



LUMPKIN COUNTY
Board of Commissioners
Special Called Work Session Agenda
Commissioners Boardroom

April 4, 2022
9:00 AM

- **CALL TO ORDER**
- **DISCUSS LAND USE CODE DRAFT REVISIONS**
 1. Land Use Code Revisions
- **ADJOURNMENT**

Chairman Dockery



Lumpkin County, Georgia

Planning Department

Date: April 4, 2022

Agenda Item: Land Use Code Revisions

Item Description: Land Use Code Revisions

Attachments:

LAND_USE Revisions 4.2.22
BOC Update to Lumpkin County Land Use Revisionsa 4-2-22 (002)

Chapter 27 LAND USE (Performance Zoning)

PREAMBLE

This Ordinance has been revised at the request of the Lumpkin County Board of Commissioners with the purpose to reduce potential conflicts and ambiguities which have resulted in the code not providing appropriate protections to the public that were intended in certain character areas within the county's planning area. The basis of revision is not a parcel-by-parcel classification system that can be arbitrary and cumbersome but rather a Road Classification system that will be addressed in the balance of this Preamble.

Lumpkin County Land Use Background:

- In 1995, Lumpkin County placed a referendum on the ballot to impose zoning on the unincorporated areas of the county. This referendum failed.
- In 2002, the citizens of Lumpkin County, by referendum, did elect that Lumpkin County should have Land Use Planning.
- In 2003, land use was adopted by the County in a form that was not classified as a Zoning Ordinance.
- In 2007, a court ruling reclassified the Land Use Code as a form of zoning.
- In 2008, Lumpkin County readopted the Land Use Code, as performance-based zoning under the requirements of the Zoning Procedures Law.
- In 2019, the BOC approved revisions to the land use regulations to help the County face current land use challenges and impacts of growth while maintaining our character and sense of place.

Lumpkin County has adopted a different approach to future land use through the adoption of this Ordinance. This document is intended to give our residents, property owners, and potential stakeholders a clear picture of the role the County plays in land use decisions, providing them an uncomplicated, straightforward regulation which will help each to better decide where to buy land, buy or build a house, or locate a business.

This Ordinance begins with the creation of a Road Classification plan which categorizes all roads within the planning area of Lumpkin County as either an Arterial Road, Collector Road, or a Local Road. These classifications are based upon a long-range look at the ultimate role of that roadway based on its location, design criteria and connectivity, and not merely constantly changing characteristics such as traffic counts. The road classifications are:

Arterial Roads (A): These roads are state and certain county-maintained roads of regional importance throughout the county which are expected to carry high traffic volumes. Arterial roads provide the main travel corridors within the county and can offer access to neighboring counties.

Collector Roads (C): These roads are County maintained and used for moving traffic from Local roads to Arterial Roads. Collector roads are primarily contained solely within the County boundaries.

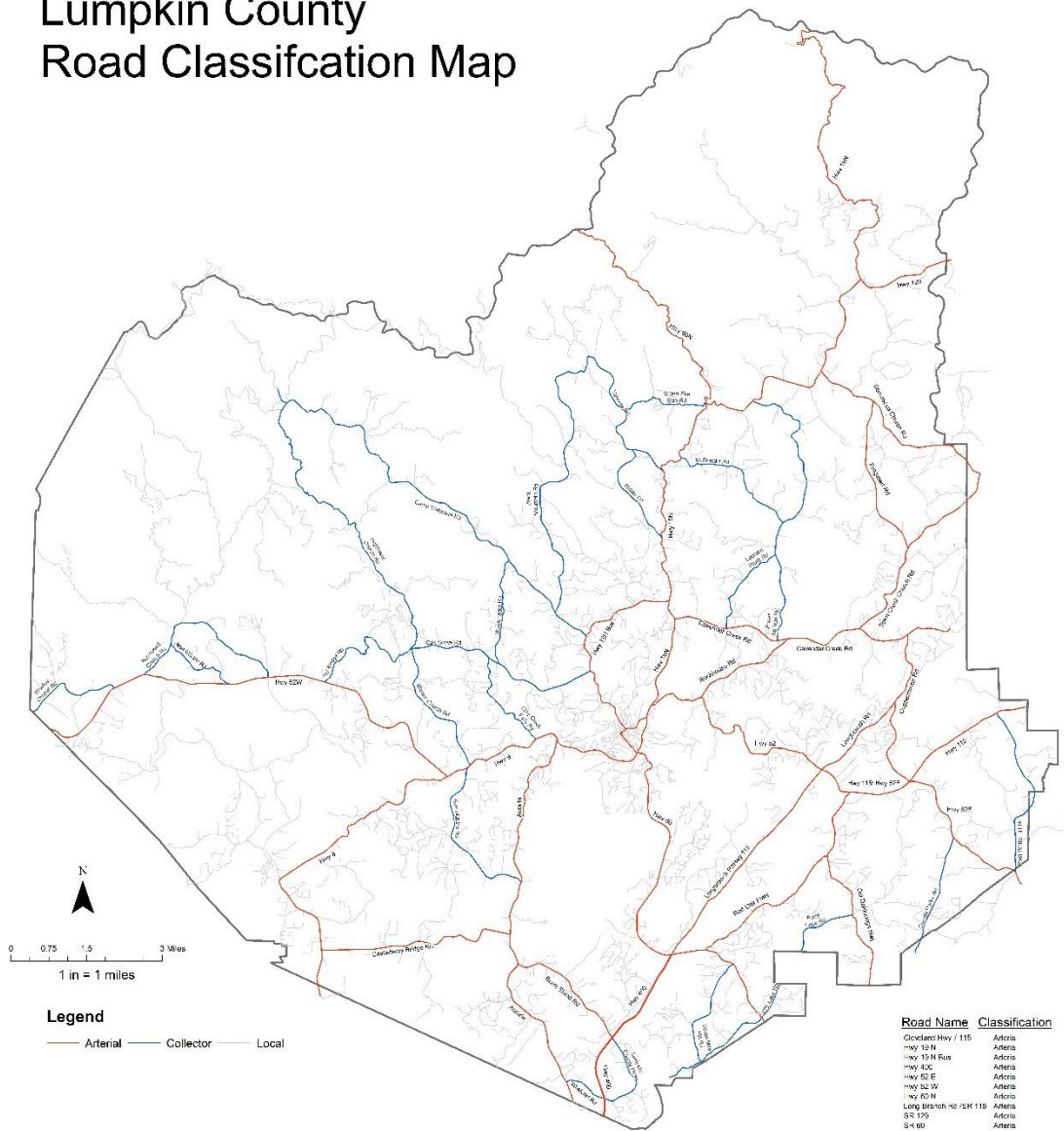
Local Roads: (L) These roads are County or privately maintained and generally provide access to confined geographic areas throughout the county and generally connect to Collector and Arterial roads.

This Road Classification Plan is the backbone to our future land use planning effort that will address the conflicting land use issues for years to come. Properties located directly on Arterial or Collector Roads, will have the best options for commercial type activities. On Local Roads uses beyond agricultural, residential, limited-service type activities like residential businesses and activities that support tourism and recreation uses shall be developed with extreme care to ensure the performance standards established are met. In this way, all parcels with the surrounding properties will remain desirable for residential and agricultural activities. It is equally important that non-residential activities, such as business, services, schools, industry, manufacturing and distribution that locate or exist on Arterial/Collector Roads, not be denied development opportunity nor suffer a restriction on existing activities should residential development seek to locate in proximity to such users along the same Arterial/Collectors at a later date.

Next, in order to achieve such an ambitious long-range plan, it was important that this Ordinance identifies development categories within each character area, and have performance standards for activities adjacent to each other that provide better protection for residences, property, or farmland not in the vicinity of or accessed from an Arterial Road or Collector Road. Property adjacent to these roads are more easily used for non-residential activities. In all instances, there are performance standards for residences already located in those areas prior to the adoption of this Ordinance.

Implementation will be achieved through rigorous performance standards in each development category through the established road classifications, acreage, buffering, setbacks, screening, light, glare, amplified sound, etc. It is therefore very important **how** an activity places itself on a parcel which is determined by **where** it is to be located.

Lumpkin County Road Classification Map



Legend

Arterial Collector Local

Road Classification Definitions:

Arterial Roads:

These roads are state and certain county-maintained roads of regional importance throughout the county which are expected to carry high traffic volumes. Arterial Roads provide the main travel corridors within the county and can offer access to neighboring counties. In an effort to maintain Lumpkin County's unique character and quality of life, the main commercial development effort is supported within the designated General Development Character Areas. The Character Areas of Residential Growth, Rural Places, and Agricultural Preservation are designated as restricted development and will have limited commercial opportunities based on direct arterial road frontage and shall meet the compatibility standards laid out in this chapter.

Collector Roads:

These roads are County maintained and used for moving traffic from Local Roads to Arterial Roads. Collector Roads are primarily contained solely within the County boundaries and support residential activity that meet the compatibility standards laid out in this chapter. Collector Roads shall have limited commercial opportunity within designated restricted development categories based on direct Collector Road frontage and also meet the compatibility standards laid out in this chapter. Collector Roads can support commercial and residential activity that are located within the designated general development Character Areas and also meet the compatibility standards laid out in this chapter.

Local Roads:

These roads are County or privately maintained and generally provide access to confined geographic areas throughout the county and generally connect to Collector and Arterial Roads. Local Roads support residential activities in both designated development categories that meet the compatibility standards laid out in this chapter. These roads do not support commercial activity unless the roads are located within the designated general development Character Areas and meet the compatibility standards laid out in this chapter.



Lumpkin County cannot accept any responsibility for errors, omissions, or positional accuracy

Road Name Classification

Clatsop Hwy / 115	Arterial
Hwy 10 N	Arterial
Hwy 10 N Bus	Arterial
Hwy 100	Arterial
Hwy 102 E	Arterial
Hwy 102 W	Arterial
Hwy 102 N	Arterial
Long Branch Rd / SH 115	Arterial
SR 115	Arterial
SR 100	Arterial
Arterial Rd	Arterial
Burnt Stand Rd	Arterial
Castaway Bridge Rd	Arterial
Conover Creek Rd	Arterial
Copper Mines Rd	Arterial
Thompson Church Rd	Arterial
Fogtown Rd	Arterial
Old Donkeyway Hwy	Arterial
Red Oak Falls Rd	Arterial
Rock House Rd	Arterial
Loon Creek Church Rd	Arterial
Don Higgins Trl	Collector
Black Mountain Rd	Collector
Don Williams Rd	Collector
Claude Parks Rd	Collector
Clay Creek Trl Rd	Collector
Lightner Church Rd	Collector
Jay Bridge Rd	Collector
Jess Grizzle Rd	Collector
Lantern Point Rd	Collector
Lumpkin County Pkwy	Collector
Marion Ford Trl	Collector
McDonald Rd	Collector
Northview Church Rd	Collector
Oak Grove Rd	Collector
Pony Lake Rd	Collector
Porter Springs Rd	Collector
Post White Hill Rd	Collector
Ridley Rd	Collector
Seven Mile Hill Rd	Collector
Silken Church Rd	Collector
Stane Pile Gap Rd	Collector
Waller Road Rd	Collector
Wesley Chapel Rd	Collector
Whitwell Rd	Collector
Yankee Rd	Collector

ARTICLE I - GENERAL PROVISIONS

CHAPTER 1. INTRODUCTION.

Sec. 27-1.1.1 Title and authority.

These regulations shall be known as Performance Zoning and may be cited as the "Land Use Code of Lumpkin County, Georgia."

Chapter 27 is adopted under authority of Chapter 9, Section 2, Paragraphs 3 and 4 of the Constitution of the State of Georgia, and pursuant to the Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq., and other applicable laws of the State of Georgia.

Sec. 27-1.1.2 Purpose and intent.

1. The purpose of this chapter is to promote the health, safety, and general welfare of the citizens of Lumpkin County and the public generally. To that end, these regulations are made in conformance with the Comprehensive Land Use Plan of Lumpkin County, and with consideration for each activity. These regulations are intended to:
 - A. Promote the methodic and beneficial development and expansion of the county;
 - B. Preserve the property rights of individual property owners;
 - C. Retain and enhance the county's most significant values: the quality of the rural landscape and environment, the diversity of its population, the small-town character, historic features, high-quality services, and strong participation by residents in government;
 - D. Promote efficient investment in public infrastructure and;
 - E. Protect environmentally sensitive and agriculturally vulnerable lands, preserve scenic vistas, views and meadowlands, and provide landscaping and other elements of an aesthetic nature.
2. This chapter is not intended to repeal, abrogate, or impair any valid easement, covenant, or deed restriction duly recorded with the clerk of the superior court.

Sec. 27-1.1.3 Applicability and exemptions.

1. This chapter applies to all lands within the unincorporated areas of the county. No new development shall occur, no new structure may be constructed, occupied, or new land use implemented except in full compliance with the provisions of this chapter.
2. This chapter shall not prohibit the continuation of any lawful use or uses of any land or building legally existing at the time this ordinance became effective provided it complies with the provision of *Sec. 27-9.1.2* concerning nonconforming uses below.
3. The provisions of this chapter shall not affect the validity of any lawfully issued and effective permits or land use approvals if:
 - A. The commercial development activity or building construction authorized by the permit or by an approved land use commenced prior to the effective date of the Board of Commissioner's 210-day moratorium on commercial permitting in Agricultural Preservation, Rural Places and Residential Growth character areas, or amendment thereto or within 12 months of issuance of the permit or issuance of the land use approval; and

- B. The development activity or building construction authorized by the permit or by an approved land use in all other character areas: Industrial, Neighborhood Village, Community Village, Commerce Corridor and Gateway Corridor or commenced prior to the effective date of this chapter or amendment thereto or within 12 months of issuance of the permit or issuance of the land use approval; and
- C. The development activity or building construction continues without interruption (except because of war or natural disaster) until the development or construction is complete.
- D. If the permit expires without proper renewal, any further development or construction on that site shall occur only pursuant to a new permit issued in conformance with the current requirements of this chapter in effect on the date of the new permit was approved.

Sec. 27-1.1.4 Conflicting laws.

- 1. If provisions in this chapter overlap or conflict with other requirements found in this chapter, the more stringent regulation shall apply and the specific provision shall prevail over the general.
- 2. If provisions in this chapter overlap or conflict with requirements or regulations found in other parts of the Lumpkin County Code outside of this chapter, the provisions of *Chapter 1, Sec. 1-17* of the Code of Lumpkin County shall apply.

Sec. 27-1.1.5 Severability.

If any phrase, clause, sentence, paragraph or section of this chapter is declared unconstitutional, invalid or unenforceable by a court of competent jurisdiction, it shall not affect the validity or enforceability of any of the remaining phrases, clauses, sentences, paragraphs, and sections of this chapter.

Secs. 27-6—27-19. Reserved.

CHAPTER 2. CONSTRUCTION OF LANGUAGE AND DEFINITIONS.

Sec. 27-1.2.1 Rules for construction of language.

- 1. The particular shall control the general.
- 2. In the case of any difference of meaning or implication between the text of this ordinance and any caption, illustration, summary table, or illustrative table, the text shall control.
- 3. The word “shall” is always mandatory and not discretionary. The word “may” is permissive.
- 4. Words used in the present tense shall include the future, and words used in the singular shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- 5. All public officials, bodies, and agencies to which reference is made are those of Lumpkin County unless otherwise indicated.
- 6. The word “County” or “Lumpkin County” shall mean the area of jurisdiction of Lumpkin County, Georgia, excluding the City of Dahlonega.

Sec. 27-1.2.2 Definitions.

Except when definitions are specifically included in the text, words in the text of this Ordinance shall be interpreted in accordance with the provisions set forth in this section. Where words have not been defined, the standard dictionary definition shall prevail. In cases of conflicting definitions, the Planning Director or designated representative shall be required to define any word or interpret any definition. This definition determined by the Planning Director or designated representative can be appealed by the owner/developer through the Planning Commission appeal process outlined in Sec. 27-7.1.10.

Accessory Dwelling a secondary, subordinate residential dwelling that is attached to or detached from and located on the same lot as a principal residential unit.

Accessory use a secondary use that is different from the primary use of a property. An accessory use is of a lesser scope and scale than the principal use, and therefore it does not need to meet the same performance standards that would be applicable if the accessory use was conducted as the principal use of the parcel.

Activity the performance of a function or operation which constitutes the use of the land.

Agriculture growing, harvesting, or storing of products of the field or orchard, including growing plants, sod, and trees for sale; the production of horticultural, dairy, poultry, eggs and apiarian products, feeding, breeding, or managing livestock, poultry, or other commonly commercially produced animals or producing for such animals.

Attached buildings which share one or more common walls with other buildings. As pertains to residential activity, dwelling units may also be considered attached when sharing structures in a manner other than just common walls, except in Planned Cluster Developments.

Building an enclosed structure having a roof supported by columns, walls, or cantilevers.

Buffer portion of a lot set aside as open space and/or visual screening purposes to separate uses on adjacent or nearby properties and ameliorate the negative impacts a land use may have on surrounding properties. Types of buffers discussed in this chapter include:

Fence Buffer a barrier, railing, or other upright structure, typically of wood or wire, enclosing an area of ground to mark a boundary or control access, kept in good repair to ensure its continued functionality.

Opaque or **Visual buffer** a buffer primarily utilized for screening and buffering for the purposes of eliminating the view of any element of structure or use that is intended to be unseen.

Vegetative Buffer a buffer of trees and shrubs that provide aesthetic enhancements to the accompanying land use.

Detached Building a building or structure which is physically separated and not dependent on any other building or structure for structural support or enclosure.

Dwelling a building, or portion thereof, designed exclusively for residential occupancy, including single dwellings, duplexes, and multiple dwelling units, but not including transient occupancy.

Dwelling Unit one or more rooms in a residential building or residential portion of a building, which are arranged, designed, used, or intended for use by one or more persons living together and maintaining a common household, and which shall include lawful cooking space and lawful sanitary

facilities reserved for occupants thereof. This use falls under the activity definition of single-family residential, multi-family, manufactured/modular homes.

Floor to Area Ratio (FAR) a measure of the density of the site being developed generated by dividing the building area by the parcel area, using the same units.

Greenspace protected land and water, including agricultural and forestry land, that is in its undeveloped, natural state.

Family Subdivisions the division of a lot into no more than three additional lots for the purpose of sale or as a gift to a member, or members, of the immediate family of the property owner. An immediate family member is defined as any person who is a natural or legally defined child, stepchild, grandchild, spouse, sibling, or parent of the property owner. The property owner is required to have owned the property for at least two years prior to filing the family subdivision plat. This is an allowed subdivide, reviewed and approved by the Planning Director or designated representative.

Gross Acreage measured as the total area of land confined within the property boundaries, including those which are permanently under water or subject to inundation, or which are contained in an easement or grant of use other than existing publicly dedicated road rights-of-way.

Heavy Industrial the intensive industrial land uses are those that that have potential for significant negative impacts on the surrounding area and that could be potentially dangerous to health, safety, or general welfare if located near residential development. This includes any use that emits hazardous or noxious fumes or other discharges or that cause noticeable odors. Examples include: Heavy manufacturing;

- a) Animal slaughtering and processing;
- b) Rendering or refining of fats and oils;
- c) Leather and hide tanning and finishing, except taxidermy;
- d) Paper manufacturing other than finished stationery products;
- e) Petroleum and coal products refining or manufacturing;
- f) Mills (textile and paper);
- g) Junk, salvage, and scrap yards;
- h) Waste management or disposal services;
- i) Quarries;
- j) Asphalt and cement plants;
- k) Processing of sauerkraut, vinegar or yeast;
- l) Wood preservation;
- m) Bulk storage of petroleum, natural gas or other flammable gasses or liquids greater than 100,000 gallons, other than when it is for direct use or retail sale on site; and
- n) Environmentally hazardous uses that require a section 313 permit under the Federal Water Pollution Control Act of 1972 (commonly referred to as the Clean Water Act), 33 USC 1251 et seq.

Industrialized Building Any structure or component thereof which is designed and constructed in compliance with the state minimum standards codes and is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without

disassembly, damage to, or destruction thereof. (See DCA Rule 110-2-1-.01).

Landscaped Strip a land area located within the boundary of a lot and required to be set aside and used for landscaping upon which only limited encroachments are authorized.

Light Industrial uses are those that wholesaling or warehousing, as well as fabrication, manufacturing, assembly, or processing of goods in such a way that is not likely to have significant impacts on neighboring properties through the production of smoke, odor, dust, noise, vibrations, or any other impacts. Examples include but are not limited to, light manufacturing, such as medical equipment, signs, sports and athletic goods, computer and electronics; wholesale trade; and warehouse and storage.

Livestock domestic or farmed animals raised for market purposes. This use falls under the activity definition of Animal Operations.

Personal Livestock animals raised for personal use, not held as assets or sold in commercial operations. This use falls under the activity definition of Animal Operations.

Property Owner The legal owner(s) of land. The holder of an option or contract to purchase, a lessee having a remaining term of not less than 50 years in duration, or other person having an enforceable proprietary interest may be considered a property owner for the purposes of this Ordinance

Manufactured Homes A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained herein.

Master Planned Development a planned development created to encourage creativity and imagination in the planning and development or redevelopment of large tracts of land for various uses and activities associated with a planned community under one master plan that may include a mix of land use types at different levels of intensity.

Mixed-Use Subdivisions a development that combines residential uses with commercial or institutional uses.

Multi-Family Residential structures containing three or more single family dwelling units with separate bathing, kitchen, sanitary, and sleeping areas that are constructed for multiple-family use, such as apartments, dormitories, or condominiums.

New Development construction, land disturbing activities, structural development, or other activities that significantly change the use or character of a parcel of land including the expansion of an existing building or other structure, or the creation of impervious surfaces on a previously undeveloped site that commenced after the adoption of this chapter of the Lumpkin County Code of Ordinances or after the adoption or amendment of the relevant provisions.

Nonconforming Use any structure or land use that is inconsistent with the provisions of this chapter of the Lumpkin County Code of Ordinances or any subsequent amendments thereto that began prior [to] the adoption or amendment of the relevant provisions.

Outdoor Storage the keeping of any goods, material, supplies, merchandise, or items for repair (including vehicles) in the same outdoor location for more than 48 hours.

Parcel pieces of property are often referred to as parcels (or a parcel). Parcels of land may also be described as lots or tracts of land.

