of the Zoning Ordinance.

PERFORMANCE STANDARDS

Building Front Setback

For new buildings or additions, the front setback shall be in compliance with Section 2301. If lots on both sides are developed, the setback shall be the average setback of the adjacent lots.

Street Tree Requirements

For properties adjoining Highway 441, street trees shall be placed at the rate of one tree for every 30 feet of street frontage. Street trees shall be located behind (building side of) the sidewalk except in cases where there is a designed planting

strip in the right-of-way, or the sidewalk is greater than 8 feet wide and designed to accept trees in tree wells. Trees limbs shall provide at least 8 feet of clearance above sidewalks. Existing trees that are determined to be healthy may be used in lieu of the planting of new trees. The tree species shall be an appropriate street tree selected from Clarkesville Native Plant List (section2214).

Tree Conservation

Existing specimen trees, including those of rare or historical significance, shall not be removed unless otherwise determined to present a hazard to life or property, by the designated representative of the City of Clarkesville (see Article XXIX for Definition of specimen tree).

Parking Lot Buffers

Parking areas shall incorporate a sight obscuring hedge screen. The screen shall grow to be at least 36 inches higher than the finished grade of the parking area, except for required vision clearance zones. The screen may be achieved by a combination of earth mounding and plant materials.

Parking Lot Lighting

Glare or light from any operation and all lighting for parking areas or for the external illumination of buildings or grounds shall be directed or located in such a manner that direct or indirect illumination from the source of light shall not provide a hazard to the driving public, or present a nuisance to surrounding property owners.

Lighting Standards

All lighting installed should be non-glare, low intensity and should not provide a hazard to the driving public, nor present a nuisance to the surrounding property owners.

Signs

These requirements supplement and are in addition to the Clarkesville Sign Ordinance Article VIII. All signs must be approved and inspected by the Zoning Administrator. (See sections 2209, 2210, 2211 and 2212 Prohibited signs).

General

Signs in the Preservation District shall be designed and made by sign professionals. Signs shall be of quality workmanship and materials. Materials shall be of wood, metal, stone or other approved materials such as those found on turn-of-the-20th century commercial buildings.

Hanging/Projecting Signs

Projecting and hanging signs shall not exceed nine (9) square feet in area and shall have a clearance of at least eight (8) feet from bottom of the sign to walking surface.

Fencing

Fences shall be constructed of wood, brick, stone, or iron. Chain link fencing is allowed in rear yards only. Barbed wire is not allowed. Front yard fencing shall be no taller than 42 inches and rear yard fences shall be no taller than 60 inches. Fencing will only be permitted if recommended by the Zoning Administrator and approved by the Planning Commission.

Section 2209. Clarkesville Preservation District Overlay Zone Old Town Performance Standards.

OT

Clarkesville Preservation District Overlay Zone: Old Town Character Area Guidelines Site and Architectural Standards for New Commercial, Multi-family Construction, and Exterior Renovation of Existing Structures and Facilities

Overlay regulations & exterior renovation of existing structures		**Notes**
Minimum Building Setbacks (from ROW)		
Front (arterial – corridor street, Grant Jefferson	40 ft. or the same setback of a preexisting primary structure (if demolition of a preexisting structure is involved), whichever is greater. VARIANCE: Variance is allowed when the prevailing setbacks of the two adjacent properties are the same and differ from the above; in this case, proposed setback can conform to prevailing.	40 ft. setback is less than that currently required for lots zoned INS, PRO, and HB (DB has no required minimum), but, since parking will be restricted to the rear, they will need more space to the rear thus a smaller setback is justified. Also, maximum building height for these properties will be lower thus accommodating a smaller setback.
Minimum Building Setbacks (from property line)		
Side	10 ft. or the basic zoning requirements, whichever is greater.	Side setbacks range from none in DB to 30 ft. in HB where adjacent to certain residentially-zoned areas.
Rear	Basic zoning requirements.	Basic zoning requirements for areas bordering residential districts already necessitate a minimum rear setback of 10 ft. or greater.
Street Tree Requirements	N/A	
Maximum Building Height (ft.)	35 ft. or the same height of a preexisting primary structure (if demolition of a preexisting primary structure is involved), whichever is greater. VARIANCE: Variance allowed when the prevailing heights of the two	35 ft. is the basic zoning requirements for single-family residential districts. Restrict to 35 ft. to prevent buildings taller than on lots currently zoned DB, except in

	adjacent buildings are the same and differs from above; in this case, proposed height can conform to the prevailing.	cases where the exiting building exceeds 35 ft.
Maximum Lot Coverage (%)	35%	Current regulations in this area range from 30% for R-1 to 100% of DB. This primary concern is to preserve the appearance of the front while avoiding large, warehouse type buildings. Controls on setbacks, building height and width, and minimum parking standards will help to control building size.
Off Street Parking Requirements		
Minimum Parking Space Size	Basic zoning requirements (160 square feet for all districts)	
Setback from Public ROW	Basic zoning requirements (10 ft. for all districts).	Note that parking is restricted to the rear and to the side, with the granting of a variance (See Off Street Parking Location Requirements below).
Setback for Residential District	Basic zoning requirements (25 ft. for all districts).	This 25 ft. setback for properties adjacent (rear or side) to residential districts will limit business uses in the WS since some lots will not be able to accommodate this setback.
Parking Lot Buffers	Parking shall incorporate a sight obscuring hedge screen. The screen shall grow to be at least 36 inches higher than the finished grade of the parking area, except for required vision clearance zones. The screen may be achieved by a combination of earth mounding and plant materials.	
Parking Lot Landscaping	Parking lot landscaping shall consist of a minimum of 7% of the total parking area plus a ratio of one tree for each seven parking spaces to create a canopy effect.	

	(When possible, parking areas should incorporate existing trees whose DBH exceeds 8 inches). The tree species shall be an appropriate large canopied shade tree and shall be selected from the Clarkesville Native Plant List (see Section 2214). The landscaped area shall be planted with shrubs and/or groundcover to assure 80% coverage of the ground within five years. Landscaped areas shall be evenly distributed throughout the parking area and parking perimeter at the required ratio.	
Off-Street Parking Lot Requirements	Parking in the OT shall be restricted to the rear of the buildings, i.e. not to project forward beyond the rear wall of the building. VARIANCE: Variances to allow parking in the side yards shall be considered when one or more of the following criteria are met: (1) slopes in rear yard exceed 25%, (2) rear parking requires clearing of specimen trees, or (3) rear parking requires the demolition of historic landscape or structural features. The front setback for side parking lots will be the same as the minimum front building set back.	
Lighting	Glare or light from any operation and all lighting for parking areas or for the external illumination of buildings or grounds shall be directed or located in such a manner such that direct or indirect illumination from the source of light shall not exceed one-half foot-candle measured at any lot line.	It is the intent of this section to prevent light from spilling over to adjacent properties in amounts that can create negative impacts. A fact sheet/diagram is provided to assist property owners available at City Hall: Lighting Application Guide for Property Owners).
Curb Cuts		
Corridor Street – (Grant, Jefferson)	No new curb cuts onto corridor streets shall be allowed unless the following two criteria are met: (1) a	

	lot does not currently have a curb cut and (2) the lot does not front a side street with direct access onto corridor streets. Curb cuts can be widened to a maximum width of 24 ft.	
Tree Preservation	See Tree Ordinance Article XXIX	
Prohibited Signs	~~Balloons~~, Feather and Flutter flags, strings of pennants; banners, including political banners/signs over 24 sq. ft. in addition to those already prohibited elsewhere in the ordinance.	Amended 12-7-2015
Maintain Public ROW	Any proposed use requiring the addition of an accel/decel lane, according to GDOT standards, is not allowed in the OT.	
New Construction & Exterior Renovations Architectural Guidelines	See Architectural Guidelines, Section 2213 and the Better Home town Design Guidelines.	
Fences	Fences shall be constructed of wood, brick, stone, or iron. Wood fences shall be picket fences that are painted or stained, and are no taller than 42 inches front and spaced from 1.5-3.5 inches apart. Fencing in the rear yard of a structure with other materials, such as flat wood boards or chain link, may be allowed only at the recommendation of the Zoning Administrator and approval of the Planning Commission. Rear fencing shall be no taller than 48 inches. Rear fencing up to 60 inches for privacy reason may be allowed only at the recommendation of the Zoning Administrator and approval of the Planning Commission. If chain link fencing is used then it shall be painted or coated with	Fences

	dark green or black and covered by some type of planting or vines. If a rear yard is on the corner lot, no chain link or flat board fencing shall be allowed.	

Section 2210. Clarkesville Preservation District Overlay Zone Washington Street Performance Standards

WS

Clarkesville Preservation District Overlay Zone: Washington Street Area Guidelines Site and Architectural Standards for New Commercial, Multi-family Construction and Exterior Renovation of Existing Structures and Facilities

Overlay regulations & exterior renovation of existing structures		**Notes**
Minimum Building Setbacks (from ROW)		
Front (arterial – corridor street – Washington	30 ft. w/ street requirement – see below	Basic zoning requirements are 0 ft. in DB and 60 ft. in HB.
Minimum Building Setbacks (from property line)		
Side	10 ft. or the basic zoning requirements, whichever is greater.	Basic zoning requirements for properties zoned DB is 0 ft. or HB 15 ft./30 ft. if adjacent to residential district. Need to establish a minimum to maintain some greenspace.
Rear	10 ft. or the basic zoning requirements, whichever is greater.	Basic zoning requirements for properties zoned DB is 0 ft. or 15 ft. if adjacent to residential district; 10 or 30 ft. for HB. Need to establish a minimum to maintain some greenspace.
Street Tree Requirements	Street trees shall be placed between the sidewalk and property line at the rate of one tree for every 30 feet of street frontage. Street trees shall be located behind (building side) the sidewalk except in cases where there is a designed planting strip in the right-of-way, or the sidewalk is greater than 8 feet wide and designated to accept trees in tree wells. Trees shall not be planted closer than 2 ½ feet from the face of the curb. Trees shall provide at least 8 feet of clearance above sidewalks and 12 feet above roadway surfaces. Existing trees may be used as street trees if there will be no damage from the development that will kill or weaken the tree. The tree species shall be an appropriate street tree and shall be selected from Clarkesville Native Plant List (see Section 2214).	
Maximum Building Height (ft.)	35 ft. or the same height of a pre-existing primary structure (if demolition of a pre-existing	The basic zoning requirements for properties zoned CB, DB, or HB is 50 ft.

	structure is involved) whichever is greater. VARIANCE: Variance allowed when the prevailing heights of adjacent buildings differ from above; in this case, proposed height can conform to the prevailing height of neighboring buildings basic zoning requirements at that time.	
Maximum Lot Coverage (%)	60%	Basic zoning requirements are 100% for DB and 60% for CB and HB. We are mainly concerned with the appearance of the front but also want to avoid large, warehouse type buildings. Controls on setbacks, building height and width, and minimum parking standards will help to control building size.
Off-Street Parking Requirements		
Minimum Spaces	Not less than the minimum parking requirements specified in the basic zoning requirements.	
Minimum Landing Spaces	Not less than the minimum loading space requirements specified in the basic zoning requirements.	
Minimum Parking Space Size	Basic zoning requirements (160 sq. ft. for all districts)	
Setback for Public ROW	Same as building setbacks	
Setback from Residential District	Basic zoning requirements (25 ft. for all districts).	
Parking Lot Buffers	Parking shall incorporate a sight obscuring hedge screen. The screen shall grow to be at least 36 inches higher than the finished grade of the parking area, except for required vision clearance zones. The screen may be achieved by a combination of earth mounding and plant materials.	
Parking Lot Landscaping	Parking lot landscaping shall consist of a minimum of 7% of the total parking area plus the following ratios; one tree for each seven parking spaces for rear parking and one tree for each five parking spaces for side parking. The tree species shall be an appropriate large canopied shade tree and shall be selected from Clarkesville Native Plant List (see Section 2214). The landscaped area shall be planted with shrubs and/or groundcover to assure 80% coverage of the ground within five years.	

	Landscaped areas shall be evenly distributed throughout the parking area and parking perimeter at the required ratio.	
Off-Street Parking Location Requirements	All parking in this area shall be off-street and shall be located to the rear or side of the building according to the required setbacks.	A building could be set back 40 ft. from corridor streets (Washington, Grant & Bridge) and the parking could be setback only 30 ft. which is the minimum front setback for buildings and parking.
Lighting	Glare or light from any operation and all lighting for parking areas or for the external illumination of buildings or grounds shall be directed or located in a manner such that direct or indirect illumination from the source of light shall not exceed one-half foot candle measured at any lot line.	It is the intent of this section to prevent light from spilling over to adjacent properties in amounts that can create negative impacts.
Parking Lots	.9 foot-candle average is recommended; do not exceed 1.2 foot-candle.	
Sidewalks	.5 foot-candle average is recommended; do not exceed .9 foot candle.	
Curb-Cuts		
Side Streets	One 24 ft. wide two-way curb cut allowed per lot per side street.	
Corridor Streets (Washington)	One 15 ft. wide curb cut (one-way entering traffic) allowed per lot. For lots without frontage onto a side street, two 15 ft., one-way curb cuts or one 24 ft. two-way curb cut shall be allowed.	
Rear Streets	Curb cuts onto rear streets are not allowed unless they provide a lot's only public ROW access.	We want to keep traffic off of these streets as, in most cases, they border residential neighborhoods.
Landscape Buffers for Driveways	N/A	
Tree Preservation	See Tree Ordinance Article XXIX	
Prohibited Signs	Amended 12-7-2015 ~~Balloons~~, Feather and Flutter flags, strings of pennants; banners, including political banners/signs over 24 sq. ft. in addition to those already prohibited elsewhere in the ordinance.	
Signs – Attached or Hanging	Total size cannot exceed 25% of the window space or wall space.	Only one sign per business whether attached, hanging or window.
Signs – Window	Total size cannot exceed 25% of the window space.	Only one sign per business whether attached, hanging or window.

Maintain Public ROW	Any proposed use requiring the addition of an accel/decel lane, according to GDOT standards, is allowed in the WS.	
New Construction and Exterior Renovation – Architectural Guidelines	See Architectural Guidelines, Section 2213 and Better Home Town Design Guidelines.	
Fences	Fences shall be constructed of wood, brick, stone or iron. Wood fences shall be picket fences that are painted or stained, and are no taller than 42 inches front and spaced from 1.5 to 3.5 inches apart. Fencing in the rear yard of a structure with other materials, such as flat wood boards or chain link, may be allowed only at the recommendation of the Zoning Administrator and approval of the Planning Commission. Rear fencing shall be not taller than 48 inches. Rear fencing up to 60 inches for privacy reasons may be allowed only at the recommendation of the Zoning Administrator and approval of the Planning Commission. If chain link fencing is used then it shall be painted or coated with dark green or black and covered by some type of planting or vines. If a rear yard is on a corner lot, no chain link or flat board fencing shall be allowed.	

Section 2211. Clarkesville Preservation District Overlay Zone Downtown Performance Standards

DT

Clarkesville Preservation District Overlay Zone: Downtown Character Area Guidelines Site and Architectural Standards for New Commercial, Multi-family Construction, and Exterior Renovation of Existing Structures and Facilities

OVERLAY REGULATIONS AND EXTERIOR RENOVATION OF EXISTING STRUCTURES		**Notes**
Building Setback (from ROW)	All setbacks should conform to the prevailing setbacks of existing buildings.	Common walls between buildings are encouraged to maintain the historic commercial row character.
Front (Arterial – Corridor Streets)		
Side		
Rear		
Street Tree Requirements	N/A	
Maximum Building Height (ft.)	The height of a new building shall conform to the height or range of heights that prevail in the block in which the building is located.	Current maximum building height is 35 feet in INS districts and 50 ft. CB and DB district.
Maximum Lot Coverage (%)	N/A	
Off-Street Parking Requirements	Does not apply to the Downtown Character Area; see requirements for parking lots listed for Parking Lot Buffers and Parking Lot Landscaping.	
Minimum Spaces	N/A	
Minimum Loading Spaces	N/A	
Minimum Parking Space Size	N/A	
Setback from Public ROW	N/A	
Setback from Residential District	N/A	
Parking Lot Buffers	Parking shall incorporate a sight obscuring hedge screen. This screen shall grow to be at least 36 inches higher than the finished grade of the parking area, except for required vision clearance zones. The screen may be achieved by a combination of earth mounding and plant materials.	

Parking Lot Landscaping	Parking lot landscaping shall consist of a minimum of 7% of the total parking area plus a ratio of one tree for each seven parking spaces to create a canopy effect. The tree species shall be an appropriate large canopied shade tree and shall be selected from Clarkesville Native Plant List (see Section 2214). The landscaped area shall be planted with shrubs and/or groundcover to assure 80% coverage of the ground within five years. Landscaped area shall be evenly distributed throughout the parking area and parking perimeter at the required ratio.	
Off-Street Parking Location Requirements	Does not apply to the Downtown Character Area.	
Lighting	Outside lights for properties/uses must be made up of a light source and reflector so that acting together the light beam is controlled and not directed across an adjacent property.	It is the intent of this section to prevent light from spilling over to adjacent properties in amounts that can create negative impacts.
Parking Lots	.9 foot-candle average is recommended; do not exceed 1.2 foot-candle	
Sidewalks	.5 foot-candle average is recommended; do not exceed .9 foot-candle.	
Curb-cuts		N/A
Tree Preservation	See Tree Ordinance XXIX	
Sign Characteristics	All signs shall be historic in design, style and character.	It is the intent of this section to preserve and maintain the historic character of Historic Downtown Clarkesville.

Prohibited Signs	~~Balloons~~, Feather and Flutter flags, strings of pennants; banners, including political banners/signs over 16 sq. ft. in addition to those already prohibited elsewhere in the ordinance	Amended 12-7-2015
Signs – Attached or Hanging	New signs shall be attached to the building carefully to avoid damage to historic fabric for example; fittings should penetrate mortar joints rather than brick. New signs shall not obscure significant features of a building and shall respect the size, scale, and design of the building and not overwhelm it. Existing historic signs shall be retained.	
Signs – Window	Window signs shall be in the form of paint on window glass or internal hanging signs.	
OVERLAY REGULATIONS AND EXTERIOR RENOVATION OF EXISTING STRUCTURES		**Notes**
Maintain Public ROW	Any proposed use requiring the addition of an accel/decel lane, according to GDOT standards, is not allowed in the DT.	
New Construction and Exterior Renovation – Architectural Guidelines	See Architectural Guidelines, Section 2213 and Better Home Town Design Guidelines	
Fences	Fences shall not be allowed in the Downtown Character Area.	Except to screen Garbage/Trash Containers of all Sizes. Screening which is required.

Section 2212. Clarkesville Preservation District Overlay Zone Park Performance Standards

P

Clarkesville Preservation District Overlay Zone: Park Character Area Guidelines
Site and Architectural Standards for New Commercial, Multi-family Construction, and Exterior Renovation of Existing Structures and Facilities

OVERLAY REGULATIONS & EXTERIOR RENOVATION OF EXISTING STRUCTURES		**Notes**
Minimum Building Setbacks (From ROW)		
Front (arterial – Corridor Streets –Washington, Grant, and Bridge)	60 ft.	Basic zoning requirements in this area range from 40 ft. for R and R-2 to 60 ft. for R-1 and M-1.
Minimum Building Setbacks (from property line)		
Side	10 ft. or the basic zoning requirements, whichever is greater	Basic zoning requirements in this area range from 10 ft. in R-2 to 5 ft. or 30 ft., if adjacent to a residential district, in M-1. Need to establish a minimum to maintain some greenspace.
Rear	10 ft. or the basic zoning requirements, whichever is greater.	Basic zoning requirements in this area range from 10 ft. in R-2 to 10 ft. or 30 ft., if adjacent to a residential district, in M-1. Need to establish a minimum to maintain some greenspace.
Street Tree Requirements	Street trees shall be placed at the rate of one tree for every 30 feet of street frontage. Street trees shall be located behind the sidewalk except in cases where there is a designed planting strip in the right-of-way. Trees shall not be planted closer than 2 1/2 feet from the face of the curb. Trees shall provide at least 8 feet of clearance above sidewalks and 12 feet above roadway surfaces. Existing trees may be used as street trees if there will be no damage from the development that will kill or weaken the tree. The tree species shall be an appropriate street tree and shall be selected from Clarkesville Native Plant List (see Section 2214).	

Maximum Building Heights (ft.)	50 ft. or basic zoning requirements, whichever is less.	Basic zoning requirements in this area range from 35 ft. for R and R-1B to 50 ft. for R-2 to 100 ft. for M-1.
Maximum Lot Coverage (%)	Basic zoning requirements	Basic zoning requirements range from 25% in R to 35% in R-1B and R-2 to 60% in M-1. Controls on setbacks, building height and width, and minimum parking standards will help to control building site.
Off-Street Parking Requirements		
Minimum Spaces	Not less than minimum parking requirements specified in the basic zoning requirements. VARIANCE: Variance should be allowed for fewer spaces when property owner can justify.	
Minimum Loading Spaces	Not less than minimum loading space requirements specified in the basic zoning requirements. VARIANCE: Variance should be allowed for fewer spaces when property owner can justify.	
Minimum Parking Space Size	Basic zoning requirements (160 sq. ft. for all districts)	
Setback from Public ROW	Same as building setbacks.	
Setback from Residential District	Basic zoning requirements (25 ft. for all districts)	
Parking Lot Buffers	Parking shall incorporate a sight observing hedge screen. The screen shall grow to be at least 36 inches higher than the finished grade of the parking area, except for required vision clearance zones. The screen may be achieved by a combination of earth mounding and plant materials.	
Parking Lot Landscaping	Parking lot landscaping shall consist of a minimum of 7% of the total parking area plus the following ratios: one tree for each seven parking spaces for rear parking and one tree for each five parking spaces for side parking areas. The tree species shall be an appropriate large canopied shade tree and shall be selected from Clarkesville Native Plant List (see Section 2214). The landscaped area shall be planted with shrubs and/or groundcover to assure 80% coverage of the ground within five years. Landscaped areas shall be evenly distributed throughout the parking area and parking perimeter at the required ratio.	
Lighting	Any light and all lighting for parking areas or for the external illumination of	It is the intent of this section to prevent light from spilling over to adjacent properties in

	buildings or ground shall be directed in a manner such that illumination shall not exceed one-half foot-candle measured at any lot line.	amounts that can create negative impacts.
Parking Lots	.9 foot-candle average is recommended; do not exceed 1.2 foot-candle.	
Sidewalks	.5 foot-candle average is recommended; do not exceed .9 foot-candle.	
Washington Street	One 24 ft. wide two-way curb cut allowed per lot.	
Rear Streets		
Landscape Buffers for Driveways		
Tree Preservation	See Tree Ordinance Article XXIX	
Prohibited Signs	Balloons, strings of pennant; banners, including political banners/signs over 24 sq. ft. in addition to those already prohibited elsewhere in the ordinance.	
Maintain Public ROW	Any proposed use requiring the addition of an accel/decel lane, according to GDOT standards, is not allowed in the OT.	
New Construction and Exterior Renovation – Architectural Guidelines	See Architectural Guidelines, Section 2213 and the Better Home Town Design Guidelines.	

Section 2213. Architectural Guidelines for New Construction and Renovations/Rehabilitations (Amended 03/05/2012, 12/5/2022)

Architectural Guidelines for New Construction and Exterior Renovation of Existing Structures

The following are offered as guidelines, only, for reviewing new construction proposed within the Overlay Zone. A design that does not conform to these guidelines can be approved if the Commission determines that the design is in keeping with the overall intent of the Overlay Zone. The purpose of guidelines is to ensure that new construction is compatible with the historic character of the City of Clarkesville.

Section 2213.1 Intent and Purpose

A. The purpose of this section is to provide information that will assist the community, property owners, design professionals and public officials in regards to proposed new buildings and the remodeling/renovation of existing buildings within the Clarkesville Preservation District (CPD).

B. It is intended to supplement the base zoning regulations, by establishing guidelines that address quality improvements in the form of new buildings and remodeling/renovation of existing buildings. Focus is on historic preservation while at the same time taking into account the more modern and up-to-date building codes and building materials. The goal is to maintain a sense of community and historic significance without putting an unreasonable burden upon a property owner/developer.

C. Reference is hereby made to the current edition of the Clarkesville Better Hometown Design Committee Design Guidelines as a further source of aid to building owners and design professionals.

Section 2213.2 Interpretation and Applications

A. The Clarkesville Preservation District is as defined in Article XXII, section 2201.

B. Review Procedure: In addition to the submittal guidelines as set forth in article XXII, Section 2206, elevation drawings of the proposed building are to be included. The elevation drawings are to clearly delineate all materials and colors that are being proposed. The developers and/or design professional shall schedule a meeting with

the Zoning Administrator to review the guidelines and to determine a date to review the submittal with the Planning Commission. Plans will not be reviewed for a building permit until the Planning Commission has approved the proposal.

Section 2213.3 Architectural Standards within the Clarkesville Preservation District

(A) Materials

1. Generally.
   a. Exterior building materials for buildings within the CPD shall be composed of one dominant veneer material on the first level and one or two additional materials as accents. The dominant veneer shall include the materials permitted by subsection (2), below. Accent materials include glazing, wood, or masonry. The dominant (i.e. primary) materials shall comprise a minimum of sixty percent (60%) of first floor elevation.

2. Exterior Building Materials.
   a. Primary materials. The primary materials for exterior wall surfaces shall be brick, stone, hardy plank, wood siding or glass.
   b. Secondary materials. Secondary materials may be used for up to 40% of the exterior wall surfaces and can be used to account for 100% of the exterior wall that is not considered to be a façade per the requirements of this ordinance. Acceptable secondary materials include all allowed primary materials identified above, as well as stucco, textured block, and wood or hardy plank shingles.
   c. Prohibited materials. Exposed concrete block (untextured), corrugated metal, plywood, precast concrete "T's," synthetic stucco and vinyl or aluminum siding are prohibited.

(B) Architectural Features

1. Height & Square Footage.
   a. Building heights shall be a minimum of 18 feet and a maximum of 50 feet above the adjacent primary road grade or as restricted by zoning. Floor to floor heights shall be a minimum of ten (10) feet and a maximum of eighteen (18) feet. Square

footage (allowable floor area) shall be as permitted by the applicable building codes and section 2302.

2. Windows.
   a. Windows shall have a minimum proportion of horizontal length to vertical height of 1:2, and maximum proportions of 1:3.
   b. Storefront windows shall not be located closer than 16 inches from the ground (sill height). The maximum sill height for new construction is 36 inches.
   c. All glazed materials must be in compliance with the International Code Council (ICC) and National Fire Protection Association (NFPA) standards.
   d. The minimum percentage of front façade elevations that shall be in glazed materials is as established below:

	Ground Floor	Upper Floors
Commercial Uses	30%	30%
Residential Uses	Per existing Building codes	

3. Blank Walls. Doors, windows, and other architectural features shall embellish a minimum of 30% of the front façade and be used to break large wall planes into smaller components, thereby creating a more pedestrian friendly scale and mass.

4. Architectural Lighting.
   a. Architectural lighting is permitted. (Amended 03/05/2012)
   b. Mercury vapor lighting sources and general flood lighting of building exteriors is prohibited.
   c. Existing fixtures of historical significance, if present, shall be preserved and repaired whenever possible.

5. Doors
   a. Maintain and preserve historic doors and surrounding features.
   b. Repair historic doors if feasible. Historic doors that are damaged beyond repair should be replaced with doors that match the original design.
   c. Existing sidelights transoms or other door features need to be preserved or replaced with a design matching the original.

d. Sidelights, transoms or other door features may be added to an existing building provided the design is complementary to the original.

e. Doors at the façade of new buildings shall reflect the intent of the Historic District and the Clarkesville Better Home Town guidelines.

f. 1st Floor/Storefront - Entries/Doorways, the primary entry to a building, leading to a lobby, stair or central corridor shall be emphasized at the street level to announce a point of arrival in one or more of the following ways:

(1) Flanked columns, decorative fixtures or other details;

(2) Recesses within a larger arched or cased decorative opening;

(3) Covered by means of a portico (formal porch) projecting from or set into the building face.

(4) Punctuated by means of a change in roofline, a tower, or a break in the surface subject wall.

(5) Distinctions achieved through changes in materials, color and addition of awnings.

6. <u>Awnings</u>

a. Awnings shall have a durable, commercial grade fabric, canvas, standing metal seam or similar material having a matte finish. Glossy or shiny plastic or similar awning materials are prohibited.

b. Awnings shall have a single color or two-color stripes. Bright and/or contrasting colors are not permitted. The awning colors shall complement the colors of the building they are intended to serve and the proposed street furnishings.

c. When there are several businesses in one building, awnings of a compatible color may be used with signs on the valance flap that may vary in type style and color to differentiate the individual businesses within the building.

d. Where the façade is divided into distinct structural bays, awnings shall be placed within the vertical elements rather than overlapping them.

e. Closed sided awnings that cover the awning frames are permitted. If open sided awnings are used, the frames and supports shall be of painted or coated metal or other non-corroding material.

f. Internally illuminated awnings that glow are prohibited.

g. The awning shape at the front elevation shall relate to the window or door opening. Barrel-shaped awnings shall be used to complement arched windows while square awnings shall be used on rectangular windows.

h. Awnings shall be well maintained, washed regularly and replaced when faded or torn.

i. Acceptable awning shapes allowed are:
   1. Standard
   2. Convex
   3. Dome
   4. Concave

7. Grillwork/Metalwork and Other Details.

The following details are permitted on the first floor at ground level:

a. Light fixtures that are wall-mounted or hung with decorative metal brackets.

b. Metal grillwork at vent openings or as decorative features at windows, doorways or gates.

c. Decorative scuppers, catches and down-spouts.

d. Balconies, rails, finials, corbels, plaques or similar items.

e. Flag or banner pole brackets.

f. Fire Sprinkler stand pipe enclosures and hose bib covers.

g. Security Devices.

8. The Upper Façade

The following standards apply to floors that lie above the first floor at ground level:

a. Cornice and Fascia:

Cornices or fascia shall not exceed six (6) feet in their vertical dimensions or twenty percent (20%) of the vertical length of the façade, whichever is less. For purposes of this subsection, the

vertical length of the façade is measured from the finished grade to the top of the cornice or eave.

b. Windows:
For existing buildings, the proportions of restored windows and the rhythm of the window pattern shall replicate the original façade design as closely as possible.

c. Balconies and Roof Terraces:
Balconies and roof terraces are permitted. If these elements are used, the elevations that incorporate the balconies shall be presented as part of an application for approval of a site plan, special exception, building permit or certificate of appropriateness.

d. Chimney Placement: (new construction)
Chimneys are not required for commercial or residential structures. If chimneys are used, they shall be placed only at either end of a side-gable or symmetrically located toward the center of the building. If the structure is symmetrical, the chimneys shall also be placed symmetrically. If the overall form is irregular, then the chimneys shall be placed where a balance with the overall massing of the structure will be achieved. Unless the overall design is certified as part of a Leadership in Environmental and Energy Design (LEED) development, skylights shall be located only on secondary elevations that are not visible from street level, pedestrian pathways, or the public right-of-ways and shall be integrated into the overall roof form.

9. Roofs.
Roof design and construction within the CPD shall be in conformance with the following:
Roof Form and Materials

a. Permitted styles and forms include gable, mansard, shed, hip, flat, or complex roofs. Parapets and cornices shall be allowed.

b. Secondary roof forms created by dormers, porches, entries, bays and projections shall not comprise more than fifty percent (50%) of the roof area.

c. Permitted roofing materials include:
    - Tile, slate or stone

- Metal roof
- Wood shake
- Textured composite shingles with a shake, slate or tile appearance.
- Standard composition shingles

d. Rubber roofing and Modified Bitumen systems can be used on roofs that are not visible. Roof pitches that create overly prominent or out-of-character buildings (e.g., A-frames, or geodesic domes) are prohibited.

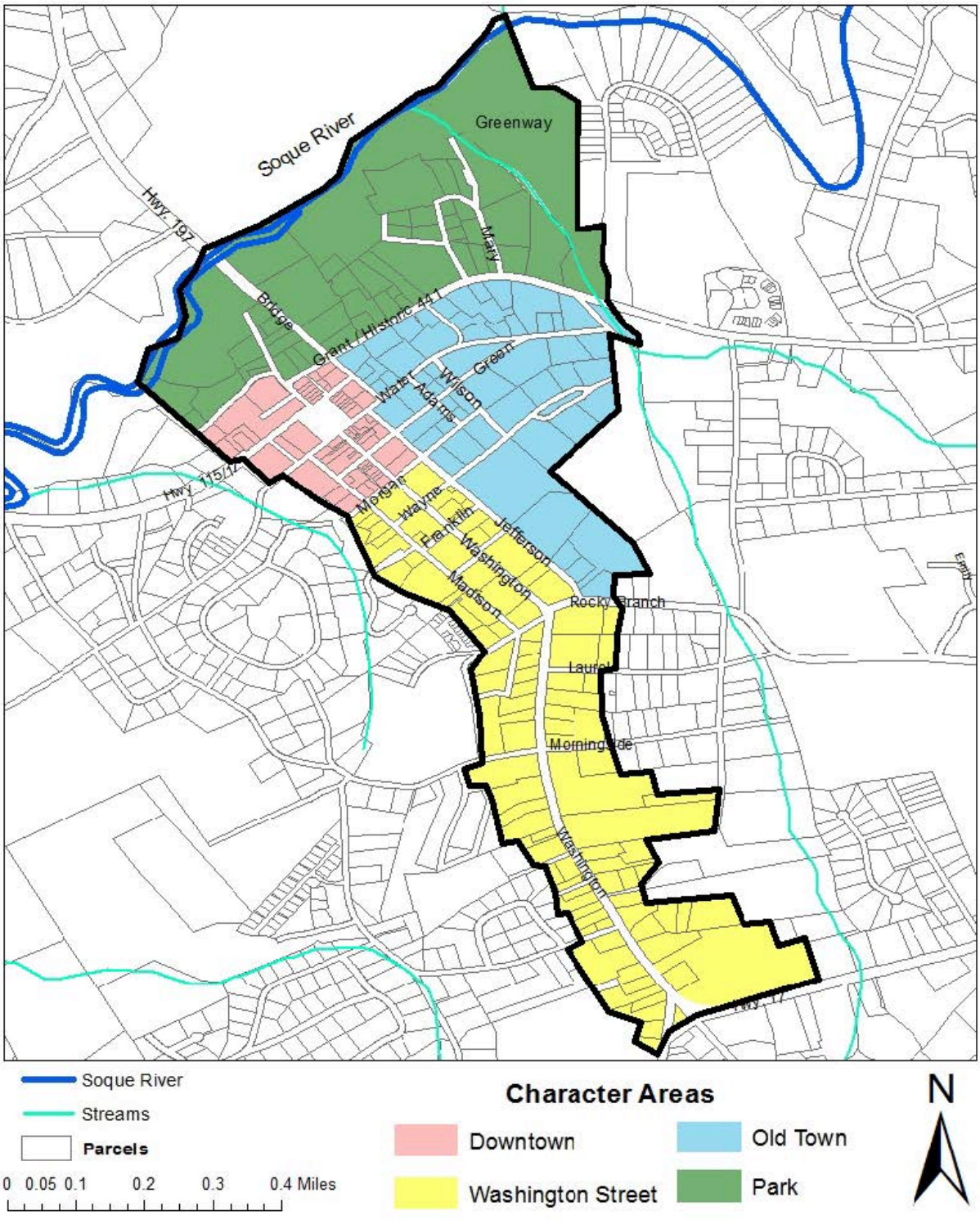
Architectural Guidelines for New Construction and Exterior Renovation of Existing Structures

	OT	WS	DT	Park
Orientation	All new construction should face and have primary entrance on the thoroughfare on which it is located.			
Prohibited Primary Exterior Wall Materials	Dryvit, vinyl, metal siding			
Maximum Width/Height Building Ratio (front façade) (Regulations specify a maximum building height; concern is directed at the overall proportion of buildings.)	2/1	3/1	1/1 **See note below	4/1
Roof Types and Pitches	The traditional roof types in these areas are gable and hip pyramidal.	N/A	The traditional roof type in this area is a flat roof.	N/A
Maximum % of Total Wall Surface that can be Solid				
Front Façade	70%	70%	(see below)	70%

Side Façade Facing Public ROW or Public Parking	70%	80%	100%	80%
Rear Façade Facing Public ROW or Public Parking	70%	80%	100%	80%
Side and Rear Façade Facing Private Property	N/A	N/A	N/A	N/A
First Story – Front Façade	N/A	N/A	55%	N/A
Upper Stories – Front Façade	N/A	N/A	70	N/A

** This ratio can be applied per storefront if there are multiple businesses in a building or multiple entrances to the same business; it can also be applied per floor. In other words, a building's front façade can be visually subdivided, either horizontally or vertically, for the purposes of complying with this guideline.

Clarkesville Preservation District



Section 2214. Native Plant List

CITY OF CLARKESVILLE NATIVE PLANT LIST

This list is intended to promote the planting of indigenous species of trees, shrubs and other plants to reestablish and maintain the natural environment of Clarkesville, Georgia. The list below includes, but is not inclusive of all species of trees, shrubs and plants in Georgia. Users of this list may include other items not shown on this list, however, users must be prepared to provide verifiable information that confirms the use of non-listed items as also native to Northeast Georgia.

Note: The species with an "**x**" are appropriate for Street Tree and planting within parking areas. Those species with an "**#**" are appropriate for Street Trees and Parking areas when required to plant under Power Lines. Those Shrubs with an "*****" are appropriate to plant under Power Lines.
LD – Large Deciduous
SD – Small Deciduous
LE – Large Evergreen
SE – Small Evergreen
E – Evergreen Shrub

TREES

Common Names	**Botanical Names**		
American smoke tree	Cotinus obovatus	SD	#
Apple Serviceberry	Amelanchier x grandiflora	SD	#
Ash, Green	Fraxinus pennsylvanica	LD	x
Ash, White	Fraximus americanus	LD	
Bald Cypress	Taxodium distichum	LE	
Basswood	Tilia Americana	LD	
Beech, American	Fagus grandifolia	LD	x
Black Tupelo or Black Gum	Nyssa syvatica	LD	#
Blackgum	Nyssa sylvatica	LD	x
Carolina silverbell	Halesia Carolina	SD	#
Cucumbertree	Magnolia acuminate	SD	
Dogwood	Cornus florida	SD	x
Downy Serviceberry	Amelanchier arborea	SD	#

Eastern Persimmon	Diopyros virginiana	SD	
Eastern Redbud	Cercis Canadensis	SD	#
Elm	Ulmus americanus	LD	
Fever Bark or Maiden's Blushes	Pinckneya bracteata	SD	#
Fringetree	Chionanthus virginicus	SD	
Hemlock, Eastern	Tsuga Canadensis	LE	
Hickory, Bitternut	Carya cordiformis	LD	
Hickory, Mockernut	Carya tomemtosa	LD	
Hickory, Pignut	Carya glabra	LD	
Hickory, Shagbark	Carya ovate	LD	
Holly, American	Ilex Americana	LE	
Holly, Deciduous	Ilex deciduas	SD	
Hophornbeam	Ostrya virginana	LD	
Ironwood	Carpinus caroliniana	LD	x
Magnolia large-flowered	Magnolia grandiflora	LE	#
Magnolia, Sweetbay	Magnolia virginiana	SE	
Maple, Red	Acer rubrum	LD	x
Musclewood	Carpinus caroliniana	LD	x
Oak, Post	Quercus stellata	LD	
Oak, Red	Quercus rubra	LD	x
Oak, Southern Red	Quercus falcate	LD	x
Oak, Water	Quercus nigra	LD	x
Oak, White	Quercus alba	LD	x
Oak, Willow	Quercus phellos	LD	x
Pine, Loblolly	Pinus taeda	LE	
Pine, Virginia	Pinus virginiana	LE	
Redbud	Cercis reniformits	SD	#
Red Buckeye	Aesculus Pavia	SD	#
Red-osier Dogwood	Cornus stolonifera	SD	
River Birch	Betula nigra	LD	x
Sassafras	Sassafras albidum	SD	
Serviceberry	Amelanchier arborea	SD	
Sourwood	Oxydendrum arboretum	SD	#
Sweetgum	Liquidamber styraciflua	LD	
Sycamore	Platanus occidentalis	LD	x
Texas Redbud	Cercis reniformis	SD	#
Tulip Poplar	Liriodendron tulipfera	LD	x

Two-Wing Silverbell	Halesia dipteral	SD	#
Umbrella Tree	Magnolia macrophylla	LD	
Willow	Salix sp	LD	

SHRUBS

American Beautyberry (purple)	Callicarpa Americana		
American Snow Bell	Styrax americanus		*
Arrow-wood	Viburnum acerifolium		
Bottlebrush Buckeye	Aesculus parviflora		*
Clethra or Sweet Pepper Bush	Clethra alnifolia		
Common Winterberry	Ilex verticillata		*
Dwarf Eastern Red Cedar	Juniperis virginana ‘grey owl’	E	
Dwarf Fothergillia	Fothergillia gardenia		*
Dwarf Yaupon Holly	Ilex vomitoria ‘nana’	E	
Doghobble	Agarista (Leucothoe) axillaris	E	
Huckleberry	Gaylussacia sp		
Hydrangea	Hydrangea arborescens		
Inkberry	Ilex glabra’shamrock	E	
Mountain Laurel	Kalmia latifolia	E	*
Mountain Stewartia	Stewartia ovate		*
Nannyberry	Viburnum prunifolium		
New Jersey Tea	Ceanothus americanus		
Piedmont Azalea	Rhododendron canascens		
Possumhaw	Ilex deciduas		
Small Anise	Illicium parviflorum	E	*
Sparkleberry	Vaccinium arboreum		
Spicebush	Lindera benzoin		
Strawberry Bush	Euyonmus americanus		
Sweetshrub	Calycanthus florida		
Viburnum, Maple-leaf	Viburnum acerifolium		
Virginia Sweetspire	Itea virginiana		
White Fringetree or Granny Gray Beard	Chionanthus virginicus		#
Witch-hazel	Hamamelis virginiana		

HERBACEOUS SPECIES

Aromatic Aster	Aster oblongifolius
Aster	Aster shortii
Aster	Aster novae-angliae
Blue Flag Iris	Iris virginica
Blue-eyed Grass	Sisyrinchium angustifolium
Boltonia	Boltonia asteroides
Boneset	Eupatorium perfoliatum
Butterflyweed	Asclepias tuberose
Cardinal Flower	Lobelia cardinalis
Carolina Jessamine	Gelsemium sempervirens
Cat-tail	Typha latifolia
Cinnamon Fern	Osmunda cinnamomea
Columbine	Aquilegia canadensis
Coneflower	Echinacea purpurea
Coral Honeysuckle	Lonicera sempervirens
Dwarf Joe Pye Weed	Eupatorium ‘little joe’
Fern, Christmas	Polystichum acrostichoides
Fern, Southern Shield	Thelypteris kunthii
Foam Flower	Tiarella cordifolia
Fragant Waterlily	Nymphaea odorata
Goldenrod	Solidago speciosa
Harlequin Blueflag	Iris versicolor
Hayscented Fern	Dennstaedtia punctilobula
Hepatica	Heuchera Americana
Horsetail	Eqisetum hyemale
Jack in the Pulpit	Arisaema triphyllum
Jewelweed	Impatiens pallida
Joepyeweed	Eupatorium fistulosum
Lizard’s Tail	Saururus cernuus
Mayapple	Podophyllum peltatum
Milkweed	Asclepias incarnata
Mountain Mint	Pycnanthemum tenuifolium
Obedient Plant	Physostegia virginiana
Partridge Berry	Mitchella repens
Phlox	Phlox divaricata
Pickerelweed	Pontederia cordata

Pink Coreopsis	Coreopsis rosea
Primrose, Evening	Oenothera speciosa
Rudbeckias	R. Fulgida, R. hirta
Sensitive Fern	Onoclea sensibilis
Spiderlily	Hymenocallis liriosme
Spiderwort (Blue)	Tradescantia virginiana
Stokes	Aster Stokesia laevis
Sundrops	Oenothera tetragona
Swamp Sunflower	Helianthus angustifolius
Tuckahoe	Peltandra virginica
Turtlehead	Chelone lyonii
Violets	Viola species
Wild Ageratum	Eupatorium coelestinum
Wild Geranium	Geranium maculatum
Wild Indigo	Baptisia australis
Yellow Flag Iris	Iris pseudocarpus
Yellow Wood Poppy	Stylphorum diphyllum

NATIVE GRASSES

Little Bluestem	Schizachyricum scoparium
Plume Grass	Ericanthus giganticus
River Oats	Chasmanthium latifolium
Soft Rush	Juncus effesus var. pacificus

ARTICLE XXIII
MINIMUM DIMENSIONAL REQUIREMENTS

Section 2301. Minimum Setback and Buffer Requirements by Zoning District.

PRINCIPAL BUILDING SETBACKS (feet)

DISTRICT	FRONT, ATERIAL OR COLLECTOR STREETS	FRONT, OTHER STREETS	SIDE	REAR
R	60	40	20	30
R-1	40	25	10	20
R-1A	40	25	10	10
R-1B	40	25	10	10
R-2	40	25	10	10
INS	40	25	20	20
PRO	40	25	20	20
DB	0	0	0(A)	0(A)
CB	40	25	10(A)	10(A)
HB	60	40	10(B)	10(B)
M-1	60	40	5(B)	10(B)

NOTE: Additional setbacks may be required for specific uses as provided in permitted uses sections of particular zoning districts.

(A) When development in this district abuts an R, R-1, R-1A, R-1B or R-2 zoning district boundary, a buffer with a minimum width of fifteen (15) feet shall be provided along the entire property line abutting said zoning district.

(B) When development in this district abuts an R, R-1, R-1A, R-1B or R-2 zoning district boundary, a buffer with a minimum width of thirty (30) feet shall be provided along the entire property line abutting said district. A fifteen (15) foot wide buffer shall be required when this district abuts a PRO zoning district.

Section 2302. Minimum Lot Width, Lot Size, Floor Area and Density Requirements.
Amended 9/8/2025

DISTRICT	MIN. LOT SIZE (SQ. FT.)	MIN. LOT WIDTH (FEET)	MAX. HEIGHT (FEET)	MAX. LOT COVERAGE (PERCENT)	MAX. DENSITY (UNITS PER ACRE)	MIN. HEATED FLOOR AREA PER UNIT (SQ. FT.)
R	30,000	100	35	25	1.45	1,800
R-1	15,000	75	35	30	2.90	1,200
R-1A	10,000	60	35	35	2.90	1,200
R-1B	10,000	60	35	35	4.30	1,200
R-2	5,000	50	50	35	6.00	550
INS	5,000	50	35	60	8.70	750
PRO	5,000	50	35	40	8.70	750
DB	2,000	30	50	100	N/A	750
CB	4,000	50	50	75	10.00	550
HB	4,000	50	50	60	10.00	550
M-1	21,780	50	100	60	N/A	550

ARTICLE XXIV
CLEAN COMMUNITY REGULATIONS

Section 2401. Nuisances.

It is hereby declared to be an offense for any owner, occupant, tenant, lessee, proprietor, agent or person in charge to maintain or allow a nuisance to exist in the City. Each day a nuisance is continued shall constitute a separate offence. In addition to the remedies expressed in this Article, violations may be punishable in accordance with all law enforcement ordinances of the City.

Section 2402. Nuisance Activities and Conditions.

The following conditions or activities, among others which may be so declared from time to time, are declared to be nuisances:

1. Grass or other vegetation in a developed residential or commercial area of the city, except for undeveloped islands, which exceeds an average of twelve inches (12”) in height, excluding trees, ornamental shrubbery or crops.
2. Any trash, debris, garbage or unkempt premises which could be an attraction to or harborage for rats or other rodents.
3. Stagnant water which could be a breeding ground for mosquitoes or otherwise detrimental or annoying to the inhabitance of the city.
4. Dead or decaying matter, animal, weeds, vegetation or any fruit, vegetable or living animal which is odorous or capable of causing disease or annoyance to the inhabitants of the city.
5. The generation of dust, smoke or fumes in sufficient amount to cause odor or annoyance to the inhabitance of the city.
6. The pollution of public water or the injection of matter or rainwater into the public sewage system, which would be damaging thereto.
7. Maintaining a dangerous or diseased animal or fowl.
8. Obstructing a public street, public access area, highway, or sidewalk without a permit from the city. Public access as used in this ordinance is defined to include all city parking places, either owned by the city or patrolled by the city pursuant to an agreement with the city and private owner, all public parks and all public recreation facilities.
9. Loud or unusual noises, such as loud music, or recreational or commercial activities, which are detrimental or annoying to the public.
10. Loud or excessive noises created by domestic animals or fowl in a residentially zoned or commercial area of the city.

11. All walls, trees, and buildings that may endanger persons or property.
12. Any business, building or property where illegal activities are conducted.
13. Unused motor vehicles, boats, trailers, appliances or other mechanical devices or parts thereof, or discarded building materials, furniture or other debris which are left outside within plain view of adjoining property or public right-of-way.
14. Any trees, shrubbery, signs, plants or parts thereof, which obstruct clear, safe vision on roadways and intersections of the city.
15. Any building which is in violation of city, county or state building, housing or health codes or regulations.
16. Any other condition constituting a nuisance under state law.
17. Unsecured vacant buildings, commercial or residential.
18. Any premises which shall not be maintained so as to prevent the accumulation of stagnant water thereon, or within any building, structure, swimming pool or other recessed are located thereon.
19. Any premises which shall not be graded and maintained so as to prevent soil erosion which may damage the building, structures, or premises and adjoining buildings, structures or premises.

Every owner of a building, structure or premises shall be responsible for the extermination of insects, rodents, vermin or other pests in all exterior areas of the premises, except that the occupant shall be responsible for such extermination on the exterior area of the premises of a single-family dwelling. Whenever infestation exists in the shared or public portions of the premises of other than a single-family dwelling, extermination shall be the responsibility of the owner.

Section 2403. Proper Maintenance of Private Property Required.

Every building, residential, commercial, or industrial, located within the City shall comply with the requirements of this Article and any other ordinance of the City, including, but not limited to the following:

1. *Generally*. Every foundation, exterior wall, roof and all other exterior surfaces shall be maintained in a workmanlike state of maintenance and repair and shall be kept in such condition as to exclude rodents and other vermin.
2. *Foundations*. The foundation elements shall adequately support the building at all points.

3. *Wall; wood surfaces*. Every exterior wall shall be free of holes, breaks, lose or rotting boards or timber, and any other conditions which might admit rain, or dampness to the interior portions of the walls or to the occupied spaces of the building. All exterior wood surfaces, other than decay resistant wood, but not limited to walls, shall be made impervious to adverse effects of weather by periodic application of paint or a similar protective covering or treatment. All exterior surfaces which exhibit defects such as scaling, peeling or loose paint over more than fifty percent (50%) of the surface of any exterior wall or wood surface shall be considered a violation of this Article and shall require repair and maintenance by the owner, occupant, lessee, proprietor, agent, tenant, or person in charge.

Section 2403.1. Stairs, Porches, Walks and Parking Areas.