Performance Standards requirements imposed upon activities with respect to their road access category, development category, acreage, buffer and setback, screening requirements, and conditional uses that are standards above and beyond those listed in the performance standards chart.

Place of Worship building, including a church, mosque, temple, or synagogue, used primarily as a place of public or private worship on a permanent basis by a recognized and established religious sect or denomination registered as a not-for-profit organization pursuant to *Section 501(c)(3)* of the United States Internal Revenue Code, as amended.

Principal Activity an activity which fulfills a primary function of an establishment, institution, household, or other entity.

Principal Building a building which contains the principal activity or use located on the parcel on which the building is situated.

Produce Stand any structure, stand, trailer, or similar facility that is utilized to sell produce to passing motorists or pedestrians.

Property Owner a person or persons, including his/her legally designated representative, with verifiable legal title and ownership of a parcel or structure.

Protected Property Line a character area and/or development category boundary line or a property boundary or portion thereof from which, across which, or at which performance standards are measured. Some of the protected property lines for a particular project, especially if it is an intense activity, may include more than just those adjacent property lines. They could be located across adjacent property or road rights-of-way but close enough to be included in the distance, and screening standards as well as those for noise, light, and glare.

Residential Industrialized Building an industrialized building (also a Modular home) that is a dwelling unit designed and constructed in compliance with the Georgia State Minimum Standard One- and Two-Family Dwelling Code which is wholly or in substantial part, made, fabricated, formed, or assembled in a manufacturing facility and cannot be inspected at the installation site without disassembly, damage to, or destruction thereof. Any such structure shall not contain a permanent metal chassis and shall be affixed to permanent load-bearing foundation. The term shall not include manufactured homes as defined by the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq.

Road any thoroughfare (road, highway, street, avenue, boulevard, etc.) which has been dedicated, deeded, or designated for vehicular traffic, public or private.

Roof Line the outermost extension of a roof beyond the wall of a building.

Screening consists of natural vegetation, landscaped vegetation (including planted berms), walls, or fences designed to lessen the visual interaction between adjacent activities or accessories thereto.

Setback the minimum allowable horizontal distance from a given point or property line to the vertical wall of a building or structure. These spaces are linear distances measured from property lines inward.

Sleeping Unit means a habitable room occupied by a person under any form of accommodation providing remuneration for the room, and the room does not include provision for cooking or food preparation. Sleeping Units may include limited food preparation facilities such as bar fridge, mini-sink, and microwave may or may not be equipped with sanitary facilities.

Recreational Vehicle (RV) is a motor home, travel trailer, truck camper or camping trailer designed for recreational or emergency human habitation. RVs are not allowed to be used as a permanent residence in Lumpkin County.

Residential Shipping Container a new or used container which has been inspected, tested and certified by an approved third-party agency in accordance with DCA's approved quality control and inspection protocols.

Single Ownership the proprietary interest of a property owner as herein.

Sleeping Unit standalone dwelling that provides a place to sleep but does not provide a full kitchen.

Single-Family Residential a residential dwelling unit designed to be occupied by a single family as a standalone structure on a parcel of land, whether site-built, manufactured, or a mobile home, or attached such as a duplex or townhome.

Structure a combination of materials to form a construction for use, occupancy, or ornamentation which is fastened or attached to the ground and is not a sleeping unit or building.

Subdivision division of a tract or parcel of land into two or more lots, building sites or other divisions, via plat, for the purpose of either immediate or future sale, lease or building development, including all divisions of land involving a new street or a change in existing streets.

Tiny Homes a residential industrialized building dwelling unit that is 400 square feet or less in floor area excluding lofts. These homes can either be built on site or through the Industrialized building program.

Use the performance of a function or operation which constitutes the activity developed on a parcel or tract of land.

Secs. 27-1.2.3 —27-1.2.9. Reserved.

CHAPTER 3. CHARACTER AREAS AND DEVELOPMENT CATEGORIES.

Sec. 27-1.3.1 Official character area map and road access classification map adopted.

1. The Lumpkin County, Georgia recommended Character Area Map (CAM), developed as part of the Lumpkin County 2022 Comprehensive Plan, and referred to in this chapter as the "Character Area Map," is adopted as the official "Character Area Map" in the county's comprehensive plan along with any and all subsequent amendments thereto, and it is hereby made a part of this chapter.
2. The Lumpkin County Character Area and road access classification maps are hereby adopted as part of this chapter, and the character area boundaries on that map, as they may be amended by the Board of Commissioners from time to time, defines the location and boundaries of all character areas described in this chapter.
3. All notations, references and other information shown on the character area map and road access classification map shall be a part of this chapter as well as any amendments or modification adopted by the Board of Commissioners. If any other map is adopted by the Board of Commissioners with the intention of replacing the character area map, that map shall be considered part of this chapter in substitution of the present map.

Sec. 27-1.3.2 Character areas (CA) defined.

1. For the purpose of this chapter, the planning area of Lumpkin County, Georgia, is hereby divided into nine (9) different Character Areas (CA) listed below and described on the Character Area Map (CAM) of Lumpkin County. The county consists of approximately 271 square miles, and 173,268 total acres. The U.S. Forest Service land represents 33% off the total acreage, which equates to approximately 58, 029 acres. The real total planning area is approximately 115, 143 acres situated within its unincorporated boundaries.
2. Balancing Lumpkin County's growth and its future demands with the desire to preserve the current character and lifestyle is daunting. What this means is that the County has identified certain character areas that can best accommodate commercial growth which provides the necessary infrastructure, services and resources. In order to efficiently use land, growth must be focused into strategically located areas or into existing commercial character areas, thus minimizing development pressures on residential, rural, agricultural, and open space areas. This will in turn help to preserve the unique rural character of the County.
3. No land shall be developed within a particular character area unless the property meets the requirements outlined within this chapter.
4. For the purposes of this restriction, the term "within" shall mean that character area in which the largest percentage of the relevant parcel lies.

Sec.27-1.3.3 Establishment of character areas.

1. Agricultural Preservation (AP) — AP areas makes up 42% of all CA's, which makes it the largest within the county planning area. Due to the size of the AP character areas, the effort to preserve and protect what makes Lumpkin County such a special place to live is highlighted throughout this chapter. The development standards defined within this chapter support current permitted activities and future development activities such as conservation, agricultural, commercial agricultural uses, and low-density (more than 3 homes in a development) large lot residential development. This character area designated development category is Restrictive Development. (RD). This means that future development within AP, limits commercial activities which first, must comply with the road access classification/activity performance standards within this chapter.
2. Rural Places (RP) — RP represents 25% of all CA's, the development standards defined in this chapter support current permitted activities and future development activities such as is intended for development as rural residential communities connected to the agricultural, economic, environmental, and aesthetic features of the rural and natural landscape through activities such as agricultural, commercial agricultural, and large lot single family homes, conventional subdivisions, or within large lot conservation and master planned developments. This character area designated development category is Restrictive Development. (RD). This means that future development within RP, limits commercial activities which first, must comply with the road access classification/activity performance standards within this chapter.
3. Residential Growth (RG) — RG represents 20% of all CA's with future development emphasis for smaller lot size single family homes and conventional and conservation subdivisions. This character area designated development category is Restrictive Development. (RD). This means that future development within RG limits commercial activities which first, must comply with the road access classification/activity performance standards within this chapter.

4. Neighborhood Village Centers — Neighborhood village centers are intended for small-scale commercial activities designed to serve daily local needs of the surrounding area. These uses will generally be retail or service oriented. The specific activity and development requirements are designed to be applied over, or in addition to, the requirements of the performance standards chart in Sec. 27-2.2.3. This character area is designated as General Development. (GD).
5. Community Village Centers — Community village centers are intended for commercial, office, and mixed-use developments that serve a region or a larger area than the immediate neighborhood. The specific activity and development requirements are designed to be applied over, or in addition to, the requirements of the performance standards chart in *Article II*. This character area designated development category is General Development. (GD).
6. Commerce Corridor — Commerce Corridors are intended for commercial, industrial, and other employment activities that do not have significant impacts on the environment or on nearby properties. Examples of these uses include office and business parks, medium scale commercial sites, office-warehouse centers, distribution/service facilities, light industrial, high-technology and research uses, wholesaling companies, and similar businesses. The specific activity and development requirements are designed to be applied over, or in addition to, the requirements of the performance standards chart in *Article II*. This character area designated development category is General Development. (GD).
7. Gateway Corridor—Gateway corridors are intended large-scale commercial, office, technology, and distribution uses along major roadways and transportation corridors. The specific activity and development requirements are designed to be applied over, or in addition to, the requirements of the performance standards chart in *Article II*. This character area designated development category is General Development. (GD).
8. Gateway Corridor Overlay District - The Gateway Corridor Overlay District (GCOD) include land use and development requirements designed to be applied over, or in addition to, the requirements of the Gateway Corridor and the performance standards chart in *Article II*. *Article III* contains Overlay District requirements associated with this Ordinance. This character area designated development category is General Development. (GD).
9. Industrial - areas are intended for uses that are likely to have negative impacts on neighboring properties or the surrounding area, and particularly those uses that could be potentially dangerous to health, safety, or general welfare if located near residential development. The specific activity and development requirements are designed to be applied over, or in addition to, the requirements of the performance standards chart in *Article II*. This character area designated development category is General Development. (GD).

Sec. 27-1.3.4 Development categories defined.

1. In order to implement the provisions of this Ordinance, the following development categories are hereby established for each character area:

A. Restrictive Development (RD).

Restrictive Development (RD) primarily used and preserved for agricultural and residential type activities and development. The Performance Zoning Ordinance requires non-residential activities that locate in character areas designated RD meet the more restrictive performance standards. In this way, Lumpkin County promotes good development, without unreasonably taking away a property owner's land use options.

B. Character Areas that are within the Restrictive Development Category:

- 1) Agricultural Preservation
- 2) Rural Places
- 3) Residential Growth

C. General Development (GD).

Character Areas designated as General Development (GD) is best suited for non-residential activities, and, therefore, most activities are allowed to locate in those character areas designated GD with appropriate standards according to the activities proposed. However, residential uses designated as GD prior to the effective date of this Ordinance are considered “protected” and would be given performance protection in accordance with the RD standards in this Ordinance.

D. Character Areas that are within the General Development Category:

- 1) Neighborhood Village Centers
 - 2) Community Village Centers
 - 3) Commerce Corridor
 - 4) Gateway Corridor
 - 5) Gateway Corridor Overlay District
 - 6) Industrial
2. Together with established character areas, and specific development categories, any new development proposed in each CA shall meet the performance standards requirements of the proposed development as described in *Article II* of this chapter. These requirements are intended to separate and reduce potential conflicts between adjacent land uses by establishing road access requirements, setbacks, buffers and screening between uses while subjecting certain conditional uses to additional scrutiny and approvals because of the type activity and the potential impacts on neighboring and nearby land uses.

Sec. 27-1.3.5 – 1.3.9. Reserved.

ARTICLE II - APPLICATION OF THE REGULATIONS

CHAPTER 1. Schedule of Permitted Uses.

Sec. 27-2.1.1 General classification rules.

1. The purpose of this section is to classify all uses into a number of specially defined or generally defined activities on the basis of common functional characteristics and similar performance standards with other uses. This classification system provides a basis for the regulation of these activities and their assignment to CA's later in this chapter. Vacant land, itself, shall not constitute an activity type. In the event of conflicting interpretations, or uncertain references to a particular use, the Planning Director will administratively assign uses to the most appropriate activity category. Any disagreement with that assignment may be appealed to the Planning Commission. If the Planning Commission is unable to assign a use to an appropriate activity, the activity shall comply with the Special Land Use Approval process in *Sec. 27-8.1.4*.

- A. *Specifically Defined Activities. Those activities defined which there are no other activities that shall be defined and/or classified within this classification.*

Sec. 27-2.1.2 Description of principal activities.

NOTE: All Activities listed here will also appear in the following chart found in this Article: The Chart Performance Standards. Most activities requiring a conditional use approval from *Article IV* will have a description here and standards to meet in *Sec. 27-2.2.3*, like all other Principal Activities, *Article IV, Activities requiring Conditional Use Approval*, will primarily contain additional performance standards that must be met for those unique activities.

Addiction Treatment Facility: sometimes called a rehabilitation facility providing medical services and/or therapy for substance use disorders or other behavioral problems for people who are overcoming the effects of drugs or alcohol or are recovering from other diseases or addictions. This activity does not include Nursing Homes (See also Nursing Homes).

Animal Facility (Limited): temporary lodging and boarding, clipping, training, or grooming of domestic house pets within a fully enclosed building not exceeding 5,000 square feet, with soundproofed exterior walls. Animal rescue and/or adoption facilities, whether operated for profit or as nonprofit organization, shall be included in this category.

Animal Facility (Extensive): temporary lodging and boarding, clipping, training, or grooming of animals within a building exceeding 5,000 square feet or with outdoor kennels and cages. Animal rescue and/or adoption facilities, whether operated for profit or as nonprofit organization, shall be included in this category.

Animal Operation: the keeping, grazing, or feeding of animals for animal products, animal husbandry or value increase. Also includes chicken houses, beekeeping and game processing.

Asphalt Batch Plant: manufacturing of asphalt-type roofing materials, asphalt and tar paving mixtures, paving block made of asphalt and various compositions of asphalt or tar with other materials to be used in building or construction, and the recycling of old asphalt into asphalt-type material. These facilities are also known as hot mix asphalt plants, drum mix plants, or batch mix plants among others, but does not include a temporary Asphalt Batch Plant established for road construction. (*Heavy Industrial Activity - See Sec.27-8.1.4 - Special Land Use Approval*)

Broadcast Studio, Radio, or Television Station: an establishment containing one or more broadcasting studios for over-the-air, cable or satellite delivery of radio or television programs, or studios for the audio or video recording or filming of musical performances, radio or television programs or motion pictures.

Business Services: clerical or goods brokerage services; banks, savings and loans, or other financial, consulting, or administrative activities; communication related services; book and newspaper publishing; multi-copying, and custom printing; mail services; and other such activities where clientele are served on the premises with nothing other than a service rendered.

Bulk Storage of Fuel or Liquid Asphalt and Distribution (Limited): fuel and liquid asphalt facilities with a combined capacity of at least 100,000 gallons involved in the manufacture of or the receiving of liquids, gases, or solids by truck, tank vessel, pipelines, tank car, or tank vehicle, and storing, processing, or blending them in bulk for the purpose of distributing such liquids, gases, or solids by truck, tank vessel, pipeline, tank car, tank vehicle, portable tank, or container. It is not intended to include retail gasoline stations, convenience stores selling gasoline, retail sales of fuel products, or businesses who, due to operational requirements, store fuel products for internal use. *Light Industrial Activity - (Additional descriptions and*

definitions may be found in Article IV, Sec. 27.4.3.1 – Activities requiring Conditional Use Approval.)

Bulk Storage of Fuel or Liquid Asphalt and Distribution (Extensive): includes the bulk storage, blending, transfer, and distribution of fuel products and liquid asphalt, more than 100,000 gallons. It is not intended to include retail gasoline stations, convenience stores selling gasoline, retail sales of fuel products, or businesses who, due to operational requirements, store fuel products for internal use. *Heavy Industrial Activity - (Additional descriptions and definitions may be found in Sec. 27-8.1.4 – Activities requiring Special Land Use Approval.)*

Call Center: includes a centralized office used for receiving or transmitting a large volume of requests by telephone.

Campgrounds (Limited): a parcel of land intended for the temporary occupancy of tents where the primary purpose is recreational with no hookups and no power available at individual sites. Primitive camping only. *(Further definitions or description will be found in Article IV, Sec. 27.4.3.1 -Conditional Uses)*

Campgrounds (Extensive): a parcel of land intended for the temporary occupancy of tents and recreational vehicles where the primary purpose is recreational with hookups available for recreational vehicles and/or power available at individual sites. Amenities such as bathhouses, pavilions, and playgrounds are allowed. *(Further definitions or description will be found in Article IV, Sec. 27.4.3.1 -Conditional Uses)*

Car Wash: a place or structure having special equipment for washing automobiles and other types of vehicles.

Cemetery: a place dedicated to and used, or intended to be used, for permanent interment of human remains. A cemetery may contain land or earth interments; mausoleum, a vault, crypt interments; a columbarium or other structure or place used or intended to be used for the inurnment of cremated human remains; or any combination of one or more of such structures or places.

Community Education: public, parochial, and private kindergartens, primary and secondary schools, colleges, junior colleges, technical education centers, and universities. Day care centers, and other activities attendant to scholastic endeavors shall be considered separate activity types, not to be included within the scope of this definition.

Construction Services (Limited): office and administrative operations associated with construction activities which can include the storage of a maximum of three construction-type pieces of equipment and all storage of on-site construction materials and parts for equipment repair shall be indoors.

Construction Services (Extensive): office and administrative operations associated with construction activities which can include the indoor and outdoor storage of materials and equipment used to conduct the business.

Cottage Industry: activities primarily carried on remotely with the space occupied by the commercial operation limited to a private office or workshop, and with no retail space or other space which is open to the public, and which is operated as an accessory land use to a residential land use, and that is carried on in such a way that the primary use of the property remains residential. This activity also includes DoorDash, Uber, Lyft, or other similar services.

Crops: raising and or sale of trees, vines, field, forage or other plant crops intended to provide food or fiber.

Day Care: a facility for the regular care, supervision, or guidance of children, senior citizens, or adults with disabilities, which is subject to registration or licensing by the Georgia Department of Public Health.

Essential Infrastructure Services: facilities that provide power, communication equipment installations and exchanges, natural gas substations, electric substations, and post offices.

Essential Public Health and Safety Services: facilities which provide public health protection and emergency services such as law enforcement stations, fire stations, ambulance substations, and emergency first aid stations.

Flea Market: commercial outdoor activity where two or more persons offer personal property for sale or exchange involving a series of sales sufficient in number, scope, and character to constitute a regular course of business. Such activities that take place in a fully enclosed building shall be treated in this Ordinance as a General Retail use. This activity does not include sidewalk sales by retail centers or individual retail operations, sales conducted by nonprofit organizations, farmers' markets, or residential yard sales. This activity is sometimes referred to as "swap meet," "open air market," "weekend mini market," or other similar terms. (Additional descriptions and definitions may be found in *Article IV, Sec. 27.4.3.1 – Activities requiring Conditional Use Approval.*)

Food Services (Limited): restaurants, caterers or other establishments not otherwise specifically listed in another principal activity where prepared food or beverages are sold for take-out, home or function delivery, or on-site consumption in a single building which does not exceed 8,000 square feet in size. A drive-through operation is considered accessory to the performance of the activity. Only entertainment activities whose total gross square footage does not exceed the square footage of the principal activity are allowed.

Food Services (Extensive): restaurants, caterers or other establishments not otherwise specifically listed in another principal activity where prepared food or beverages are sold for take-out, home or function delivery, or on-site consumption in a single or multiple buildings which exceed 8,000 square feet in size. A drive-through operation is considered accessory to the performance of the activity. Entertainment activities are allowed.

Funeral Services and Attendant Facilities: an establishment with facilities for the preparation of the dead for burial or cremation, for the viewing of the body, and/or for funeral services.

General Retail (Limited): wholesale or retail sale or rental of goods (not otherwise specifically listed in another principal activity) wherein the goods are offered at one location, in a single or multiple buildings, which, in the aggregate, do not exceed 5,000 square feet in size. None of the merchandise may be stored or displayed outside of the building(s).

General Retail (Intermediate): wholesale or retail sale or rental of goods (not otherwise specifically listed in another principal activity) wherein the goods are offered at one location, in a single or multiple buildings, which, in the aggregate, are between 5,000 and 25,000 square feet in size. None of the merchandise may be stored or displayed outside of the building(s).

General Retail (Extensive): wholesale or retail sale or rental of goods (not otherwise specifically listed in another principal activity) wherein the goods are offered at one location, in a single or multiple buildings, which, in the aggregate, are 25,000 square feet or greater in size. Outdoor storage and/or display of merchandise is allowed.

Golf Courses: land designed and intended for use as a golf course as well as the support activities such as a pro shop, food service, group assembly (for less than 500 participants), maintenance sheds, daylight driving range, and cart storage. Any other activity shall be considered separate activity types and must meet the requirements of the appropriate category.

Group Assembly (Limited): provision of cultural, entertainment, educational, recreational, religious, and athletic services to assembled groups of spectators or participants smaller than 350 in number. This activity includes, but is not limited to, clubs, lodges,

amphitheaters, wedding venues, and meeting halls. *(Additional descriptions and definitions may be Article IV, Sec. 27.4.3.1 – Activities requiring Conditional Use Approval.)*

Group Assembly (Intermediate): provision of cultural, entertainment, educational, recreational, religious, and athletic services to assembled groups of spectators or participants numbering 350 to 1,500. This activity includes, but is not limited to, clubs, lodges, amphitheaters, wedding venues, and meeting halls. *(Additional descriptions and definitions may be Article IV, Sec. 27.4.3.1 – Activities requiring Conditional Use Approval.)*

Group Assembly (Extensive): provision of cultural, entertainment, educational, recreational, religious, and athletic services to assembled groups of spectators or participants greater than 1,500 in number. This activity includes, but is not limited to, clubs, lodges, amphitheaters, wedding venues, and meeting halls. *(Additional descriptions and definitions may be found in Article IV, Sec. 27.4.3.1 – Activities requiring Conditional Use Approval.)*

Gun or Archery Range (Indoor): an indoor building designed and used for the discharge of various types of firearms and/or archery. The indoor range shall have sound proofed exterior walls to absorb and block sound. Outdoor Gun Range is not an allowable activity.

Hazardous Materials Production/Storage, Handling and Distribution: any activity involving the storage, processing, manufacture, repackaging, or distribution of hazardous materials as defined in *(Heavy Industrial Activity - See Sec.27-8.1.4 - Special Land Use Approval)*

Hospitals: institutions providing health services and/or medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity, and/or other abnormal physical or mental conditions. Related facilities such as laboratories, outpatient facilities, or training facilities may be included as accessory activities.

Hotel and Motel: an establishment that provides lodging for a fee to transient residents, including extended stay facilities, and may include such amenities as exercise rooms, conference rooms, exhibition halls, meeting rooms, restaurants, and similar facilities as accessory uses. This shall not include, short-term rentals, small lodging, and campgrounds.