1. Stairs and other exit facilities shall be adequate for safety as provided in the building code.
2. Every outside stair, every porch, every walkway, every driveway, and every appurtenances attached thereto, shall be so constructed as to be safe to use and capable of supporting the loads to which it is subjected as required by the building code, and shall be kept in sound condition and good repair.

Section 2403.2. Windows, Doors, and Hatchways.

1. Every window, exterior door and basement hatchway shall be substantially tight and shall be kept in sound condition and repair.
2. Every window sash shall be fully supplied with glass window panes or an approved substitute.
3. Every window sash shall be in good condition and fit reasonable tight within its frame.
4. Every window, other than a fixed window, shall be capable of being easily opened.
5. Every exterior door shall be equipped with hinges and door latch and shall be maintained in good condition.
6. Every exterior door, when closed, shall fit well within its frame.
7. Every window, door and frame shall be constructed and maintained as to prevent the entrance of rodents, rain, and surface drainage water into the structure.

Section 2403.3. Maintenance of Accessory Structures

All accessory structures, including detached buildings and fences, shall be maintained structurally sound and in good repair.

Section 2403.4. Open Wells to be Filled.

It shall be the duty of any person owning property in the City on which is located an open well which is not in use and which has been abandoned and not kept properly closed to fill the well so as to render it safe to persons or animals using or going upon the premises.

Section 2404. Compliance with this Article.

No person shall own, occupy, offer for sale, or allow to remain unoccupied any residential, commercial, or industrial building, structure, or premises or portion thereof, which does not comply with the requirements of this Article and other ordinances of the City or portion thereof. The City shall cause periodic inspections to be made of all premises to secure compliance with these requirements.

Conducting Business with Non-Complying Structures.

The City shall not conduct any business with any commercial establishment that does not comply with this Article. No business license shall be granted to any business operating out of or occupying any building not in compliance with this Article or any other provision of this Zoning Ordinance.

Utility Service to Non-complying Structures.

No city utility service will be provided to any structure that does not comply with this Article.

Section 2405. Littering of Public and Private Properties Prohibited.

It shall be unlawful for any person to:

2405.1. Sweep, throw or deposit any garbage, trash, brush, stagnant water, dead animals, discarded items or other debris into, upon or along a drain, gutter, street, sidewalk, vacant lot or upon any public or private premises within the City: provided, however, that nothing in this section shall prevent the placing of such items on private property at or near the front property line thereof for routine pickup in accordance with the policies of the City; or

2405.2. Place, store, dump, park or broadcast any junk, metal, brickbats, stones, plaster, lumber, trash, garbage, litter, paper or similar

rubbish and junk upon any public street or sidewalk in the City of Clarkesville; or

2405.3. Keep on the streets or sidewalks in the City any crates, boxes, or similar containers except authorized trash receptacles other than when loading, unloading, packing or unpacking merchandise; or

2405.4. Throw or spit hulls, peelings, gum, or other litter upon the sidewalk or in or upon the floors of churches, public buildings, theaters, auditoriums, and other similar public places; or

2405.5. Place or to throw, leave or abandon on any street in the City any glass bottle or can or the fragments thereof, or any broken glass or crockery of any kind, or nails, tacks, bricks, or any article of object likely to injure barefoot persons using such streets or sidewalks or to injure or puncture the tires of vehicles.

2405.6. Transport any garbage, trash, refuse, or other cargo upon the public thoroughfares in the City if the same is of character or substance which is likely to be deposited from the motor vehicle onto the public rights-of-way unless the same is secured by containers, tarpaulin, or other devise in such fashion as to effectively prevent such deposit on the public rights-of-way. The duties and responsibilities herein imposed shall be applicable alike to the owner of the motor vehicle and the operator thereof.

Section 2406. Cleanliness of Private Properties Required.

Every owner, occupant, tenant, lessee, proprietor, and person in charge of every house, building, business, commercial establishment, institution, and industrial establishment shall, jointly and severally, be required to comply with the following:

2406.1. Keep driveways, yards, parking, loading, work areas and areas adjacent thereto and under his control reasonably clean at all times and to place sweepings in a container to prevent re-scattering; and

2406.2. Provide litter containers of such size, number and type as may be specified by the City Manager to be reasonably required to hold litter generated by operations on the premises; and

2406.3. Maintain garbage storage areas in a clean condition and to insure that all garbage is properly containerized; and

2406.4. Furnish containers for construction debris and litter, and to containerize all such litter by the end of each work day; and

2406.5. Maintain surveillance of the subject property to insure that all litter is placed in the proper container and that the subject areas are kept clean.

Section 2407. Control of Vegetation.

No owner of any lot, place or area within the City, or the agent of such owner, shall permit, on such lot, place or area, or upon any sidewalk abutting the same, any weeds, grass, or deleterious, unhealthful growths, unsightly and/or unsafe, uncontrolled growth of shrubs and trees, or other noxious matter, that may be growing, lying or located thereon.

Section 2408. Enforcement, Abatement and Cost Recovery by City.

2408.1 **Notification.**

The City Manager is authorized and empowered to notify, in writing by registered or certified mail, the owner of any lot, place or area within the City or the agent of such owner, to cut, trim, destroy and/or remove any litter, weeds, grass, unsafe, growing shrubs and/or trees, or deleterious, unhealthful growths, or other noxious matter found growing, lying or located on such owner' property, or upon the sidewalk abutting same.

2408.2. **Action upon Non-Compliance.**

Upon the failure, neglect, or refusal of any owner or agent so notified, to cut, trim, destroy and/or remove litter, weeds, grass, unsafe trees and shrubs, or deleterious, unhealthful growths, or other noxious matter, growing, lying, or located upon such owner's property, or upon sidewalk abutting same, or otherwise comply in all respects with any term or condition of this Ordinance within thirty (30) days after receipt of the written notice provided for in Section 2404.1. above or within thirty-five (35) days after the date of such notice, in the event the same is returned to the City because of its inability to make delivery thereof, provided the same was properly addressed to

the last known address of such owner, or agent, the City Manager is hereby authorized and empowered to pay for the cutting, trimming, destroying and/or removal of such litter, weeds, grass, unsafe trees and/or shrubs, or deleterious, unhealthful growths or other noxious matter or to order the removal by the City.

2408.3. **Charge Included in Tax Bill.**

When the City has effected the removal of such litter or obnoxious growth or has paid for its removal or other cost to bring the property in compliance with this Ordinance, the actual cost thereof, plus accrued interest at the rate of Twelve (12%) percent per annum from the date of the completion of the work, if not paid by such owner prior thereto, shall be charged to the owner of such property on the next regular tax bill forwarded to such owner by the City, and said charge shall be due and payable by said owner at the time of payment of such tax bill.

2408.4. **Recorded Statement Constitutes Lien.**

Where the full amount due the City is not paid by such owner within thirty (30) days after the cutting, trimming, destroying and/or removal of such litter, weeds, grass, unsafely growing trees and/or shrubs or deleterious, unhealthful growths, or other noxious matter, as set forth in sub-sections above, then, and in that case, the City Manager shall cause to be recorded in the office of the Clerk of Superior Court a sworn statement showing the cost and expense incurred for the work and the date, place or property on which said work was done, and the recordation of such sworn statement shall constitute a lien and privilege on the property, and shall remain in full force and effect for the amount due in principal and interest, plus costs of court, if any, for collection, until final payment has been made; said costs and expenses shall be collected in the manner fixed by law for the collection of taxes and further shall be subject to a delinquent penalty of One (1%) percent in the event same is not paid in full on or before the date the tax bill upon which said charge appears becomes delinquent; sworn statements recorded in accordance with the provisions hereof shall be "prima facie" evidence that all legal formalities have been

complied with and the work has been done properly and satisfactorily done, and shall be full notice to every person concerned that the amount of the statement, plus interest, constitutes a charge against the property designated or described in the statement and that the same is due and collectible as provided by law. Action by the City under this section shall not preclude prosecution for a violation of this article or pursuit of any other remedy allowed by law.

Section 2409. Burning Restrictions. This section is new Ordinance adopted 12-06-2010

Section 2409. Open Burning Restrictions

Unless otherwise specified by this section, no person shall kindle an open fire in any public or private place outside any building. Fires started in Violation of This Ordinance shall be promptly extinguished by the person responsible for same upon notice by the city manager, or Fire Department Chief or their duly designated agents.

2409.1. ***Exception for open burning without a permit.***

Open burning may be done without a permit for: in performance of an official duty by any public officer if necessary to prevent a fire hazard, to instruct public or private employees under the Fire Department's supervision, or to protect public health; on private property in an unaltered, commercially manufactured or professionally installed outdoor fireplace or similar appliance or structure designed for outdoor entertaining where a nuisance or public safety hazard is not created; for the cooking of food where no nuisance or public safety hazard is created.

2409.2. ***Exception for open burning with a permit from Fire Department***.

An open burning permit may be issued by the Fire Department between the dates of October 1 and April 30 if: in the opinion of the issuing officer, atmospheric conditions on the day of burning are suitable for outdoor burning; a permit number issued by the Fire Department is obtained on the same day of burning; material to be burned is natural, untreated, unprocessed material such as fallen brush and leaves only; accelerants of any form are not used to kindle fire; area of burning does not exceed ten(10) feet in diameter and is not in excess of three(3) feet in height; Area of burning is at least fifty (50) feet from any structure and twenty (20) feet from any live tree, shrub or overhanging foliage; Area of burning is accompanied at all times by an adult, eighteen (18) years or older, until completely extinguished; A water source, adequate enough to quickly extinguish fire if needed,

is available at all times at the burning area; Any and all products of combustion, including embers and / or smoke are completely extinguished prior to sunset; fire shall not be kindled prior to sunrise on the day of burn.

An extended open burning permit may also be issued by the Chief of the Fire Department if in the issuing officer's opinion; there is no other practical alternative disposal method, if no hazardous condition will be created, and if no public collection of such materials to be burned is provided; for heating by construction workers, other workers, or citizens exposed to the outdoors where no practical heat source is available and where no nuisance or public safety hazard is provided; for special community events where the outdoor burn can be deemed, by the issuing officer not to pose a nuisance or public safety hazard. Any permit issued may be limited by the imposition of additional conditions to protect property and the health, safety and comfort of persons from the effects of the burning. Any permit issued can be revoked for breach of ordinance or in the opinion of the issuing officer, a change in conditions that may pose an unreasonable nuisance or threat to public safety has occurred.

Section 2410. Abandonment of Motor Vehicles.

It shall be unlawful for any person to abandon any motor vehicle on public or private property. Every day after a vehicle is deemed to be an abandoned motor vehicle, as defined by this ordinance, shall constitute a new and separate violation for which the titled owner may be prosecuted.

Section 2411. Junk Motor Vehicles Prohibited. Amended 12/5/22

Except on properties that meet the definition of a wrecked motor vehicle compound and such uses are permitted in the zoning district in which they are located, no person owning real estate within the City limits of Clarkesville shall allow or keep any junk motor vehicle or parts thereon on said property. The City Clerk or Zoning Administrator shall give the property owner ten (10) days written notice by certified mail to his last known address to remove or dispose of said vehicles or parts thereof. Failure of the property owner to remedy the situation within said ten (10) days shall constitute a violation of this section and every day thereafter that such a motor vehicle or part thereof remains on said owner's property shall constitute a new and separate offense.

Section 2412. Screening of Wrecked Motor Vehicle Compounds Required.

Any person who owns, operates or maintains a wrecked motor vehicle compound, automobile repair garage, automobile body shop, or other permitted use involving junk or junk motor vehicles outdoors shall provide a solid vertical wall or fence of a minimum height of six (6) feet, measured along the ground level along the entire perimeter of the subject yard, compound or area, including entrance and exit gates, such that screening is provided on all sides from the view from public streets and adjacent properties.

ARTICLE XXV
DEMOLITION REGULATIONS

Section 2501. Procedures.

An owner seeking demolition of a structure in the Historic Preservation District shall submit a complete application to the building official. The building official shall immediately forward the application to the commission.

Section 2502. Applications.

An application to demolish a structure must be signed by the owner of the property and be accompanied by the following documentation before it is considered to be complete:

2502.1 An affidavit in which the owner swears or affirms that all information submitted with the application is true and correct.

2502.2 An indication that the demolition is sought for one or more of the following reasons:

1. The proposed replacement structure is more appropriate and compatible with the historic character of the district than the structure proposed for demolition.
2. No economically viable use of the property will exist unless the application is approved.
3. The structure poses an imminent threat to public health or safety.

2502.3 For an application to demolish a structure and replace with a new structure:

1. Records depicting the original construction of the structure, including drawings, pictures, or written descriptions.
2. Records, depicting the current condition of the structure, including drawings, pictures, or written descriptions.
3. Any conditions proposed to be placed voluntarily on new development that would mitigate the loss of the contributing structure.
4. Drawings that adequately convey the design of the new structure that is proposed to replace the structure to be demolished.

5. A guarantee agreement between the owner and the city that demonstrates the owner's intent and financial ability to construct the proposed structure. The agreement must:
6. Contain a covenant to construct the proposed structure within a one year period unless an extension is approved in accordance with drawings approved by the city.
7. *(Items ii, iii, and iv only pertain to commercial construction.)*
8. Require the construction contractor to post a performance and payment bond for 100 percent of the estimated construction cost amount;
9. Be secured by an adequate performance bond, a letter of credit, an escrow agreement, a cash deposit, or other arrangement, acceptable in each instance to the Zoning Administrator; and
10. Be approved as to form by the city attorney.

2502.4 For an application of no economically viable use (applies only to commercially zoned Property): The following should be considered in determining economic viability:

1. The past and current uses of the structure and property.
2. The name and federal income tax bracket of the owner.
3. If the owner is a legal entity, the type of entity and states in which it is registered.
4. The date and price of purchase or other acquisition of the structure and property, and the party from whom it was acquired.
5. The relationship, if any, between the owner and the party from whom the structure and property were acquired. If one or both parties to the transaction were legal entities, any relationships between the officers and the board of directors of the entities must be specified.
6. The assessed value of the structure and property according to the two most recent tax assessments.
7. The current fair market value of the structure and property as determined by a licensed appraiser.

8. All appraisals obtained by the owner or prospective purchasers within the previous two years in connection with the potential or actual purchase, financing, or ownership of the structure and property.
9. All listings of the structure and property for sale or rent within the previous two years, prices asked, and offers received.
10. A profit and loss statement for the property and structure containing:
11. The annual gross income for the previous two years.
12. Itemized expenses (including operating and maintenance costs) for the previous two years, including proof that adequate and competent management procedures were followed.
13. The annual cash flow for the previous two years.
14. Proof that the owner has made reasonable efforts to obtain a reasonable rate of return on the owner's investment and labor.
15. A mortgage history of the property during the previous five years, including the principal balances and interest rates on the mortgages and the annual debt services on the structure and property.
16. All capital expenditures during the current ownership.
17. Records depicting the current condition of the structure and property, including drawings, pictures, or written descriptions.
18. A study regarding both the cost of restoration of the structure or property and the feasibility (including architectural and engineering analyses) of adaptive use or restoration of the structure and property, as performed by a licensed architect or engineer.
19. Any consideration given by the owner to profitable adaptive uses for the structure and property.
20. Plans, if any, for proposed improvements on the site.
21. Any conditions proposed to be placed voluntarily on new development that would mitigate the loss of the landmark.

22. Any other evidence that shows that the affirmative obligation to maintain the structure or property makes it impossible to realize a reasonable rate of return.

2502.5 For an application to demolish a structure that poses an imminent threat to public health or safety (applies only to commercially zoned property):

1. Records depicting the current condition of the structure, including drawings, pictures, or written descriptions.
2. The city may require further information regarding other items such as: the nature, imminence, and severity of the threat, as performed by licensed architect or engineer.
3. The city may require further information regarding the cost of restoration of the structure and the feasibility of restoration of the structure, as performed by a licensed architect or engineer.
4. The city has the right to inspect property.

2502.6 Cumulative.

If the owner seeks to demolish a structure for more than one reason, he shall provide all documentation required for each reason.

2502.7 Other evidence.

The owner may submit other evidence to support his application. City departments and private persons and organizations may submit evidence.

Section 2503. Decision of the Commission.

2503.1 Form of decision.

Upon the filing of a complete application, the commission shall approve or deny the application within 60 days of the filing date. If the commission does not make a final decision within that time, the building official shall issue a demolition permit to the owner.

1. Incomplete applications.

   The time periods in this section do not begin to run until the owner provides all the information required in Section 2302.
2. Burden of proof.

The owner has the burden of proof to establish by clear and convincing evidence the necessary facts to warrant favorable action by the commission.

2503.4 If the application is one to replace a demolished structure with a new structure, the commission must first approve the certificate of appropriateness for the proposed new structure and the guarantee agreement to construct the new structure before it may consider the demolition application.

2503.5 Demolition standards.

Replacement structures. The commission shall deny an application to replace a demolished structure with a new structure unless it finds:

1. The proposed replacement structure is more appropriate and compatible with the district than the structure proposed for demolition;
2. The owner intends to build the replacement structure; and
3. The owner has the financial ability to build the replacement structure.
4. Viable use. The commission shall deny an application of no economically viable unless it finds:
5. The owner cannot realize a reasonable rate of return on the property unless the demolition is allowed, regardless of whether the return realized in the most profitable return;
6. The structure cannot be adapted for any other use, whether by the owner or by a purchaser, which would result in a reasonable rate of return on the property; and
7. The owner has failed during the last two years to find one or more purchasers or tenants for the property that would enable the owner to realize a reasonable rate of return on the property, despite having made substantial ongoing efforts to do so.
8. Public health or safety. The commission shall deny an application to demolish a structure that poses an imminent threat to public health or safety unless in finds:

9. The structure constitutes an imminent threat to public health or safety; and
10. There is no reasonable way, other than demolition, to eliminate the threat in a timely manner.

2503.6 Independent bases for demolition.

The commission shall approve the application if the owner meets the burden of proof for any of the subparagraphs of Paragraph (5).

Section 2504. Appeals.

2504.1 Any aggrieved person may appeal the decision of the commission to the city council by filing a written notice with the Zoning Administrator within 10 days of the decision. If no appeal is made of a decision to approve the demolition within the 10-day period, the building official shall issue the demolition permit. If an appeal is filed the city council shall hear and decide the appeal within 45 days of its filing. In considering an appeal, the sole issue before the city council shall be whether the commission erred in its decision. The council shall consider the same standards and evidence that the commission was required to consider in making the decision.

Section 2505. Clarkesville Preservation Corridor Fund.

Monies forfeited to the city because of an owner's failure to construct a replacement structure in a timely manner in accordance with a guarantee agreement and a certificate of appropriateness shall be place in an account, to be known as the Clarkesville Preservation Corridor Fund," for the enhancement of this district.

ARTICLE XXVI
ADMINISTRATION, INTERPRETATION, ENFORCEMENT, PENALTIES AND REMEDIES

Section 2601. Administration and Interpretation.

The provisions of this ordinance shall be administered by the Zoning Administrator who shall be appointed by the Governing Body and serve at its pleasure. The Zoning Administrator shall be responsible for interpretation of the provisions of these regulations and for maintenance of the official zoning map.

Section 2602. Enforcement.

The provisions of these regulations shall be enforced by the Zoning Administrator.

Section 2603. Development Permit Required.

A development permit shall be required for any proposed use of land(s) or building(s) to indicate and insure compliance with all provisions of these regulations before any building permit is issued or any improvement, grading, land disturbing activity or alteration of land(s) or building(s) commences; provided, however, that development permits for individual structures within approved single-family residential subdivisions or for single-family dwelling units on individual lots shall not be required. If a land disturbance permit is required pursuant to the city's soil erosion and sediment control ordinance, the development permit and land disturbance permit shall be considered one and the same. Approval of a preliminary plat in accordance with all applicable provisions of the Subdivision Regulations shall constitute approval of the development permit for each subdivision, and plan approval of a planned unit development, manufactured home park, or condominium development as specified in these regulations shall constitute approval of a development permit. All development permits shall be issued by the Zoning Administrator, who shall in no case approve a development permit for the use, construction, or alteration of any land or building if the land or building as proposed to be used, constructed or altered would be in violation of any of the provisions of these regulations or any other codes and laws. Development permits shall be valid for two (2) years from its issuance. If work described in any development permit has not begun within sixty (60) days from the date of issuance thereof, said permit shall expire, and further work shall not proceed until a new development permit has been obtained.

Section 2604. Building Permit Required.

No building, structure or sign, except as specifically exempted by these regulations, shall be erected, moved, extended, enlarged or structurally altered, nor shall any excavation or filling of any lot for the construction of any building be commenced until the Zoning Administrator has issued a building permit for such work in conformity with the provisions of these regulations.

All building permits shall be issued by the Zoning Administrator. In cases of uncertainty regarding whether a proposed building or structure conforms to any provisions within these regulations, the Planning Director shall make the determination. Building permits shall become invalid unless the work authorized by it shall have been commenced within sixty (60) days of its date of issue, or if the work authorized by it is suspended or abandoned for a period of six (6) months or more.

Section 2605. Certificate of Occupancy Required.

A Certificate of Occupancy issued by the Zoning Administrator is required in advance of occupancy or use of any lot or change or extension in the use of any lot; any building or structure hereafter erected; or any change in the use of an existing building or structure. All Certificates of Occupancy shall be issued by the Zoning Administrator, and no such Certificate shall be issued unless the proposed use of a building or land conforms to the applicable provisions of these regulations. Business licenses shall not be issued until the business conforms to the regulations of the district in which it is located and a valid Certificate of Occupancy is issued.

Section 2606. Penalties for Violation.

Any person, firm or corporation violating, neglecting or refusing to comply with any of the provisions of these regulations shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than fifty ($50) dollars nor more than two hundred ($200) dollars for each offense, or as determined by the court of proper jurisdiction. Each day such violation continues shall constitute a separate offense.

Section 2607. Remedies.

In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained, or any building structure or land is or is proposed to be used in violation of any provision of these regulations, the Zoning Administrator or any other appropriate authority may, in addition to other

remedies, and after due notice to the owner of the violation, issue a citation for violation of these regulations requiring the presence of the violator in the court of proper jurisdiction; institute injunction, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use to correct or abate such violation or to prevent the occupancy of such building, structure or land. Where a violation of these regulations exists with respect to a structure or land, the Zoning Administrator may, in addition to other remedies, require that utility service be withheld therefrom until such time as the structure or premises is no longer in violation of these regulations.

ARTICLE XXVII
LEGAL STATUS PROVISIONS

Section 2701. Conflict with Other Laws.

Whenever the provisions of these regulations impose more restrictive standards than are required in or under any other statute, the provisions of these regulations shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by these regulations, the provisions of such statute shall govern.

Section 2702. Separability.

Should any Article, Section or provision of these regulations be declared invalid or unconstitutional by any court of competent jurisdiction, such declarations shall not affect the validity of these regulations as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Section 2703. Repeal of Conflicting Ordinances.

All ordinances and resolutions and parts thereof in conflict herewith are repealed.

Section 2704. Effective Date.

These regulations shall take effect and be in force from and after adoption, the public welfare demanding it.

Effective Date: April 7, 2008

ARTICLE XXVIII
SUBDIVISION REGULATIONS

Section 2801. Short title.

This section shall be known and may be cited as the "Subdivision Regulations of Clarkesville, Georgia."

Section 2802. Application, platting jurisdiction and enforcement.

(A) *Plats required*: Since subdivisions require land disturbances and infrastructure development that affects the residents of the county, financially, aesthetically and generally, any subdivider proposing to subdivide land shall submit plats of the proposed subdivision as set forth in Section 2808 and/or 2812.

(B) *New work*: No subdivider shall proceed with any construction work on a proposed subdivision before obtaining preliminary plat approval from the planning commission.

(C) *Platting authority is as follows*:

1. An exemption plat, as defined by Section 301 shall be reviewed, approved and marked for recording by the designated representatives of the planning department.
2. A preliminary plat, as defined in Section 301 shall be reviewed, approved and marked by the planning commission.
3. A final plat, as defined in Section 301, shall be reviewed, approved and marked by the planning commission.

Section 2803. Use of plat.

(A) No final plat of a subdivision as set forth in Sections 2804 and 2812 shall be recorded in the office of the clerk of the Superior Court of Habersham County unless it shall have the approval of the planning commission written on said plat.

(B) No person shall sell or transfer or agree to sell any land by reference to or exhibition of or other use of a plat of a subdivision before that plat has been approved and marked in accordance with this appendix and recorded in the office of the clerk of the Superior Court of Habersham County. The description by metes and bounds in the instrument of transfer or other documents shall not exempt the transaction from such penalties.

(C) The filing or recording of a plat of a subdivision without the approval as required by this appendix shall be a misdemeanor. The planning commission and the governing body are authorized to levy charges for certain actions, inspections, and to cover certain direct costs. Such fees are to be used only to defray costs incurred by the planning commission and the governing body when enforcing the provisions of Article XXVIII.

Section 2804. Administrative plat approval.

The following types of land subdivisions, transfers, and sales are specifically exempted from the preliminary and final plat approval requirements of these regulations but shall be required to file an exemption plat meeting the requirements of Section 2812 with the planning department.

(A) The combination of portions of previously platted lots in an approved subdivision where the total number of lots is not increased and the resultant lots are equal to the standards of the county and no new roads or road location changes are involved;

(B) The creation and sale of cemetery plots;

(C) The creation of leaseholds for space within a multiple-occupancy building or the division of property into leaseholds (but not for sale) for commercial, industrial, or institutional use;

(D) Subdivision of land defined as: The dividing of a parcel or tract of land into two or more lots, all of which have the required frontage on an existing public road or private street and complies with the dimensions and minimum acreage requirements of the Zoning Ordinance of the City of Clarkesville. Such divisions may be accomplished on existing lots of record not fronting on a public street or private road may be divided into a maximum of four lots by use of an easement as defined in this section for the purpose of access;

(E) Subdivision, family defined as: The subdivision of land for legacy or inheritance with principal means of ingress/egress as described in section 708 of this ordinance.

Section 2805. Subdivision of land and family subdivisions.

(A) Subdivision of land as defined in Section 301 is allowed and can be approved administratively if the following requirements are met:

1. Panhandle or flag lots shall be designed as specified in Section 2817 of this article unless terrain or geometry makes standard design or frontage impossible or impractical.
2. Minimum lot size is equal to that required by the district or minimum required by environmental health for septic tank.
3. Plats shall meet the applicable specifications for a final plat required in Section 2812.

(B) Family subdivisions are allowed and can be approved administratively if the following requirements are met:

1. Does not involve the creation of any new streets, public or private, or parcels intended to utilize any community water or sewer system.
    (a) Up to four lots or dwellings may use a shared driveway as defined in section 301. When shared driveways are used the following statement shall be placed on the approved plat(s): "SOME DRIVES IN THIS SUBDIVISION ARE DESIGNATED PRIVATE AND WILL NOT BE ACCEPTED FOR MAINTENANCE BY THE CITY OF CLARKESVILLE."
    (b) Five lots or more must comply with the requirements stipulated in Section 708.
    (c) Panhandles of 600 feet maximum may be allowed where terrain or geometry makes standard design or frontage impossible or impractical.
    (d) Minimum one acre lot or minimum required by environmental health for septic tank.
    (e) A minimum setback of 35 feet from any easement or shared driveway on the front of the lot. Side and rear setbacks are determined by district requirements.
    (f) Plats shall meet the applicable specifications for a final plat required in Section 2812.
2. Ownership is limited to property transfers to immediate family members related by blood, by virtue of marriage and/or adoption. Transfer of property to immediate family members includes but is not limited to: spouse to spouse, parent to children, sibling to sibling, grand-parent to grand-children.

Whenever a family subdivision is proposed, appropriate deeds and/or plats must be submitted to the planning department clearly stating the transfer of

property from family member(s) to family member(s) so as not to circumvent any portion of this appendix.

If the plat complies with all applicable regulations, the administrative officer shall mark the plat as an approved family subdivision plat. If the exemption plat does not comply, the administrative officer shall not approve the plat unless it is modified to conform.

Provided, however, that such exemptions shall not require the county to issue permits if the resulting lot(s) fail(s) to meet any applicable provisions for lot size, lot width, access, or other dimensional requirements of this appendix, or any applicable provisions of this section.

Further subdivision of property for sale to or transfer to or development by other than a family member will subject this property to the requirements of Section 1207 and referenced sections.

Section 2806. Special Subdivisions.

I. *Conservation subdivision design option*.

A. *Purpose and intent*. This section is intended to allow for the development of conservation subdivisions that cluster development and provide for preservation of open space, as an alternative to conventional subdivision development. This section is specifically intended:

1. To provide for the preservation of greenspace as a nonstructural stormwater runoff and watershed protection measure;
2. To provide a residential development option that permits flexibility of design in order to promote environmentally sensitive and efficient uses of the land;
3. To preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands and wildlife habitat;
4. To permit clustering of houses and structures on less environmentally sensitive soils which will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development;

5. To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development;
6. To promote interconnected greenways and corridors throughout the community;
7. To promote contiguous greenspace with adjacent jurisdictions;
8. To encourage interaction in the community by clustering houses and orienting them closer to the street, providing public gathering places and encouraging use of parks and community facilities as focal points in the neighborhood;
9. To encourage street designs that reduces traffic speeds and reliance on main arteries;
10. To promote construction of convenient landscaped walking trails and bike paths both within the subdivision and connected to neighboring communities, businesses, and facilities to reduce reliance on automobiles;
11. To conserve scenic views and reduce perceived density by maximizing the number of houses with direct access to and views of open space; and
12. To preserve important historic and archaeological sites.

B. *General regulations.*

1. *Applicability of regulations*. This design option is available as an alternative for the development of subdivisions that are served by public sewer or an approved private sewer system, as permitted by right in the LI, MI and HI districts. The applicant shall comply with all other provisions of the comprehensive land development resolution and all other applicable laws.
2. *Ownership of development site*. The tract of land to be subdivided may be held in single and separate ownership or in multiple ownership. If held in multiple ownership, however, the site shall be developed according to a single plan with common authority and common responsibility.
3. *Housing density determination*. The maximum number of lots in the conservation subdivision shall be determined by development of a "Yield Plan". In a "Yield Plan", a conventional subdivision design plan is prepared by the applicant, in which

the tract of land is subdivided in a manner intended to yield the highest number of lots possible. The plan does not have to meet formal requirements for a site plan, but the design must be capable of being constructed given site features and the comprehensive land development resolution and all other applicable laws.

4. *Minimum lot size*. Once the maximum number of lots is determined through development of the "Yield Plan", a conservation subdivision layout is developed by meeting the requirements of this section. The minimum lot size in a conservation subdivision shall be 10,000 square feet or the area necessary to accommodate required water and waste disposal systems.

C. *Application requirements.*

1. *Site analysis map required*. Concurrent with the submission of a preliminary plat, the applicant shall prepare and submit a site analysis map. The purpose of the site analysis map is to ensure that the important site features have been adequately identified prior to the creation of the site design and that the proposed open space will meet the requirements of this section. The site analysis map shall include the following features:
    (a) Property boundaries;
    (b) All streams, rivers, lakes, wetlands and other hydrologic features;
    (c) Topographic contours of no less than five-feet intervals for hilly terrain (slopes greater than ten percent), two feet intervals for rolling terrain (two percent to ten percent), and one foot for flat terrain (slopes less than two percent) as referenced in the comprehensive land development resolution;
    (d) All primary and secondary conservation areas labeled by type, as described in this section;
    (e) General vegetation characteristics;
    (f) General soil types;
    (g) The planned location of protected open space;
    (h) Existing roads and structures; and

(i) Potential connections with existing greenspace and trails.

2. *Open space management plan required*. An open space management plan, as described in this section shall be prepared and submitted prior to the issuance of a land disturbance permit.
3. *Instrument of permanent protection required*. An instrument of permanent protection, such as a conservation easement or permanent restrictive covenant, as described in this section shall be placed on the open space concurrent with the issuance of a land disturbance permit.
4. *Other requirements.* The applicant shall adhere to all other applicable requirements of the underlying zoning, the land development resolution, and all other applicable provisions of the Zoning Ordinance of the City of Clarkesville, Georgia.
5. The configuration and location of the subdivision and the proposed open space are subject to approval of the planning commission and the governing body, to ensure that the purposes and intent of this section are met by the application.

D. *Open space*.

1. *Definition*. Open space is the portion of the conservation subdivision that has been set aside for permanent protection. Activities within the open space are restricted in perpetuity through the use of an approved legal instrument.
2. *Standards to determine open space.*
   (a) The minimum restricted open space shall comprise at least 40 percent of the gross tract area.
   (b) The following are considered primary conservation areas and are required to be included within the open space, unless the applicant demonstrates that this provision would constitute an unusual hardship and be counter to the purposes of this section:
      i. The regulatory 100-year floodplain;
      ii. Buffer zones of at least 75-foot width along all perennial and intermittent streams;

iii. Slopes above 25 percent of at least 5,000 square feet contiguous area;
iv. Wetlands that meet the definition used by the Army Corps of Engineers pursuant to the Clean Water Act;
v. Populations of endangered or threatened species, or habitat for such species; and,
vi. Archaeological sites, cemeteries and burial grounds.

(c) The following are considered secondary conservation areas and should be included within the open space to the maximum extent feasible:
i. Important historic sites;
ii. Existing healthy, native forests of at least one acre contiguous area:
iii. Individual existing healthy trees greater than eight inches caliper, as measured at DBH;
iv. Other significant natural features and scenic viewsheds such as ridge lines, peaks and rock outcroppings, particularly those that can be seen from public roads;
v. Prime agricultural lands of at least five acres contiguous area; and
vi. Existing trails that connect the tract to neighboring areas.

(d) Above-ground utility right-of-ways and small areas of impervious surface may be included within the protected open space but cannot be counted towards the 40 percent minimum area requirement (exception: historic structures and existing trails may be counted.) Large areas of impervious surface shall be excluded from the open space.

(e) At least 75 percent of the open space shall be in a contiguous tract. The open space should adjoin any neighboring areas of open space, other protected areas, and non-protected natural areas that would

be candidates for inclusion as part of a future area of protected open space.

(f) The open space shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe, convenient access to the open space.

3. *Permitted uses of open space*. Uses of open space may include the following:

(a) Conservation of natural, archeological or historical resources;

(b) Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;

(c) Walking or bicycle trails, provided they are constructed of porous paving materials;

(d) Active recreation areas, provided that they are limited to no more than ten percent of the total open space and are not located within primary conservation areas. Active recreation areas may include impervious surfaces. Active recreation areas in excess of this limit must be located outside of the protected open space;

(e) Agriculture, horticulture, silviculture or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts, and such activities are not conducted within primary conservation areas;

(f) Nonstructural stormwater management practices;

(g) Easements for drainage, access, and underground utility lines; or

(h) Other conservation-oriented uses compatible with the purposes of this chapter.

4. *Prohibited uses of open space.*

(a) Golf courses;

(b) Roads, parking lots and impervious surfaces, except as specifically authorized in the comprehensive land development resolution;

(c) Agricultural and forestry activities not conducted according to accepted best management practices; and,

(d) Other activities as determined by the applicant and recorded on the legal instrument provided for permanent protection.

E. *Ownership and management of open space*.

1. *Ownership of open space*. The applicant must identify the owner of the open space who is responsible for maintaining the open space and facilities located thereon. If a Homeowners' Association is the owner, membership in the association shall be mandatory and automatic for all homeowners of the subdivision and their successors. If a Homeowners' Association is the owner, the Homeowners' Association shall have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the open space and any facilities located thereon shall be borne by the owner.

2. *Management plan*. Applicant shall submit a plan for management of open space and common facilities ("plan") that:

   (a) Allocates responsibility and guidelines for the maintenance and operation of the open space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements;

   (b) Estimates the costs and staffing requirements needed for maintenance and operation of and insurance for, the open space and outlines the means by which such funding will be obtained or provided;

   (c) Provides that any changes to the plan be approved by the planning commissioners; and,

   (d) Provides for enforcement of the plan.

3. In the event the party responsible for maintenance of the open space fails to maintain all or any portion in reasonable order and condition, the City of Clarkesville, Georgia may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended

maintenance. The costs of such maintenance shall be charged to the owner, Homeowners' Association, or to the individual property owners that make up the Homeowners' Association, and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties.

F. *Legal instrument for permanent protection.*

1. The open space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument shall be one of the following:

(a) A permanent conservation easement in favor of either:

i. A land trust or similar conservation-oriented nonprofit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or

ii. A governmental entity with an interest in pursuing goals compatible with the purposes of this section.

If the entity accepting the easement is not the City of Clarkesville, Georgia, then a right of enforcement favoring the City of Clarkesville, Georgia, shall be included in the easement;

(b) A permanent restrictive covenant for conservation purposes in favor of a governmental entity; or,

(c) An equivalent legal tool that provides permanent protection, if approved by the City of Clarkesville, Georgia.

2. The instrument for permanent protection shall include clear restrictions on the use of the open space. These restrictions shall include all restrictions contained in this ordinance, as well as any further restrictions the applicant chooses to place on the use of the open space.

II. *Planned developments (Reserved).*

Section 2807. Procedures and requirements for approval of subdivision plats.

A. *Pre-application conference*: Whenever a subdivision is proposed within the City of Clarkesville, the developer is urged to consult early with the administrative officer, their designee and/or the review committee. The developer may present sketch plans and data showing existing conditions within the site and in its vicinity and the proposed layout and development of the subdivision and request advice and guidance concerning the project and the administrative procedures involved.

B. *Sequence of administrative procedures*: Listed below in normal sequential order are the generally occurring steps required to successfully complete development of a subdivision:

1. Pre-application conference with the administrative officer. For projects of unique design, a conceptual site drawing would aid in the conference.
2. Purchase the Zoning Ordinance of the City of Clarkesville, Georgia for guidance in design.
3. Determine the public-school district(s) and school(s) that will be necessarily impacted by the proposed subdivision.
4. Request the board of education determine the current student load and maximum capacity in each public school to be necessarily impacted by the proposed subdivision.
5. Consult with The City of Clarkesville Public Works Department and the Habersham County Health Department to identify any possible water or sewage problems associated with the land proposed for subdividing.
6. Consult FIRM maps, historical flood data, county review staff and design professionals to ensure that land being developed does not propose building sites in flood plains, flood hazard areas and that natural waterways will not be interrupted.
7. Have land surveyed to obtain required data for plat submittal and to determine and detail natural features, such as topography and geometry, establish lot lines and other specifications required in this appendix. Submit the preliminary plat to the planning department at least 30

days prior to the next regular meeting of the planning commission with the following:

(a) A letter requesting review and approval of a preliminary plat and giving the name and address of a person to whom the notice of the hearing by the Planning Commission on the preliminary plat shall be sent.

(b) Ten copies of the preliminary plat and other documents, as may be specified.

(c) A preliminary plat filing fee shall be assessed as established in the fee schedule approved by the City of Clarkesville Mayor and Council.

(d) A department of transportation letter is required at the preliminary plat stage if any new road or street is created that abuts/joins a state route.

(e) A traffic study is required at the preliminary plat stage when any new road or street is created that abuts or joins a public street and serves one of the following:

i. A residential development of 25 lots or more or

ii. A commercial/industrial project creating more than 50 trips per day.

Note to staff: Upon review of the preliminary plat by the planning department, all comments that need to be addressed shall be given to the applicant no later than three working days prior to the advertising deadline of next scheduled planning commission meeting. Each comment is to be referenced to the applicable section of code being commented upon.

9. Be prepared to accompany the planning department staff or a planning commission member to the development site prior to the next public hearing of the planning commission meeting.

10. Attend planning commission meeting at which preliminary plat approval is sought, or send competent representative with written authorization who can answer questions in your name. No action will be taken

by the planning commission when no representative is present.

11. The planning commission shall review the preliminary plat at its public hearing. After staff presentation, the applicant shall have ten minutes to make a presentation and any opponents shall have ten minutes to speak. The planning commission may grant more time as necessary.
12. Submit to planning department within 90 days of preliminary plat approval an approved land disturbance permit.
13. Begin initial subdivision work.
14. Request inspection of earthwork and utility work, by planning department prior to applying road surface material such as gravel or pavement and before covering any utility work and before seeding required by conditions of grading permit.
15. Complete survey work as needed.
16. Develop final plat for submission to CPC.
17. Complete road, utility, and soil erosion work.
18. Request final planning department on-site inspection of completed required improvement work.
19. Submit final plat to planning department 30 days before meeting at which approval is sought. Plat must bear all required certificates noted in the appendix as well as all notations or changes specified by the planning commission when the preliminary plat was tentatively approved and the following:
    (a) A letter requesting review and approval of a final plat and giving the name and address of the person to whom the notice of the hearing by the planning commission on the final plat shall be sent.
    (b) The required number of paper copies of the final plat and other documents, as may be specified; and reproducible(s) which are to be returned to the subdivider for filing.

(c) A final plat fee shall be assessed as established in the fee schedule approved by the City of Clarkesville Mayor and Council.

(d) A complete disclosure on how all utilities, roads and amenities are to be maintained, (including department of housing and urban development property report where appropriate) plus information requested as a result of findings during preliminary review.

(e) A copy of all recorded covenants associated with the subdivision.

20. Attend planning commission meeting or send a competent representative with written authorization who can answer questions in your name. No action will be taken by the CPC when no representative is present.

Section 2808. Preliminary plat specifications and improvement guarantees.
The preliminary plat shall conform to the specifications contained in Appendix B.

1. IMPROVEMENT GUARANTEES. In order to protect the City and prospective purchasers of and residents in a subdivision, the Developer shall provide to the City one of the following financial securities to guarantee the installation of infrastructure and public improvements.

    a. An irrevocable letter of commitment or credit upon which the City can draw;
    b. A performance bond for the benefit of the City upon which the City can collect;
    c. A Certificate of Deposit with assignment letter to the City; or
    d. Any other form of guarantee approved by the City that will satisfy the objectives of this section.

    The guarantee shall be in an amount to secure the full costs of completion of the infrastructure improvements as prepared by a professional engineer licensed as such in the State of Georgia, retained by Developer, certified by such engineer to be a fair and reasonable estimate of such cost and agreed upon as such by the City's engineer. Irrespective of the above, the City may establish the amount of financial guarantee required based upon the recommendation of the City engineer.

2. PROJECT COMPLETION. Construction of infrastructure and public improvements must begin within sixty (60) days of issuance of the Building Permit and must be completed within twelve (12) months of issuance of the Building Permit. Failure to meet theses dates will render the Building Permit null and void and no construction activity may commence until Developer obtains a new Building Permit.

3. STORM WATER MANAGEMENT. Developer agrees and promises to comply with all regulations, approvals, and specifications and Acts promulgated by the United States of America, the State of Georgia and the City with regard to storm water management.

4. EROSION AND SEDIMENTATION CONTROLS. All erosion and sedimentation controls will be installed in accordance with the approved plan as attached in Exhibit A prior to any other construction activities occurring at the Development. The erosion and sedimentation controls will be properly maintained throughout the duration of the development until all disturbed areas have been stabilized to the satisfaction of the City.

5. CONSTRUCTION OF IMPROVEMENTS. Developer will in accordance with appropriate subdivision and land development ordinances and regulations install all utilities including sewer, water, gas, electric, telephone, cable TV, if available and such other utilities to service the development. Developer agrees to build, construct, and install all improvements including, but not limited to, paving, grading, roads, storm water facilities, sidewalks, landscaping and lighting in accordance with the provisions adopted by Resolution and Ordinance or accepted as commonly used guidelines or provisions of the City in effect at the time of preliminary plat approval. All improvements in the development will be constructed and installed in accordance with City specifications and Ordinances and must be certified as such by the City.
6. INFILTRATION OF SEWER SYSTEM. Developer agrees that no storm water, roof run-off, drainage or the like will infiltrate the sanitary sewer system servicing the development. Violation of this agreement will result in the immediate automatic revocation of any and all approvals and permits covering the development. Reinstatement of said permits and approvals may

be granted by the City when Developer has sufficient guarantee to protect City from any and all fines for infiltration of storm water.

7. HOURS OF OPERATION. Developer will not permit any grading, construction or other physical work to be conducted on the site between the hours of 7:00 p.m. and 6:00 a.m. without written permission from the City.

8. POLICE AREA. During construction Developer will police the construction area daily keeping the area fee and clear of all rubbish, refuse, brush, debris, and discarded building materials so as not to create a public nuisance. Developer ma accumulate such materials in the area approved by the City until such time as accumulated matters are removed from site by Developer, provided that the City, in its sole discretion, may require removal of any such material by written communication indicating the reasons therefore at any time during development. Developer will remove from site and dispose all rubbish, refuse, brush, debris, and discarded building materials leaving the development free and clear of the same prior to the release of any financial security or final acceptance of any public improvements.

9. INSPECTIONS. Developer hereby specifically grants permission to the City of Clarkesville, its supervisors, employees, agents, contractors, or consultants to conduct inspections on its property. These inspections may take place at any time and with any frequency as the City deems appropriate and necessary under the circumstances.

10. INSURANCE. Developer will cause its contractors and/or subcontractors to obtain and maintain liability and other insurance coverage and agrees to furnish certificates of such insurance as may be reasonably required from time to time by the City. The City states that its current requirements for insurance are $1,000,000.00 for liability or casualty per occurrence, and $2,000,000.00 in the aggregate.

11. INDEMNIFICATION. Developer shall indemnify and hold the City harmless from and against any and all losses, costs, damages, expenses, or claims (including, without limitation, and all reasonable attorney's fees and expenses of litigation actually incurred) arising from or out of Developer's: 1) construction or maintenance of the Development or any portion thereof; 2)

failure to construct or maintain the Development or any portion thereof; or 3) improper construction or maintenance of the Development or any portion thereof.

Section 2809. Preliminary plat review.

(a) The administrative officer or their designee shall check the plat for compliance with these and other relevant county regulations and ordinances and report findings and recommendations to the CPC in public session.

(b) No preliminary plat shall be reviewed by CPC except in public session and advertised as required by Section 2807. Such sessions or hearings must be held at least monthly and are generally held on the second Tuesday of each month. The administrative officer is not empowered to act or speak for the CPC in approving or disapproving preliminary plat requests. Not less than five days before the public hearing a notice of the time and place of the hearing shall be sent by the administrative officer via registered or certified mail to the person designated in the letter requesting preliminary plat review. If personal telephone contact between these parties can be made before the five-day requirement, only regular mail follow-up is required.

(c) CPC shall not review the preliminary plat or hear public comments unless the applicant or a designated representative with written authorization is present at the hearing. If the applicant or approved representative is not in attendance, the 60 day requirement in subsection (f) below is automatically waived for an additional 61 days.

(d) After conducting the public hearing as specified in subsection 2807(b)(11), the CPC shall make one of the following decisions which shall be recorded in the minutes:

1. Approve the preliminary plat.
2. Approve the preliminary plat on condition that necessary modifications be made. Such required modifications must be recorded on the plat and in the minutes.
3. Disapprove the preliminary plat.

(e) If the CPC approves the preliminary plat, it shall be noted by a certificate of preliminary plat approval (See Appendix A, Form 1) inscribed on two copies of the preliminary plat and distributed as follows:

1. One annotated copy of the plat shall be returned to the subdivider or agent;
2. One copy permanently filed in CPC records.

(f) Plats not acted on by CPC within 60 days of request for approval shall be deemed approved by the CPC. If, however, CPC determines that additional time is required to study a preliminary plat, an extension of time shall be requested in writing from the subdivider, who may agree to a specific time extension in lieu of a denial.

Section 2810. Parameters of preliminary plat approval.

(a) All preliminary plat approvals shall be limited by these qualifications:
1. The approval is a tentative approval only, pending submission of a final plat.
2. The preliminary plat approval is valid for one year from the date of approval and shall be null and void after that date.
3. If final plat approval is not received before the expiration of the preliminary plat approval a new preliminary plat application shall be required. Exception: One extension of the preliminary plat approval may be granted when requested as follows:
    i. In writing prior to the expiration of the preliminary plat approval and
    ii. Must be filed with the planning department.
    iii. The developer shall have the burden of proof and/or justification of a need for the extension.

(b) Preliminary plat approval does not constitute authorization for subdivider to begin physical improvement to the property being subdivided, but rather the authority to:
1. Prepare and submit road and infrastructure construction plans and
2. Erosion and sedimentation plans for approval and
3. To request land disturbance permit(s) and
4. Prepare and submit stormwater management plans for approval.

(c) Major changes to preliminary plats necessitate that the plat be resubmitted to the planning commission for review and approval. No final plat will be approved that does not substantially comply with the approved preliminary plat. Major changes would be changing the street configuration, location of uses, number of lots, and similar changes.

Section 2811. Land disturbance permit application.

The land disturbance permit application shall conform to and meet the specifications contained in Article XXVIII of this ordinance.

Section 2812. Final plat specifications.

The final plat shall conform to and meet the specifications contained in appendix B and contain the following:

(a) A surveyor's certification, directly on the final plat. See appendix A, Form 4.

(b) An owner's certification, directly on the final plat. See appendix A, Form 5.

(c) Certificate of dedication. See appendix B.

(d) A certificate of approval of the final plat by the planning commission, directly on the plat, see appendix A, Form 3.

(e) Copy of official action of governing body. A copy of the resolution adopted by the governing body accepting the streets, improvements, easements and any other property dedicated by the owner for public use as indicated on the final plat, shall be attached to the final plat within 45 days after action by the governing body.

Section 2813. Final plat review and approval.

(a) The planning department staff shall check the plat for conformance with the approved/conditionally approved preliminary plat and for compliance with this and other relevant county regulations and ordinances and report their findings with their recommendation to the Clarkesville Planning Commission in public session. The planning department, upon review of the final plat, shall notify the applicant of any comment that needs to be addressed no later than ten working days prior to the next scheduled planning commission meeting. Each

comment shall be referenced to the applicable section of code being commented upon.

(b) No final plat shall be acted upon by the Clarkesville Planning Commission except in public session. Such sessions or hearings must be held at least monthly and are generally held on the second Tuesday of each month. The administrative officer is not empowered to act or speak for the Clarkesville Planning Commission in approving or disapproving final plat requests.

(c) Not less than five days before the public hearing, notice of the time and place of the hearing shall be sent by the administrative officer via registered or certified mail to the person designated in the request for final plat approval or if personal contact between these parties can be made by telephone before the five-day requirement, only regular mail follow-up is required.

(d) The City of Clarkesville Planning Commission shall take no action on a final plat if the applicant or a designated representative is not present at the hearing, in which case the 45-day requirement in subsection (g) below is automatically waived for 46 days.

(e) At a public hearing, conducted under the procedures of subsection 2807(B) (11), within 45 days of request for final plat approval, the Clarkesville Planning Commission shall take one of the following actions which shall be recorded, with reasons for disapproval where appropriate, in the minutes:

1. Approve the final plat.
2. Disapprove the final plat and further notify the subdivider in writing of the specific reasons for disapproval within five days.

(f) In order for the Clarkesville Planning Commission to approve a final plat, all requirements of these regulations must have been satisfied, and all improvements required must have been completed not less than five workdays prior to the scheduled hearing at which final plat approval is requested. All improvements shall be inspected by CPC. No final plat will be approved that does not substantially comply with the approved preliminary plat.