Manufacturing (Light Assembly, Limited): final assembly, packaging, incidental storage, sale and distribution of small products from a number of purchased components. Assembly is limited to manual assembly of components. All portions of the activity must be within an enclosed building no larger than 7,500 square feet. *(Light Industrial Activity)*

Manufacturing (Light Assembly, Extensive): final assembly, packaging, incidental storage, sale and distribution of small products from a number of purchased components. Assembly is limited to manual assembly of components using light tools. All portions of the activity must be within an enclosed building 7,500 square feet or larger. *(Light Industrial Activity)*

Manufacturing (Limited): manufacturing, compounding, processing, assembling, packaging, treatment, fabrication, or storage of products and services associated with the following and similar activities: apparel accessories such as hats, jewelry, umbrellas, footwear, and garments; art objects; bakery goods; beverage bottling plants; dairy products; instruments for medical, dental, engineering, scientific, or like purposes; optical instruments and lenses; major mail processing centers; motion picture production lots; printed matter; research science; signs; and activities and operations which include the following, among others: book binding; engraving; precision machining of dies, jigs, and fixtures; record pressing; and upholstering. In addition to the type of manufacturing processes and materials allowed, this activity must be contained in buildings whose total size is no more than 200,000 square feet. *(Light Industrial Activity)*

Manufacturing (Extensive): manufacturing activity not included within Limited Manufacturing which is conducted within an enclosed space except for the following or similar activities: arsenals, explosives and fireworks plants; asphalt batch plants; chemical manufacturing in excess of one ton per day; offal processing; paper mill; petroleum refining; pulp mill and manufacturing; and waste disposal by incineration or other means.

In addition to the type of manufacturing processes and materials allowed, this activity occurs in buildings whose total size is larger than 200,000 square feet but no more than 500,000 square feet. (*Heavy Industrial Activity - See Sec.27-8.1.4 - Special Land Use Approval*)

Manufactured Home Sales: the wholesale or retail sale of manufactured homes.

Medical & Related Services: include the therapeutic, preventative, or corrective personal treatment of people normally performed by physicians, dentists, chiropractors, acupuncturist, or other similar practitioners, as well as medical testing and analysis services. This activity does include a public health clinic but would exclude any facilities providing inpatient care.

Micro-Brewery/Distillery: a place where beer is made and sold on tap. Distillery is a place where distilled spirits are made and or sold as tastings. Food can also be sold at the location. Cannot exceed 8,000 sq ft. Only entertainment activities that are a minor accessory to the principal activity are allowed. (*Additional descriptions and definitions may be found in Sec. 27.4.3.1 – Activities requiring Conditional Use Approval.*)

Mini-Parks: recreational areas with no more than playground equipment and picnic facilities.

Mini-Storage Facilities: warehousing and/or storage wherein the storage capacity of individual units is less than 1,000 square feet of floor area and individual units are locked during the term of a rental agreement.

Multifamily Development: three or more dwelling units in a single structure. (Additional descriptions and requirements can be found in Chapter 26, Article XXI- Multifamily Housing)

Multifamily Single Duplex: a dwelling that has been divided into two separate units for two different families or groups of people. (Additional descriptions and requirements can be found in (*Chapter 26, Article XXI- Multifamily Housing*))

Nursing Homes (Limited): a system of housing or a residential facility that provides assistance with non-medical aspects of daily activities in an atmosphere of separate private living for seniors. Twenty-four-hour supervision is provided and is designed for seniors who need some level of support for daily living. Personal care services include, but are not limited to, meals, housekeeping, transportation, laundry, grooming, medication management and other functions of daily living.

Nursing Homes (Extensive): a public or private residential facility providing a high level of long-term personal or nursing care for persons who are unable to care for themselves properly. Services can include nursing care, twenty-four-hour supervisions, three meals a day, assistance with everyday activities, rehabilitation services (physical, occupational, and speech).

Outdoor Storage: keeping of any goods, material, supplies, merchandise, or items for repair (including vehicles) in the same outdoor location for more than 48 hours.

Personal Services (Limited): services including barbering, beauty care, massage therapy, the repair of personal apparel and similar items, and other comparable activities in a single building which does not exceed 7,500 square feet in size with no outdoor storage.

Personal Services (Extensive): including barbering, laundromats, beauty care, exercise, dry cleaning, the repair of personal apparel and similar items, and other comparable activities, in a single building exceeding 7,500 square feet or with outdoor storage or both.

Pet Breeding Services: person, establishment, partnership, corporation, or other legal entity that keeps or harbors domestic animals for stud for which a fee is charged and/or for breeding purposes for which a fee is charged for the offspring. Activities under this category shall not include livestock and other farm animals used in customary and normal agricultural husbandry practices or a veterinarian office maintained by a licensed veterinarian.

Plant Nurseries: include the cultivation, for sale, of horticultural specialties such as flowers, shrubs, trees, and bushes intended for ornamental or landscaping purposes.

Professional Services: administrative, professional, or clerical activities performed by recognized professionals, including but not limited to, lawyers, architects, engineers, CPAs, private instructors with less than 30 students at one time, and real estate brokers.

Race Track, ATVs, Motocross: courses used for racing, testing vehicles, or recreation purposes. *(Additional descriptions and definitions may be found in Article IV, Sec. 27.4.3.1 – Activities requiring Conditional Use Approval.)*

Repair and Maintenance Services (Limited): on site repair of appliances, furniture, electronics, and small engines; furniture refinishing and welding shops (excluding fabrication) with no outdoor activity or storage. Does not include automobile, vehicle, or craft repair.

Repair and Maintenance Services (Extensive): on site repair of appliances, furniture, electronics, and small engines; furniture refinishing and welding shops (excluding fabrication) where any activity and/or storage occurs outside. Does not include automobile, vehicle, or craft repair.

Residential Business: a retail operation performed wholly within the principal residence or within an accessory structure, with retail space that is open to the public.

Salvage Yard (Indoor): the dismantling or wrecking of used automobiles, vehicles, crafts and trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts which occurs within a totally enclosed structure. This activity may also include other salvage materials like major household appliances but does not include Scrap Metal Processing. – *(Additional descriptions and definitions found in Article IV, Sec. 27.4.3.1 – Activities requiring Conditional Use Approval.)*

Salvage Yard (Outdoor): the dismantling or wrecking of used automobiles, vehicles, crafts and trailers, or the storage, or sale of dismantled or wrecked vehicles or their parts which does not occur entirely within an enclosed structure. This activity may also include other salvage materials like major household appliances, but does not include Scrap Metal Processing. The presence on any parcel of land of five or more motor vehicles or bulk of five or more vehicles, which for a period exceeding 30 days have not been capable of operating under their own power and/or from which parts have been or are to be removed for reuse or sale, shall constitute prima-facie evidence of a salvage yard. This activity may also refer to as a junk yard. *(Heavy Industrial Activity - See Sec.27-8.1.4 - Special Land Use Approval)*

Sawmill (Limited): a portable sawmill that is used for cutting (milling) lumber for personal and/or commercial use.

Sawmill (Extensive): permanent machine (outside or in an enclosed structure) where timber is sawed into planks, boards, or lumber. *(Additional descriptions and definitions found in Article IV, Sec. 27.4.3.1 – Activities requiring Conditional Use Approval.)*

Scrap Metal Processing: the reclamation of scrap metal for delivery to steel mills, foundries, exporters, or other entities for re-melting, reusing, recycling, or other uses. It is operated from a fixed location utilizing heavy machinery such as cranes, balers, grinders, and shearers for processing and manufacturing iron, steel, or non-ferrous metallic scrap. *(Heavy Industrial Activity - See Sec.27-8.1.4 - Special Land Use Approval)*

Short Term Rental: dwelling or any part thereof that is offered for rent for periods of 30 days or less. *(See Lumpkin County Code of Ordinances Chapter 12, Business Regulations and Licensing)*

Single Family Residential: dwelling units regulated by the *International Residential Code for One- and Two-family Dwellings* and located in a single structure.

Small Lodging: standalone or adjoined sleeping unit(s) used to provide short-term accommodations to lodgers in 25 or fewer units in total with no full kitchens. This activity does not include campground activities.

Telecommunication Towers: a structure designed to support antennas for telecommunications and broadcasting and may include television, cellular phone, or wireless internet or radio signals. *(Additional descriptions and definitions may be found in Lumpkin County Code of Ordinance -Chapter 51, Telecommunications)*

Towing and Impoundment Lot: the temporary storage (30 days or less) of automobiles, vehicles, crafts and trailers, as part of a towing or repossession activity, including parking and dispatch of tow truck or wrecker equipment. This activity does not include the repair or sale of vehicles and/or their parts.

Trade Enterprises (Limited): services such as HVAC repair, plumbing, pest control, landscaping services, and electrical repair where the service is typically provided at a home or business. A maximum of three service vehicles are allowed and all on-site storage of items for parts or repair shall be indoors.

Trade Enterprises (Extensive): services such as HVAC repair, plumbing, pest control, landscaping services, and electrical repair where on-site storage of items for parts or repair is outdoors.

Transportation Services: parking lots and administrative offices that support taxi services, non-emergency medical transport services, charter bus services, limousine services, and similar services.

Vehicle Parking (Limited): surface and subsurface facilities which provide automotive, vehicular, and craft parking.

Vehicle Parking (Extensive): facilities that are more than one level above the ground, which provide automotive, vehicular, and craft parking.

Vehicle Repair (Limited): minor repair and maintenance of engines, transmissions, etc., and accessory installation for no more than four automobiles, vehicles, or crafts at a time. This does not include trucks over one ton or heavy equipment. Services must be performed in a fully enclosed service bay. Minor repair and maintenance can include but are not limited to brakes, oil changes, lubrication, transmission, engine, belts, hoses, inspections, and tire mounting and installation.

Vehicle Repair (Extensive): major repair and tune-up of engines, transmissions, etc., painting, body work, and major accessory installation for automobiles, vehicles, and crafts. No more than five unlicensed automobiles, vehicles, or crafts may be on the property and must be screened from all property lines. All other vehicles must have a current license plate registered to the vehicle. Major repair includes but is not limited to collision repair, other body work, painting services, tire recapping, any service that would otherwise be considered minor automobile services, but are not performed in fully enclosed service bay(s) with operable door(s).

Vehicle Sales (Limited): wholesale or retail sale or rental of automobiles, recreational vehicles, crafts, and related equipment such as trailers, with incidental maintenance and no more than six vehicles for sale or rent on-site at the same time. This does not include trucks over one ton or heavy equipment. Any vehicles not ready for sale can be kept on the property but must be totally screened from all property lines.

Vehicle Sales (Extensive): wholesale or retail sale or rental of vehicles, crafts, and related equipment with incidental maintenance. Any vehicles not ready for sale can be kept on the property but must be totally screened.

Vehicle Servicing: sale of goods and the provision of services which are generally required in the operation and maintenance of automobiles, vehicles, and crafts, including but not limited to the sale and dispensing of petroleum products; the sale of tires, batteries, and automotive accessories; the replacement of small items; and lubricating services.

Veterinarian Services: are used for the medical treatment of domestic house pets and other animals, allowing for their overnight treatment and/or observation. Outdoor kennels and cages are not permitted.

Warehousing and Distribution (Limited): operation of warehousing and storage, freight handling, shipping services and/or a building or area in which freight brought by truck or rail spur is assembled and/or stored for routing or reshipment, or in which semi-trailers, including tractor and/or trailer units and other trucks, are parked or stored, where the total storage area is 10,000 square feet or less.

Warehousing and Distribution (Extensive): operation of warehousing and storage, freight handling, shipping services and/or a building or area in which freight brought by truck or rail spur is assembled and/or stored for routing or reshipment, or in which semi-trailers, including tractor and/or trailer units and other trucks, are parked or stored, where the total storage area exceeds 10,000 square feet.

Sec. 27-2.1.3 Accessory activities.

Each principal activity as defined in Sec. 27-2.1.2 above shall be deemed to include accessory activities customarily associated with and subordinate to the principal activity when located on the same lot and when meeting the further conditions set forth in Sec. 27-2.1.4 – 27-2.1.9 below. Such accessory activities shall be controlled in the same manner as its associated principal activity except as otherwise provided in this Ordinance.

Sec. 27-2.1.4 General requirements.

1. Accessory activities shall be controlled in the same manner as its associated principal activity except listed below or as otherwise provided in this Ordinance.
2. Any other use of a parcel or a building that is not an inherent part of the primary use shall be considered an accessory use. An accessory use is incidental to the principal use and would not exist independent of the principal activity.
3. All structures associated solely with any accessory use shall not exceed 50 percent of the square footage of the principle use structures, except as specifically exempted. This limitation shall not apply to Agricultural uses in the Agricultural Preservation Character Area.
4. If no other setback is specified, all structures associated with any accessory use must be located a minimum of five feet from all property lines where no setback is specified, except as specifically exempted.
5. If size or scale of an accessory use relative to the primary use changes such that the accessory use more reasonably functions as a primary use, the Planning Department shall reclassify the accessory use as the primary use, and it shall be required to meet the appropriate restrictions and development standards for such use or request a variance from such requirements.
6. Fences and walls may be located within setback and buffer areas and along property lines.
7. All other residential accessory activities must be located at least five feet from any adjoining property lines and beyond any front setbacks.

Sec. 27-2.1.5 Home occupations.

Any non-residential activity that meets the following home occupation criteria shall be considered as only a residential activity. Any activity that cannot meet the criteria for a home occupation will be reviewed for permitting as its own activity at that location.

Sec. 27-2.1.6 Definition.

Except as otherwise provided below, a home occupation is an accessory activity of a nonresidential nature which is performed within a dwelling unit, or within an accessory structure to a residence. A home occupation shall not include the manufacture, cleaning, or repair of transportation related equipment or animal impoundment activities (kennel) and shall be subject to different performance standards contained in this chapter. Home occupations shall require an Occupational Tax Certificate (Business License).

Sec. 27-2.1.7 Home occupation requirements.

No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. There shall be no alteration of the residential character of the building and/or premises other than a sign of no more than two square feet.

Sec. 27.2.1.8 Residential business. Is an activity that must be performed wholly within the principal residence or within an accessory structure that meets the performance standards within the chapter and shall comply with the following requirements:

1. Safe ingress and egress shall be provided to the property;
2. Adequate off-street parking to the side or rear of the property outside of required setbacks, or a minimum of 25 feet from any property line if no setback is required;
3. Any accessory structure used for a residential business must be outside the minimum setbacks; or a minimum of 25 feet from any property line if no setback is required;
4. Any materials, equipment, or business vehicles to be stored or parked on the premises shall be kept in a well maintained paved or graveled area; materials and equipment storage shall be screened from the ROW and adjacent residential use protected property lines.
5. All retail uses as a residential business, shall maintain an opaque buffer and a setback of 25 feet from all property lines.
6. It shall not occupy more than 25 percent of the total floor area of such dwelling unit and in no event occupy more than 750 square feet of floor area (Except home occupancy day care).

Sec. 27.2.1.9 Cottage industry.

Is an accessory use to a residential use. All structures must comply with the setback and buffer requirements for residential use. Cottage industry activities are limited to a private office or workshop. These activities are not open to the public for retail or onsite services.

Sec. 27-2.1.10 Permitted uses by development category.

The principal activities described in *Sec. 27-2.1.2, Description of Principal Activities*, of this Ordinance are allowed to locate in the Development Categories established in *Sec. 27-1.3.4*, only if they meet all of the other provisions of this Ordinance.

They are subject to these provisions as outlined in the following:

1. The provisions of *Article II- Chapter 2, General Requirements, Sec. 27-2.2.3 Chart of Performance Standards, and Sec. 27-2.2.7, Application of Regulations*, may prohibit an activity from locating in a particular Development Category.
2. The location of an activity may be prohibited upon the application of the Gateway Corridor Overlay District regulations found in *Sec. 27-3.1.10*, any of the Conditional Use regulations found in *Article IV*, or any of the Special Land Use requirements found in *Article VI*.

CHAPTER 2. General Requirements.

Sec. 27-2.2.1 Road classifications and access.

All roads on the Character Area Maps shall be designated as one of the following classifications as shown on the Road Classification Maps. The columnar chart which follows in *Sec. 27- 2.2.3* identifies the type of road required to provide access to each activity and its associated performance standards.

Arterial Roads (A): These roads are state and certain county-maintained roads of regional importance throughout the county which are expected to carry high traffic volumes. Arterial Roads provide the main travel corridors within the county and can offer access to neighboring counties. In an effort to maintain Lumpkin County's unique character and quality of life, the main commercial development effort is supported within the designated General Development Character Areas. The Character Areas of Residential Growth, Rural Places, and Agricultural Preservation are designated as restricted development and will have limited commercial opportunities based on direct arterial road frontage and shall meet the performance standards within this chapter.

Collector Roads (C): These roads are County maintained and used for moving traffic from Local Roads to Arterial Roads. Collector Roads are primarily contained solely within the County boundaries and support residential activity that meet the performance standards within this chapter. Collector Roads shall have limited commercial opportunity within designated restricted development categories based on direct Collector Road frontage and meet the performance standards laid out in this chapter. Collector Roads can support commercial and residential activity that are located within the designated general development Character Areas and also meet the performance standards within this chapter.

Local Roads: (L) These roads are County or privately maintained and generally provide access to confined geographic areas throughout the county and generally connect to Collector and Arterial Roads. Local Roads support residential activities in both designated development categories that meet the performance standards laid out in this chapter. These roads do not support commercial activity unless the activity meets the performance standards within this chapter.

Sec. 27-2.2.2 New roads created.

Whenever new roads are added within the planning area of Lumpkin County, these roads shall be classified according to the criteria specified within this section. The Planning Director, upon the approval and confirmation of the classification by the County Engineer, shall cause the same to be placed upon the Character Area/Road Classification Map.

Sec. 27-2.2.3 Chart of performance standards.

Activities are permitted or prohibited on property, based on the residential or non-residential Character Area to which the property has been assigned and, further, based on the nature of the right of way to which the property is adjacent as shown in Table 1, below. An activity is permitted only where a diamond appears in the "Road Classification" column corresponding to the nature of the right of way adjacent to the property and the row for the relevant (Restrictive ("R") or General ("G")) Character Area. For properties with more than one adjacent right of way, the most restrictive right of way shall be applied. The road classification column designations are A=arterial, C=collector, L=local.

Similarly, minimum lot size and minimum buffers, setbacks and screening are based on the residential or non-residential Character Area to which the property has been assigned.

The minimum lot size, buffer, setback and screening required for an activity is set in the column corresponding to the relevant development standard and the row for the relevant (Restricted ("R") or (General ("G"))) Character Area for each activity.

***** All commercial activities in both developmental categories shall meet requirements in Ch. 26 Article 11 and 12.**

Table 1.

Road Classification			ACTIVITIES	ACRES	BUFFER (ft.)	SETBACKS (ft) from		SCREENING (ft)	
A	C	L				Adjoining Property	Road R. O.W.	Total	Partial
◆	◆		Addiction Treatment Facility	R					
◆	◆			G	10	100	100	100	150
◆	◆		Animal Facility (Limited)	R	3	50	100	50	100
◆	◆	◆		G	2	50	50	30	
◆	◆		Animal Facility (Extensive)	R	10	100	200/500*	50	200/500*
◆	◆			G	3	50	50	30	225/750*
			* Applies to outdoor activities.						
◆	◆	◆	Animal Operations to include chicken houses.	R	3	100*	150*	50	50*
◆	◆	◆		G	3	100*	150*	50	250*
			*Buffer, setbacks, and screening apply to buildings only.						
◆#	◆#		Asphalt Batch Plant	R					
				G	20	100	200	70	200
			# (Heavy Industrial Activity - See Sec.27-8.1.4 – Requires Special Land Use Approval)						
◆	◆	◆	Broadcast Studio or Radio*	R					
				G	2		20	30	
			*Does not include broadcast studios or radio as a residential business or cottage industry.						
◆	◆		Business Services	R	5	50	100	50	100
◆	◆	◆		G	2		20	30	75
◆#	◆#		Bulk Storage of Fuel or Liquid Asphalt and Distribution (Limited)	R					
				G	3	175	300	50	300
			# (Additional descriptions and definitions may be found in Article IV, Sec. 27.4.3.1 – Activities requiring Conditional Use Approval.)						
◆#	◆#		Bulk Storage of Fuel or Liquid Asphalt and Distribution (Extensive)	R					
				G	10	100	500	100	100
			# (Heavy Industrial Activity - See Sec.27-8.1.4 – Requires Special Land Use Approval)						

Road Classification			ACTIVITIES		ACRES	BUFFER (ft)	SETBACKS (ft) from		SCREENING (ft)	
							Adjoining Property	Road R.O.W.	Total	Partial
A	C	L								
◆	◆		Call Center	R	2	50	50	30	50	100
◆	◆	◆		G	1			30		
◆#	◆#	◆#	Campgrounds (Limited)	R	10	100	200	100	200	250
◆#	◆#	◆#		G	5	50	100	50	100	150
			# (Further definitions or description will be found in Article IV, Sec. 27.4.3.1 -Conditional Uses)							
◆#	◆#	◆#	Campgrounds (Extensive)	R	30	500	500	300	500	600
◆#	◆#	◆#		G	20	300	300	100	300	400
			# (Further definitions or description will be found in Article IV, Sec. 27.4.3.1 -Conditional Uses)							
			Car Wash	R						
◆	◆			G	1	20	30	30		
◆	◆	◆	Cemeteries	R	2	10	10	50	10	40
◆	◆	◆		G	2			50		
◆	◆		Community Education	R	10	75	100	50	100	200
◆	◆	◆		G	2		50	30		
◆	◆	◆	Construction Services (Limited)	R	1	50	100	50	100	150
◆	◆	◆		G	1		50	30		
◆	◆		Construction Services (Extensive)	R	4	75	100	40	100	200
◆	◆	◆		G	2		50	30		
◆	◆	◆	Cottage Industry	R	1		20	30		
◆	◆	◆		G	1		20	30		
◆	◆	◆	Crops	R	1		50*	30*		
◆	◆	◆		G	1			30*		
			*Setbacks apply to buildings only.							
◆	◆	◆	Day Care	R	5	75	100	40	100	200
◆	◆	◆		G	2		50	30		
◆	◆	◆	Essential Infrastructure Services	R	3	50	75	30	100*	150*
◆	◆	◆		G	1			30		
			*Total road frontage screening is required for a utility substation in any Restrictive Development District.							
◆	◆		Essential Public Health and Safety Services	R	2	75	100	40	100	200
◆	◆	◆		G	2		50	30		
◆#	◆#		Flea Market	R	3	100	150	50	150	250
◆#	◆#			G	1		30	30	30	50
			# (Additional descriptions and definitions may be found in Article IV, Sec. 27.4.3.1 – Activities requiring Conditional Use Approval.)							