(g) Plats not acted on by the Clarkesville Planning Commission within 45 days of a request for approval, shall be deemed approved and a certificate of final plat approval shall be issued on request of the

subdivider. If, however, the City of Clarkesville Planning Commission determines that additional time is required to study a final plat, an extension of time shall be requested in writing from the, applicant or their duly authorized agent who may agree to a specific time extension in lieu of a plat disapproval.

(h) If final plat approval is requested two times and is denied both times because required improvements have not been made, the Clarkesville Planning Commission shall not further consider that plat for 90 days following date of the second disapproval.

(i) When all conditions for approval of the final plat have been met and such approval has been granted, the Clarkesville Planning Commission shall endorse and date the certificate of final plat approval on the original copy of the final plat. Such approval and endorsement convey the authority to record the plat and to sell lots shown on the plat.

(j) Upon approval of a final plat, the chairman of the planning commission or a designated representative shall have the final plat recorded in the office of the Clerk of the Superior Court of Habersham County. The subdivider shall be responsible for the payment of the recording fee at the time of submitting the final plat.

Section 2814. Reserved.

Section 2815. General design and other requirements.

(a) *Suitability of the land.* Land subject to flooding, improper drainage, or erosion or that is for topographical or other reasons unsuitable for residential use that will contribute to danger to health, safety, or property destruction, unless the hazards can be and are corrected. No land determined to fall in a 25-year flood plain identified by state or federal authority shall be approved for any building site. All land falling into the 100-year flood zone must be so identified on the preliminary and final plats.

(b) *Name of subdivision*. The name of the subdivision must have approval of the planning commission. The name shall not duplicate or closely approximate the name of an existing subdivision in the county.

(c) *Conformance to adopted major thoroughfare and other plans*. All streets and other features of the major thoroughfare plan of Habersham County, Georgia, shall be platted by the subdivider in the

location and to the dimension indicated on the major thoroughfare plan. When features of other plans such as schools or public building sites, parks, or other land for public uses are located in whole or in part in a land subdivision, such features shall be either dedicated or reserved by the subdivider for acceptance or acquisition within a reasonable time by the appropriate public agency. Whenever a plat proposes the dedication of land to public use that the planning commission finds not required or suitable for such public use, the planning commission shall refuse to approve the plat, and shall notify the governing body of the reasons for such action.

(d) *Special easements*. Easements having a minimum width of 12 feet and located along the side or rear lot lines shall be provided, as required for utility lines, underground mains, and cables. Where a watercourse, drainage way, channel or stream traverses a subdivision, there shall be provided a storm-water or drainage right-of-way of adequate width, parallel to streets. When suitable road shoulder slopes cannot be obtained within prescribed road right-of-way widths, slope easements shall be required on abutting lots.

Section 2816. Reservation of public sites and open spaces.

(a) Where the features of the comprehensive plan, such as school sites, parks, playgrounds and other public spaces are located in whole or in part in a proposed subdivision, such features shall be reserved by the subdivider, provided, however, that no more than ten percent of the total area of the subdivision shall be required for reservation to fulfill the requirements of this section. Whenever the land required for such planned features is not dedicated to and accepted, purchased, acquired, optioned, or condemned by the appropriate public agency within a two-year period from the date of recording the subdivision plat or by the time that at least 75 percent of the lots are built on and occupied, whichever is sooner, the subdivider may claim the original reservation and cause it to be subdivided in a manner suitable to the subdivider, subject to the provisions of this appendix. Whenever the public body responsible for land acquisition executes a written release stating that the reserved land is not to be acquired, the planning commission shall waive the reservation requirements. When a development is of such size or of a nature which will have a significant

impact on community facilities, the dedication of an appropriate amount of land to meet such needs may be required by the planning commission.

(b) Whenever the planning commission finds that proposed reservation of land or dedication of land for public use is not required or suitable for such public use it may require the rearrangement of lots to include such land.

(c) In all subdivisions due regard shall be shown for all natural features such as large trees, and water courses, as well as for historical sites and similar community assets. These, when preserved, will add attractiveness and value to the property or community.

Section 2817. Design standards for blocks and lots.

(a) *Block lengths and widths.* Block lengths and widths shall be as follows:

1. Blocks shall be no greater than 1,800 feet nor less than 600 feet in length, except in unusual circumstances.
2. Blocks shall be wide enough to allow two tiers of lots, except where fronting on arterial, limited access highways, or railroads, or prevented by topographical conditions or size of property. In these cases the planning commission may approve a single tier of lots of minimum depth (see section 2819) to include a buffer zone.

(b) *Lot sizes and proportions.*

1. Residential lots shall meet the lot width and lot area requirements in Articles X through XIII as applied to the zoning of the subdivision.

(c) Commercial and industrial lots shall be adequate to provide service areas and off-street parking suitable to use intended.

(d) Residential corner lots shall have adequate width to meet building setback requirements from both abutting streets.

(e) *Adequate building sites*. Each lot shall contain an adequate building site not subject to flooding and outside the limits of any existing easements, buffers or building setback lines required by this appendix.

(f) *Lot line arrangements*. When practical, side lot lines shall be at right angles to straight street lines or radial to curved street lines.

(g) *Panhandle or flag lots*. "Panhandle" or "flag" lots, of required width and area may be allowed where terrain or geometry makes standard

design or frontage impossible or impractical. Where such lots are allowed, the street frontage of each panhandle access shall not be less than 60 feet wide, and the panhandle access shall be not more than 200 feet long. The lot shall conform to all other lot standards of this appendix. Not more than two such panhandle access points shall abut each other. All such access points or combinations thereof shall be separated from each other by the frontage of a standard lot required under the other provisions of this appendix.

(h) *Building setback lines*.

1. Building setback lines shall be indicated on each plat as set forth in Articles X through XIII of this Ordinance. Corner lot setbacks shall conform to each right-of-way on which the lot fronts.
2. In the case of electric transmission lines where easement widths are not definitely established there shall be a minimum building setback line from the center of the transmission line as follows:

Voltage of Line	Minimum Building Setback
46 KV – 115 KV	50 feet
116 KV and Over	75 feet

(i) *Double frontage lots*. Double frontage lots should be avoided except where essential to provide separation of residential development from major traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten feet, and across which there shall be no right of access, shall be provided along the line of lots abutting such a traffic artery or other disadvantageous use.

Section 2818. Requirements for streets and other rights-of-way.

(a) *Continuation of existing streets*. Existing streets shall be continued at the same or greater width, but in no case less than the required width.

(b) *Street names*. Proposed streets that are obviously in alignment with others already existing and named, shall bear the names of existing streets. In no case shall the name for proposed streets duplicate existing street names, regardless of the use of the suffix street, avenue, boulevard, drive, place, way, or court. Through its index list of

street names on file the planning commission can assist the subdivider in avoiding duplication.

(c) *Street jogs*. Street jogs with centerline offsets of less than 125 feet shall not be permitted.

(d) *Cul-de-sacs or dead-end streets*.

1. Minor streets or courts designed to have one end permanently closed shall serve no more than 25 lots per block and have a turn-around or cross street every 1,000 feet unless necessitated by topography. They shall be provided with a turnaround at the closed end.
2. Where in the opinion of the platting authorities, it is desirable to provide street access to adjoining property, streets shall be extended to the boundary of such property and provided with a temporary turnaround.

(e) *Single entry road restriction*. In no case shall more than 50 lots in any subdivision be dependent on a single road or interval of road for entry/exit to/from the subdivision.

Section 2819. Development along major thoroughfares, limited access highway or railroad right-of-way.

(a) Lots shall have no access to an arterial road or limited access highway but only to rural minor access or residential streets. Where a subdivision abuts or contains an arterial, a limited access highway or a railroad right-of-way, the platting authorities shall require street approximately parallel to and on each side of such right-of-way either as a marginal access street or at a distance suitable for an appropriate use of the intervening land, with a ten-foot non-access reservation suitably planted. Due regard should be given requirements for approach grades and future grade separations in determining distances

(b) *Alleys*. Alleys may be required at the rear of all lots used for multi-family, commercial, or industrial developments but shall not be provided in one and two family residential developments unless the subdivider provides evidence satisfactory to the platting authorities of the need for alleys.

(c) *Street right-of-way and roadway pavement widths*. The right-of-way width shall be the distance across a street from property line to

property line. All subdivision streets, public or private, shall be platted as right-of-way streets. Lots shall not include any portion of the right-of-way. All streets shall be evaluated according to performance within specific site requirements or limitations. No street shall be platted on the basis of a private easement.

(d) Minimum street right-of-way widths shall be as follows:

1. *Rural minor and urban residential*.

Right-of-way	Minimum 60 feet
Turnarounds (Cul-de-sacs)	100 feet in diameter (50-foot radius)
Roadbed	Minimum of 28 feet (pavement width plus shoulder width)
Turnarounds (Cul-de-sacs)	88 feet in diameter (pavement width plus shoulder width)
Pavement	Minimum of 20 feet
Turnarounds (Cul-de-sacs)	80 feet in diameter (40-foot radius)

2. *Within curb and gutter subdivisions.*

Right-of-way	Minimum 60 feet
Turnarounds (Cul-de-sacs)	100 feet in diameter (50-foot radius)
Roadbed	Minimum of 24 feet (pavement width plus shoulder width)
Turnarounds (Cul-de-sacs)	84 feet in diameter (pavement width plus shoulder width)
Pavement	Minimum of 20 feet
Turnarounds (Cul-de-sacs)	80 feet in diameter (40-foot radius)

3. *Collectors and rural major.*

Right-of-way	Minimum 80 feet
Roadbed	Minimum of 30 feet (pavement width plus shoulder width)
Pavement	Minimum of 22 feet

4. *Rural arterial system.*

Right-of-way	Minimum of 80--150 feet, depending on traffic conditions to be reviewed at time of development application

Roadbed	Minimum of 38 feet (pavement width plus shoulder width)
Pavement	Minimum of 28 feet

5. ***Alleys, 16 feet right-of-way.***

6. ***One-way streets.***

Right-of-way	30 feet
Roadbed	22 feet
Pavement	Width 14 feet

(e) *Additional width on existing streets*. Subdivisions that adjoin existing streets shall dedicate or reserve right-of-way to meet the above minimum street width requirements.

1. The entire right-of-way shall be provided where any part of the subdivision is on both sides of the street.
2. When the subdivision is located on one side of an existing street, one-half of the required right-of-way, measured from the centerline of the existing roadway, shall be provided.

(f) *Street grades*. Maximum and minimum street grades shall be as follows:

1. Rural arterial, not in excess of ten percent.
2. Rural major and collector streets, not in excess of 12 percent.
3. Rural minor routes, residential streets and alleys, not in excess of 16 percent.
4. No more than 25 percent of the total square feet of pavement within a subdivision may be applied to a grade of 12 to 16 percent.
5. No street grade shall be less than one-half of one percent in cases where streets are curbed and guttered.
6. In meeting these grade and slope requirements on steep terrain, the planning commission suggests wherever feasible that the developer utilize a divided roadway in which the lanes for travel in opposite directions are cut at different levels of elevation. Under certain conditions,

this method of giving separate treatment to each travel lane would lessen cut and fill requirements. Median cuts would be used at points where both lanes have the same roadway grade. The median cuts would shorten distance of traveling any one direction and facilitate access to lots served by each lane.

(g) *Horizontal curvature*. The minimum radii of centerline curvature shall be as follows:

1. Arterial streets, as indicated on the road classification map, but in no case less than 800 feet.
2. Collector and rural major streets, 300 feet.
3. Rural minor and residential streets and alleys and other lower classification rural roads (industrial/commercial access, agricultural access, recreation and scenic, resource recovery), 100 feet.
4. Exceptions may be granted based on proven performance for special site requirements.

(h) *Tangents*. Between reverse curves, there shall be tangent having a length not less than the following:

1. Minor arterial streets, not less than 200 feet.
2. Collector and rural major streets, 100 feet.
3. Rural minor, residential streets and alleys and other lower classification rural roads (industrial/commercial access, agricultural access, recreation and scenic, and resource recovery), 25 feet.

(i) *Vertical alignment*. Vertical alignment shall be such that the following requirements are met:

1. Rural arterial streets shall have a sight distance of at least 500 feet at four feet above ground level. (10 × the speed limit or 10 × the algebraic distance, per DOT/AASHTO.)
2. Rural major and collector streets shall have a sight distance of at least 200 feet at four feet above ground level.
3. Rural minor, residential streets and alleys and other lower classification rural roads (industrial/commercial access, agricultural access, recreation and scenic, and resource

recovery) shall have a sight distance of at least 100 feet at four feet above ground level.

4. Rural arterial streets shall have a sight distance of at least 500 feet at four feet above ground level.
5. Local rural routes, 75 feet at four feet above ground level.

(j) *Street intersections*. Street intersections shall be as nearly at right angles as possible. No street inter-section shall be at an angle of less than 75 degrees, unless required by unusual circumstances.

(k) *Curb-line radii*. Property lines at street intersections shall be rounded with a curb radius of 20 feet. Where the angle of intersection is less than 75 degrees, the platting authorities may require a greater radius. The platting authorities also may permit comparable cut-offs or chords in place of rounded corners.

(l) *Steep slope development*. Street alignments are subject to performance standards as are appropriate to the City of Clarkesville and state construction requirements as may be adjusted to any given site limitations. Driveways and roads coming into a city road shall observe at a minimum a 25-foot deep area, with a slope of no more than two percent, at the intersection with the county right-of-way. No storm water shall run out onto the city road from a subdivision or individual lot or parcel. Stormwater runoff coming from driveways shall be diverted into ditches and away from the city road.

Section 2820. Development/project access improvements.

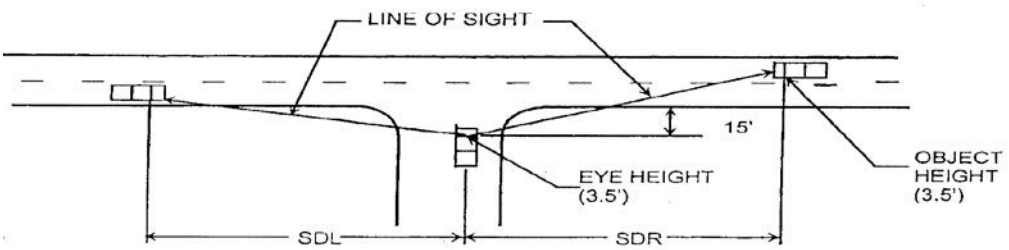
Single-family detached, single-family attached, duplex residential subdivisions, multi-family and non-residential development.

When property that abuts upon an existing or proposed city or county road is to be developed or redeveloped as a single-family detached or duplex subdivision, multi-family and non-residential development and the city or county road will provide access to the property, access improvements to the city or county road (turn lanes, etc.) shall be provided by the developer as provided herein:

1. Design criteria shall be in accordance with the requirements of this document or the latest edition of the Georgia Department of Transportation's "Regulations for Driveway and Encroachment Control",

2. A right turn deceleration lane shall be required at each subdivision of 25 lots or more and commercial or private industrial project creating more than 50 trips per day with a road/street intersecting with a public road. Right turn deceleration lanes shall have a minimum length of 150 feet with an additional 50 feet taper length. Pavement width shall be 12 feet (exclusive of curb and gutter) if curb and gutter is required. The design thickness of the base and pavement structure shall include eight-inch compacted graded aggregate base course, four-inch compacted asphalt concrete binder and two-inch compacted asphalt concrete "E" of "F" surface course. Additional right-of-way, if required, to accommodate the right turn deceleration lane and shoulder width to match the existing county road (in no case less than a four-foot wide shoulder) shall be acquired and dedicated by the developer to the City of Clarkesville at no cost. Associated drainage improvements as deemed necessary by the construction of the right turn deceleration lane shall be required.
3. In the event a developer desires to construct a median break to serve the subdivision, a left turn lane leading to the median break shall be required to be provided by the developer and shall meet the standards contained in the GDOT" standards specifications manual" and "Regulations for Driveway and Encroachment Control", current editions.
4. Other access improvements may be required by the county upon the recommendation of either GDOT or the county engineer in order to ensure adequate site access, pedestrian access, convenience and safety to the motoring public.
5. The developer shall be responsible for the relocation of public or private utilities and drainage structures as may be occasioned by the required access improvements.
6. Subdivision street intersections with county maintained roads shall be located to provide adequate sight distance. Minimum intersection sight distances are criteria provided in Table (A). The line of sight establishes the boundary of a sight triangle within which there should be no sight obstruction between the heights of 30 inches and 108 inches. No plants or shrubs shall be planted in this area that grows to a height greater than 30 inches. The sight distance criteria are based on the average time required for a vehicle to make a left or right turn

from a stop controlled approach to the public road (AASHTO Case B1 and B2). The time to execute the maneuver is based on recommendations contained in NCHPR Report 383, Intersection Sight Distance. The sight distances, for a two-lane road are the distance traveled at the posted speed limit during the average of 6.5 and 7.5 seconds. See ASSHTO Green Book, chapter 9 Intersections, for adjustments due to grades greater than three percent and design vehicle other than passenger cars. The developer's engineer shall certify that sight distance requirements are in accordance with table (A), and so state on the preliminary plans at the time of submittal.



COUNTY RD. SPEED, MPH	SIGHT DISTANCE, Ft. 2 Lane (SDL=SDR)
25	260
30	310
35	360
40	415
45	465
50	515
55	570

TABLE (A)
INTERSECTION SITE DISTANCE REQUIREMENTS

7. A traffic impact study, by the developer's engineer at the preliminary stage when any new road or street is created that abuts/adjoins a public road/street for all developments creating more than 50 trips per day.

Section 2821. Structures on right-of-way.

Right-of-way encroachment--Mailboxes and other structures: This section applies to all arterial, collector and minor roads as defined by the Zoning Ordinance of the City of Clarkesville, Georgia.

A. *Mailboxes, city right-of-way*.

1. A mailbox that does not conform to the following provisions is an encroachment and shall be removed within 60 days of notification of the violation.

(a) For noncompliance mailbox structures not moved within the 60-day notification period, such removal shall be performed by the City of Clarkesville at the expense of the structure owner.

(b) The City of Clarkesville will assume no liability for damage that may occur in normal maintenance operations for any mailbox not conforming to the standards stated in subsections 1 through 3.

2. No mailbox support shall be allowed to exist on the City of Clarkesville's right-of-way that interferes with the safety of the traveling public on the county road system. The mailbox shall be located in accordance with the rules and regulations set forth by the Highway Safety Administration.

(a) The support or post shall not be made of a masonry nature or by any other material that will not readily yield upon impact;

(b) Nor shall any other construction which could be classified as a hazardous fixed object be allowed; either as a support or as an encasement or housing for the box itself.

(c) When using wood, the size shall be a maximum nominal four inch by four inch or if round, the size will be a maximum of four inches in diameter.

(d) If a metal post is to be used, no larger than three inches in diameter or equivalent shall be allowed and such posts shall be hollow.

(e) When using other materials, the maximum size and configuration shall be determined and approved by the administrative officer prior to installation.

(f) The face of the mailbox shall be no closer than three feet to the edge of the pavement

on high-speed (establish threshold speed) routes.

3. Multiple mailbox installations shall meet the same criteria as single mailbox installations. Multiple support installations should have their supports separated a minimum distance equal to three-fourths of their heights above ground. This will reduce interaction between adjacent mailboxes and supports.

B. *Mailboxes--Subdivision roads with low traffic volume and speed*. A mailbox that does not conform to the following provisions is an encroachment and shall be removed within 60 days of notification of the violation

1. Subdivision roads with low traffic volume and speed, shall comply with the following standard:
   (a) The supporting structure shall be as described in subsection 2821(A) above.
   (b) The face of the mailbox shall be no closer than two feet to the edge of the pavement or one foot from the back of the curb.
2. In the event that a request is made to place a subdivision road in the county maintenance system all existing structures on right-of-way shall be brought into compliance with section 2821 of this appendix.

C. *Mailboxes*--Existing structures on city or county maintained roads: Single-entrance subdivision roads with a rural minor road classification that have existing brick or masonry mailbox structures will be allowed so long as they meet the following requirements:

1. No portion of the mailbox or its structure shall be closer than two feet to the edge of pavement or one foot from the back of the curb.
2. The planning commission reserves the right to review all existing mailbox structures on a case-by-case basis as requested.
3. All undeveloped lots within a subdivision on a single entrance, low volume and low speed road shall conform to the specifications for mailbox structures defined in subsection 2821(A) above.

D. *Other structures.*

1. Masonry or other type vertical walls that create a hazard will not be allowed on county rights-of-way. Existing masonry or other type walls built on driveways in the right-of-way will comply with the following regulation:

(a) Single entrance subdivision roads with a rural minor road classification that have existing brick, rubble, or masonry driveway headwalls will be allowed so long as they meet the following requirements:

i. The wall shall not come within four and one-half feet of the edge of pavement.

ii. The wall shall not extend above the existing driveway height without having adequate drain holes through the wall.

iii. The overall height shall not exceed 12 inches above the driveway surface.

iv. All undeveloped lots within a subdivision on a single entrance, low volume, low speed road shall conform to these same specifications.

(b) Subdivision entrances with elaborate cosmetic structures of brick, masonry or other materials forming an island shall conform to the following:

i. No structure shall extend beyond the right-of-way line of the adjoining street.

ii. No structure shall extend vertically to a height that would impair visibility of adjacent vehicle traffic.

iii. Structure walls must not lean or protrude over the adjacent pavement so as to hinder resurfacing or maintenance of the surface.

iv. No structure shall be placed in conflict with utility facilities.

v. Structures placed in the middle of the cul-de-sac shall conform to all of the above specifications.

vi. All structures must have some type of approved reflective device or be lit.

vii. Any damage to existing structures during routine maintenance of the street will be the liability of the property owner.

(c) Exemption for new construction. Masonry or other type vertical walls may be built on driveways that are located in a platted subdivision on a "rural minor" road, defined herein and classified as a low volume, low speed, residential road that primarily serves the residents of the subdivision. A subdivision road or street that may be used as a cut through or connector road to a main road may not be considered a "minor" road. These structures must conform to the regulations as stated in this section. The City of Clarkesville does not accept maintenance responsibility for these vertical wall structures. The planning commissioners reserve the right to review all structures on a case-by-case basis as requested.

E. *Enforcement*.

1. *Existing structures*. It shall be the responsibility of the public works director to enforce the provisions of this section as it relates to existing structures. The public works director shall notify, in writing, property owners found to be in violation of this section. If the property owners fail to remove the structures(s) in violation within the time allowed by this section, the public works director is authorized to issue a citation to the property owner stating the nature of the violation, the cost to the property owner for removal and the time and date the matter will be reviewed by the board of commissioners. A copy of the citation shall be sent to the chief building inspector. The public works director shall refer the citation to the board of commissioners at its earliest regularly scheduled meeting. The board shall review the facts and if the property owner is found in violation, the public works director shall be authorized and directed to remove structures in violation and to bill the property owner the cost of removal.

2. *Enforcement (new construction*). It shall be the responsibility of the building inspector to enforce the provisions of this section as it relates to all new construction. In addition, the chief building inspector is directed and authorized to deny any and all construction permits for any property or to any property owner with a structure(s) in violation of this section as cited by the public works director.

Section 2822. Required improvements.

A. *Performance and specifications*. Every subdivider shall be required to make the improvements outlined in this article in accordance with the specifications herein or otherwise adopted by the City of Clarkesville. The necessity for storm drainage on each site will be determined by inspection.

B. *Monuments*. Monumentation shall be done as required by Georgia State Rules Section 108-7-05.

C. *Grading*. All streets, roads, and alleys shall be graded by the subdivider so that pavements and sidewalks, where required, can be constructed to the required cross section. The minimum width of grading shall be the pavement width as specified in section 2819, plus eight feet on each side. Deviation from the above will be allowed only when due to special topographical conditions.

1. *Preparation:* Before grading is started, that part of the right-of-way consisting of the area to be paved plus the shoulders shall be first cleared of all stumps, roots, brush and other objectionable materials and all trees not intended for preservation.
2. *Cuts:* All boulders and other obstructions shall be removed to a depth of two feet below the subgrade. Rock, when encountered, shall be scarified to a depth of 18 inches below the subgrade. All vegetative debris, to include tree stumps and roots must be removed from the site or may be burned in its entirety on site if burning complies with state rules and regulations.
3. *Fill*: All suitable material from roadway cuts may be used in the construction of fills, approaches, or at other places as needed. Excess materials, including organic materials,

soft clays, etc., shall be removed from the roadway. The fill shall be spread in layers not to exceed six inches loose and compacted by a sheepsfoot roller. The filling of utility trenches and other places not accessible to the roller shall be mechanically tamped.

4. *Subgrade*: The subgrade shall be properly shaped, rolled and uniformly compacted to conform to the lines, grades, and typical cross-sections as shown on drawings approved by the planning commission. Unsuitable materials shall be excavated and replaced with acceptable compacted material.

D. *Stormwater management plan*. This section is to formulate a plan to manage stormwater runoff so that stormwater hazards are not created and existing runoff-related problems are not exacerbated, either upstream or downstream from or within the boundaries of the development. The stormwater management plan will consist of a stormwater report and construction documents (if applicable) to meet the minimum requirements set forth in this section.

1. A stormwater management plan shall be submitted with the request for land disturbance permit stage and shall contain the following information:
    a. Location of proposed drainage-ways, streams and sediment ponds within the development.
    b. Location, size, and invert elevations of proposed drainage structure including culverts, bridges, pipes, drop inlets and top elevations of headwalls, diversion ditches, etc.
    c. Entire area of land contributing runoff to each drainage feature whether land is inside the development or outside the development.
    d. Location of easements and right-of-way for drainage ways and maintenance accesses therefore.
    e. Typical improvement around drainage features and culverts, if any.

f. Direction of water flow throughout the subdivision and computed velocities at those points deemed necessary by the review agency staff.

g. Detailed engineering drawings on all impoundment structures, dams, sediment ponds, etc.