Road Classification			ACTIVITIES		ACRES	BUFFER (ft)	SETBACKS (ft) from		SCREENING (ft)	
A	C	L					Adjoining Property	Road R. O. W.	Total	Partial
◆	◆		Food Services (Limited)	R	3	50	50	50	50	100
◆	◆			G	1	2	30	30		
◆	◆		Food Services (Extensive)	R	5	125	175	60	175	250
◆	◆			G	1			30		
◆	◆		Funeral Services*	R	3	50	75	30	75	150
◆	◆			G	1		50	30		
			*Crematories not allowed next to residential uses.							
◆	◆		General Retail (Limited)	R	3	50	50	50		
◆	◆			G	1		50	30		
◆	◆		General Retail (Intermediate)	R						
◆	◆			G	3	50	75	30		
◆	◆		General Retail (Extensive)	R						
◆	◆			G	5	50	100	30		
◆	◆	◆*	Golf Courses	R	100	200	300*	50*		
◆	◆	◆		G	50	100	150	30		
			* Setback applies to buildings only. *Only in residential subdivisions.							
◆#	◆#	◆#	Group Assembly (Limited)	R	5	200	300	100	300	350
◆#	◆#	◆#		G	5	100	150	50	150	200
			# (Additional descriptions and definitions may be Article IV, Sec. 27.4.3.1 – Activities requiring Conditional Use Approval.)							
◆#	◆#		Group Assembly (Intermediate)	R	10	400	400	150	400	500
◆#	◆#			G	5	300	300	50	300	250
			# (Additional descriptions and definitions may be Article IV, Sec. 27.4.3.1 – Activities requiring Conditional Use Approval.)							
◆#	◆#		Group Assembly (Extensive)	R	20	600	600	200	600	700
◆#	◆#			G	10	500	500	50	500	600
			# (Additional descriptions and definitions may be Article IV, Sec. 27.4.3.1 – Activities requiring Conditional Use Approval.)							
◆	◆	◆	Gun/Archery Range Indoor	R	3	50	75	30	75	150
◆	◆	◆		G	1	50	30	50		

Road Classification			ACTIVITIES		ACRES	BUFFER (ft)	SETBACKS (ft) from		SCREENING (ft)	
A	C	L					Adjoining Property	Road R. O. W.	Total	Partial
◆#	◆#		Hazardous Materials Production/Storage Handling and Distribution	R						
				G	50	100	100	100	100	
			# (Heavy Industrial Activity - See Sec.27-8.1.4 – Requires Special Land Use Approval)							
◆			Hospitals	R						
				G	1	100		50		
◆	◆		Hotel & Motel	R						
◆				G	3	100	75	50	75	100
◆			Manufacturing (Light Assembly Limited)	R	5	50	50	50	50	100
◆	◆			G	5	50	50	50		
◆	◆	◆	Manufacturing (Light Assembly Extensive)	R						
				G	5		50	50		
◆#	◆#		Manufacturing (Limited)	R						
				G	10		100	100		
◆#	◆#		Manufacturing (Extensive)	R						
				G	100	2000	2500	2000	2500	3000
			# (Heavy Industrial Activity - See Sec.27-8.1.4 - Requires Special Land Use Approval)							
◆	◆		Manufactured Home Sales	R						
				G	30	100	100	50	100	50
◆	◆		Medical & Related Services	R						
◆				G	1		20	100		
◆	◆		Micro-Brewery/Distillery	R	5	100	150	50	150	250
◆	◆	◆		G	1		20	30		
◆	◆	◆	Mini Parks	R*	3	75	100	50	100	150
◆	◆	◆		G	1		20	100		
			*Unless it is in a planned subdivision.							
◆	◆		Mini-Storage Facilities	R	10	100	200	100	200	300
◆	◆	◆		G	5	50	50	50	100	200

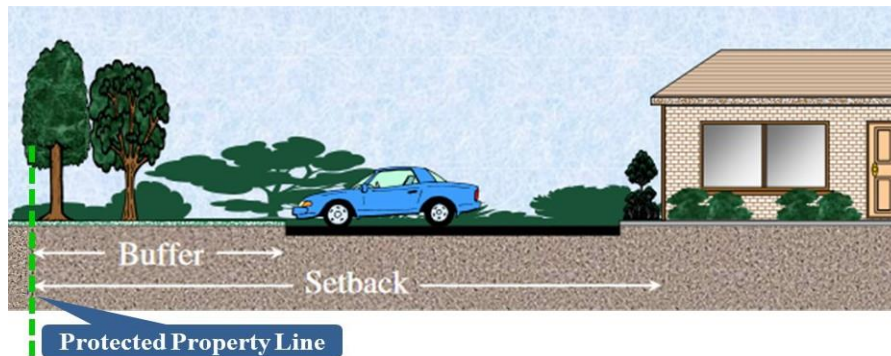
Road Classification			ACTIVITIES		ACRES	BUFFER (ft)	SETBACKS (ft) from		SCREENING (ft)	
							Adjoining Property	Road R. O. W.	Total	Partial
A	C	L								
◆	◆	◆	Multi-Family Development*	R	15	200	250	250	250	300
◆	◆	◆		G	4	25	50	50	50	75
			*See Ch. 26 Sec. 604 for further requirements.							
◆	◆	◆	Multi-Family Single Duplex*	R	1.5	75	100	100	100	150
◆	◆	◆		G	1.5	50	50	50	50	75
			* See Ch. 26 Sec. 604 for further requirements.							
◆	◆		Nursing Home (Limited)	R	10	100	150	50	150	200
◆	◆			G	3	50	50	50	50	100
◆	◆		Nursing Home (Extensive)	R	15	100	100	50	100	200
◆	◆			G	5	50	50	50		50
◆	◆		Outdoor Storage	R	20	1000	1000	500	1000	1500
◆	◆			◆	G	5	100	100	50	100
◆	◆	◆	Personal Services (Limited)	R	1	20	20	30		
◆	◆	◆		G	1	30	30	30		
◆	◆		Personal Services (Extensive)	R	2	50	75	40	75	150
◆	◆			G	1			30		
◆	◆	◆	Pet Breeding Services	R	1	20*	20	30	20	30
◆	◆	◆		G	1	20*	20	50	20	30
			* Buffers apply to any outdoor activities							
◆	◆	◆	Plant Nurseries	R	5	75	100	50	100	150
◆	◆	◆		G	1	50	50	50		
◆	◆		Professional Services	R	2	25	50	50	50	100
◆	◆			◆	G	1		20	30	
◆ #	◆#		Race Track, ATVs, Motocross	R	1000	2000	2000	1000	200	2500
◆ #	◆#			G	1000	2000	2000	1000	200 0	2500
			# (Additional descriptions and definitions may be found in Article IV, Sec. 27.4.3.1 – Activities requiring Conditional Use Approval.)							
◆	◆	◆	Repair and Maintenance Services (Limited)	R	1	50	50	50	50	100
◆	◆	◆		G	1	50	50	30		
			Repair and Maintenance Services (Extensive)	R						
				G	2	50	100	50	50	100
◆	◆	◆	Residential Business	R	1		20	30/50**		
◆	◆	◆		G	1		20	30/50**		
			**30 ft in platted subdivisions and 50 ft for all other lots.							

Road Classification			ACTIVITIES		ACRES	BUFFER (ft)	SETBACKS (ft) from		SCREENING (ft)	
A	C	L					Adjoining Property	Road R. O. W.	Total	Partial
◆#	◆#		Salvage Yard (Indoor)	R	3	50	100	50	100	125
◆#	◆#			G	1		30	30		
			(Heavy Industrial Activity - Additional descriptions and definitions found in Article IV, Sec. 27.4.3.1 – Activities requiring Conditional Use Approval.)							
◆#	◆#		Salvage Yard (Outdoor)	R						
				G	10	100	150	50	100	200
			(Heavy Industrial Activity - See Sec.27-8.1.4 – Requires Special Land Use Approval)							
◆	◆	◆	Sawmill (Limited)	R	1	50	50	50	50	75
◆	◆	◆		G	1	50	50	50	50	75
◆#	◆#		Sawmill (Extensive)	R						
				G	10	300	300	100	300	400
			(Additional descriptions and definitions found in Article IV, Sec. 27.4.3.1 – Activities requiring Conditional Use Approval.)							
◆#	◆#		Scrap Metal Processing*	R						
				G	5	100	150	50	100	200
			(Heavy Industrial Activity - See Sec.27-8.1.4 – Requires Special Land Use Approval)							
◆	◆	◆	Short Term Rental*	R	1		20	50		
◆	◆	◆		G	1		20	50		
			* Additional standards are found in chapter 12-Art. IV. This activity is not allowed in Platted Subdivisions.							
◆	◆	◆	Single Family Residential* (mobile homes and industrialized buildings included)	R	1		20	30/50**		
◆	◆	◆		G	1		20	30/50**		
			*Agricultural Preservation only- If the development is greater than three lots, must be three acres or more. *Greenspace and mixed-use subdivisions shall require a minimum overall residential density of one acre per residential unit. ** 30 ft in platted subdivisions and 50 ft for all other lots.							
◆	◆	◆	Small Lodging*	R	10	100	150	100	150	200
◆	◆	◆		G	2	50	50	30		
			*This activity is not allowed in Platted Subdivisions.							
◆	◆	◆	Telecommunication Towers*	R	1	200	200	100		
◆	◆	◆		G	1	200	200	100		
			*Additional standards found in Ch. 51- Telecommunications.							
◆	◆		Towing & Impoundment Lot	R						
				G	5	100	150	100	100	150

Road Classification			ACTIVITIES		ACRES	BUFFER (ft)	SETBACKS (ft) from		SCREENING (ft)	
A	C	L					Adjoining Property	Road R. O. W.	Total	Partial
◆	◆		Trade Enterprises (Limited)	R	3	50	100	50	50	100
◆	◆	◆		G	1		50	50		
◆	◆	◆	Trade Enterprises (Extensive)	R						
				G	3	50	50	50	50	100
◆	◆		Transportation Services	R						
				G	5	100	150	100	150	200
◆	◆		Vehicle Parking (Limited)	R						
				G	1			50		
◆	◆		Vehicle Parking (Extensive)	R						
				G	1		100	50		
◆	◆	◆	Vehicle Repair (Limited)	R	3	50	100	50	50	100
◆	◆	◆		G	1	25	50	50	25	50
◆	◆		Vehicle Repair (Extensive)	R						
				G	3	50	100	30	50	100
◆	◆		Vehicle Sales (Limited)	R						
				G	3	50	50	50	50	100
◆	◆		Vehicle Sales (Extensive)	R						
				G	5	50	100	50	100	150
◆	◆		Vehicle Servicing	R						
				G	1		50	30		
◆	◆		Veterinarian Services	R	2	50	75	50	75	100
◆	◆	◆		G	1		50	30		
◆	◆		Warehousing & Distribution (Limited)	R						
				G	3	50	50	50		
◆	◆		Warehousing & Distribution (Extensive)	R						
				G	5	100	100	50		

Sec. 27-2.2.4 Buffers.

A buffer is an area in which no activity is permitted other than necessary utility functions such as transmission lines, underground conduits, underground stormwater management devices, unfenced dry detention ponds that have designed as part of the landscaping of the buffer area, etc. A single driveway access may encroach upon this buffer when that driveway location is the only possible point of access for the parcel. This area is described by a linear measurement from the property line inward and will vary depending on the nature of an activity and its location. The Chart of Performance Standards in Sec. 27-2.2.3, Table 1., lists the required buffers.



Sec. 27-2.2.5 Setbacks.

Setbacks delineate certain open spaces on lots. These spaces are linear distances measured from property lines inward. Buildings, other principal structures, or areas comprising the principal activity of the lot may not encroach this space. A setback may accept an accessory activity such as parking, unless superseded by a buffer. Accessory buildings to residential activities must maintain a minimum 5-foot setback from adjoining property lines. Mechanical equipment, or other necessary utilities attached to a principal structure, shall not be allowed in the setback area. The Chart of Performance Standards in Sec. 27-2.2.3, lists two types of setbacks based on the type of activity and location. They are measured either from a road right-of-way or an adjoining property line.

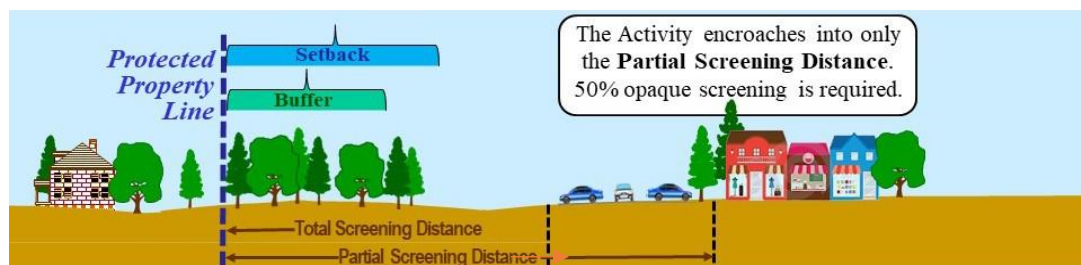
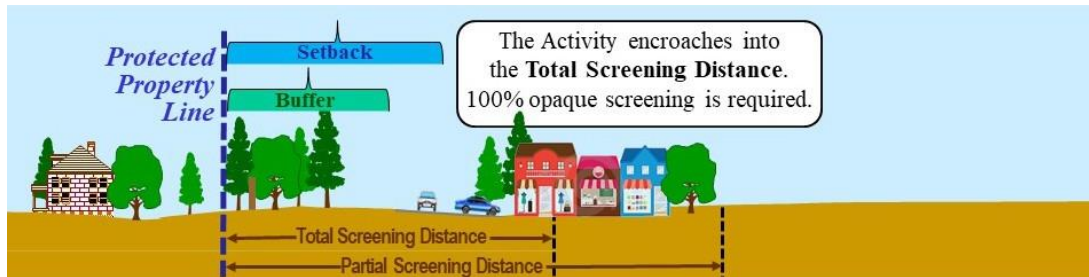
Sec. 27-2.2.6 Screening.

Screening consists of natural vegetation, landscaped vegetation (including planted berms), walls, or fences designed to lessen the visual interaction between adjacent activities or accessories thereto. Vegetation used for screening must be evergreen, drought-tolerant, insect and disease resistant, and appropriate for the area. Screening may be required with no buffer involved, or in combination with a buffer. The height of the screening shall be sufficient to block the view of the activity for which the screening is required from the protected property. The two types of screening listed in the Chart of Performance Standards in Sec. 27-2.2.3, are total and partial, and are measured in linear feet. If the activity occurs within the designated distance of the protected property line, then that type screening is required. Total screening is defined as being visually opaque. Partial screening is defined as being approximately 50 percent visually opaque, and should include the protection of naturally vegetated areas.

All partial screening requirements should be met using vegetation unless there is a geographic reason that such screening is impossible to achieve. The use of fencing, walls, or berms may be considered for larger areas that require total screening, however, in those situations, vegetation must be used for at least 50% of the screening requirement and placed on the side of the fence, wall, or berm that faces the protected property. In all cases, the materials, type, and plant materials used for screening must be approved by the Planning Director. When fences and walls are utilized, the finished

side must face the protected property and any vegetation used must be placed on the outside of the fence or wall.

Required plantings for total screening must be a minimum of 6-feet in height at planting and installed in at least two staggered rows. Required plantings to supplement natural vegetation for partial screening must be a minimum of four to five feet in height at planting and may be installed in a single row. The spacing of the plantings will vary depending on the plant species/variety, planting conditions, required opacity, and size of plants at installation. All vegetation installed to meet applicable screening requirements should supply the necessary screening within three growing seasons following installation.



Sec. 27-2.2.7 Application of performance standards.

The columnar chart below lists the performance standards defined in this chapter as they apply to the list of Principal Activities. The procedure for determining the performance standards that will apply to a particular project or site shall be as outlined in the following sections.

Sec. 27-2.2.8 Definitions.

1. **Protected Property:** This is property which is protected from the impacts of land uses on surrounding properties by means of specified performance standards contained in this Ordinance.
2. **Protected Property Line:** This is a character area boundary line or a property line or a portion thereof from which, across which, or at which performance standards contained in this Ordinance are measured. Some of the protected property lines for a particular project, especially if it is an intense activity, may include more than just those adjacent property lines. They could be located across adjacent property or road rights-of-way but close enough to be included in the distance and screening standards as well as those for sound, light, and glare.

3. Protected Residential Use: residential lots approved for development or a residential use in existence or permitted for construction before the adoption of this ordinance.
4. An abandoned residential structure which is derelict or uninhabitable for a continuous period of 12 months or greater shall not be considered a protected use. An uninhabited residence shall not in and of itself constitute abandonment.

Sec. 27-2.2.9 Options for determining performance standards.

A request for a land use permit which utilizes the performance standards as published shall be approved with respect to the requirements of this Chapter. A request for a land use permit which proposes to utilize performance standards less than the numbers listed must employ one of the following two procedures. More than one option may be used on a project site, but options shall not overlap the same Protected Property Line.

1. **Property Owner Consent Agreement:** If the owner of any protected property wishes to sanction the selection of a lesser specific restriction, such consent shall be noted on a form provided by Lumpkin County. This consent shall become valid only upon verification by the Planning Director and attachment to the applicable land use permit. Such a consent agreement shall not be allowed to apply to any Conditional Use activity in *Article IV*, any Special Land Use Approvals in *Article VI*, Sound Amplifying Equipment or Dark Sky Friendly Lighting standards. A consent agreement shall be allowed to remove a restriction that makes an activity a legal nonconformity as described in *Article IX* if it is not a Conditional Use or Special Land Use Approval.
2. **Planning Commission Variance Request:** If the process outlined above does not produce the performance restrictions desired by the applicant requesting a land use permit, the applicant may apply to the Planning Commission for a decision following the variance procedures outlined in *Chapter 2 of Article VIII*, Procedures and Permits. Once the Board renders a decision, the applicant may not utilize the process outlined in the previous paragraph unless significant aspects of the permit request have been modified or the ownership of the protected property has changed.

Sec. 27-2.2.10 General rules.

1. The restrictive (R) requirements in the Chart apply to Protected Property Lines within a Restrictive Development Category or those which serve as the boundary between a Restrictive Development General Development Category, City of Dahlonega within Lumpkin County, or an adjacent county.
2. The general (G) requirements in the chart apply to Protected Property Lines within a General Development Category or those which serve as a boundary between the city of Dahlonega, or an adjacent county.
3. For property lines which serve as the boundary between a Restrictive Development Category and a General Development Category, the restrictive (R) requirements shall apply for the protection of property on the Restrictive Development Category side of the boundary relative to land uses on the General Development Category side of the boundary. Similarly, the general (G) requirements shall apply for the protection of property on the General Development Category side of the boundary relative to land uses on the Restrictive Development Category side of the boundary.
4. When an activity is located on a parcel which is separated from surrounding Protected Property by existing road rights-of-way, by utility rights-of-way, by water bodies, or by other parcels, then the performance standards applicable to that activity shall be measured across such separation from the Protected Property Lines.

Sec. 27-2.2.11 Chart of performance standards.

In all Character Areas, all permitted activities shall comply with the additional Performance Standards contained in *Sections 27-2.2.12 -14* in this Article. For activities particularly associated with anticipated higher degrees of sound and light, the land use application and site plan submittal shall address the proposed method(s) of compliance with the standards for sound amplification and light.

Sec. 27-2.2.12 Sound amplifying equipment and light.

In case of conflict between the performance standards set forth herein and regulations adopted by any other governmental agencies, the more restrictive shall apply. The same shall apply to a conflict with other requirements of this Ordinance.

For the purpose of determining the applicability of the provisions of *Chap. 34, Use of Sound Amplification*, and *27-2.2.13, Light and Glare*, only, an adjacent residential use is a protected use within 250 feet of the property line.

Sec. 27-2.2.13 Light and glare.

1. Definitions.

Foot Candle: a unit of illumination. Technically, the illumination at all points one foot distant from a uniform point source of one candlepower.

Glare: the disturbing quality of direct illumination which, although not necessarily providing a measurable amount of light from a given vantage point, causes intense and blinding light that reduces visibility and causes discomfort when viewed.

2. Limitation of Illumination.

In all Character Areas, any operation or activity producing light from a non-mobile source shall not cause illumination in excess of ½-foot candle when measured in a Restrictive Development Category or across the protected property line of a protected residential use. Cars, trucks, and other vehicles traveling on highways, etc., are exempt.

3. Limitation of Glare.

- a. In all Character Areas, any activity producing glare from a non-mobile source shall be constructed so that glare is not directed into a Restrictive Development character area, across the protected property line of an adjacent protected residential use, or into travel lanes of public roads. Pole mounted lighting fixtures must be located such that the direction of the light is inward away from the property lines and away from the travel lanes of adjacent roads. When needed, fixtures must be shielded to mitigate the effects of glare.
- b. Lights underneath vehicle canopies shall also be installed in flush-mounted recessed fixtures so that glare is not directed into a Restrictive Development Category, across the protected property line of an adjacent protected residential use, or into travel lanes of public roads.

Sec. 27-2.2.14 Dark sky friendly lighting.

1. Purpose and Intent. The purpose of the regulation is to regulate outdoor night-time lighting fixtures to Dark Sky Friendly Compliance in order to preserve, protect and enhance Lumpkin County's dark sky while conserving energy, permitting reasonable and safe use of outdoor night-time lighting, minimizing glare and obtrusive light, and helping to protect the natural environment from the damaging effects of night lighting.

Dark Sky Friendly Lighting required standards seeks to eliminate lighting that shines upwards rather than in the direction needed. The benefits of such lighting are an increased number of stars visible at night, reduced effects of electric lighting on the natural environment, and a reduction in energy usage. To maximize these benefits lighting should:

- a. Only be on when needed
 - b. Only light the area that needs it
 - c. Be no brighter than necessary
 - d. Minimize blue light emissions
 - e. Be fully shielded (pointing downward)
2. Applicability. All outdoor lighting fixtures (luminaries) shall be installed in conformance with this section.
- a. Maximum Wattage and Shielding. All lighting installations shall be designed and installed to be fully shielded (full cutoff), except as in exceptions below, and shall have:
 - I. a maximum lamp wattage of 250 watts for commercial lighting
 - II. 100 watts incandescent
 - III. 26 watts compact fluorescent for residential lighting. In residential areas, light should be shielded such that the lamp itself or the lamp image is not directly visible outside the property perimeter.
3. Exempt Lighting. The following are exempt from the requirements of this section:
- A. Outdoor lighting fixtures existing or legally installed prior May 1, 2022. However, when existing lighting fixtures become unrepairable or are replaced, their replacements are subject to all the provisions of this section.
 - B. Lighting for stairs, ramps, exit signs and other illumination required by building code.
 - C. Holiday and temporary lighting.
 - D. Emergency lighting used by law enforcement, firefighters or medical personnel.

Sec. 27-2.2.15 – 2.2.25 Reserved.

ARTICLE III - General Development Categories (GD)

NOTE: The development standards associated with the General Development category shall be in addition to the underlying performance standards and their requirements which have been established under other Articles of this Ordinance. Where the performance standards conflict with those of the underlying character areas, the more restrictive controls shall apply.

Chapter 1. General Development Categories. (GD)

Sec. 27-3.1.1 Industrial.

Industrial land uses are important to the community, but they often have potential significant negative impacts neighboring properties and could be potentially dangerous to health, safety or general welfare located near residential development. The industrial character area is intended to address these negative impacts and land use conflicts. All industrial character areas are located within designated

industrial development parks. All development within Industrial Parks shall also comply with the development standards of the industrial development park in which they are located.

1. In addition to the land development requirements of the relevant industrial park, all development in the industrial character area shall comply with the following requirements:
 - A. All uses must be setback at least 50 feet from the right-of-way, and at least 20 feet from all other property lines;
 - B. All uses shall maintain at least a 6-foot-tall visual buffer between the use and all other adjacent developments.
 - C. Special land use approval. Due to the likelihood of potential conflicts of land uses in this character area, the Planning Department will determine if a special land use approval (SLUA) is required for light industrial uses. Any heavy industrial use, shall receive a special land use approval (SLUA). Upon reviewing a proposed industrial use, the Planning Department shall make a determination if a use fits within the heavy industrial use category.

Sec. 27-3.1.2 Neighborhood Village Center.

1. Village and corridor character areas are intended to be areas of focused development of varying commercial intensity. No setbacks or buffers shall be required between adjacent commercial activities, though other performance standards for specific activities shall still apply.
2. All development in this character area shall meet the following requirements, unless a stricter standard is required elsewhere.
 - A. Except between adjacent commercial activities, if specific setbacks or buffers are not listed for a use, the minimum buffer requirement shall be 50 feet.
 - B. All lighting shall meet the following requirements:
 - I. Dark Sky compliant lighting shall be established so that adjacent properties and roads are not adversely affected and no direct light is cast upon them.
 - II. Lighting shall be provided in all parking areas utilizing decorative light poles and fixtures.
 - III. Lighting shall be not be more than 35 feet in height.
 - IV. Light fixtures shall be hooded, except for pedestrian light fixtures less than 14 feet in height.
 - V. The following lighting is prohibited:
 - a. Permanent mounted exterior neon lights.
 - b. Laser sourced lights for outdoor advertising or entertainment.
6. A five-foot front landscape strip is required.
7. Parking lot and loading area landscaping is required for any parking lot accommodating more than 20 vehicles.
8. Adequate circulation and parking shall be provided, and all parking shall be located to the side or rear of the building when possible.

9. Sidewalks or pedestrian walkways and linkages shall be provided from the parking areas to building entrances or public pedestrian areas and between buildings.
10. Inter-parcel access and shared parking facilities shall be considered whenever possible.
11. Alternative paving surfaces may be considered to reflect the rural character of these areas.
12. General architectural requirements. Groups of buildings on the same parcel (or neighboring adjacent parcels) may be reviewed and permitted as a single project rather than individual buildings. Grouping of similar buildings is encouraged to minimize the number of reviews required and to allow for originality, coordination and design flexibility.
13. Historic elements or natural features on the property should be maintained and continued as much as possible.
14. A building entrance must be oriented towards the public right-of-way or an interior courtyard.

Sec. 27-3.1.3 Community Village Center.

1. Village and corridor character areas are intended to be areas of focused development of varying intensity.
2. All development in this character area shall meet the following requirements, unless a stricter standard is required elsewhere.
 - A. All lighting shall meet the following requirements:
 - I. All lighting shall be Dark Sky Compliant.
 - II. Lighting shall be established so that adjacent properties and roads are not adversely affected and no direct light is cast upon them.
 - III. Lighting shall be provided in all parking areas utilizing decorative light poles and fixtures.
 - IV. Lighting shall be not be more than 50 feet in height.
 - V. The following lighting is prohibited:
 - a. Permanent mounted exterior neon lights.
 - b. Laser sourced lights for outdoor advertising or entertainment.
3. Community village centers are intended to be developed as planned commercial centers or other coordinated development that incorporate a higher level of design and land use integration. Strip commercial patterns are not allowed. When designed as a master planned development, the integration of residential and commercial uses within the same structure or site is allowed.
4. A 15-foot landscape strip shall be required along the front of the development.
5. Parking lot and loading area landscaping is required for any parking lot accommodating more than ten vehicles.
9. No long-term outside storage of any vehicles or automobile is allowed. Only vehicles awaiting repairs or other services may be parked on the property longer than 48 hours.
7. Outdoor storage shall be fully shielded from public view by a fully opaque fence at least six feet high and located in the rear and side yard.

8. Process or equipment employed by any use shall not interfere with adjacent uses through the creation or dispersal of objectionable odor, dust, glare, smoke, vapors, light, noise, vibration, or any other emanation for the property.
9. Outdoor dining is permitted as long as it does not inhibit pedestrian circulation. A minimum of five feet of sidewalk or pedestrian path width must be retained. Other dining areas may be provided as long as they do not inhibit pedestrian circulation
10. Roof mounted mechanical, HVAC, solar panels, and like systems shall be screened from public street view (within 100 feet).
11. All one-story buildings less than 10,000 square feet must have a pitched roof (between 3:12 and 12:12) as much as possible. If a pitched roof is not possible, a combination of a flat roof and pitched roof is required.
12. All principal buildings shall present a front facade and entranceway to the public right-of-way.
13. All garage bay doors shall be oriented away from the public right-of-way to either the side or rear of the building, or landscaped buffer to screen the view from other properties or the public right-of-way shall be provided.
14. Adequate circulation and parking shall be provided on site as specified in the parking and loading provisions of this chapter. Parking shall be located to the side or rear of the building when possible.
15. Clear and direct pedestrian linkages shall be provided from the parking area to building entrances or public pedestrian plazas and areas.
16. Internal linkages and inter-parcel vehicular access between properties shall be provided.
17. Shared parking facilities as outlined in the parking and loading provisions of this chapter are encouraged.

Sec. 27-3.1.4 Commerce Corridor.

1. Corridor character areas are intended to be areas of focused development of varying intensity.
2. All development in this character area shall meet the following requirements, unless a stricter standard is required elsewhere.
 - A. All lighting shall meet the following requirements:
 - I. All lighting shall be Dark Sky Compliant.
 - II. Lighting shall be established so that adjacent properties and roads are not adversely affected and no direct light is cast upon them.
 - III. Lighting shall be provided in all parking areas utilizing decorative light poles and fixtures.
 - IV. Lighting shall be not be more than 50 feet in height.
 - V. Light fixtures shall be hooded, except for pedestrian light fixtures less than 14 feet in height.
 - VI. The following lighting is prohibited:
 - a. Permanent mounted exterior neon lights.

- b. Laser sourced lights for outdoor advertising or entertainment.
- 3. Whenever possible, uses within this corridor be developed as master planned developments such as business and industrial parks that coordinate overall site design and planning to minimize negative impacts and promote efficiencies of adjacent uses. Such master planned development shall meet the following minimum development standards:
 - A. Building materials and colors shall be harmonious and compatible with colors of other buildings within the development.
 - B. Buildings located on out-parcels shall be constructed of the same primary building materials as the principal building with which they are associated.
- 4. Service functions (e.g., deliveries, maintenance activities, etc.) shall be integrated into the circulation patterns in a manner that minimizes conflicts with vehicles and pedestrians.
- 5. Access for service vehicles, trash collection and storage areas shall be located away from pedestrian areas on a portion of the site not readily visible from the traveled way, and located at least 100 feet from any property line adjacent to a residential use.
- 6. A 15-foot front landscape strip is required along the right-of-way.
- 7. Parking lot and loading area landscaping is required for any parking lot accommodating more than ten vehicles.

Sec. 27-3.1.5 Gateway Corridor.

- 1. Corridor character areas are intended to be areas of focused development of varying intensity. Within the gateway corridor character area, no buffers shall be required between adjacent commercial activities, though other performance standards for specific activities shall still apply.
- 2. All development in this character area shall meet the following requirements, unless a stricter standard is required elsewhere.
 - A. All lighting shall meet the following requirements:
 - I. All lighting shall be Dark Sky Compliant.
 - II. Lighting shall be established so that adjacent properties and roads are not adversely affected and no direct light is cast upon them.
 - III. Lighting shall be provided in all parking areas utilizing decorative light poles and fixtures.
 - IV. Lighting shall be not be more than 50 feet in height.
 - V. Light fixtures shall be hooded, except for pedestrian light fixtures less than 14 feet in height.
 - VI. The following lighting is prohibited:
 - a. Permanent mounted exterior neon lights.
 - b. Laser sourced lights for outdoor advertising or entertainment.
- 3. Whenever possible, uses within this corridor be developed as master planned developments such as business and industrial parks that coordinate overall site design and planning to minimize negative impacts and promote efficiencies of adjacent uses. Such master planned development shall meet the following minimum development standards:

- A. The building design and landscaping of any new development shall be of a high quality and of an appearance that will enhance and be compatible with the intent of this character area.
- B. Site design shall incorporate existing topography and natural character into the overall design of the project, minimizing cut and fill opportunities.
- C. The creation of public plazas, courtyards, and public assembly areas scaled appropriately to the size and location of the project are encouraged.
- D. The height and length of retaining wall shall be minimized and screened with appropriate landscaping.
- E. Smooth faced concrete retaining walls are prohibited—walls visible from the roadway shall be faced with brick, stone, modular block, or other architectural treatment.
- F. Terracing and multi-tiered walls should be considered as an alternative to the use of tall or prominent retaining walls, particularly in highly visible areas on hillsides.
- G. Roof mounted or ground mounted mechanical, HVAC, solar panels, and like systems shall be screened from public street view (within 100 feet).
- H. Building colors and materials shall be harmonious and compatible with colors of other buildings within the corridor.
- I. Accessory structures, buildings located on out-parcels, and other structures located on the property shall be constructed of the same primary building materials as allowed for principal buildings with which they are associated.
- J. All sides of a building that are visible from a road shall be finished with a primary building material (i.e., brick, stone, textured block, natural wood, wood shakes and/or cement based artificial wood siding, split-face aggregate block or cut aggregate block, high grade stucco and exterior finished insulated system (ERIS siding). Metal siding is prohibited.
- K. All one-story buildings less than 10,000 square feet must have a pitched roof (between 3:12 and 12:12) as much as possible. If a pitched roof is not possible, a combination of a flat roof and pitched roof is required.
- L. All principal building must present a front facade and building entrance to the public right-of-way.
- M. All garage bay doors shall be oriented away from the public right-of-way to either the side or rear of the building, or landscaped to screen the view from other properties or the public right-of-way.
- N. Outside storage areas shall be subject to the following requirements:
 - I. All outside storage and the parking of vehicles waiting to be serviced or repaired shall be located to the rear or side of the building, kept inside an enclosed building or otherwise fully shielded from public view by a fully opaque fence at least six feet high or landscaping.
 - II. All vehicles awaiting repairs must be currently licensed by individuals other than the owner of the property of the business.
- O. Land uses, process, or equipment employed shall not interfere with neighboring land uses by producing objectionable odor, dust, glare, smoke, noise, vibration, or other impacts.
- P. Outdoor dining is permitted as long as it does not inhibit pedestrian circulation. A minimum of five feet of sidewalk or pedestrian path width must be retained. Other dining areas may be provided as long as they do not inhibit pedestrian circulation.
- Q. New development and the expansion or redevelopment of any existing use will require the provision of inter-parcel access as described in described in the parking and loading requirements of chapter 26 of this Code.
- R. For any office or retail sales or service use, the property owner shall grant an access easement to each adjoining property that is located within the corridor.

- S. Parking shall be located to the side or rear of buildings whenever possible.
- T. Sidewalks or pedestrian pathways are required to provide linkages to individual buildings, neighboring properties and parking. Where pedestrian circulation crosses vehicular routes, a change in grade, materials textures or color shall be provided to emphasize the conflict point and improve its visibility and safety. Brick pavers and other special paving materials and overhead features are encouraged to distinguish pedestrian walkway surface and areas.
- U. Internal linkages and access shall be integrated into the total project design, including the development of public plazas, courtyards and public assembly areas scaled appropriately to the size and location of the project.
- V. A 30-foot landscape strip shall be required along the right-of-way.

Secs. 27-3.1.6—3.1.9 Reserved.

Sec. 27-3.1.10 Gateway Corridor Overlay District.

- (1) There is hereby established a Gateway Corridor Overlay District within the Gateway Corridor Character Area. This area is depicted as the Gateway Corridor Overlay District on the Character Area Map.
- (2) The Gateway Corridor Overlay District is intended to be areas of focused development that promote the community vision and aesthetics described in the Lumpkin County Comprehensive Plan. These areas are the primary thoroughfare through the county and the entryway into its urban core. As such, the natural views and aesthetic character of the area must be protected from encroachment and degradation by unplanned and incompatible development. In addition, development along these areas cannot be allowed to negatively impact the free and safe flow of traffic through this area. Therefore, all new building, development, or any land disturbing activity in this area shall need to meet additional site design and development requirements, and such developments must be approved through a design review process as described in this section to ensure that it does not diminish this critical community resource.
- (3) All new development in the Gateway Corridor Overlay District shall comply with the requirements of the Gateway Corridor Overlay District Design Guidelines, including any subsequent updates that have been adopted by the Lumpkin County Board of Commissioners, which are hereinafter referred to as the "Design Guidelines." That document, along with any updates, is hereby incorporated into this section, and its provisions shall be enforceable as if they were written herein.
- (4) All development, whether or not a master plan is required, within the Gateway Corridor Overlay District shall meet the following requirements, unless a stricter standard is required elsewhere in this Code of ordinances or by the Design Guidelines where those are applicable.
 - (a) Land uses, process, or equipment employed shall not interfere with neighboring land uses by producing odor, dust, glare, smoke, noise, vibration of an objectionable level.
 - (b) Metal exterior wall cladding panels are the only permitted metal that may be used as an exterior wall material (excluding architectural accents). Corrugated metal, residential-grade aluminum siding, shipping containers, and pre-engineered metal buildings are prohibited.
 - (c) Temporary buildings are prohibited, except those placed onsite for a construction or development project provided they do not remain onsite once the project is complete.
 - (d) No building shall exceed three stories in height, except where any additional height is offset by the ground level of the building being located sufficiently below the road grade of the highway to sufficiently diminish the visual impact of the building from the right-of-way, or the architectural massing of the building is designed to sufficiently reduce the visual impact of the structure.
 - (e) Buildings shall be oriented towards the internal access roads.

- (f) Large Parking lots shall not be located between the buildings and state highways. A maximum of two rows of parking and access isle may be located between the building and state highways for the length of the building.
- (g) Storm water detention facilities should be located so as to limit their visibility, and, as much as practical, they should be integrated into the landscape.
- (h) All utilities shall be installed underground.
- (i) All developments with outdoor lighting shall submit an outdoor lighting plan to the Planning Department.
 - 1. Outdoor lighting shall be established so that adjacent properties and roadways are not adversely affected and no direct light is cast upon them unless the lighting is specifically intended to illuminate pedestrian paths or other means of inter-parcel connectivity. It shall be designed to provide adequate illumination, but light shall not be excessive so as to cause light pollution, create a negative visual impact, or safety concerns.
 - 2. The specific standards for outdoor lighting plan are contained in the Guidelines for Good Exterior Lighting Plans, developed by the International Dark-Sky Association, and which is contained within the Gateway Corridor Overlay District Design Guidelines.
 - 3. The following lighting is prohibited:
 - a. Permanent mounted exterior neon lights.
 - b. Laser sourced lights for outdoor advertising or entertainment.
- (j) In addition to the regulations contained in *Chapter 46* of this Code regulating local signs, the following shall apply to all signs located in the Gateway Corridor Overlay District.
 - 1. The location of all signage shall be limited to monument signs located at the entrance to a property or to the sides of buildings. This shall not apply to directional or way-finding signs.
 - 2. No signs shall be visible above the tree line, and are not to exceed the maximum allowable height allowed under the sign ordinance.
 - 3. Signs may be externally or internally illuminated.
 - 4. If a sign is externally illuminated, only indirect lighting is permitted, and down-lit is preferred in order to limit light pollution.
 - 5. All sign illumination shall be kept to a minimum light level to make the sign readable while limiting light pollution.
- (k) No graded slope may be steeper than 3:1 horizontal to vertical. Any slope steeper will require a retaining wall. Retaining walls shall meet the following minimum requirements, though alternative designs may be approved if they adequately address the negative aesthetic impacts of the wall:
 - 1. The height and length of retaining wall shall be minimized and screened with appropriate landscaping.
 - 2. Concrete or block retaining walls with smooth face are prohibited. Walls visible from the roadway shall be faced with brick, stone, or other architectural treatment.
 - 3. Terracing and multi-tiered walls should be considered as an alternative to the use of tall or prominent retaining walls, particularly in highly visible areas on hillsides.
 - 4. Retaining walls shall be located beyond any landscape buffer along any right-of-way.
- (l) Outside storage areas shall be subject to the following requirements:
 - 1. All outside storage of materials not immediately for sale must be shielded from public view. This includes the parking or storing of vehicles waiting to be serviced or repaired. All such materials shall

be located to the rear or side of the building, kept inside an enclosed building or otherwise fully shielded from public view.

2. All vehicles awaiting repairs must be currently licensed by individuals other than the owner of the property of the business.
 3. No junk or scrapped vehicles or other equipment may be stored onsite for a period longer than two weeks.
- (m) Where additional technical standards are needed to effectuate these requirements and the goals of this section, the Planning Department may utilize specific technical requirements based on then existing professional standards and best practices.
- (5) Properties in the Gateway Corridor Overlay District are intended to be developed as master planned developments that coordinate overall site design and planning to minimize negative impacts and promote efficiencies of adjacent uses.
- (a) A detailed site plan shall be required for all master planned development. Master planned developments shall include any development that meets one or more of the following:
1. Disturbs more than two acres; or
 2. Contains buildings on the site that enclose a total of more than 10,000 square feet; or
 3. Contains a building or structure that exceeds two stories in height; or
 4. The development involves grading any existing steep slopes, which is defined as any slope with a 25 percent grade or more, or any slope that the planning director in his or her discretion determines needs a more detailed grading plan; or
 5. The planning director determines that the development is likely to have significant impacts on the community by limiting future development on nearby properties, significantly impacting the aesthetic qualities of the corridor, having significant environmental impacts, or other such impacts.
- (b) Any development that is not classified as a master planned development and is not required to submit a detailed site plan may be exempted from compliance with the Gateway Corridor Overlay District Design Guidelines if it meets the requirements in *Sec. 27-3.1.10*, as well as the following requirements:
1. All buildings and other development must be screened from view from the Highway 400 and Highway 60 rights-of-way with a preserved natural buffer or vegetative plantings intermixing trees with shrubs and other plantings that reasonably mimic the appearance of a natural vegetation.
 2. The development shall maintain a 20-foot buffer from all property lines and a 30-foot landscaped buffer from all rights-of-way unless the Planning Department approves a smaller buffer.
 3. Where adjacent property has made provision for inter-parcel connectivity, or where the adjacent property is potentially developable, the development shall make allowance for connection with that parcel to allow inter-parcel access.
 4. Where additional technical standards are needed to effectuate these requirements and the goals of this section, the Planning Department may utilize specific technical requirements based on then existing professional standards and best practices.
- (c) All master planned developments shall meet the following minimum development standards:
1. Internal linkages and access shall be integrated into the total project design, including the development of public plazas, courtyards and public assembly areas scaled appropriately to the size and location of the project.
 2. Where necessary for connectivity, the development must have an access easement or other access rights to guarantee that interconnections shown on the development plan will be available to the development in perpetuity.

3. Sidewalks or pedestrian pathways are required to provide linkages to individual buildings, neighboring properties and parking. Where pedestrian circulation crosses vehicular routes, a change in grade, materials textures or color shall be provided to emphasize the conflict point and improve its visibility and safety. Brick pavers or other special paving materials or overhead features shall be used to distinguish pedestrian walkway surface and areas.
4. Site designs shall incorporate existing topography and natural character into the overall design of the project, minimizing cut and fill opportunities.
5. A minimum of 20 percent of a development shall be maintained as greenspace, which may be landscaped or left undisturbed. Landscaping requirements shall not be counted as greenspace, except where they are part of the required development buffers. Where possible, undisturbed areas should be located adjacent to undisturbed portions of adjacent parcels to provide larger patches of forested areas and connected corridors to enhance the environmental benefits of these areas.
6. As many existing trees should be preserved as possible, particularly any large, rare, or historically significant trees.

Sec. 27-3.1.11 Planned Unit Development Overlay.

- (1) The purpose and intent of the Planned Unit Development Overlay (PUD) is to provide an avenue for approval for developments of extraordinary value to the community that do not necessarily comply with the underlying requirements of the Gateway Corridor Overlay District but which use innovative design practices that satisfy the purposes and goals of the land use regulations in this character area. A PUD approval provides greater latitude for internal site planning considerations and allows greater flexibility in design, design review, and project approval without having to resort to cumbersome and time-consuming variance procedures. Specific building location, height, type, building size, parking, signage and other limits of the underlying Gateway Corridor Overlay District may be waived provided that the spirit and intent of such requirements are satisfied within the overall development plan approved for such project.

The PUD Overlay provides for the mixing of compatible land uses; encourages imaginative and innovative design for the unified development of tracts of land; provides an alternative for more efficient use of land, resulting in smaller networks of utilities and streets, thereby resulting in lower construction and maintenance costs to the public; preserves the natural amenities of the land by encouraging scenic and functional open areas within the development; and promotes land development in proper relation to the surrounding neighborhood.