2. A stormwater management plan must be prepared for new development or redevelopment to any site that meets one or more of the following criteria:

a) A new development in which 5,000 square feet or greater of new impervious area is created or that involves the land disturbing activity of one acre of land or greater.

b) Land development activity on a redevelopment site that constitutes more than 50 percent of the site area for the entire site or increases the impervious area on site by more than 5,000 square feet.

c) Any commercial or industrial development. (All commercial and industrial developments must have at least one storm water management facility).

3. The following development activities may be exempt from a stormwater management plan:

a) Developments that do not create the addition of 5,000 square feet of impervious surfaces or disturb more than one acre of land.

b) Individual single-family residential lots. (Single-family lots that are part of a subdivision or phased development project are not exempt.)

c) Additions or modifications to existing single-family structures.

d) Agricultural and silvicultural construction is exempt.

E. *Stormwater report*: A storm water hydrology report shall be provided to ensure that the requirements and criteria in these regulations are being complied with and that opportunities are being taken to minimize post-development stormwater runoff impacts from the development. The stormwater hydrology report shall identify the

locations and quantities of stormwater runoff entering and exiting the site for both existing and developed conditions. The report at a minimum shall consist of pre and post developed topographic drainage maps delineating study points, drainage basins, soil types, runoff coefficients/curve numbers and land cover. In addition the report shall contain: a brief narrative, a vicinity map, a chart summarizing the water runoff associated with the proposed development and supporting design calculations for any proposed stormwater management facility (such as and including stage-storage or outlet rating curves and inflow and outflow hydrographs, pre and post developed hydrographs). Pond discharge locations shall be in defined drainage ditches or piped systems. If this is not possible the hydrology report shall address the creation of concentrated flows where none had occurred previously. The design professional shall ensure that the addition of any stormwater management facility within its watershed basin does not adversely affect downstream property owners or storm water drainage systems and structures. Stormwater hydrology reports shall be conducted in accordance with the criteria established in this section and must be submitted with the stamp and signature of a professional engineer (PE) licensed in the State of Georgia.

F. *Stormwater management facilities*: Stormwater management facilities shall be implemented to control post-developed stormwater runoff. The facility shall be designed so that the peak release rates (when combined with all detention bypass areas) are equal to or less than the pre developed runoff rates at the same location. The facility will be designed to control the two to 50-year storm events. The facility shall also provide the safe passage of the 100-year storm event while providing one foot of free board between the 100-year pond elevation and the top of the dam. A proposed storm water management facility must be accompanied by a set of construction documents, signed by a design professional, depicting the location and layout of the proposed facility and provide details for the construction of the facility (ex. outlet structures, dams, positive drainage other structural controls, etc.) All stormwater facilities shall be enclosed by fencing and an access gate where the sides

of the facility adjacent to the water are steeper than 3:1 and the depth of the water in the pond is greater than three feet. The owner of the property on which the facility is located shall be responsible for maintaining all stormwater management facilities. A clean-out marker showing two-thirds volume level of the pond shall be designated on the outlet structure to facilitate in inspection of the facility. If it is determined that the facility is not hydraulically functioning as designed, due to inadequate maintenance, the city may conduct inspections and maintenance on the facility and the owner will be responsible for all expenses involved. A 25-foot easement measured from the elevation of the 100-year storm event within the facility and a 25-foot access easement to the facility shall be provided to the county. The county shall notify the owner 24 hours prior to any inspection or maintenance work which involves accessing the easement. All stormwater management facilities shall be designed in accordance with the criteria established in this section and plans and reports must be submitted with the stamp and signature of a professional engineer (PE) licensed in the State of Georgia.

1. Stormwater conveyance pipes: All culverts, cross drain, storm sewers or other drainage facilities under the county's jurisdiction shall be designed to accommodate all runoff from its entire upstream drainage area and be based upon the 25-year storm event.
2. An adequate drainage system, including necessary open ditches, pipes, culverts, intersectional drains, drop inlets, bridges, etc., shall be provided for the proper drainage of all surface water. Cross-drains shall be provided to accommodate all natural water flow, and shall be of sufficient length to permit full width roadway (roadway is defined as the portion of a road or street within the limits of construction) and the required slopes. The culvert pipe size to be provided shall be determined based on an engineering study. In no case shall the pipe

diameter for cross drain pipe be less than 18 inches. Side drain pipe (driveway, etc.) shall not be less than 15 inches in diameter.

a. All pipe used for cross drains shall consist of one of the following:
    i. Reinforced concrete pipe.
    ii. Metal pipe with paved invert and coated with bituminous material.
    iii. Aluminized coated pipe meeting ASSHTO Standard M274 and M36.
    iv. Smooth interior corrugated polyethylene pipe not to exceed 36 inches in diameter meeting ASSHTO Standard M294.
b. Certificate executed as shown in appendix A, Form 6.

G. *Installation of utilities and driveways*. After grading is completed and approved and before any base is applied, all of the underground work, water mains, gas mains, etc., and all service connections shall be installed completely and approved throughout the length of the road and across the flat section. All driveways for houses as they are built shall be cut and drained from the right-of-way.

H. *Water supply system*. Water mains within the subdivision must be provided with connections to each lot from a community water system controlled by EPD or public water system. Minimum diameter of water pipes shall normally be six inches. Fire hydrants must be provided at not more than 1,000 feet intervals whenever community or public water system is used. Required fire hydrants shall be served with adequate water volume and pressure as required by the fire chief and the governing body of The City of Clarkesville.

I. *Sanitary sewers*. If the sewage disposal facilities cannot be connected to a trunk line sewer at the time of the development of the subdivision; septic tanks, or another approved method of treatment of sanitary sewerage shall be installed by and at the expense of the subdivider or lot purchaser for interim use, in conformity with the requirements of the county health department. Plans shall be reviewed by the appropriate municipality or county facility accepting

the waste. Further, approved sanitary sewage methods other than septic tanks shall include the maintenance and ownership agreements and requirements explained in detail. In addition, once the proposed plans are approved by a municipality the building and planning department shall review and approve the plans for installation on county right-of-way. A sanitary sewer plan shall be provided for those developments offering such service. See Appendix A, Form 2.

J. *Street and alley improvements*.

1. Required streets shall be either public streets or private streets, all platted with right-of-way specified in section 2818. All streets must be paved to meet specifications in sections 2819 and 2822 below in order to qualify for final plat approval by the planning commission or acceptance for maintenance by the city governing body as public streets.
2. *Asphalt paving and curb and gutter required*. All streets within subdivisions with any lot 1.5 acre or less in size or slope of five percent or shall be paved with asphalt per subsection (K) below and provided with curbs and gutters constructed with either pre-cast concrete curb, or integral concrete curb and gutter conforming to the dimensions and standards in the adopted standard drawings. Driveways shall require curb cuts.
3. *Street name markers required*. Each street, at each street intersection, shall be marked with street name markers of single pole design being a two inches diameter metal post or U channel post standing no shorter than six feet or taller than nine feet. Marker plates shall be a standard grade metal with green reflectorized sheeting at least six inches high and lettered with four-inch high or larger letters and attached not lower than ten inches from top of pole. Letters are to be white on green plates.

K. *Base*. The base course shall consist of compacted and graded aggregated crushed stone or other approved material having a minimum thickness, after being thoroughly compacted, of six inches on all rural minor and residential streets regardless of the type pavement wearing surface used.

1. Base and pavement structure for collectors, rural major, other rural roads, arterial roads, and streets shall be designed based on projected traffic and use. Commercial and/or industrial streets and roads shall be designed by a registered engineer according to the projected loads and weight capacities for the project but in no case shall be no less than eight inches compacted base course and two inches asphaltic concrete surface binder with a one and one-half inch asphalt concrete surface course. Residential streets and roads shall also consist of no less than six inches of compacted base course and two inches of asphaltic concrete surface course.
2. All materials shall be secured from an approved source and shall generally conform to minimum acceptable standards of the Georgia Department of Transportation.
3. All materials shall be mixed to the extent necessary to produce a thoroughly pulverized and homogeneous mixture.
4. As soon as the base material has been spread and mixed, the base shall be brought to approximate line, grade and cross-section and then rolled with a sheepsfoot or other approved roller until full thickness of the base course has been compacted thoroughly. Defects shall be remedied as soon as they are discovered.
5. The base course shall be maintained under traffic and kept free from ruts, ridge and dusting, true to grade and cross-section until it is primed.
6. No base material shall be deposited or shaped when the subgrade is frozen or thawing or during unfavorable weather conditions.

L. *Pavement*. Wearing surface shall conform to mixes found suitable by the Georgia Department of Transportation, Highway Division, or an independent testing laboratory and shall be applied after prime coat. Unless otherwise approved by the platting authority, pavement shall be constructed as follows:

1. Bituminous material used for prime coat shall be in accordance with the current edition of the Georgia

Department of Transportation Standard Specifications Manual and shall be applied on clean slightly damp surface in the amounts of from 0.15 to 0.30 gallons/square yard, depending on the nature and condition of the surface.

2. Wearing surface shall consist of either an approved plant mix prepared in accordance with the standards in the current edition of the Georgia Department of Transportation Standard Specifications Manual and shall have a completed minimum compacted thickness of two inches, or a triple surface treatment constructed in accordance with section 424 of the current edition of the Georgia Department of Transportation Standard Specifications Manual.
3. *Weather limitations*. Comply with the current edition of the Georgia Department of Transportation Standard Specifications Manual.
4. Care and precaution shall be taken that all joints between the surface mixture and such structures as manholes and curbs are well sealed.
5. Materials and installation of traffic control devices, such as striping or required signal devices and signage, shall be at the developers expense and comply with Manual for Uniform Traffic Control Devices.

M. *Guarantee against faulty material and workmanship*.

1. *Final approval*. Public streets to be accepted by the county will be at the discretion of the governing body. Road acceptance, and acceptance of any other dedicated easement to the county, shall only be accomplished by written resolution, adopted by the governing body at a public meeting; approval of the final plat does not indicate acceptance of roads or easements by the county. Final approval will be considered upon separate written request by the developer, subdivider or any person or persons who own all fee simple interest in the subject road to the governing body and in accordance with one of the following:

(a) The subdivider shall post with the city a guaranty bond or other approved surety in an amount equal to 25 percent of the street and utility improvement cost, verified by the city engineer, and approved by the governing body for the street for which acceptance is sought. Said bond will guarantee the city that the street and utility improvements have been installed in a workmanlike manner, that they are free from defects caused by faulty materials or workmanship and that the street and utility improvements will remain in acceptable condition for a period of at least 18 months. This bond shall be effective for a period of at least 18 months. At the end of this period, if the street or utility improvements are found to have settled or be otherwise unacceptable because of faulty workmanship or material.

(b) The defective street or utility shall be repaired at the expense of the subdivider up to the amount of the bond. Upon his failure or refusal to do so within 90 days after demand is made upon him by the governing body, the city shall make such repairs as are reasonably necessary and recover the cost thereof from the bond issuer.

2. *Certificate of development conformance required*. A certificate of development conformance is required for final approval of road system. The certificate will not be issued until all requirements of these and other applicable regulations have been met. It is also required that the building and planning department receive a completed request for approval of development conformance, an executed development performance and maintenance agreement, and a final inspection

report has been done. Approval will be determined by published procedures entitled procedures for development conformance, to be given to applicant at time of request for final approval prior to final inspection.

3. Process of road inspection/acceptance. All roads will be inspected at time of construction pursuant to the published procedures as set forth by the building and planning department. Published procedures will be included with the development application.
4. Warranty deed required. A warranty deed must be provided by the developer, subdivider, or any person or persons who own all fee simple interest in the subject road.

N. *Private roads*.

1. Private roads may, upon application, be permitted by the planning commission within subdivisions, subject to the requirements of this section. The planning commission may impose conditions on the approval of private roads to ensure various public purposes and to mitigate potential problems with private roads. No final plat involving a private road shall be approved unless said final plat conforms to the requirements of this section.
2. It shall be unlawful for any person, firm, or corporation to construct a new private road or alter an existing private road or to cause the same to be done without complying with this section; provided, however, that this shall not be construed to apply to logging roads (trails) and roads (trails) serving agricultural purposes
3. All private roads shall at minimum be constructed to all standards specified in this article except Section 2822.
4. Rights-of-ways for private roads shall be designated on final plats as general purpose public access and utility rights-of-ways, along with the name of said private road. Rights-of-ways for private roads shall not be included in any calculation of minimum lot size established by this appendix. Private road right-of-ways shall be shown on the final plat as a discrete parcel to be dedicated to a

private homeowners association or other appropriate group (i.e., not shown to be a part of any lot).

5. The City of Clarkesville shall have no responsibility to maintain, repair, resurface, rebuild, or otherwise improve private roads, signs, drainage improvements or any other appurtenances within general purpose public access and utility rights-of-ways established for private roads. A private maintenance covenant recorded with the office of the clerk of the Superior Court of Habersham County shall be required for any private road and other improvements within general purpose public access and utility rights-of-ways established for private roads. The covenants shall set out the distribution of expenses, remedies for noncompliance with the terms of the agreement, and other pertinent considerations.
6. The covenant shall specifically include the following terms:
    (a) The covenant shall establish minimum annual assessments in an amount adequate to defray costs of ordinary maintenance and procedures for approval of additional needed assessments. The covenant shall also specify that the funds from such assessments will be held by a homeowners or property owners association, or other appropriate group.
    (b) The covenant shall include a periodic maintenance schedule.
    (c) The covenant for maintenance shall be enforceable by any property owner served by the private road.
    (d) The covenant shall establish a formula for assessing maintenance and repair costs equitably to property owners served by private road.
    (e) The covenant shall run with the land.

(f) The planning commission may, at its discretion, as a condition of approving private roads, require a performance bond and/or maintenance bond be submitted by the subdivider and held by a homeowners or property owners association, or the planning commission may require that the subdivider pay an amount of money as recommended by the county engineer into an escrow account or other suitable account for the maintenance and repair of private roads and stormwater management improvements, to be drawn from by the homeowners or property owners association as maintenance and repair needs may arise.

O. No final plat involving a private road shall be approved by the Planning Commission for recording unless and until it shall contain the following on the face of the plat:

1. Deed book and page reference to the recorded covenant required by this section.
2. "Warning, The City of Clarkesville has no responsibility to build, improve, maintain, or otherwise service the private roads, drainage improvements, and other appurtenances contained within the general public purpose access and utility right-of-way or rights-of-ways for private roads shown on this plat."
3. Grant of right-of-way as displayed in Appendix A, Form 7.

Section 2823. Opening and improving public streets.

The governing body of the City of Clarkesville shall not accept, lay out, open, improve, grade, pave or light any street or lay any utility lines in any street, which had not attained the status of a public street prior to the effective date of this appendix, unless such street corresponds to the street location shown on an approved subdivision plat or on an official street map adopted by the planning commission.

ARTICLE XXIX TREE CONSERVATION

Section 2901 Intent.

This article shall apply to all properties or portions hereof located within the corporate boundaries of the City. The Mayor and Council of the city find that: the conservation and protection of trees; the planting of new trees of the species and quality recommended herein; and the protection of stream buffers as a part of the land development process serve the public interest and promote public health and general welfare.

Section 2902 Purpose, Terms and Provisions.

a) *Purpose*. The purpose of this article is to conserve and enhance the City's natural environment through tree conservation, protection, and/or replacement. This article regulates the planting and removal of trees and landscape material, as well as other land disturbing activities. This article is further intended to provide for penalties for violations hereof, to provide for the protection of trees from abuse and mutilation, to repeal conflicting ordinances, and for other purposes set forth herein.

b) *Terms and provisions*. This section applies to all real property located within the city, except as excluded in other sections in this article. Article XXII of the Zoning Ordinance addresses specific tree, buffer and landscaping requirements for properties located within the specially recognized areas.

Section 2903 Appeals and Variances.

a) Any person who disagrees with a decision regarding the enforcement and/or interpretation of this Chapter XXIX may appeal such decision in accordance with Appendix D of the Zoning Procedures.

Section 2904 Penalties for the Violation of this Ordinance.

a) Any property owner or other person, landscape contractor or other firm or corporation violating the provisions of this Ordinance or who fails to comply with any notice issued pursuant to the provision of this Ordinance, upon conviction or plea of guilty, shall be subject to a fine of not less than $100 nor to exceed $1,000 for each separate offense,

and in addition hereto may be enjoined from continuing the violation. Each tree cut, damaged or poisoned and each violation of this ordinance shall constitute a separate offense.

b) The City may withhold the issuance of a Certificate of Occupancy, permits or inspections for any construction activity until the provision of this Ordinance have been fully met.

Section 2905 Definitions.

In construing the provisions hereof and the meaning of each and every word, term, phrase, or part thereof where the context will permit, the definition of terms as contained in this Code, supplemented by the following, shall apply:

Berm: An earthen ledge or shoulder sometimes located along the edge of a road or sidewalk.

Buffer: A landscaped open space and/or screen located between incompatible land uses for the purpose of visibly separating uses through distance and to shield or block noise, light, glare, visual or other nuisances; that portion of a given lot, not covered by buildings, pavement, parking, access and service areas, established for the purpose of screening and separating properties with incompatible land uses, the width of which is measured from the common property line and extending the developed portion of the common property line. A buffer consists of trees, shrubs and other natural vegetation undisturbed by grading or site development and replanted where sparsely vegetated or where disturbed for approved access and utility crossings.

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

Canopy Tree: A tree that, under normal conditions, will compose the upper most layer of vegetation and generally will reach mature height of greater than 40 feet.

Certified Arborist: An individual certified as an Arborist by the International Society of Arboriculture.

City: City of Clarkesville, Georgia.

Clearing: The removal of vegetation from a property that is being developed, whether by clear cutting or other means.

Conservation: The protection, preservation, management, or restoration of natural resources to prevent exploitation, destruction or neglect.

County: Habersham County.

Critical Root Zone (CRZ): The minimum area beneath a tree that must be left undisturbed in order to preserve a sufficient root mass to give the tree a reasonable chance to survive. The CRZ will typically be represented by a concentric circle centered on the trunk of the tree with a radius equal in feet to 1.5 times the number of inches of the diameter of the trunk. For example: The CRZ radius of a 20 inch tree is 30 feet.

Development Regulations: The ordinances regulating the development and subdivision of real property within the City.

Diameter at Breast Height (DBH): A standard measure of tree size – a tree trunk, measured in inches at a height of 4 feet 6 inches above the forest floor on the uphill side of the tree. If a tree splits into multiple trunks below 4 feet 6 inches, then the DBH is measurement of the largest trunk plus 60% of the sum total of remaining trunks.

Drip Line: A vertical line extending from the outermost portion of a tree canopy or a tree's branch tips down to the ground.

Floodplain, 100 year: Lands subject to flooding, which have at least a one percent probability of a flooding occurrence in any calendar year and which is shown on the flood boundary and floodway map as prepared by the Federal Emergency Management agency (FEMA).

Grading: The placement, removal, or movement of earth by use of mechanical equipment on a property.

Grubbing: The removal of tree stumps and roots.

Hedge: A row of closely planted shrubs or plants that produce a dense continuous vegetative screen or barrier.

Land Disturbance: Clearing, grading or grubbing activities on a site or portion of a site.

Land Disturbance Permit (LDP): A permit issued by the City that authorizes clearing, grading or grubbing activities on a site or portion of a site. A development permit may include activities as defined by a LDP.

Landscape: The visible features of an area of land, including physical elements such as landforms, living elements of flora and fauna, and abstract elements such as light, weather conditions and human elements.

Landscape Strip: Land area located within the boundary of a lot and designated to be used for landscape.

Ordinance Enforcement Officer (OEO): An employee or designee of the City properly designated and charged with the responsibility of enforcing ordinances within the corporate limits of the City.

Public: A word describing government owned or government operated such as Public Park, public right-of-way, or public property.

Radial Trunk Dieback: Progressive death of the tree tissue from the extremities inward.

Screening: A method of shielding or obscuring one abutting or nearby structure or property from another by means of opaque fencing, walls berms, densely planted vegetation or other means.

Shrub: A woody plant of relatively low height, typically distinguished from a tree by having multiple stems and being of lower height.

Significant Tree: Any existing, healthy, living tree (8) inches DBH or greater in size.

Specimen Tree or Specimen Tree Stand: Any tree or group of trees which has been determined to be of high value because of its species, size, age or other definable criteria and so designated by the City. General criteria for the determination of specimen trees or stands of trees are provided in Section 2908.

Stream Buffer: An undisturbed buffer on each side of the stream, the minimum width of which is determined by the Georgia Environmental Protection Division or by local ordinance or condition of zoning, whichever is greater.

Structure: Anything constructed or erected, the use of which requires more or less a permanent or semi-permanent location on the ground, or attached to something having a location on the ground.

Surety Bond: A bond given to ensure the timely performance of a contract or compliance with a provision of this article.

Tree: Any self-supporting woody perennial plant, usually having a single woody trunk of 2 inches or more when measured at a point 6 inches above ground level and which normally grows at maturity to an overall height of a minimum of fifteen (15) feet.

Tree Damage: Destruction caused, either intentionally or unintentionally to a tree.

Tree Density Unit (TDU): A credit assigned to a tree, based on the diameter of the tree, in accordance with the tables contained in this article.

Tree protection/Tree Replacement Plan: A plan that identifies tree protection areas and shows existing trees to be retained and proposed trees to be planted on a project site or property to meet minimum requirements as well as methods of tree preservation to be undertaken on the site.

Tree Survey: A site survey and documentation of existing trees within a proposed area to be developed.

Understory Tree: A tree that, under normal forest conditions, grows to maturity beneath canopy trees and will generally reach a mature height of ten to forty feet.

Undisturbed Buffer: An area of land on public or private property that has been designated on a plat as a do not disturb, undisturbed or natural buffer.

Xeriscaping: A method of landscaping using planting materials that are efficient in the use of water.

Zoning Buffer: A buffer or stream buffer that is required by the Zoning Ordinance.

Zoning Ordinance: The Zoning Ordinance as adopted by the City of Clarkesville, Georgia.

Section 2906 Tree Care and Maintenance.

All property owners and occupants shall be responsible for the normal and ordinary care of trees located on their property. No person shall willfully damage healthy trees including but not limited to the following:

a) Pouring of harmful materials on trees which could harm them;
b) Causing or encouraging a fire or burning near trees;
c) Causing serious damage to the trunks, limbs or roots of trees.

Section 2907 Specimen Tree Removal Limitations.

Existing specimen trees, including those of rare or historical significance, shall not be removed without a permit. A permit shall not be denied if the removal will enhance the value of the property, the tree is determined to be diseased, dead or to present a hazard to life or property.

Section 2908 Determination of Specimen Trees.

A specimen tree is any tree in fair or better condition which equal or exceeds the following diameter sizes:

a) Large Deciduous (LD) of 30" DBH or greater, e.g. oaks, hickories, yellow poplars, sweet gums, etc.
b) Large Evergreens (LE) of 36" DBH or greater, e.g. pines, cedars, hemlocks, etc.
c) Small tree species (small deciduous (SD) and small evergreen (SE)) of 12" DBH or greater, e.g. dogwoods, redbuds, sourwoods, etc.

A tree in fair or better condition must meet the following guidelines:

a) A life expectancy of 15 years or longer from the time of determination.

b) A relatively sound and solid trunk with no extensive decay or hollows and less than 20 percent radial trunk dieback.

c) No more than one major and several minor dead limbs (hardwoods only).

Section 2909 Removal of Obscuring or Hazardous Limbs and Trees.

The City shall remove all branches that obscure the light from City owned streets or that obstruct the view of any intersection. The City shall maintain a fourteen foot clear space above all City owned streets and an eight foot clear space above the surface of the City owned sidewalks. Property owners shall remove trees or limbs on their property that are hazardous to people or other property.

Upon notification by the City to property owners to remove trees or limbs which are hazardous to people or others property, the property owner shall have 60 days to remove the hazardous trees or limbs. If the owner fails to comply, the City may have the tree or limbs removed at the property owner's expense.

If a tree or limb poses an immediate safety hazard to persons or property, the City may have the hazard removed as deemed necessary.

Section 2910 Land Disturbance Requirements.

The provisions of sections 2912, 2913, 2914, 2915, 2916 and 2921 of this Article shall apply to any activity on real property which requires the issuance of a Development Permit or Land Disturbance Permit within the incorporated City of Clarkesville.

Section 2911 Exemptions.

a) Development permits and land disturbance permits are not required on lots that are to be developed with a single-family dwelling or related accessory buildings and are less than one acre in area.

b) A tree protection and replacement plan is not required for the removal of dead, hazardous or dangerous trees.

Section 2912 Tree Replacement Guarantee & Maintenance.

In order to protect the City, residents, and prospective purchases in a subdivision, the Developer shall provide to the City one of the financial securities as set forth in Section 2808 of the Subdivision Regulations in order to guarantee compliance with the tree protection plan and the installation of replacement trees and buffers.

The guarantee shall be an amount to secure the full costs of installation of completion of landscaping and tree replacement requirements and improvements per the approved tree protection plan. Irrespective of the above, the City may establish the amount of financial guarantee required based upon landscaping estimates.

All replacement trees and landscaping shall be maintained in a healthy condition for a minimum of two (2) years from the date of project completion. Any replacement trees that die or become damaged or diseased within the two (2) year period shall be replaced by the property owner or developer.

Section 2913 Tree Retention Priorities.

The retention of existing healthy trees is the highest priority and shall take precedence over the removal of trees and replacement with smaller trees. Emphasis shall be given to the conservation of specimen and significant trees over the retention of others. Tree protection and replacement plans shall be reviewed for compliance with the following provisions:

a) Existing trees in required landscape strips and buffers shall be retained as much as practical while meeting the overall goals of the strips and buffers.
b) Existing trees between building and streets shall be retained to the maximum extent possible.
c) Where existing trees are located on land proposed for parking areas, such trees shall be integrated into the design of the parking lot planting islands to the maximum extent practical and where there is a good chance for tree survival.
d) All other existing trees located on site shall be retained to the maximum extent practical.

Noncompliance with this Section may be grounds for the disapproval of tree protection and replacement plans.

Section 2914 Tree Protection Plan Requirements and Specifications.

Tree protection and replacement plans shall be prepared by a professional landscape architect, urban forester, certified arborist, engineer or other professional designee. The plan shall be dawn to scale and may be combined with the buffer, landscape and parking plans.

The tree preservation and/or replacement plan shall contain the following, as a minimum:

1) Project name, land district, land lot and parcel number, north arrow and scale;
2) Owner and Developer's name, address and telephone number;
3) Name, address and telephone number of the professional landscape architect, urban forester, certified arborist or person responsible for preparation of the plan and the seal or statement of professional's qualifications;
4) Delineation of all minimum yard areas and landscape areas as required by the zoning ordinance or conditions of zoning approval;
5) Total acreage of site and total acreage exclusive of all zoning buffer areas;
6) Designation of required landscape, stream buffers and tree protection zones;
7) Survey of all trees to be retained in tree protection area with tree location and DBH shown.
8) Location of all overhead and underground utilities.
9) Location of all easements.
10) Tree protection details:
    a. A detail or description of the protective tree fencing to be installed and the location of such measures. The details shall include the CRZ and, as a minimum, shall follow the drip line of all trees to be retained. Proposed type and location of tree save area signs.
    b. Measures to be taken to avoid soil sedimentation into tree protection areas.
    c. Proposed location of temporary construction equipment, parking locations, material storage, etc.
11) A summary table of the number of existing trees to remain and the new trees to be planted, including species and DBH, and the total TDUs proposed on site.

<u>Section 2915 Tree Protection Fencing.</u>

a) Prior to the commencement of land disturbance or development, each tree or stands of trees located within a project site's tree protection zone shall be protected against damage to the bark, roots, and branches with no less than the required fencing.

b) Fencing shall be either plastic construction area fencing, chain link, hog wire or other approved fencing no less than four (4) feet in height. The fencing shall be secured in such a manner that more than minimum effort is required to alter or remove it.

c) Tree save area signage with language similar to "Tree Protection Area – Do Not Disturb" shall be required to designate tree protection areas.

Section 2916 Tree Protection Requirements.

a) Compaction prohibited. All building materials, vehicles, construction equipment, dirt, debris or other objects likely to cause soil compaction or above-ground damage shall be kept outside the critical root zone of trees within tree protection zones or other trees to be protected. Where a limited amount of encroachment is unavoidable and is approved by the City, the critical root zone shall first be mulched with a 4" layer of processed bark or wood chips.

b) Grade change prohibited. There shall be no raising or lowering of the ground level within the critical root zone of the trees within tree protection zones or other trees to be protected. Removal of topsoil within critical root zones shall not be permitted. The deposit of sediment in critical root zones shall be prevented by the placement of wire reinforced (Type C) sediment barriers.

c) Ditches prohibited. No person shall excavate any ditch or trench within the critical root zone of trees within tree protection zones or other trees to be protected. Limited boring may be permitted, when deemed necessary, as approved by the City.

d) Paving prohibited. No person shall pave with concrete, asphalt, or other impervious material within any critical root zone, tree protection zones or other trees to be protected.

e) Encroachment in critical root zones. Encroachment on the critical root zone of a tree is permitted where necessary to the development (e.g. construction of a driveway), provided the tree is not counted toward the required minimum tree units per acre of development site.

Section 2917 Minimum Tree Units Required.

The tree protection and/or replacement plan shall provide for a minimum of 16 TDUs (tree density units) for each acre of development. All specimen trees and their critical root zones shall be protected and remain on site unless removal is

approved by the City. Mandatory street trees may be included in the minimum 16 TDU requirement. **Existing trees located within required buffers shall not be counted toward meeting this requirement for any given site.**
Flowering ornamental trees shall not be counted in terms of compliance with minimum tree unit requirements, unless listed in Article XXII, Section 2214, Native Plant List.

Section 2918 Determining Tree Units of Existing Trees.
The diameter of an existing tree trunk will be measured at breast height and assigned a diameter at breast height (DBH). The tree unit values assigned to the corresponding DBH is listed in Table 29-01. When an existing tree meets the definition of "specimen tree" as provided in this Article, the value assigned is 1.5 times the value shown in Table 29-01.

TABLE 29-01
TREE VALUES FOR EXISTING TREES

DBH (Inches)	Tree Units	DBH (Inches)	Tree Units
3 to 4	.2	28	4.3
5 to 6	.4	29	4.6
7	.7	30	4.9
8	.8	31	5.2
9	.9	32	5.6
10	1.0	33	5.9
11	1.1	34	6.3
12	1.2	35	6.7
13	1.3	36	7.1
14	1.4	37	7.5
15	1.5	38	7.9
16	1.6	39	8.3
17	1.7	40	8.7
18	1.8	41	9.1
19	1.9	42	9.6
20	2.0	43	10.1
21	2.4	44	10.6
22	2.6	45	11.0
23	2.9	46	11.5
24	3.1	47	12.0

25	3.4	48	12.6
26	3.7	49	13.1
27	4.0	50	13.6

Section 2919 Determining Tree Units of Replacement Trees.

The caliper of the trunk of a replaced tree will be measured and a value assigned in tree units in accordance with Table 29-02.

TABLE 29-02
TREE UNIT VALUES FOR REPLACEMENT TREES

Caliper	Tree Units	Caliper	Tree Units
		8	1.3
2	.5	9	1.5
3	.6	10	1.7
4	.7	11	1.9
5	.9	12	2.1
6	1.0	13	2.3
7	1.2	14	2.5

Section 2920 Criteria for Replacement Trees.

a) A minimum caliper size of two shall be used for replacement trees.

b) The spacing and potential size of species chosen shall be compatible with the spatial and other limitations of the site. The Arbor Day Foundation guidelines shall be used as a guide when determining the distance between trees planted and their proximity to overhead utility lines, buildings and structures.

c) The species shall not be flowering ornamental trees, unless listed in Article XXII, Section 2214, Native Plant List. Selected species shall be compatible and reasonably able to thrive with limited care in the chosen planting location.

d) The trees shall have the potential to reach the same or greater size and quality of those removed.

e) The trees shall have crowns and root systems at maturity that not disrupt utilities, sidewalks or public right-of-way infrastructure.

f) Where trees must be added to achieve the minimum required tree units per acre of development site, the following shall apply:

1. Pines may only be used where replacing removed pines and shall not compromise more than 25 percent of the required tree units.
2. Where existing pines already comprise 25 percent or more of the required units, no more pines may be credited toward the required tree units.
3. No more than 30 percent of the required tree units can consist of a single tree species.
4. At least 25 percent of the replacement tree units must be canopy trees.

Section 2921 Landscape Regulations for Parking Lots.

Minimum Tree and Shrub Densities

Parking lot landscaping and deciduous shade trees shall be provided in accordance with this section within any parking lot designated to accommodate five (5) cars or more, with the exception of properties zoned single family residential (R).

a) Trees required within parking lots by this Section may be included in determining compliance with the minimum tree density units specified in Section 2917.

b) Parking lot landscaping shall consist of a minimum of 5% of the total parking area plus a ratio of one tree for each fifteen (15) parking spaces, or portions thereof. When possible, parking areas should incorporate existing trees.

c) Each tree shall be located within the parking lot in reasonable proximity to the parking spaces.

d) Selected tree species shall be appropriate large canopied shade trees with a minimum caliper of 2 inches and shall be selected from the Clarkesville Native Plant List (see section 2214).

e) The landscaped area shall be planted with shrubs and/or groundcover to assure 80% coverage of the ground within five years. Landscaped areas shall be evenly distributed throughout the parking area and parking perimeter at the required ratio.

f) All replacement trees and landscaping shall be maintained in a healthy condition for a minimum of two (2) years from the date of the project completion. Any replacement trees that die or become damaged or diseased within the two (2) year period shall be replaced by the property owner.

Properties located within the Clarkesville Perseveration District corridor overlay zone shall comply with the landscaping requirements in Article XXII.

Section 2922 Street Tree Requirements.

Street Trees shall be planted in accordance with Article XXII of Zoning Ordinance.

Fee Schedule Regarding Buffers, Trees and Landscape

Plan Review for project area up to 5 acres:	$200
Re-inspection when Final Inspection has failed for project area up to 4 acres:	$75
Plan Review for project area over 5 acres:	$350
Re-inspection when Final Inspection has failed for project area over 5 acres:	$125
Tree Removal Permit Application not requiring a plan review:	No Fee
Tree Removal Permit Application requiring a plan review:	$50

ARTICLE XXX
FARMERS' MARKETS

Section 3001 Intent.

This article shall apply to all properties or portions hereof located within the corporate boundaries of the City. The Mayor and Council of the City find that: access to local and affordable foods encourages community and supports local agriculture and economic development by providing local producers of locally grown and raised foods with access to reach residents without requiring that such products be sold in fixed location storefronts.

Section 3002 Purpose, Terms and Provisions.

a) *Purpose*. The purpose of this article is to define Farmers' Markets as such as a permitted use; to provide where and under what conditions such uses shall be permitted; and for other purposes.
   This article is further intended to provide for penalties for violations hereof, to repeal conflicting ordinances, and for other purposes set forth herein.

b) *Terms and provisions*. This section applies to all public property located within the city, except as excluded in other sections in this article.

Section 3003 Appeals.

a) Any person who disagrees with Chapter XXX in its entirety may appeal in accordance with Appendix D of the Zoning Procedures.

Section 3004 Penalties for the Violation of this Ordinance.

Article XXVI Administration, Interpretation, Enforcement, Penalties and Remedies of the Zoning Ordinance of the City of Clarkesville shall apply.

Section 3005 Definitions.

In construing the provisions hereof and the meaning of each and every word, term, phrase, or part thereof where the context will permit, the definition of terms as contained in this Code, supplemented by the following, shall apply:

Farm Products: fruits, vegetables, mushrooms, herbs, grains, legumes, nuts, shell eggs, honey or other bee products, flowers, nursery stock, livestock food products (including meat, milk, yogurt, cheese and other dairy products), and seafood.

Farmers' Market or Market: An outdoor market open to the public, operated by a governmental agency, a nonprofit corporation, or one or more producers where:

a) At least 75 percent of the displayed inventory of the products sold in each Farmers' Market is Farm Products or Value-Added Farm Products.
b) At least 75 percent of the booths open during the market's hours of operation are Producers, or family members or employees or agents of Producers; and
c) If a booth sells Farm Products or Value-Added Farm Products that are not produced by the vendor, said booth must explicitly disclose the producer's name and location in writing with lettering that is at least 2 inches tall and visible to the consumer.

Locally Grown Goods or Locally Produced Goods: Such goods or products shall be grown in Habersham County, or in any county contiguous to Habersham County. In no event shall any goods which have been previously purchased from another source be permitted to be sold onsite.

Kiosk/stand: a small structure with one or more open sides that is used to vend merchandise or services.

Producer: (a) a person or entity that raises or farms products on land that the person or entity owns, rents or leases or (b) a person or entity that creates a product (by cooking, canning, baking, preserving, roasting, etc.)

Value-added Farm Products: as defined by the USDA as having: A change in the physical state or form of the product (such as milling wheat into flour or making strawberries into jam); the production of a product in a manner that enhances its value (such as organically produced products); the physical segregation of an

agricultural commodity or product in a manner that results in the enhancement of the value of that commodity or product (such as an identity preserved marketing system).

Zoning Ordinance: The Zoning Ordinance as adopted by the City of Clarkesville, Georgia.

Section 3006 Locations, Times, and Zoning Districts.

Farmers' Markets/Markets shall be open on weekends only or for approved special events each year beginning the first Saturday in May and ending on the last Saturday in September. Operating times shall be from 9AM until 12PM each Saturday. City sponsored and other events shall supersede any market activities. The City will find a temporary location for the market if the need arises.

Farmers' Markets/Markets shall be permitted in the following Zoning Districts as follows:

a) Downtown Business District (DB)
b) Highway Business District (HB)

The Location of the Famers' Market shall be determined in conjunction with the City of Clarkesville Planning Commission and Clarkesville Main no later than January 15th of the current market year.

Space assignments will be determined by lottery for pre-paid vendors no later than seven (7) days before the first market date.

No vendor shall sublease, sell, or permit anyone to use his or her space.

Approved vendors must arrive at the market location no later than 8:30AM Saturday, or must have informed the office of the Zoning Administrator by 3PM the Friday before if they are unable to attend. Vendors shall depart the market by no later than 12:30PM and all vendor spaces shall be clean of any trash or other materials.

Zoning Ordinance regulations and Preservation District Character Overlays shall apply.

Section 3007 Farmer's Market Vendor Permit Required.

The applicant shall apply for a permit required under this Code with the City Clerk or his/her designee on forms provided by the City and shall provide such information as may be reasonably required including, without limitation, the following:

a) The name and address of the applicant;
b) If the applicant is not an individual, the names and addresses of all members of the business.
c) Products sold.
d) Health or Agriculture Department Certificate if required.

Permits shall be valid for the current market season. Permits are non-transferable.

Section 3008 Labeling.

All processed products **should** be labeled with:

1. The **COMMON NAME** of the food.
2. The **NAME/NUMBER/PHONE NUMBER** of the person who made the item.
3. A list of **INGREDIENTS** with the common name of each ingredient.
4. Possible **ALLERGENS**.

Section 3009 Sale Items.

The following items are approved for sale:

- **Raw Agricultural Products** – This category includes fruits, vegetables, grains, herbs, flowers, bedding plants and potted plants. The seller must grow from seed, plugs, cuttings, bulbs, bareroots, and bedding or potted plants. No resale of pre-finished plants is allowed.
- **Value-Added Agricultural Products** – This category includes products made of raw agricultural products grown by the seller that have been processed or any whose sale a government agency regulates. Examples are: jams, jellies, sauces, oils, vinegar, baked goods, honey (and other bee products), molasses, cider, and picked-out nuts. Seller must abide by all applicable federal, state, and local health regulations. In addition, they must adhere to federal guidelines on all labels. The Zoning Administrator may request product(s) be provided for inspection.
- **Non-Agricultural Products** – This category includes farm, garden, or food related crafts and value-added agricultural products made without raw agricultural products grown by the vendor. Examples include: baked goods,

juried arts and crafts, handmade soap, handcrafted furniture, other garden related products, pottery, and similar items. The vendor selling them must have created these items.

- **Arts and Crafts** – Arts and crafts must be handcrafted by the vendor, be original and exhibit a high level of quality and design. Products not allowed include those made from kit assembly and direct resale of commercially available products. Reformulating or repackaging of commercially prepared products or bases must demonstrate significant added value.
- **Meat and Other Animal Products** – This category includes meats, poultry, milk, cheese, eggs, farm-raised fish, honey, wool, leather, and other products derived from animals. Vendors must abide by all applicable federal, state, and local regulations and inspection regimes. In addition, they must adhere to federal or state guidelines on all labels. No live animals may be sold at the market.
- **Prepared Foods** – Prepared foods (pesto, pickles, altered fruits & vegetables, etc.) may be sold by approved commercial kitchens certified by the Habersham Health Department or the Georgia Department of Agriculture. Prepared food purveyors should attempt to utilize natural or organic ingredients from local sources.
- **Displays and Samples** – Food products can be cut, opened, and displayed at the market if properly wrapped and labeled. Displays and samples cannot be sold. Samples may be given to customers in accordance with all applicable Health Department regulations.

Section 3010 Operations.

Tents – All vendors are required to have their own tent (10 x 10 EZ-up or equivalent) set up by 8:40 each Saturday morning. Tents must always be safely secured from unexpected weather events with a minimum of 20 pound weights securely attached to each leg.

Stall Appearance – It is the responsibility of individual vendors to maintain a clean and healthful condition within their assigned area and to leave that area free of debris. Products should be displayed in an attractive manner. Vendors should have a clearly visible sign designating the name of their farm/business. Booths must be occupied by the vendor or a vendor representative at all times.

Vendor Product Disclosure – Vendors shall truthfully represent their products and operations. Because type of product and cultural practices are important to some customers, we encourage each produce vendor to post a description of growing practices, product inputs, and/or sourcing practices.

Parking – During operating hours on Saturday mornings, vendors must park all vehicles in a public lots outside of the market area. Vehicles may not be moved into or out of the market booth area during operating hours.

Behavior – Inappropriate language or behavior, profanity, or other harassment or abuse by a vendor or participant toward another vendor or participant, employee, or customer of the market is grounds for immediate and permanent expulsion from the market.

Pets - Due to health related concerns, vendors are not allowed to bring live animals to their booths, with the exception of certified service or guide animals.

Taxes - The City of Clarkesville is not responsible for product liability or the paying of sales taxes for individual vendors. This responsibility lies with the individual vendors.

APPENDIX A. SPECIAL CERTIFICATES WHICH MAY BE REQUESTED
FORM 1 PRELIMINARY PLAT APPROVAL
"Pursuant to the Zoning Ordinance of the City of Clarkesville, Georgia, all the requirements of preliminary plat approval having been fulfilled, this preliminary plat was given approval by the Clarkesville Planning Commission on _____, 20_____.

This approval does not constitute approval of a final plat. No property can be sold by use of this preliminary plat. This Certificate of Approval shall expire and be null and void on _____, 20_____.
Date: Clarkesville Planning Commission

FORM 2 - Environmental Health Statement:
The lots shown have been reviewed by the Habersham County Health Department and the City of Clarkesville Public Works Department and are approved for subdivision development as noted. Each lot must be reviewed and approved for on-site sewage management system placement prior to the issuance of a construction permit.
Dated this _____ day of _____ 20_____
By: _____
Title: _____

FORM 3: CERTIFICATE OF APPROVAL OF THE FINAL PLAT
"Pursuant to the Zoning Ordinance of the City of Clarkesville, Georgia, all requirements of approval having been fulfilled, this final plat was given final approval by the Clarkesville Planning Commission on _____, 20_____, and said plat is released for recording and for use in sale of land described hereon
Date: Clarkesville Planning Commission

FORM 4: SURVEYOR CERTIFICATION
"It is hereby certified that the plat is true and correct and was prepared from an actual survey of the property by me or under my supervision; that all monuments shown hereon actually exist or are marked as 'future', and their location, size, type and material are correctly shown and that all engineering requirements of the Subdivision Regulations of the City of Clarkesville, Georgia, have been fully complied with".
Registered Georgia Land Surveyor_____ Number_____

FORM 5: OWNER'S CERTIFICATION:

Owner's Certification:

State of Georgia, County of Habersham.

"The owner of the land shown on this plat and whose name is subscribed hereto, in person or through a duly authorized agent, certifies that this plat was made from an actual survey."

Agent_____ Owner_____

Date_____ Date_____

FORM 6: STORM DRAINAGE SYSTEM CERTIFICATION

STORM DRAINAGE SYSTEM CERTIFICATION

"I, (Developer's Engineer), a Registered Civil Engineer, certify that the storm drainage system shown on this drawing is properly designed to serve the subdivision shown thereon, as well as being adequate both in size and design to serve the entire drainage area (on or off site), above each structure or feature, whose storm drainage waters would normally be carried through this subdivision on a 25-year flood frequency (rational method). It is further certified that the information shown hereon is true and correct and all data has been checked in the field. All drainage easements have been provided, where necessary". (If no detention ponds are required, so state in this statement)

Date _____ (Developer's Engineer) _____

Registration No._____

FORM 7: GRANT OF RIGHT-OF-WAY

"Grant of Right-of-Way. The general purpose public access and utility right-of-way shown on this plat for private road(s) is hereby granted and said grant of rights shall be liberally construed to provide all necessary authority to Habersham County, and to the public or private utility companies serving the subdivision, for the provision of emergency services and the installation and maintenance of utilities, including, but not limited to electric lines, gas lines, telephone lines, water lines, sewer lines, cable television lines, and fiber optic cables, together with the right of ingress and egress for installation, maintenance, and replacement of such lines.

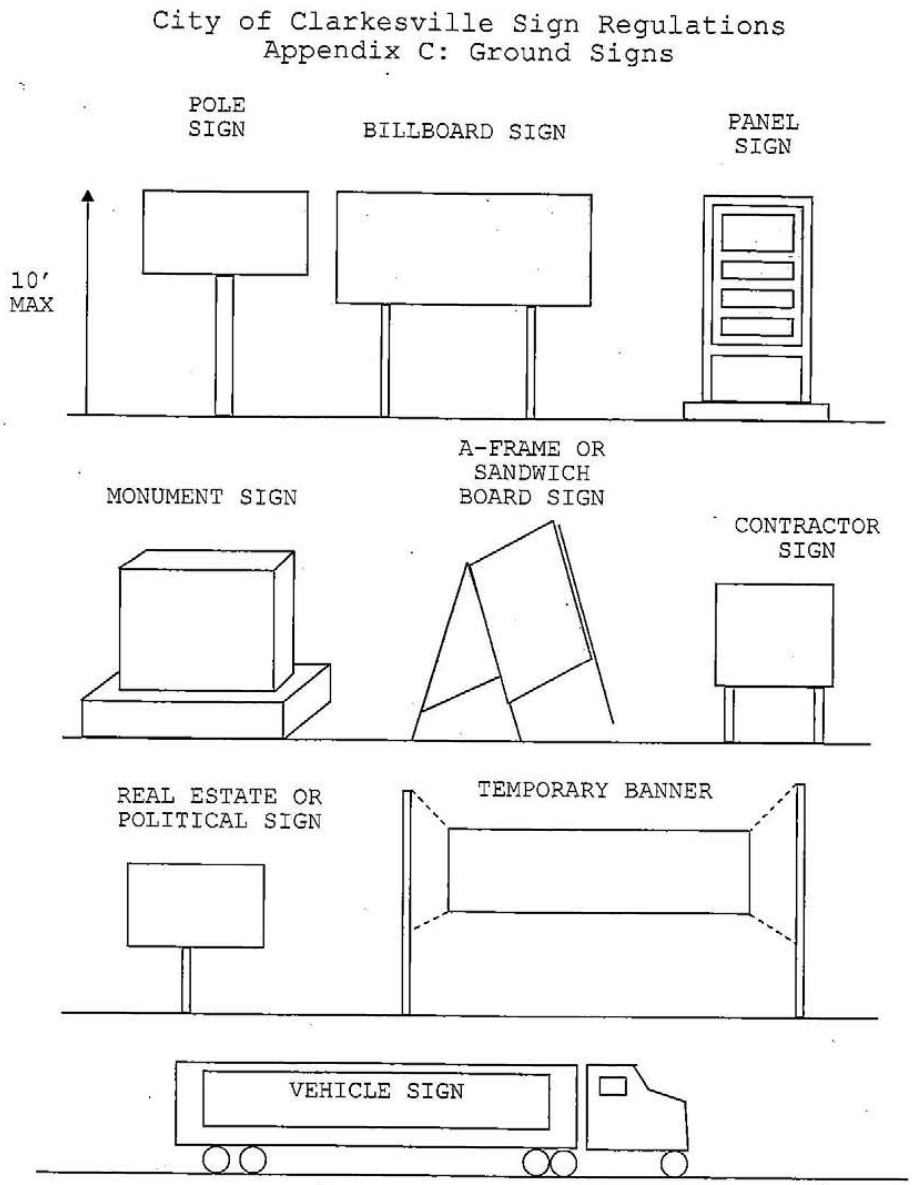
_____

Signature of Property Owner

APPENDIX B. APPLICATION FORMS and CHECKLISTS

The application forms and checklists can be obtained at Clarkesville City Hall.

APPENDIX C. GROUND SIGN GUIDELINES



APPENDIX D – ZONING PROCEDURES

AN ORDINANCE ADOPTING STANDARDS GOVERNING THE EXERCISE OF ZONING POWER, PROCEDURES FOR THE CALLING AND CONDUCTING OF PUBLIC HEARINGS AND FOR OTHER PURPOSES.

Section 1 Zoning Ordinance Amendments.

1.1 **Authority**. The Council may amend the text of this Ordinance from time to time. Such amendments require a public hearing by the Planning Commission and Council.

1.2 **Initiation of Zoning Amendments**. An application to amend this Ordinance may be initiated by the Council, by the owner of the subject property, or by the owner's designee.

1.3 **Frequency of Applications**. After an application for a text amendment has been considered, no application pertaining to the same or similar use requested shall be accepted within twelve (12) months from the date of the application. A text amendment may be initiated by the City at any time.

1.4 **Application Procedure**.

(1) Pre-application Conference. All applicants must meet with the Building and Zoning Administrator to discuss the application procedures, the public hearing process, and any other information which may be pertinent to the proposed request. Applications will not be accepted until a pre-application conference has been held.

(2) Application Contents. Each application for a rezoning must be submitted to the Building and Zoning Administrator at least forty-five (45) days before any hearing by the Planning Commission. Unless waived by the Building & Zoning Administrator, each application submitted by a person other than the City shall include all the following information about the subject property:

(a) A statement of intent explaining in detail the requested change, the proposed use, and any special or unusual parts of the request;

(b) A statement explaining why the subject property is not suitable for development under existing zoning as well as

an explanation of the hardship which will result if the amendment is not granted;

(c) Any other information as may be reasonably required by the Building & Zoning Administrator, Planning Commission or Council.

(3) Filing Fee. All applications for zoning amendment shall be accompanied by payment of a non-refundable fee as established by the City of Clarkesville.