- (2) The specific site plan requirements and the Gateway Corridor Overlay District Design Guidelines required for the Gateway Corridor Overlay District should be the basis for a site plan submitted for PUD approval. Where a site plan for PUD varies from the requirements of the existing character area, it should be specifically noted in the site plan, and it should include an explanation as to how the impacts of that nonconformance will be mitigated or offset such that the goals for the character area are better achieved under the PUD proposal.
- (3) Pre-application planning committee conference shall be required for all PUD proposals.
 - (a) If after reviewing the design guidelines and other requirements for development in the Gateway Corridor Overlay District, a potential applicant determines that the purposes of their development and goals of the county's land use regulations may be better served by a design that does not conform to the existing requirements, the landowner may begin the PUD review process by scheduling a pre-application meeting with the Planning Department.
 - (b) A pre-application meeting is required before the Planning Department will review an application for a PUD.
 - (c) At the pre-application meeting, the Planning Department staff will discuss the initial project concept with the potential applicant and offer feedback and direction to the potential applicant as appropriate.

- (d) The intent of this pre-application meeting is to better inform the potential applicant of the process for a PUD approval and create an environment for a more efficient plan review process.
- (4) Preliminary development plan and application.
 - (a) An application for PUD shall be submitted to the Planning Department on a form created for such a purpose by the Planning Department.
 - (b) An application must be accompanied by a preliminary development plan and application. The preliminary development plan must be prepared and sealed by a licensed surveyor, architect, landscape architect, or engineer.
 - (c) The Planning Department will develop and disseminate an official checklist for the general and technical information that must be submitted with an application for PUD.
- (5) An approved development plan shall constitute the land use regulations for the site. The approved development plan and all other information, studies, plats, plans or architectural elevations submitted in the application, or required to be submitted by the Planning Department, at the time of approval by the Board of Commissioners shall establish the standards and minimum requirements for the subject property and shall become the land use regulations that apply to the subject property, regardless of changes in property ownership.

Any additions or changes in the land uses, increases in square footage or density, decreases in lot sizes, changes in the location or dimensions of streets, decreases in dwelling unit floor areas, major alterations in the land use patterns, or any other changes that the planning director determines changes the intent and character of the development from what was approved shall require consideration and approval of the Board of Commissioners in accordance with procedures of this section. Minor changes may be approved by the planning director prior to the issuance of building permits.

Sec. 27-3.1.12 Gateway Corridor Overlay District Application Processes.

- (1) Any proposal within the Gateway Corridor Overlay District will need to comply with *Sec. 27-3.1.10* or *Sec. 27-3.1.11* of this code of ordinances.
 - (a) If the proposal is a large development, and thus requires the submission of a detailed site plan under the terms of *Sec. 27-3.1.10 (5)*, the submission and review of that site plan shall proceed according to the process described in *Sec. 27-3.1.13*.
 - (b) If the proposal is a small development, and thus does not need to submit a detailed site plan pursuant to *Sec. 27-3.1.10 (5)*, the submission may follow the process for other land use approvals outside of the Gateway Corridor Overlay District as described in *Sec. 27-3.1.11*.
 - (c) If a proposal cannot meet the design requirements for development in the Gateway Corridor Overlay District, but it can be demonstrated that the community's purposes and goals for those requirements can be better achieved through innovative design or other practices and that the project will provide extraordinary benefits to the community, an applicant may apply for approval as a Planned Unit Development through the process outlined in *Sec. 27-3.1.11*.
- (2) If an applicant believes that a final determination of the Planning Department was made in error, the applicant may appeal that final determination to the Planning Commission pursuant to *Sec. 27-8.1.10*.
- (3) If a proposal does not meet the requirements of this Code, but the applicant believes that complying with the terms of this Code constitutes an undue hardship such that no significant practical or economic use remains for the property in question, taking into account all of the contiguous property under the owner's control, and that is not of the applicant's creation, the applicant may apply for a variance pursuant to *Sec. 27-8.1.2*.

- (4) If a proposal does not meet the requirements of this Code, but the applicant believes that this is because the property should more appropriately be classified as a different character area, the applicant may apply for a Character Area Map (CAM) Amendment pursuant to *Sec. 27-8.1.3*.
- (5) If under the terms of this section, a proposal requires a special land use approval (SLUA), the applicant must submit an application for a SLUA pursuant to the terms of *Sec. 27-8.1.4*.
- (6) The Planning Department and the Planning Commission may condition approval of an administrative or general variance on the inclusion of additional requirements that will mitigate negative impacts caused by the variance. Such conditions shall be enforceable as requirements of this chapter.
- (7) Appeals of a final decision on administrative or general variance shall follow provisions of *Sec. 27-8.1.10*.

Sec. 27-3.1.13 Gateway Corridor Overlay District Approval Processes.

- (1) Development proposals in the Gateway Corridor Overlay District that require a detailed site plan under the terms of *Sec. 27-3.1.10 (5)*, shall be submitted on forms and in the formats provided by the Planning Department.
- (2) The submission of the detailed site plan shall comply with the following requirements:
 - (a) All information and supplemental materials requested by the forms shall be submitted in a timely manner.
 - (b) The Planning Department shall review the submission for completeness within ten days of submission. Incomplete or improper submissions will be returned to the applicant for resubmission.
 - (c) All submissions shall contain the following:
 - 1. A detailed site plan that at a minimum contains:
 - a. Title of the proposed development and the name, address and telephone number of the property owner.
 - b. The name, address and telephone number of the architect, engineer or other designer of the proposed development.
 - c. Scale, date, north arrow, and general location map showing relationship of the site to streets or natural landmarks.
 - d. Boundaries of the subject property, all existing and proposed streets, including right-of-way and street pavement widths; buildings; water courses; parking and loading areas; and other physical characteristics of the property and proposed development.
 - e. Building setbacks, buffers, landscape strips, and greenspace areas.
 - f. Elevations, architectural drawings, renderings or concept plans as necessary to describe, depict, and explain proposal's compliance with the design guidelines.
 - 2. Completed design guidelines checklist provided by the Lumpkin County Planning Department.
 - 3. A written report which explains the type, nature, size, intent and characteristics of the proposed development. At a minimum, the report shall include the following:
 - a. A complete listing of every land use proposed within the development, including total acreage and the amount of acreage devoted to each use. All uses not specifically included in the report or site plan that is ultimately approved are prohibited unless subsequently the application is amended in accordance with applicable procedures.
 - b. Proposed development standards including minimum lot sizes, minimum lot widths, minimum lot frontages, minimum floor areas or residential dwelling unit sizes, maximum

number of dwelling units, maximum square footage figures for non-residential developments, minimum yards/building setbacks, landscape strips and buffers, height limitations, restrictive covenants, and any other such applicable standard or requirement. The report should also indicate any proposed exceptions or variations from the size, setback, frontage, density or other standards which are required in other character areas, along with justification for such proposed exceptions or variations.

- c. Time frame of development and provisions for ownership and management of the development.
 - d. Intended plans for the provision of utilities, including water, sewer and drainage facilities.
 - e. All streets and common open spaces not proposed for dedication to the public shall have the proposed maintenance and ownership agreements explained in detail.
4. Such additional information that the Planning Department deems necessary for the review of the project. All items required for an initial submission will be described in a checklist developed by the Planning Department, however additional information may be requested by the Planning Department if it is necessary for a satisfactory review.
- (3) The Planning Department or Planning Commission as appropriate under *Sec. 27-3.1.10*, may approve a site plan in the Gateway Corridor Overlay District based upon the following:
- (a) The proposed plan furthers the policies and intent of the adopted comprehensive plan and other relevant master plans; and
 - (b) The proposed plan is consistent with the requirements of the Gateway Corridor Overlay District as designated; and
 - (c) The proposed plan meets with the intent and all requirements of the design guidelines including coordination of overall site design and planning to minimize negative impacts and promote efficiencies of adjacent uses and protection of the county's natural views and aesthetic qualities; or
 - (d) The applicant has received any necessary variance(s) to specific requirements or provisions pursuant to *Sec. 27-8.1.2*.
 - (e) Appeals of a final decision on Gateway Corridor site plan approvals shall follow provisions of *Sec. 27-8.1.10*.
- (4) An application for a PUD shall be on forms provided by the Planning Department and shall comply with the following requirements:
- (a) All information and supplemental materials requested by the forms shall be submitted in a timely manner.
 - (b) The Planning Department shall review the application for completeness within ten days of submission. Incomplete or improper applications will be returned to the applicant for resubmission.
 - (c) An application for a PUD shall contain the following:
 - 1. Elevations, drawings, or concept plans as necessary to describe, depict, and explain the proposal's compliance with the design guidelines, and
 - 2. Completed design guidelines checklist provided by the Lumpkin County Planning Department, and
 - 3. Information and materials as required for detailed site plan in *Sec. 27-3.1.13*.
 - 4. Such additional information that the Planning Department deems necessary for the review of the project. All items required for an initial submission will be described in a checklist developed by the Planning Department, however additional information may be requested by the Planning Department if it is necessary for a satisfactory review.

- (5) Once a completed application is received, the application will be presented to the Planning Commission at the next scheduled Planning Commission meeting that has been properly advertised pursuant to the terms *Sec. 27-8.1.5*.
- (6) The recommendation of the Planning Commission shall be provided to the Board of Commissioners, which shall then consider the application at its next regularly scheduled and properly advertised public meeting pursuant to the terms *Sec. 27-8.1*.
- (7) The Planning Department, the Planning Commission, and the Board of Commissioners shall apply the following standards governing PUD designations:
 - (a) Whether the proposed plan furthers the policies and intent of the adopted comprehensive plan and the Gateway Corridor CAM, and other relevant master plans; and
 - (b) Whether the proposed plan offers extraordinary value to the community and uses innovative design practices that meet or exceed the standards and goals of the design guidelines; and
 - (c) Whether the proposed plan:
 - 1. Provides for the mixing of compatible land uses;
 - 2. Encourages imaginative and innovative design for the unified development of tracts of land;
 - 3. Provides an alternative for more efficient use of land, resulting in smaller networks of utilities and streets, thereby resulting in lower construction and maintenance costs to the public;
 - 4. Preserves the natural amenities of the land by encouraging scenic and functional open areas within the development; and
 - 5. Promotes land development in proper relation to the surrounding neighborhood.
 - (d) Whether the proposed plan mitigates or offsets nonconformance of the requirements of the existing character area, such that the goals for the character area are better achieved under the PUD proposal; and
 - (e) Whether the proposed plan meets with the intent of the Gateway Corridor Design Guidelines including coordination of overall site design and planning to minimize negative impacts and promote efficiencies of adjacent uses and protection of the county's natural views and aesthetic qualities
 - (f) Appeals of a final decision on PUD designation shall follow provisions of *Sec. 27-8.1.10*.

Secs. 27-3.1.14—27-3.1.20 Reserved.

ARTICLE IV - ACTIVITIES requiring CONDITIONAL USE APPROVAL

NOTE: *Conditional Uses are those activities that have unique requirements not covered in the Performance Standards charts. The restrictions found in this Article shall be in addition to the standards established under other Articles of this Ordinance. Where Conditional Use restrictions conflict with those found in other Articles of this Ordinance, the more restrictive provisions shall apply. Variances shall not be allowed for Conditional Use's.*

Chapter 1. Bulk Storage of Fuel or Liquid Asphalt and Distribution (Limited).

Sec. 27-4.1.1 Definition.

Bulk Storage of Fuel or Liquid Asphalt and Distribution: (Limited) fuel and liquid asphalt facilities with a combined capacity of at least 100,000 gallons involved in the manufacture of or the receiving of liquids, gases, or solids by

truck, tank vessel, pipelines, tank car, or tank vehicle, and storing, processing, or blending them in bulk for the purpose of distributing such liquids, gases, or solids by truck, tank vessel, pipeline, tank car, tank vehicle, portable tank, or container.

Sec. 27-4.1.2 Standards/Requirements.

1. The use shall have a minimum of 3 acres in general development. Principal access will be along a Collector or Arterial Road in general development only. The acreage requirement is a part of the description for this activity and cannot be considered for a variance from the Planning Commission.
2. No operation shall be allowed between the hours of 8:00 p.m. and 7:00 a.m. during the months of November, December, January, February, and March. No operation shall be allowed between the hours of 9:00 p.m. and 6:00 a.m. during the months of April, May, June, July, August, September and October. No operation shall be permitted on Sundays, Thanksgiving Day, and Christmas Day. These restrictions shall not apply to routine maintenance and may be varied with approval from the Planning Department for special projects, including Department of Transportation projects and large commercial projects
3. All mixing shall be done in a sealed process.
4. Dark Sky Compliant lighting
5. Outdoor Storage must be fully screened
6. Access to any Bulk Storage and distribution Facility for Fuel Products or Liquid Asphalt Distribution Terminal shall be controlled through the use of a 6-foot security fences.
7. All structures and appurtenances shall be located and constructed to provide adequate safeguards and not constitute a hazard to adjoining and nearby uses and the general public.
8. Fuel Products and liquid asphalt storage tanks shall have a maximum height of 35 ft. above ground. However, the spacing and setback requirements in this Chapter must also be met.
9. Tanks or other storage vessels and dikes within a proposed Bulk Storage and Distribution Facility for Fuel Products or Liquid Asphalt Distribution Facility shall be setback 500 ft. from drinking water wells and 100 ft. from state waters.
10. The applicant must report any changes required by outside agencies upon their review that affect a change in the submitted site plan and submit a revised site plan.
11. All required permits and approvals must be obtained from outside agencies, as applicable, prior to the County issuing a permit. Only after such certification is received shall the facility be permitted for occupancy by Lumpkin County.
12. All storage tanks shall be maintained in a leak-proof condition with an adequately painted, rust free exterior surface.

Sec. 27-4.1.3 Application.

1. An application for the Conditional Use of Bulk Storage of Fuel or Liquid Asphalt and Distribution shall be submitted and properly completed on forms provided by the Planning Department and shall comply with the following requirements:
 - A. All information and supplemental materials requested by the forms shall be submitted in a timely manner.
 - B. The Planning Department shall review the application for completeness within ten days of submission. Incomplete or improper applications will be returned to the applicant for resubmission.
 - C. An application for a Conditional Use permit shall contain the following:

- I. Site Plan, professionally-drawn by an engineer or surveyor to scale of the layout of buildings, sales area, driveways, walkways, parking spaces, and neighboring property's character areas and uses.
- II. Hours of operation
- III. Lighting Plan
- IV. Screening Plan (full and/or partial)
- V. Recorded plat
- VI. Property Description
- VII. Ownership Affidavit
- VIII. Mitigation of Noise Plan
- IX. The approximate location of proposed stormwater detention facilities
- X. The approximate location of proposed access to the county road system
- XI. A statement as to the source of domestic water supply.
- XII. A statement as to the provision for sanitary sewage disposal.
- XIII. All Bulk Storage and Distribution Facilities for Fuel Products and Liquid Asphalt Distribution Terminals shall provide to the County in digital format upon obtaining all approvals and prior to the issuance of the zoning permit:
 - a) a spill plan;
 - b) contingency plans for moving product in leaking or damaged tanks to backup tanks, and
 - c) an emergency preparedness and response plan that will be filed with the appropriate emergency service officials and the County's Office of Emergency Management. Any revisions shall also be filed with the aforementioned offices.
- XIV. Such additional information as may be useful to permit an understanding of the proposed use and development of the property and helpful for the County to consider the potential impacts of the development on adjacent land uses and the health, safety, and welfare of the larger community.

Chapter 2. Campgrounds – (Limited and Extensive).

Section 27 4.2.1 Definition.

Campgrounds (Limited): a parcel of land intended for the temporary occupancy of tents where the primary purpose is recreational with no hookups and no power available at individual sites. Primitive camping only.

Campgrounds (Extensive): a parcel of land intended for the temporary occupancy of tents and recreational vehicles where the primary purpose is recreational with hookups available for recreational vehicles and/or power available at individual sites. Amenities such as bathhouses, pavilions, and playgrounds are allowed.

Section 27-4.2.2 Standards/Requirements.

1. Campgrounds (Limited) shall have a minimum 5 acres in general development and a minimum of 10 acres in restricted development. Campgrounds (Extensive) shall have a minimum of 20 acres in general development and 30 acres in restricted development. Both Limited and Extensive Campgrounds will have access along Arterial, Collector, and Local Roads.
2. Density for recreational vehicles shall not exceed five (5) RVs per acre.
3. Maximum area allowed for recreational vehicles is 30 acres.
4. Multiple Campgrounds may not be chained together to avoid the maximum area allowed requirement.

5. All proposed and required water sources and sanitary facilities serving campgrounds shall conform with the requirements of the state department of human resources, public health division, and the state department of natural resources, water supply section, as appropriate.
6. The site shall be developed in a manner that preserves natural features and landscape.
7. RVs shall be separated from each other and from other structures by at least ten feet. Any accessory structures such as attached awnings for the purpose of this separation requirement shall be considered a part of the RV.
8. Exposed surfaces shall be covered or protected with vegetative growth capable of preventing soil and erosion.
9. Conventional, industrialized and manufactured houses are prohibited on all campsites.
10. Tent camping, RV camping, or maintaining a campsite for more than 14 consecutive days without having first terminated occupancy of that campground for a minimum of 10 days within a 31-day time frame.
11. Placing, maintaining, or using camping equipment except in a place specifically designated or provided for such equipment is prohibited.
12. There will be no campfires or cooking fires allowed outside of designated grills or campfire pits
13. Quiet hours must be from 9pm-7am. No check-in will be allowed from 8pm-8am.
14. All campgrounds shall provide fly-proof, watertight, rodent-proof containers for the disposal of refuse. Containers shall be provided in sufficient number and capacity so as to properly store all refuse. Refuse for camping areas shall be collected at least once a week.
15. All lighting will be compliant with Dark Sky Lighting guidelines.
16. All operations must comply with Lumpkin County's Sound Amplifying Equipment Ordinance.
17. All signage must comply with Lumpkin County's sign ordinance.

Section 27-4.2.3 Application.

1. An application for the Conditional Use of Campgrounds, both limited and extensive, shall be submitted and properly completed on forms provided by the Planning Department and shall comply with the following requirements:
 - A. All information and supplemental materials requested by the forms shall be submitted in a timely manner.
 - B. The Planning Department shall review the application for completeness within ten days of submission. Incomplete or improper applications will be returned to the applicant for resubmission.
 - C. An application for a Conditional Use permit shall contain the following:
 - I. Site Plan, professionally-drawn by an engineer or surveyor to scale of the layout of buildings, sales area, driveways, walkways, parking spaces, and neighboring property's character areas and uses.
 - II. Hours of operation
 - III. The approximate location of proposed stormwater detention facilities
 - IV. The approximate location of proposed access to the county road system
 - V. Recorded plat
 - VI. Property Description
 - VII. Ownership Affidavit
 - VIII. Screening Plan (full and/or partial)
 - IX. Lighting Plan

- X. Mitigation of Noise Plan
- XI. A statement as to the source of domestic water supply.
- XII. A statement as to the provision for sanitary sewage disposal.
- D. Such additional information as may be useful to permit an understanding of the proposed use and development of the property and helpful for the County to consider the potential impacts of the development on adjacent land uses and the health, safety, and welfare of the larger community.
- E. Upon receiving all required material above, the Planning Department will approve the conditional use application and issue a conditional use license.

Chapter 3. Flea Markets, Swap Meets, and Open-Air Markets.

Sec. 27-4.3.1 Definition.

Flea Market: commercial outdoor activity where two or more persons offer personal property for sale or exchange involving a series of sales sufficient in number, scope, and character to constitute a regular course of business. Such activities that take place in a fully enclosed building shall be treated in this Ordinance as a General Retail use. This activity does not include sidewalk sales by retail centers or individual retail operations, sales conducted by nonprofit organizations, farmers' markets, or residential yard sales. This activity is sometimes referred to as "swap meet," "open air market," "weekend mini market," or other similar terms.

Sec. 27-4.3.2 Standards Requirements.

1. The use shall have a minimum of at least two acres with principal access along a Collector or Arterial Road. An encroachment permit must be obtained from the appropriate agency.
2. The site shall conform to all building and mechanical codes. Any Georgia Department of Health and GEPD requirements must be met.
3. Customer parking and vehicular traffic shall be separated from vendor areas during operating hours. In no case shall vendors set up in the customer parking area. Customer parking and traffic shall not be allowed in vendor sales areas.
4. All sales items must be returned to storage and not left out overnight. Covering sale items with a tarp or other material is not an acceptable means of storage.
5. No RVs or campers shall be allowed on the property overnight.
6. Goods shall not be sold from enclosed trucks or trailers.
7. Owners of vacant or abandoned, non-residential properties shall not allow transient merchants or vendors to offer goods for sale on their property. Transient merchants or vendors shall not be permitted by Lumpkin County to sell from vacant or abandoned, non-residential properties notwithstanding the permission of the property owner.
8. Sale of merchandise is prohibited in road rights-of-way. In no case shall a merchant or vendor set up in a way that obscures the view of the traveling public.
9. There shall be no less than one trash receptacle per 75 feet of aisle space.
10. All operations must comply with Lumpkin County's Sound Amplifying Equipment Ordinance.
11. All signage must comply with Lumpkin County's sign ordinance.
12. Hours of Operation shall be from Friday noon to Sunday at dark, except for Federal or State holiday weekends. On holiday weekends, it will start the day before at noon for setup.

13. This Chapter does not apply to roadside agricultural stands as described in the Georgia Right to Farm Statutes.

Sec. 27-4.3.3 Applications.

1. An application for the Conditional Use of Flea Markets, Swap Meets, and Open-Air Markets shall be submitted and properly completed on forms provided by the Planning Department and shall comply with the following requirements:
 - A. All information and supplemental materials requested by the forms shall be submitted in a timely manner.
 - B. The Planning Department shall review the application for completeness within ten days of submission. Incomplete or improper applications will be returned to the applicant for resubmission.
 - C. An application for a Conditional Use permit shall contain the following:
 - I. Site Plan, professionally-drawn by an engineer or surveyor to scale of the layout of buildings, sales area, driveways, walkways, parking spaces, and neighboring property's character areas and uses.
 - II. Hours of operation
 - III. Lighting Plan
 - IV. Screening Plan (full and/or partial)
 - V. Recorded plat
 - VI. Property Description
 - VII. Ownership Affidavit
 - VIII. Mitigation of Noise Plan
 - IX. The approximate location of proposed stormwater detention facilities
 - X. The approximate location of proposed access to the county road system
 - XI. A statement as to the source of domestic water supply.
 - XII. A statement as to the provision for sanitary sewage disposal.
 - XIII. Such additional information as may be useful to permit an understanding of the proposed use and development of the property and helpful for the County to consider the potential impacts of the development on adjacent land uses and the health, safety, and welfare of the larger community.

Chapter 4. Group Assembly – (Limited, Intermediate, & Extensive).

Sec. 27-4.4.1 Definition.

Group Assembly (Limited): provision of cultural, entertainment, educational, recreational, religious, and athletic services to assembled groups of spectators or participants smaller than 350 in number. This activity includes, but is not limited to, clubs, lodges, amphitheaters, wedding venues, and meeting halls.

Group Assembly (Intermediate): provision of cultural, entertainment, educational, recreational, religious, and athletic services to assembled groups of spectators or participants numbering 350 to 1,500. This activity includes, but is not limited to, clubs, lodges, amphitheaters, wedding venues, and meeting halls.

Group Assembly (Extensive): provision of cultural, entertainment, educational, recreational, religious, and athletic services to assembled groups of spectators or participants greater than 1,500 in number. This activity includes, but is not limited to, clubs, lodges, amphitheaters, wedding venues, and meeting halls.

Sec. 27-4.4.2 Standards/Requirements.

1. Limited Group Assembly shall have a minimum of five acres with primary access allowed on all roads. Intermediate Group Assembly shall have ten acres in restricted development and five acres in general development. Extensive Group Assembly shall have 20 acres for in restricted development and ten in general development. Primary access for Intermediate and Extensive Group Assembly shall be along a Collector or Arterial Road.
2. All lighting will comply with the Dark Sky Lighting Ordinance
3. Hours of Operations will be from 9am-11pm
4. All operations must comply with Lumpkin County's Sound Amplifying Equipment Ordinance.
5. All signage must comply with Lumpkin County's sign ordinance.

Sec. 27-4.4.3 Application.

1. An application for the Conditional Use of Group Assembly shall be submitted and properly completed on forms provided by the Planning Department and shall comply with the following requirements:
 - A. All information and supplemental materials requested by the forms shall be submitted in a timely manner.
 - B. The Planning Department shall review the application for completeness within ten days of submission. Incomplete or improper applications will be returned to the applicant for resubmission.
 - C. An application for a Conditional Use permit shall contain the following:
 - D. Site Plan, professionally-drawn by an engineer or surveyor to scale of the layout of buildings, sales area, driveways, walkways, parking spaces, and neighboring property's character areas and uses.
 - E. Hours of operation
 - F. Lighting Plan
 - G. Screening Plan (full and/or partial)
 - H. Recorded plat
 - I. Property Description
 - J. Ownership Affidavit
 - K. Mitigation of Noise Plan
 - L. The approximate location of proposed stormwater detention facilities
 - M. The approximate location of proposed access to the county road system
 - N. A statement as to the source of domestic water supply.
 - O. A statement as to the provision for sanitary sewage disposal.
 - P. Such additional information as may be useful to permit an understanding of the proposed use and development of the property and helpful for the County to consider the potential impacts of the development on adjacent land uses and the health, safety, and welfare of the larger community.

Chapter 5. Race Track, ATV & Motocross.

27-4.5.1 Definition.

Race Track, ATVs, Motocross: courses used for racing, testing vehicles, or recreation purposes.

27-4.5.2 Standards/Requirements.

1. Race Track, ATV & Motocross activities shall have a minimum of 1000 acres. The activity will have access along an Arterial & Collector Roads.
2. Any activity proposing to use a dirt track must include a plan whereby no dust shall leave the property on which the track is located.
3. All Federal, State, and Local erosion and sediment control regulations shall apply.
4. All stream crossings shall be by way of a drainage structure (No fording of creeks).
5. Hours of Operation shall consist of
 - A. Sunday thru Thursday no earlier than 7:00am and no later than 1 hour after dusk.
 - B. Friday and Saturday no earlier than 7:00am and no later than 11:00pm.
6. All ATV and motorcycles operating on the trails will be limited to a maximum decibel level of 120db at operating speeds.
7. All ATV and Motorcycles operating on the trails will be required to have spark arrestors.
8. The entirety of the property must be fully fenced.
9. Establish "Quite Zones" in trail areas that are adjacent (within 500' of property line) to residential properties to limit loud music and noise other than that produced by the vehicle. Quite Zones should be clearly marked with signage visible to patrons.
10. Must comply with Lumpkin County's Sound Amplifying Equipment Ordinance.
11. Must comply with dark sky lighting.

27-4.5.3 Application.

1. An application for the Conditional Use of Race Track, ATV, & Motocross shall be submitted and properly completed on forms provided by the Planning Department and shall comply with the following requirements:
 - A. All information and supplemental materials requested by the forms shall be submitted in a timely manner.
 - B. The Planning Department shall review the application for completeness within ten days of submission. Incomplete or improper applications will be returned to the applicant for resubmission.
 - C. An application for a Conditional Use permit shall contain the following:
 - i. Site Plan, professionally-drawn by an engineer or surveyor to scale of the layout of buildings, sales area, driveways, walkways, parking spaces, and neighboring property's character areas and uses.
 - ii. Hours of operation
 - iii. Lighting Plan
 - iv. Screening Plan (full and/or partial)

- v. Recorded plat
- vi. Property Description
- vii. Ownership Affidavit
- viii. Mitigation of Noise Plan
- ix. The approximate location of proposed stormwater detention facilities
- x. The approximate location of proposed access to the county road system
- xi. A statement as to the source of domestic water supply.
- xii. A statement as to the provision for sanitary sewage disposal.
- xiii. Such additional information as may be useful to permit an understanding of the proposed use and development of the property and helpful for the County to consider the potential impacts of the development on adjacent land uses and the health, safety, and welfare of the larger community.

Chapter 6. Salvage Yards – Indoor

27-4.6.1 Definition.

Salvage Yard (Indoor): the dismantling or wrecking of used automobiles, vehicles, crafts and trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts which occurs within a totally enclosed structure. This activity may also include other salvage materials like major household appliances but does not include Scrap Metal Processing.

27-4.6.2 Standards/Requirements.

1. Salvage Yards- Indoor shall have a minimum of at least five acres for indoor activities in restricted development and one acre in general development.
2. No scrap materials shall be stacked, stored, or maintained at a height greater than what the opaque screening around the Salvage Yard can hide from view.
3. In addition to the setback requirements in Article II of this Ordinance, no Salvage Yard shall be established within 1000 feet of Arterial roads. No person shall establish, operate, or maintain a Salvage Yard activity. If the Planning Director determines that the above- mentioned screening requirements will not produce a result that shields the Salvage Yard activity from view of the interstates set forth herein, the Salvage Yard activity shall be compelled to engage in land grading or the erection of additional screening to the minimum extent required to achieve the desired screening.
4. If a Salvage Yard closes, it must comply with the provisions of this Ordinance for new Salvage Yards to re-open. Evidence of closing shall be established by inspection of the property, written notification or non-renewal of a Salvage Yard Permit.
5. All Salvage Yards shall be maintained to protect the public from health nuisances and safety hazards. The Lumpkin County Health Department may inspect each Salvage Yards to determine that it does not create a nuisance or safety hazard. Should a nuisance or safety hazard be identified, the owner, operator, or maintainer shall submit satisfactory evidence to the Health Department and Planning and Development Department that the nuisance or safety hazard has been eliminated. Failure to comply with this provision shall result in revocation of the permit as well as other penalties and remedies for violation of this Ordinance.
6. New Salvage Yards shall be situated on a continuous parcel of at least five acres, excluding rights-of- way, that are undivided by road rights-of-way or public dedication. The requirement for a continuous parcel of at least five acres is a part of the description for this activity and cannot be considered for a variance from the Planning Commission.
7. The view toward any driveway entrances shall be screened or positioned as necessary in a manner such that materials stored in the open are not visible through the driveway entrance.

8. Burning is prohibited.
9. The site shall be adequately maintained to prevent rodent and vermin infestation.
10. Junk vehicles shall not be stacked or layered in an unsafe manner.
11. All Salvage Yards registered in Lumpkin County shall undergo an annual inspection to ensure compliance with this Ordinance. When a violation is determined, notice shall be given in writing by the code enforcement officer, together with an established time period within which the violation must be corrected.

27-4.6.3 Application.

An application for the Conditional Use Salvage Yards- Indoor and Outdoor shall be submitted and properly completed on forms provided by the Planning Department and shall comply with the following requirements:

1. All information and supplemental materials requested by the forms shall be submitted in a timely manner.
2. The Planning Department shall review the application for completeness within ten days of submission. Incomplete or improper applications will be returned to the applicant for resubmission.
3. An application for a Conditional Use permit shall contain the following:
 - A. Site Plan, professionally-drawn by an engineer or surveyor to scale of the layout of buildings, sales area, driveways, walkways, parking spaces, and neighboring property's character areas and uses.
 - B. Hours of operation
 - C. Lighting Plan
 - D. Screening Plan (full and/or partial)
 - E. Recorded plat
 - F. Property Description
 - G. Ownership Affidavit
 - H. Mitigation of Noise Plan
 - I. The approximate location of proposed stormwater detention facilities
 - J. The approximate location of proposed access to the county road system
 - K. A statement as to the source of domestic water supply.
 - L. A statement as to the provision for sanitary sewage disposal.
 - M. Such additional information as may be useful to permit an understanding of the proposed use and development of the property and helpful for the County to consider the potential impacts of the development on adjacent land uses and the health, safety, and welfare of the larger community.

Chapter 7. Saw Mill – Extensive.

27-4.7.1 Definition.

Sawmill (Extensive): permanent machine (outside or in an enclosed structure) where timber is sawed into planks, boards, or lumber.

27-4.7.2 Standards/Requirements.

1. Sawmill (Limited) shall have a minimum of one acre with access from all roads. Sawmill (Extensive) shall have a minimum of 10 acres in general development and have access along an Arterial & Collector Roads.
2. Outdoor storage of materials must be screened and/or fenced.

3. Appropriate sawdust mitigation to potentially include high speed spark detection and water spray.

27-4.7.3 Application.

1. An application for the Conditional Use of Sawmill- Indoor and Outdoor shall be submitted and properly completed on forms provided by the Planning Department and shall comply with the following requirements:
 - A. All information and supplemental materials requested by the forms shall be submitted in a timely manner.
 - B. The Planning Department shall review the application for completeness within ten days of submission. Incomplete or improper applications will be returned to the applicant for resubmission.
 - C. An application for a Conditional Use permit shall contain the following:
 - I. Site Plan, professionally-drawn by an engineer or surveyor to scale of the layout of buildings, sales area, driveways, walkways, parking spaces, and neighboring property's character areas and uses.
 - II. Hours of operation
 - III. Lighting Plan
 - IV. Screening Plan (full and/or partial)
 - V. Recorded plat
 - VI. Property Description
 - VII. Ownership Affidavit
 - VIII. Mitigation of Noise Plan
 - IX. The approximate location of proposed stormwater detention facilities
 - X. The approximate location of proposed access to the county road system
 - XI. A statement as to the source of domestic water supply.
 - XII. A statement as to the provision for sanitary sewage disposal.
 - XIII. Such additional information as may be useful to permit an understanding of the proposed use and development of the property and helpful for the County to consider the potential impacts of the development on adjacent land uses and the health, safety, and welfare of the larger community.

Article V - Temporary Uses

Sec. 27-5.1.1 Requirements.

All temporary uses shall submit a sketch plan for review, and upon approval shall be issued a temporary permit. Temporary structures and vehicles must remain out of the road right of way. Adequate parking shall be provided and parking may not be so arranged that vehicles are forced to back into traffic on the primary access street. Staff may require necessary documents or plans to verify the temporary use.

The uses listed in this Chapter are not a complete list and staff will determine the proper category of a temporary use not listed. Temporary uses, their location, duration, and conditions applicable thereto, are as follows:

- a. Fairs, Carnivals, Festivals, and Outdoor Concerts.

Uses with less than 500 attendees per day shall be located in an area where there are less than ten residential dwellings within a 500-foot radius of the center of the proposed site. Uses with 501-999 attendees per day shall be located in an area where there are less than ten residential dwellings within a 750-foot radius of the center of the proposed site. Uses with 1000 or more attendees per day shall locate in an area where there are less than ten residential dwellings within a 1000-foot radius of a circle located in the center of the proposed site and shall be required to access a Collector or Arterial Road. Maximum length of stay shall be 15 days for fairs and carnivals and three days for festivals and concerts. Extensions of the temporary permit may be considered by staff for good cause.

Operations for such uses shall cease at a time which is necessary to comply with the Lumpkin County Use of Sound Amplifying Equipment Ordinance unless consent agreements have been obtained or a variance has been granted according to the provisions found in that Ordinance.

Off-street parking shall be provided for all attendees at the rate of three persons per car and all parking areas shall be roped off.

b. Religious Tent Meetings.

Religious meetings in a tent or other temporary structure shall not exceed 30 consecutive days per permit. Extensions of the temporary permit may be considered by staff for good cause. The tent or structure shall not be closer than 400 feet to any residential dwelling. Uses with more than 1,000 attendees per day shall access a Collector or Arterial Road. Off-street parking shall be provided for all attendees at the rate of three persons per car and all parking areas shall be roped off.

Operations for such uses shall cease at a time which is necessary to comply with the Lumpkin County Use of Sound Amplifying Equipment Ordinance unless consent agreements have been obtained or a variance has been granted according to the provisions found in that Ordinance.

c. Seasonal Uses such as Boiled Peanut Stands, Produce Stands, and Similar Uses.

Uses in this category may be issued a temporary permit for a period of up to 120 days. Temporary structures must remain out of the road right-of-way. Adequate parking shall be provided and parking may not be so arranged that vehicles are forced to back into traffic on the primary access street. Sites used for these purposes shall not be used for another six months for any temporary use.

d. Intermittent Uses such as Firework Stands, Christmas Tree Sales Lots, Haunted Houses, Haunted Trails, Corn Mazes, and Similar Uses.

Uses in this category may be issued a temporary permit for a period of up to 45 days. Temporary structures must remain out of the road right-of-way. Adequate parking shall be provided and parking may not be so arranged that vehicles are forced to back into traffic on the primary access street. Sites used for these purposes shall not be used for another three months for any temporary use.

e. Mobile Food Services.

Mobile Food Service vendors are required to obtain an annual land use permit prior to operation on private property and must have a Department of Public Health (DPH) approval in order to request such a permit. They may operate on private property daily, but must not remain overnight unless they are part of a multi-day event. Multi-day events must be no longer than three days.

Mobile Food Services may sell food from multiple locations, to include developed industrial or commercial properties with the permission of the business owners or in public parks with the permission of the Parks and Recreation Department.

Applicants must submit a sketch plan detailing where the Mobile Food Service will be located on the property. They must have written consent from property owner(s) to do business at their location and can only operate during the property's normal business hours. They may also conduct sales while parked on public property in the event of a temporary street closing for a County-sponsored or neighborhood event such as a street festival or fair. Otherwise, they may not use a public road right-of-way to serve customers.

Mobile Food Services may not be the primary or principal use at a lot. Under these regulations they are considered a temporary use.

ARTICLE VI – ACTIVITIES requiring SPECIAL LAND USE APPROVAL

NOTE: The activities contained in this Article must undergo a review by the Planning Commission with a recommendation to the Board of Commissioners as outlined in Sec. 27-8.1.4 - Special land use approval process. This requirement is in addition to any applicable standards found elsewhere in this Performance Zoning Ordinance. See Sec. 27-2.2.3. Any potential land use that is not identified in this ordinance may be subject to the SLUA process.

1. Bulk Storage of Fuel or Liquid Asphalt and Distribution (Extensive).

Bulk Storage of Fuel or Liquid Asphalt and Distribution: (Extensive) fuel and liquid asphalt facilities with a combined capacity of greater than 100,000 gallons involved in the manufacture of or the receiving of liquids, gases, or solids by truck, tank vessel, pipelines, tank car, or tank vehicle, and storing, processing, or blending them in bulk for the purpose of distributing such liquids, gases, or solids by truck, tank vessel, pipeline, tank car, tank vehicle, portable tank, or container.

2. Hazardous Materials Production/Storage, Handling and Distribution.

Hazardous Materials Production/Storage, Handling and Distribution: any activity involving the storage, processing, manufacture, repackaging, or distribution of hazardous materials as defined in Federal and State regulations.

3. Manufacturing (Extensive).

Manufacturing (Extensive): manufacturing activity not included within Limited Manufacturing which is conducted within an enclosed space except for the following or similar activities: arsenals, explosives and fireworks plants; asphalt batch plants; chemical manufacturing in excess of one ton per day; offal processing; paper mill; petroleum refining; pulp mill and manufacturing; and waste disposal by incineration or other means. In addition to the type of manufacturing processes and materials allowed, this activity occurs in buildings whose total size is larger than 200,000 square feet but no more than 500,000 square feet.

4. Salvage Yard (Outdoor).

Salvage Yard (Outdoor): the dismantling or wrecking of used automobiles, vehicles, crafts and trailers, or the storage, or sale of dismantled or wrecked vehicles or their parts which does not occur entirely within an enclosed structure. This activity may also include other salvage materials like major household appliances, but does not include Scrap Metal Processing. The presence on any parcel of land of five or more motor vehicles or bulk of five or more vehicles, which for a period exceeding 30 days have not been capable of operating under their own power and/or from which parts have been or are to be removed for reuse or sale, shall constitute prima-facie evidence of a salvage yard. This activity may also be referred to as a junk yard.

5. Scrap Metal Processing.

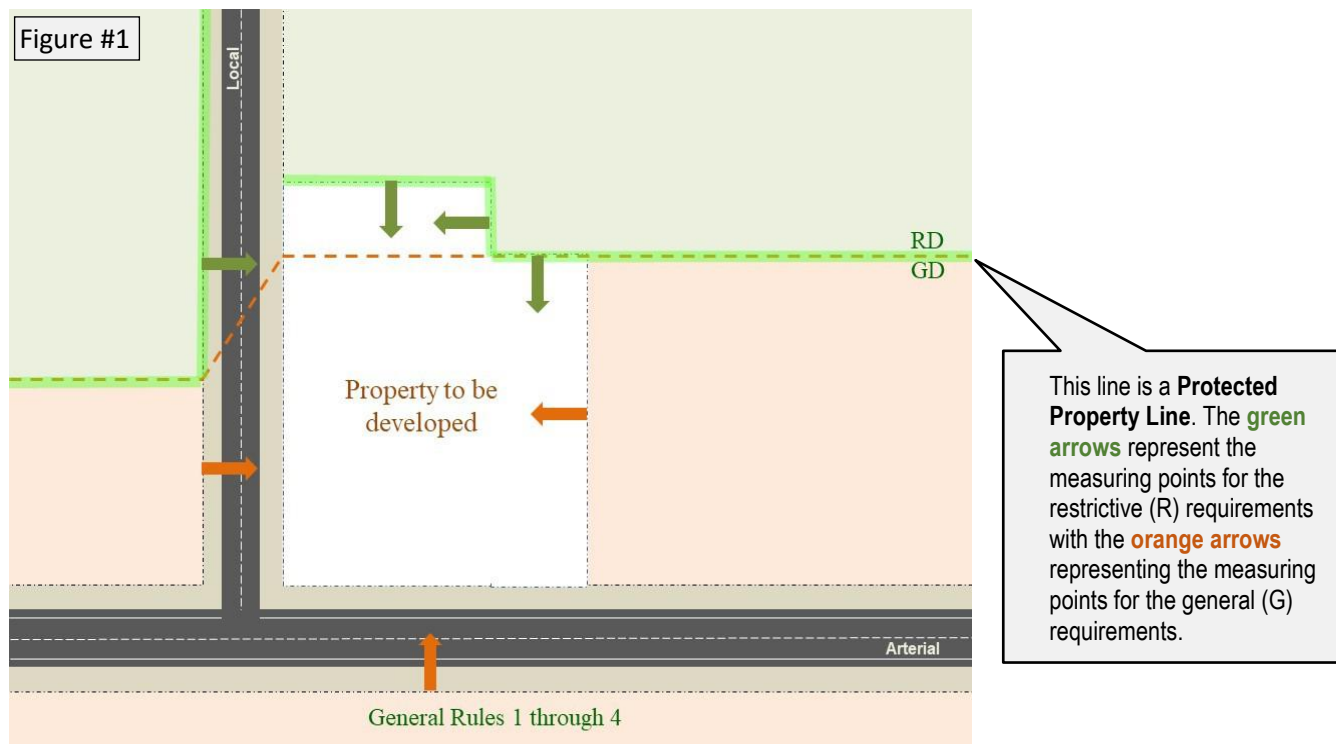
Scrap Metal Processing: the reclamation of scrap metal for delivery to steel mills, foundries, exporters, or other entities for re-melting, reusing, recycling, or other uses. It is operated from a fixed location utilizing heavy machinery such as cranes, balers, grinders, and shearers for processing and manufacturing iron, steel, or non-ferrous metallic scrap.

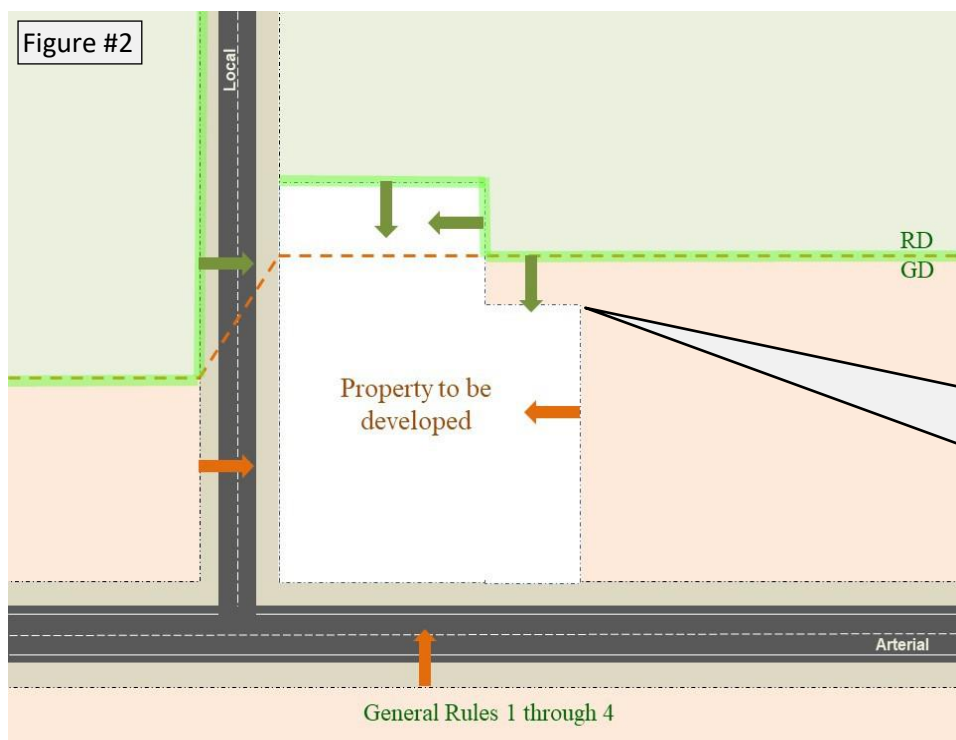
ARTICLE VII -GENERAL RULES

The following graphics are provided to assist in the interpretation of the General Rules located in *Sec. 27-7.1.1* for purpose of applying the Performance Standards found in *Article II*.