(4) Disclosure Report. The requirements of Section 7 apply.

(5) Withdrawal of Amendment Application. Any application may be withdrawn at any time at the discretion of the applicant without prejudice, upon written notice to the Zoning & Planning Official, prior to a decision by the Council.

(6) Procedure Relative to Ex Parte Contact With Mayor and Council. The Planning Commission is not subject hereto. To maintain transparency and to avoid any appearance of impropriety in the decision-making process, there shall be no unsolicited substantive ex parte (individual) communication with the Mayor or Council members by an applicant or his/her representative(s) or by supporters of or opposition to the rezoning, unless the Mayor or Councilperson agrees to such. Unsolicited E-mails, letters and faxes to the Mayor and Council as a whole, copied to the Building and Zoning Administrator and City Clerk, are permissible. They will be made a part of the record. The applicant and his/her representative(s) and supporters and opponents are to limit their unsolicited verbal contacts with City officials and employees to the Zoning Administrator, City Manager, and to the City Attorney if the proposed contact is from legal counsel. Mayor and Council members will accept verbal presentations in the advertised public hearings and meetings, and via express solicitation or agreement in other instances. If an individual Mayor or Council member received unsolicited, unwanted substantive verbal communication by an applicant or his/her representative(s) or by supporters or opposition, said Mayor or Council member shall direct that person to the Zoning Administrator, City Manager and City Attorney and advise the person of upcoming

public hearings, and disclose such to the Mayor and Council at the public hearing.

1.5 **Notice Procedure**. The requirements of Section 5 apply.

1.6 **Planning Commission Hearing and Recommendation**. The Planning Commission shall consider the standards in Section 1.8 prior to any recommendation. Hearings shall comply with Section 6.

1.7 **City Council Hearing and Decision**. Before taking action on a zoning amendment application, the Council shall hold a hearing in accordance with Section 6, and shall consider the standards in Section 1.8. At the conclusion of the public hearing, the Council may approve or deny the application, approve with modifications or conditions, or defer a decision until a specified meeting date.

1.8 **Standards for Zoning Amendment Application Decisions**. The Planning Commission and the Council shall consider the following:

(1) The location, present use and zoning classification of the subject property, and its suitability and economic viability for use as currently zoned;

(2) The proposed use and zoning classification of the subject property;

(3) The existing land uses and zoning classification of nearby property, whether the zoning proposal seeks a use consistent with the use and development of adjacent and nearby property, and to what extent the zoning proposal will adversely affect adjacent or nearby property;

(4) Whether the zoning proposal will result in a use which could adversely affect existing infrastructure including without limitation streets, transportation facilities, utilities, schools, police and fire protection, and municipal personnel;

(5) Whether the zoning proposal is consistent with the Comprehensive Plan; and,

(6) Whether there are other factors or existing or changing conditions regarding the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

Section 2 Zoning Map Amendments.

2.1 **Authority**. The Council may amend the Official Zoning Map from time to time. Such amendments require a public hearing by the Planning Commission and Council.

2.2 **Initiation of Zoning Map Amendments**. An application to amend the Official Zoning Map may be initiated by the Council, by the owner of the subject property, or by the owner's designee.

2.3 **Frequency of Applications**. After an application for map amendment has been considered, no application pertaining to the same or similar use requested shall be accepted within twelve (12) months from the date of the application. A map amendment may be initiated by the City at any time.

2.4 **Application Procedure for Zoning Map Amendments**.

(1) Pre-application Conference. All applicants must meet with the Zoning Administrator to discuss the application procedures, the public hearing process, and any other information which may be pertinent to the proposed request. Applications will not be accepted until a pre-application conference has been held. Conferences may be handled via telephone at the discretion of Staff.

(2) Application Contents. Each application for a rezoning must be submitted to the Zoning Administrator at least forty-five (45) days before any hearing by the Planning Commission. Unless waived by the Building and Zoning Administrator, each application submitted by a person other than the City shall include all the following information about the subject property:

(a) Legal description;

(b) Survey plat showing acreage and abutting property owners;

(c) Current zoning of the subject property and abutting properties and description of all existing uses of abutting properties;

(d) A statement of intent explaining the requested zoning change, the proposed use, and any special or unusual parts of the rezoning request;

(e) A description of suitability for development under existing and proposed zoning and a description of all existing uses and structures;

(f) The duration of vacancy or non-use if the property is vacant and unused at the time the application is submitted;

(g) A site plan drawn to scale showing the proposed use, including at a minimum information on proposed improvements, including parking and traffic circulation areas of required landscaping, stormwater, detention structures, amenities, buildings, and buffers;

(h) For any applications for commercial or industrial uses , the site plan shall also identify the maximum gross square footage of structures, the minimum square footage of landscaped area, the maximum height of any structure, the minimum square footage of parking and drive areas, and the proposed number of parking spaces, landscaping and buffers, stormwater retention structures;

(i) For any application for single-family residential uses, the site plan shall also identify the maximum number of residential dwelling units, the maximum height of any structure, the minimum square footage of landscaped area, the maximum gross square footage of structures, and the proposed number of parking spaces;

(j) For any application for multi-family residential uses, the site plan shall also identify the maximum height of any structure, location of amenities, and buffer areas; and,

(k) Any other information as may be reasonably required by the Building & Zoning Administrator, Planning Commission or Council.

(2) Filing Fee. All applications for zoning amendment shall be accompanied by payment of a non-refundable fee as established by the City of Clarkesville.

(3) Disclosure Report. The requirements of Section 7 apply.

(4) Withdrawal of Amendment Application. Any application may be withdrawn at any time at the discretion of the applicant without prejudice, upon written notice to the Zoning & Planning Official, prior to a decision by the Council.

(5) Procedure Relative to Ex Parte Contact With Mayor and Council. The Planning Commission is not subject hereto. To maintain

transparency and to avoid and appearance of impropriety in the decision-making process, there shall be no unsolicited substantive ex parte (individual) communication with the Mayor or Council members by an applicant or his/her representative(s) or by supporters of or opposition to the rezoning, unless the Mayor or Councilperson agrees to such. Unsolicited E-mails, letters and faxes to the Mayor and Council as a whole, copied to the City Planner and City Clerk, are permissible. They will be made a part of the record. The applicant and his/her representative(s) and supporters and opponents are to limit their unsolicited verbal contacts with City officials and employees to the City Planner, City Manager, and to the City Attorney if the proposed contact is from legal counsel. Mayor and Council members will accept verbal presentations in the advertised public hearings and meetings, and via express solicitation or agreement in other instances. If an individual Mayor or Council member received unsolicited, unwanted substantive verbal communication by an applicant or his/her representative(s) or by supporters or opposition, said Mayor or Council member shall direct that person to the City Planner, City Manager and City Attorney and advise the person of upcoming public hearings, and disclose such to the Mayor and Council at the public hearing.

2.5 **Notice Procedure**. The requirements of Section 5 apply.

2.6 **Planning Commission Hearing and Recommendation**. The Planning Commission shall consider the standards in Section 2.8 prior to any recommendation. Hearings shall comply with Section 6.

2.7 **City Council Hearing and Decision**. Before taking action on a zoning map amendment application, the Council shall hold a hearing in accordance with Section 6, and shall consider the standards in Section 2.8. At the conclusion of the public hearing, the Council may approve or deny the application, approve with modifications or conditions, or defer a decision until a specified meeting date.

2.8 **Standards for Zoning Map Amendment Application Decisions**. The Planning Commission and the Council shall consider the following:

(1) The location, present use and zoning classification of the subject property, and its suitability and economic viability for use as currently zoned;
(2) The proposed use and zoning classification of the subject property;
(3) The existing land uses and zoning classification of nearby property, whether the zoning proposal seeks a use consistent with the use and development of adjacent and nearby property, and to what extent the zoning proposal will adversely affect adjacent or nearby property;
(4) Whether the zoning proposal will result in a use which could adversely affect existing infrastructure including without limitation streets, transportation facilities, utilities, schools, police and fire protection, and municipal personnel;
(5) Whether the zoning proposal is consistent with the Comprehensive Plan; and,
(6) Whether there are other factors or existing or changing conditions regarding the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

Section 3 Conditional Uses.

Certain uses are not generally allowed in a zoning district, but may be allowed under certain conditions. A conditional use permit does not constitute a permanent change in zoning or use, and may be lost if it does not continue to meet the required conditions. A conditional use must be made compatible with the applicable zoning district by imposition of appropriate conditions. Conditional uses require Council approval after public hearings by the Planning Commission and Council in accordance with this article.

3.1 **Application Procedure.**

(1) Application Contents. Each application for a conditional use must be submitted to the Zoning Administrator at least forty-five (45) days before any hearing by the Planning Commission. Unless waived by the Zoning Administrator, each application shall include all the following information about the subject property:

(a) Name and address of applicant, and name and address of the owner or operator of the proposed structure or use, if different from the applicant;

(b) Nature of the proposed use, including without limitation type of activity proposed, manner of operation, number of occupants and/or employees, hours of operation, number of vehicle trips, water and sewer use, and similar matters;

(c) Vicinity map, location of the proposed use or structure, and its relationship to existing adjacent uses or structures, and use of adjacent property;

(d) Area, dimensions and details of the proposed structure(s) or use(s), including without limitation, existing and proposed parking, landscaped areas, height and setbacks of any proposed buildings, and location and number of proposed parking/loading spaces and access ways;

(e) Identification and location of all existing or proposed utilities; and,

(f) Any other pertinent information that the Building & Zoning Administrator, Planning Commission or Council may require, including without limitation, the application contents required by Section 2.4(1).

(2) Filing Fee. All applications for conditional use shall be accompanied by payment of a non-refundable fee as established by the City of Clarkesville.

(3) Disclosure Report. The requirements of Section 7 apply.

(4) Withdrawal of Conditional Use Application. Any application may be withdrawn at any time at the discretion of the applicant without prejudice, upon written notice to the Zoning & Planning Official, prior to a decision by the Council.

(5) Procedure Relative to Ex Parte Contact With Mayor and Council. The Planning Commission is not subject hereto. To maintain transparency and to avoid any appearance of impropriety in the decision-making process, there shall be no unsolicited substantive ex parte (individual) communication with the Mayor or Council members by an applicant or his/her representative(s) or by supporters of or opposition to the

rezoning, unless the Mayor or Councilperson agrees to such. Unsolicited E-mails, letters and faxes to the Mayor and Council as a whole, copied to the City Planner and City Clerk, are permissible. They will be made a part of the record. The applicant and his/her representative(s) and supporters and opponents are to limit their unsolicited verbal contacts with City officials and employees to the Zoning Administrator, City Manager, and to the City Attorney if the proposed contact is from legal counsel. Mayor and Council members will accept verbal presentations in the advertised public hearings and meetings, and via express solicitation or agreement in other instances. If an individual Mayor or Council member received unsolicited, unwanted substantive verbal communication by an applicant or his/her representative(s) or by supporters or opposition, said Mayor or Council member shall direct that person to the Zoning Administrator, City Manager and City Attorney and advise the person of upcoming public hearings, and disclose such to the Mayor and Council at the public hearing.

3.2 **Notice Procedure**. The requirements of Section 5 apply.

3.3 **Planning Commission Hearing and Recommendation**. The Planning Commission shall consider the standard in Section 3.5 prior to making any recommendation. Hearings shall comply with Section 6.

3.4 **City Council Hearing and Decision**. Before taking action on a conditional use application, the Council shall hold a hearing in accordance with Section 6, and shall consider the standards in Section 3.5. At the conclusion of the public hearing, the Council may approve or deny the application, delete conditions and/or impose additional conditions, or defer a decision until a specified meeting date.

3.5 **Standards for Conditional Use Application Decisions**. A conditional use shall be approved only when it is determined based on the evidence presented at the public hearing that all of the following conditions have been met:

(1) The proposed use will not be detrimental to adjacent properties or the general neighborhood, the proposed use will not significantly adversely affect public health, safety, morality and welfare, and the proposed use as designed will minimize adverse effects on the surrounding neighborhood;

(2) Applicable standards in Article VIII have been met;

(3) The proposed use is consistent with the Comprehensive Plan, and the conditional use is compatible with the community development pattern;
(4) A rezoning to allow the requested use as a permitted use would not be appropriate;
(5) The proposed use will not be injurious to the natural environment or the other property in the immediate vicinity, or unconstitutionally diminish property values within the surrounding neighborhood;
(6) Off-street parking and loading, and access thereto, will be adequate;
(7) Public facilities and utilities are capable of adequately serving the proposed use, and the use would not lead to a major negative change in existing levels of public service, or fiscal stability;
(8) The use will not be an extension of a use which will cause a damaging volume of (a) agricultural, (b) commercial,(c) industrial, or (d) higher density residential use into a stable neighborhood of well-maintained single-family homes, nor likely lead to decreasing surrounding property values, neighborhood deterioration, spreading of blight, or additional requests of a similar nature which would expand the problem;
(9) The use would not significantly increase congestion, noise, or traffic hazards; and,
(10) 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 Plan.

Section 4 Variances.

The City Council may in specific cases approve such variance from the terms of this Ordinance as will not be contrary to the public interest where, due to special circumstances, a literal enforcement of the Ordinance in an individual case, will result in unnecessary hardship, so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done. A non-conforming use of neighboring land, buildings, or structures in the same district or permitted or non-conforming uses in other districts shall not constitute a reason for the requested variance.

4.1 **Use Variance Prohibited**. No variance may be granted that would permit a use not permitted by right or as a conditional use in the district.

4.2 **Application Procedure**.

(1) Application Contents. Each application for a variance must be submitted to the Zoning & Planning Official at least forty-five (45) days before any hearing by the Planning Commission. Each application shall include all the following information about the subject property:

(a) Name and address of applicant;

(b) Location of structure and/or use for which the variance is sought, as shown on a plat by a licensed surveyor;

(c) Relationship of structure and/or use to existing structures and uses on adjacent lots;

(d) Specific sections of this Ordinance which would cause hardship;

(e) Characteristics of property relating to its size, shape or topography that prevent compliance with this Ordinance;

(f) The particular hardship that would result from strict application of this Ordinance;

(g) For any application for an overlay district, a Certificate of Appropriateness or a letter of support from the Better Hometown Design Committee; and,

(h) Any other pertinent information that the Building & Zoning Administrator, Planning Commission or

Council may require, including without limitation the application contents required by 2.4(1).

(2) Filing Fee. All applications for variance shall be accompanied by payment of a non-refundable fee as established by the City of Clarkesville.

(3) Disclosure Report. The requirements of Section 7 apply.

(4) Withdrawal of Variance Application. Any application may be withdrawn at any time at the discretion of the applicant without prejudice, upon written notice to Zoning Administrator, prior to a decision by the Council.

(5) Procedure Relative to Ex Parte Contact With Mayor and Council. The Planning Commission is not subject hereto. To maintain transparency and to avoid any appearance of impropriety in the decision-making process, there shall be no unsolicited substantive ex parte (individual) communication with the Mayor or Council members by an applicant or his/her representative(s) or by supporters of or opposition to the rezoning, unless the Mayor or Councilperson agrees to such. Unsolicited E-mails, letters and faxes to the Mayor and Council as a whole, copied to the City Planner and City Clerk, are permissible. They will be made a part of the record. The applicant and his/her representative(s) and supporters and opponents are to limit their unsolicited verbal contacts with City officials and employees to the Zoning Administrator, City Manager, and to the City Attorney if the proposed contact is from legal counsel. Mayor and Council members will accept verbal presentations in the advertised public hearings and meetings, and via express solicitation or agreement in other instances. If an individual Mayor or Council member received unsolicited, unwanted substantive verbal communication by an applicant or his/her representative(s) or by supporters or opposition, said Mayor or Council member shall direct that person to the City Planner, City Manager and City Attorney and advise the person of upcoming public hearings, and disclose such to the Mayor and Council at the public hearing.

4.3 **Notice Procedure**. The requirements of Section 4 apply.

4.4 **Planning Commission Hearing and Recommendations**. The Planning Commission shall consider the standards in Section 4.6 prior to making any recommendation. Hearings shall comply with Section 6.

4.5 **City Council Hearing and Decision**. Before taking action on a variance application, the Council shall hold a hearing in accordance with Section 6, and shall consider the standards in Section 4.6. At the conclusion of the public hearing, the Council may approve or deny the application, approve with modifications or conditions, or defer a decision until a specified meeting date.

4.6 **Required Findings for Variance Approval**.

(1) There are extraordinary and exceptional conditions pertaining to the property because of size, shape, or topography;

(2) The literal application of this Ordinance would create an unnecessary hardship;

(3) Variance would not cause substantial detriment to public good or impair the purposes or intent of this Ordinance;

(4) A variance will not confer upon the property of the applicant any special privilege denied to other properties in the district;

(5) The special circumstances surrounding the request for the variance are not the result of acts by the applicant;

(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 in the district;

(7) The zoning proposal is consistent with the construction and design standards and design criteria adopted by the City of Clarkesville; and,

(8) The variance is the minimum variance that will make possible an economically viable use of the land, building, or structure.

Section 5 - Notice Provision

Whenever a public hearing is required, posted and published notice shall be given as provided for in this Section.

5.1 **Published Notice.**

(1) Planning Commission Hearing. A public notice shall be published in the official legal organ of Habersham County, Georgia, or in a newspaper of general circulation in Clarkesville at least fifteen (15) days and not more than forty-five (45) days prior to the

scheduled meeting of the Clarkesville Planning Commission, stating that the Planning Commission will hold a hearing and stating the purpose, time, date, and location of the hearing, the tax parcel number of the property, the present zoning classification, and a brief description of the nature of the zoning action proposed.

(2) City Council Hearing. A public notice shall be published in the official legal organ of Habersham County, Georgia, or in a newspaper of general circulation in Clarkesville at least fifteen (15) days and not more than forty-five (45) days prior to the scheduled meeting of the Council, stating that the Council will hold a hearing and stating the purpose, time, date, and location of the hearing, the tax parcel number of the property, the present zoning classification, and a brief description of the nature of the zoning action proposed.

5.2 **Notice Posted on Property**. Upon the filing of an application for any zoning action, the applicant shall cause to be erected in a conspicuous place on the subject property, no less than fifteen (15) days prior to the scheduled hearings, one (1) or more sign(s) furnished by the City, each of which shall contain information as to the proposed change and the date and time of the public hearings before the Council and Planning Commission. No such public hearing shall take place until said signs have been posted for at least fifteen (15) days. The sign shall read more or less as follows:

NOTICE TO PUBLIC

An application has been filed regarding this property requesting (FILL IN THE ZONING ACTION REQUESTED, for example: “a rezoning from [insert present zone] to [insert zone requested]”; or “application for a conditional use to use the property as (insert proposed use)”; or “application for a variance to allow [insert proposed use]”, or “application for a text amendment to allow (insert proposed use]”). A public hearing will be held by the Clarkesville Planning Commission to review and consider a recommendation to the Clarkesville City Council at [LOCATION, on [DATE], at [TIME]. The Clarkesville City Council will hold a public hearing and a decision will be made at [LOCATION] on [DATE], at [TIME]. All persons having an interest in this application should be at both of these public hearings to voice their interest. Call 706-754-4216, for more details. Such posting of the property is not required when the City enacts a new zoning map or initiates a text amendment. Nor is it necessary

for the City to give actual written notice directly to the individual property owner. In such cases of City initiated zoning actions, the notice published pursuant to Section 5.1 shall make express reference to "adoption of official zoning district map for Clarkesville, Georgia" or "amendment to the text of the City of Clarkesville Zoning Ordinance at section _____", as the case may be. No further detail as to the new zoning district map will be necessary.

Section 6 - Public Hearing Procedure

Whenever a public hearing is required by this Ordinance or by state law to be held by the Planning Commission or Council prior to a proposed zoning action, such hearing, whether conducted by the Planning Commission or the Council, shall be governed by this Section, which is adopted pursuant to O.C.G.A. Section 36-66-5(a).

6.1 **Administrative Record**. Minutes of the meeting will be taken by a secretary to the Planning Commission or the City Clerk. A complete tape recording of a public hearing may be requested and will be available at the expense of a party making a timely request.

6.2 **Presiding Officer to Call the Meeting to Order**. The public hearing shall be called to order by the presiding officer, who shall summarize the requirements as to speakers' conduct and time limits, and other matters of procedure.

6.3 **Staff Report**. The Zoning Administrator, or his/her designee, shall report on the following:

(1) Location of the property, present zoning classification, and description of requested zoning action;

(2) Any report, investigation, or recommendations of the Zoning Administrator or his/her designee;

(3) For hearings before the Council, the recommendation of the Clarkesville Planning Commission and any additional information designated by the Planning Commission to be presented to the Council; and,

(4) Any other information as may be reasonably required by Zoning Administrator, Planning Commission or Council.

6.4 **Speakers' Conduct**. All speakers shall speak only from the podium, shall address only the merits of the pending application, and shall address remarks only to the Planning Commission or Council. Each speaker shall refrain from

personal attacks on any other speaker, any discussion irrelevant to the pending application, or any other inappropriate behavior. No debate or argument between speakers or with Commission or Council members will be allowed. Speakers shall not repeat previous comments, as repetition deprives other speakers of valuable time to provide new information.

The presiding officer or his/her designee shall refuse a speaker the right to continue, if the speaker, after once being cautioned, continues to violate any section of this Ordinance. Speakers should provide supporting documentation prior to the date of the hearing. Speakers shall sign the speaker list prior to the hearing.

6.5 **Applicant's Initial Presentation**. The applicant or applicant's representative shall present and explain the application after being permitted to proceed. The applicant will be allowed not less than ten (10) minutes combined total to make an initial presentation and subsequent rebuttal, but the applicant and all supporters shall have a combined time limit of no more than fifteen (15) minutes.

6.6 **Other Interested Parties**. After the applicant's presentation, interested persons who support the application, after being permitted to speak by the presiding officer, may address the proposed application by standing and stating their name, address, and interest and any comments on the pending application. Persons other than the applicant who support the application are allowed to speak in support of the pending application for no more than two (2) minutes each, and are also subject to the fifteen (15) minute combined total time limit. Persons opposing an application are allowed at least ten (10) minutes total as a group (and in no event less than the combined time used by the applicant and supporters), to address their opposition to the application. The opponents shall have a combined total time limit of no more than fifteen (15) minutes. It is suggested that supporters and opponents each obtain one (1) spokesperson to present their views. No individual except the applicant, or an attorney, or a designated representative of a group, shall speak longer than two (2) minutes or more than one time.

6.7 **Applicant's Summary**. The applicant may make brief summary remarks using any reserved time, after which the presiding officer shall close the public hearing.

6.8 **Deliberation and Action by the Planning Commission or City Council; Appeal**. At the close of the public hearing, the Planning Commission or

Council shall deliberate and take action. Deliberation may include questions to applicants, supporters and/or opponents. Actions shall be by majority vote. The Chairman and Mayor may vote only in the event of a tie. Any person aggrieved by a decision of the Council shall have the right of appeal to a court of law if such appeal is filed within thirty (30) days of the decision of the Council.

Section 7 Disclosure of Campaign Contributions and/or Gifts.

When any applicant for any zoning action, or any supporter or opponent of any zoning action who has contacted the City to express an opinion or who wishes to speak at a public hearing or submit written opinion, has made within two (2) years immediately preceding the filing of that application campaign contributions totaling two hundred and fifty dollars ($250.00) or more to an official of the City of Clarkesville, it shall be the duty of said person to file a disclosure report with the City. In the case of the applicant, filing shall be within ten (10) days after the application is made, and in the case of a supporter or opponent, filing shall be at least five (5) days before the first public hearing. Such disclosure report shall include the name and official position of the official to whom the campaign contribution and/or gift was made, and the dollar amount, date, and description of each campaign contribution and/or gift made during the two (2) years immediately preceding the filing of the application.

Section 8 Conflict of Interest In Zoning Decisions.

Any City Official who has a property interest in any real property affected by a zoning action which the City will consider, or has a financial interest in any business entity which has a property interest in any real property affected by a zoning action which the City will consider, or has a member of the family having any such interest, shall immediately disclose the nature and extent of such interest, in writing, to the Council. Such City Official shall disqualify himself from attending, participating in or voting on the zoning action. Disclosures made in accordance with this Section shall be public record and available for public inspection during normal business hours. Terms used herein are defined below.

(1) BUSINESS INTEREST: Any corporation, partnership, limited liability company, limited partnership, limited liability partnership, firm, enterprise, franchise, association, or trust.

(2) FINANCIAL INTEREST: All direct ownership interests of total assets or capital stock of a business entity of ten percent (10%) or more.
(3) CITY OFFICIAL. The Mayor, Council member, or any member of the Planning Commission.
(4) MEMBER OF THE FAMILY. The spouse, parent, sibling, or child of a City Official.
(5) PROPERTY INTEREST: The direct ownership of real property, including any percentage of ownership.

Section 9: LEGAL PROVISIONS

Section 9.1 Conflict with Other Laws.
When the regulations of this Ordinance impose more restrictive standards than under other laws, this Ordinance shall govern. When the provisions of any other law impose more restrictive standards than this Ordinance, such other law shall govern.

Section 9.2 Severability.
If any part of this Ordinance is found invalid, such invalidity shall not affect the validity of the Ordinance as a whole or any part thereof other than the part declared invalid.

Section 9.3 Repeal of Conflicting Ordinances.
All ordinances and resolutions and parts thereof in conflict with this Ordinance are hereby repealed.

Section 9.4 Effective Date.
This Ordinance shall take effect and be in force from and after its adoption, the public welfare demanding it. Read and approved this __3rd__ day of October, 2011, after public notice and a public hearing.

CITY OF Clarkesville, GEORGIA Attest: _____
[AFFIX CITY SEAL] Glenda Smith, City Clerk

_____Barrie Aycock, Mayor