Sec. 27-7.1.1 General Rules.

1. The restrictive (R) requirements in the Chart apply to Protected Property Lines within a Restrictive Development Category or those which serve as the boundary between a Restrictive Development Category and a General Development Category, a municipality within Lumpkin County, or an adjacent county.
2. The general (G) requirements in the chart apply to Protected Property Lines within a General Development Category or those which serve as a boundary between a General Development Category and a Restrictive Development Category, a municipality within Lumpkin County, or an adjacent county.
3. For property lines which serve as the boundary between a Restrictive Development Category and a General Development Category, the restrictive (R) requirements shall apply for the protection of property on the Restrictive Development Category side of the boundary relative to land uses on the General Development Category side of the boundary. Similarly, the general (G) requirements shall apply for the protection of property on the General Development Category side of the boundary relative to land uses on the Restrictive Development Category side of the boundary.
4. When an activity is located on a parcel which is separated from surrounding Protected Property by existing road or by utility rights-of-way, by water bodies, or by other parcels, then the performance standards applicable to that activity shall be measured across such separation from the Protected Property Lines.





This Figure shows that the measuring points for the restrictive (R) requirements remains the same if the "development" property line is located within the General Development Category.

ARTICLE VIII -PROCEDURES AND PERMITS

Sec. 27-8.1.1 Land use approval permit process.

1. For any proposed new development an owner, owner's representative, or developer shall fill out a land use permit application provided by the Planning Department. Once the application is completed by the applicant, the applicant shall submit the application to the Planning Department for review. The Planning Department will provide a "determination of next steps" to the applicant after reviewing the completed application. Land Use Permits are good for 6 months from the permit application approval date to obtaining a building permit.
2. A land use approval permit process will be based on the following land use/activity types:
 - A. Single-Family Residential: A land use approval permit application that is determined to meet all of the development requirements based on the type activity and the relevant development category shall be approved by the Planning Department and the applicant can then proceed to apply for a Building Permit as required under *Chapter 10, Sec. 10-71* of this Code.
 - B. Subdivision Development: A land use approval permit application that has been reviewed by the Planning Department shall be scheduled to be heard by the Planning Review Committee (PRC). Next steps will be determined at the end of the PRC meeting and may include appearing before the Planning Commission for approval.
 - C. Single Duplex or Multi Family Development: A land use approval permit application that has been reviewed by the Planning Department shall be scheduled to be heard by the PRC. Next steps will be determined at the end of the PRC meeting. Next steps could include appearing before the Planning Commission for approval and/or obtaining building permits.
 - D. All Commercial Activities: A land use approval permit application that has been reviewed by the Planning Department shall be scheduled to be heard by the Planning Review Committee (PRC) meeting. Next steps will be determined by the end of the PRC meeting. Next steps could include appearing before the Planning Commission for approval and/or obtaining building permits.
 - E. All Conditional Use Permits: A land use approval permit application that has been reviewed by the Planning Department shall be scheduled to be heard by the PRC meeting. After attending the PRC and based off the guidance obtained at that meeting, the applicant will then be required to submit a conditional use permit application. The application, once submitted, will be reviewed by the Planning Department within 10 days. If approved by the Planning Department, the applicant will receive a conditional use permit to obtain building permits.
 - F. Gateway Corridor Overlay District: Proposals for new development in this district shall be reviewed and considered under the standards provided in *Sec.27-3.1.10 –13* in addition to any relevant provisions of the following sections.
3. Planning Review Committee Meeting. (PRC) This meeting is scheduled the 1st and 3rd Thursdays of each month. The completed application shall be submitted to the Planning Department staff one week prior to the PRC meeting. The applicant will be scheduled for the next available PRC meeting by the Planning Department staff. A copy of completed applications will be sent to all members of

the planning and review committee for review in preparation for the scheduled meeting date. The Planning Review Committee is composed of staff members from the following departments:

- A. Planning Department/GIS
 - B. Environmental Health
 - C. Development Authority
 - D. Water and Sewerage Authority
 - E. Fire Marshall
 - F. Public Works
4. If an applicant believes that a final determination of the land use approval permit by Planning Department was made in error, the applicant may appeal that final determination to the Planning Commission pursuant to *Sec. 27-8.1.10*.
 5. If a proposal does not meet the requirements of this Code, but the applicant believes that complying with the terms of this Code constitutes an undue hardship such that no practical or economic use remains for the property in question, taking into account all of the contiguous property under the owner's control, the applicant may apply for a variance pursuant to *Sec. 27-8.1.2*.
 6. If a proposal does not meet the requirements of this Code, but the applicant believes that this is because the property should more appropriately be classified as a different character area, the applicant may apply for a Character Area Map (CAM) Amendment pursuant to *Sec. 27-8.1.3*.
 7. If under the terms of this section, a proposal requires a special land use approval (SLUA), the applicant must submit an application for a SLUA pursuant to the terms of *Sec. 27-8.1.4*.

Sec. 27-8.1.2 Variances.

1. Certain provisions and requirements of the performance activity charts may create unnecessary hardships for property owners resulting from strict application of these provisions. No variances shall be considered for the requirements set by these regulations on Conditional Uses listed in *Article IV* of this ordinance. In order to obtain the variance application from the Planning Department, the applicant must show all of the following:
 - A. Unnecessary hardship would result from the strict application of the ordinance.
 - i. What is enough hardship? Unfortunately, there is no simple formula. It is determined on a case-by-case basis. That is why the Planning Commission considers the evidence presented.
 - ii. The hardship must be more than mere inconvenience or a preference for a more lenient standard. Cost of compliance may be a factor, but cost is not determinative. It is not enough for an applicant to say that development will cost more in order to comply. The applicant must show the substantial and undue nature of that additional cost as compared to others subject to the same restriction.
 - B. The hardship results from conditions that are peculiar to the property.
 - i. The unnecessary hardship must be peculiar to the property, not general to the neighborhood or community. Such peculiar characteristics might arise, for example, from location of the property, size or shape of the lot, or topography or water features on the site.

- ii. Imagine a lot that narrows dramatically toward the front yard and where the side yard setbacks prohibit the property owner from building an addition. The hardship (not being allowed to build an addition) flows from the strict application of the ordinance (the setback) and is peculiar to the property (because of the shape of the lot). A variance may be appropriate if the owner presents evidence to show that they meet all of the standards.
 - iii. By contrast, a variance is not the appropriate remedy for a condition or hardship that is shared by the neighborhood or the community as a whole. Consider that same narrowing lot. If all of the houses on the street shared that hardship, a variance would not be appropriate. Such conditions should be addressed through an ordinance amendment.
 - iv. Hardships that result from personal circumstances may not be the basis for granting a variance. The board is looking at the nature of the property and the land use ordinances, not the nature of the applicant and their circumstances. Bringing an elderly parent to live with the family, for example, is a change in personal circumstance, not a condition peculiar to the property.
 - v. The reverse is also true. An applicant's personal circumstances cannot be the basis for denying a variance. The board should consider the property, not the applicant's bank account and ability to cover the cost of the hardship. Moreover, the fact that the applicant owns property nearby is irrelevant to the consideration of whether this particular property deserves a variance.
- C. The hardship is not a self-created hardship.
 - i. You can't shoot yourself in the foot and then ask for a variance. The hardship must not result from actions taken by the applicant or property owner.
 - ii. So, what is self-created? Suppose a property owner sells part of a conforming lot and makes the remainder of the lot nonconforming. The hardship (limitations on the non-conforming lot) was self-created (by the owner selling the sliver off the parcel. The owner may not seek a variance for building on the substandard lot. Similarly, where an owner failed to seek zoning and building permits and then incorrectly placed foundation footings in the setback, the hardship is self-created. No variance is allowed. Ignorance of the law is no excuse.
 - iii. What if the owner relied in good faith on seemingly valid surveys and obtained building permits? After construction began, a neighbor objected, citing a new survey and arguing that the foundation wall is within the setback. Is the owner's hardship self-imposed? Courts have held that hardships resulting from such good faith reliance on surveys and permits are eligible for a variance.
- 2. Additionally, the applicant shall show that the variance will
 - A. Be consistent with the intent of the ordinance.
 - B. Secure public safety.
 - C. Achieve substantial justice.
- 3. In such cases, property owners may submit an application for a variance from such specific requirements or provisions.

4. An application for a variance to the provisions of this chapter of the Lumpkin County Code of Ordinances can be obtained from the Planning Department. Variance applications shall be processed as either an administrative variance or general variance as described below.
 - A. An application for variances shall be submitted on properly completed on forms provided by the Planning Department.
 - B. All information and supplemental materials requested by the forms shall be submitted in a timely manner.
 - C. The Planning Department shall review the application for completeness within ten days of submission. Incomplete or improper applications will be returned to the applicant for resubmission.
 - D. Any variance request that is not submitted as an administrative variance shall be considered by the Planning Commission as a general variance.
 - E. Only one application for a general variance (of the same type) may be considered for a property every 12 months unless special approval is granted by the Board of Commissioners.
5. Administrative variances shall be submitted to the Planning Department for review.
 - A. Applications for an administrative variance may be reviewed by the Planning Department if the application satisfies the following requirements:
 - I. Any reductions in building setback requirements requested shall be less than 25 percent of the originally required setback.
 - II. Any requests to exceed the maximum building height shall not exceed four feet above the original maximum allowed for the development.
 - III. Requests for changes to the parking requirements shall not exceed an increase of ten percent of the number of required spaces or a reduction of five percent of the required spaces.
 - B. The Planning Department shall approve an application for an administrative variance when the request meets the standards outline in *Sec. 27-8.1.2 (7)* below, and the variance does not significantly adversely impact an adjacent land use, and is generally in the best interest of the community.
 - C. If the Planning Department determines that it is in the best interest of the community, an administrative variance may be converted into a general variance, and the information submitted shall be presented to the Planning Commission for review as a general variance according to the provisions below.
6. For general variance applications, a public hearing shall be held that meets the requirements of *Sec. 27-8.1.5* at which action on the variance will be taken by the Planning Commission.
7. The Planning Department or Planning Commission may authorize variances from the terms of this section upon making all of the following findings:
 - A. There are extraordinary and exceptional conditions pertaining to the particular piece of property;
 - B. These conditions do not generally apply to other property in the vicinity;

- C. Because of these conditions, the application of the Ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
 - D. The authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.
8. The Planning Department and the Planning Commission may condition approval of an administrative or general variance on the inclusion of additional requirements that will mitigate negative impacts caused by the variance. Such conditions shall be enforceable as requirements of this chapter.
 9. Appeals of a final decision on administrative or general variance shall follow provisions of *Sec. 27-8.1.5* below.

Sec. 27-8.1.3 Character area map amendments.

1. The Lumpkin County Board of Commissioners may amend the Character Area Map (CAM) developed as part of the Lumpkin County 2022 Comprehensive Plan, and referred to in this chapter as the "Character Area Map" or "CAM", either on its own initiative or upon the request of a property owner desiring to change the character area designation of their property.
2. Applications from property owners requesting a change to the CAM shall meet the following requirements:
 - A. The applicant must submit a completed map amendment application, which shall be provided by the Planning Department.
 - B. The applicant shall submit such other supplemental information that is requested by the Planning Department regarding the map change in a timely manner in order to complete the application. The Planning Department shall review the application for completeness within ten days of submission. Incomplete or improper applications will be returned to the applicant for resubmission.
 - C. Once a completed application is received, the application will be presented to the Planning Commission at the next regularly public hearing that has been properly advertised pursuant to the terms *Sec. 27-8.1.5*.
 - D. The recommendation of the Planning Commission shall be provided to the Board of Commissioners, which shall then consider the application at its next regularly scheduled and properly advertised public meeting pursuant to the terms *Sec. 27-8.1.5*.
 - E. Any map amendment that so alters the CAM as to warrant an update of the underlying comprehensive plan, may be deemed a major map amendment by the Planning Department, the Planning Commission, or the Board of Commissioners and may be tabled until a sufficient review and update to the comprehensive plan is completed.
3. The Planning Department, the Planning Commission, and the Board of Commissioners shall apply the following standards governing CAM amendments.
 - A. Whether the land use amendment proposal meets the policies and intent established in the current comprehensive plan and the CAM.
 - B. Whether the land use amendment proposal is compatible with the surrounding future land uses as identified in the CAM;

- C. Whether the CAM amendment proposal can be adequately served by existing transportation facilities and other infrastructure, such as schools, water and sewer;
 - D. Whether the CAM amendment proposal negatively impacts natural and scenic resources identified by the county;
 - E. Whether the CAM amendment proposal is in the best interest of the county and the public good and whether the proposal protects the health and welfare of its citizens; and
 - F. Whether the property to be affected by the CAM amendment proposal has a reasonable economic use as currently designated on the CAM.
4. Appeals of a final decision on CAM amendments shall follow provisions of Sec. 27-8.1.10.

Sec. 27-8.1.4 Special land use approval.

1. Certain activities identified in the Performance Standards Chart in Sec. 27-2.2.3 require a special land use approval (SLUA). Any potential land use that is not identified in this ordinance may be subject to the SLUA process.
2. An application for a SLUA shall be submitted and properly completed on forms provided by the Planning Department and shall comply with the following requirements:
 - A. All information and supplemental materials requested by the forms shall be submitted in a timely manner.
 - B. The Planning Department shall review the application for completeness within ten days of submission. Incomplete or improper applications will be returned to the applicant for resubmission.
 - D. An amendment to a previously approved SLUA shall be considered in the same manner as a new application, though the Planning Department may waive those requirements that are not necessary to assess the impacts of the proposed changes.
 - E. An application for a SLUA shall be accompanied by a concept plan that meets the following requirements:
 - I. The applicant, a professional engineer, a registered land surveyor, a landscape architect, a land planner or any other person familiar with land development activities may prepare the required concept plan.
 - II. The concept plan shall be drawn to scale on a boundary survey of the tract, which includes the date of the drawing and subsequent revisions of the survey and the source of datum used, or on a property map showing the approximate location of the boundaries and dimensions of the tract
 - III. The concept plan and application shall show all performance and development standards required by this or any other part of the Code of Ordinances.
 - IV. If no construction or alteration of the site is proposed, this concept plan may just show the location of the proposed use.
 - V. The concept plan shall show the following:
 - a. Character area designation of the subject property and all adjacent properties.

- b. Manmade features within and adjacent to the property, including existing streets and names, city and county political boundary lines, and other significant information such as location of bridges, utility lines, existing buildings to remain, and other features as appropriate to the nature of the request.
 - c. Uses of adjacent properties.
 - d. Proposed use of the property.
 - e. The proposed project layout including, lot lines, street right-of-way lines, setbacks, any outdoor storage areas, buffers, parking, driveway area, and other development requirements.
 - f. An accurate north point and scale of the drawing.
 - g. Any other information reasonably helpful for the county to consider the potential impacts of the development on adjacent land uses and the health, safety, and welfare of the larger community.
 - F. An application for a SLUA shall be accompanied by an impact analysis that addresses the following:
 - I. If the proposed development is capable of generating an average of 1,000 daily vehicle trips or more, a traffic study shall be required. This study shall be prepared by professional engineers registered in the state, under guidelines available from the transportation and public works department. Anticipated vehicle trips may be based upon the latest edition of Trip Generation, published by the Institute of Transportation Engineers. The public works director may waive this requirement when it is demonstrated that the development will not change current conditions.
 - II. For a proposed development that will generate fewer than 1,000 average daily vehicle trips, a traffic study, prepared by professional engineers registered in the state, may be required by the Planning Department if it is substantially likely that the development will significantly impact traffic. The applicant will be notified whether such a report will be required within ten working days of receipt of the application for a SLUA.
 - II. A statement as to the intended use or production of explosives or other hazardous materials and the methods and procedures proposed for the handling, use, storage and disposal of such materials.
3. The Board of Commissioners may apply the following standards governing SLUA applications:
- A. Whether or not the proposed plan meets all requirements of the General Development Category as designated and in the Performance Standards Chart. Sec 27-2.2.3.
 - C. Adequacy of public facilities and services, including roads, stormwater management, and utilities, to serve the proposed use;
 - D. Whether or not the proposed use will impact adjacent properties beyond the performance standards established; and

- E. Whether or not the proposed activities manner of operation and/or the hours of operation of the proposed use will impact adjacent properties beyond the performance standards established; and
 - F. Whether or not the proposed use will impact the safety of the public.
4. The Board of Commissioners may approve, approve with additional conditions or deny the application for Special Land Use Approval.

Sec. 27-8.1.5 Public hearing requirements.

1. Public hearings for the consideration of any general variance, appeal, special land use approval, PUD or character area map amendment shall be conducted according the rules, bylaws, or official procedures of the body holding the public meeting, though to ensure compliance with the Georgia Zoning Procedures Law, and all public meetings held pursuant to this chapter shall at least meet the following requirements:
 - A. The presiding official designated by the Planning Commission or Board of Commissioners shall call for each application to be submitted.
 - B. The presiding official may place reasonable time limits on for presentations and for those who wish to speak for or against the application, though no less than ten minutes shall be provided for each side.
 - C. The applicant shall speak first, followed by supporters of the application. Those opposed to the application shall then be allowed to speak.
 - D. If time remains, time for rebuttal may be provided. Rebuttal shall be limited to issues raised by the opposing side, and each side shall be limited to one rebuttal period.
 - E. Members of the general public may speak if time permits, and the follow the procedures stated by the presiding official for all speakers.
 - F. Notice of the public hearing shall be published at least 15 days but not more than 45 days prior the public meeting in the newspaper of record in Lumpkin County. The notice shall state the time, location, and purpose of the meeting as well as the location of the property in question, the present requirements that are to be changed, and the proposed changes.
 - G. At least 15 days prior to the meeting, the applicant shall post one or more signs on the property stating the time, location, and purpose of the meeting as well as the location of the property in question, the present requirements that are to be changed, and the proposed changes. Signs shall be posed in a conspicuous place along each street frontage of the property, or if there is no frontage, at the location where access to the property shall be provided.
 - H. At the conclusion of the public hearing on an application, the Planning Commission shall either vote to determine whether the applicant has demonstrated that the proposal satisfies the standards described in *Sec. 27-8.1.2*, *Sec. 27-8.1.3*, or *Sec. 27-8.1.4*, depending on type of application, or table the application for consideration at its next regular meeting.

Sec. 27-8.1.6 – 8.1.9 Reserved.

Sec. 27-8.1.10 Appeals.

1. Appeals of administrative decisions.
 - A. Decision of the Planning Department regarding an administrative variance decision or project approvals in the Gateway Corridor Overlay District made by the Planning Department shall be appealed to the Planning Commission according to the following requirements:
 - B. Appeals shall be in writing, signed by:
 - I. the owner of the property in question, and submitted to the Planning Department.
 - II. Appeals must be submitted within ten days of the applicant receiving notice of the Planning Department's decision.
 - III. The appeal must clearly specify the grounds of the appeal.
 - IV. The Planning Department shall transmit notice of the appeal and all of the documentation submitted as part of the application to the Planning Commission. No additional information not submitted with the application will be considered by the Planning Commission on appeal.
 - V. The appeal will be placed on the Planning Commission agenda for a regularly scheduled meeting pursuant to public hearing requirements in *Sec. 27-8.1.5*. The decision of the Planning Commission regarding an administrative variance decision shall be considered the "final decision."
2. The decision of the Planning Commission regarding an administrative decision shall be considered the "final decision."
3. Appeals from a decision of an administrative decision, a general variance, or any project approval in the Gateway Corridor Overlay Character Areas, except planned unit developments, as determined by the Planning Commission by an aggrieved party shall be appealed to the Board of Commissioners according to the following requirements:
 - A. Appeals shall be in writing, signed by the owner of the property in question, and submitted to the Planning Department.
 - B. Appeals must be submitted within 30 days of the applicant receiving notice of the Planning Commission's decision.
 - C. The appeal must clearly specify the grounds of the appeal.
 - D. The Planning Department shall transmit notice of the appeal and all of the documentation submitted as part of the application to the Board of Commissioners.
 - E. No additional information not submitted with the application will be considered by the Board of Commissioners on appeal.
 - F. The appeal will be placed on the Board of Commissioners' agenda for a regularly scheduled meeting pursuant to public hearing requirements in *Sec. 27-8.1.5*.
 - G. The decision of the Board of Commissioners shall be considered the "final decision."
 - H. Any person aggrieved by a final decision may appeal from such decision to the Superior Court of Lumpkin County or as otherwise allowed by law.

4. Appeals of character area map amendments or gateway corridor planned unit development designations:
 - A. The decision of the Board of Commissioners regarding CAM amendment decisions and planned unit development designations shall be considered the "final decision."
 - B. Any person aggrieved by a final decision of the Board of Commissioners may appeal from such decision to the Superior Court of Lumpkin County or as otherwise allowed by law.
5. Appeals of special land use approvals:
 - A. The decision of the Board of Commissioners regarding SLUA decisions shall be considered the "final decision."
 - B. Any person aggrieved by a final decision of the Board of Commissioners may appeal from such decision to the Superior Court of Lumpkin County or as otherwise allowed by law.

Secs. 27-8.1.11—27-8.1.15 Reserved.

ARTICLE IX - ADMINISTRATION AND ENFORCEMENT

Sec. 27-9.1.1 Schedules and fees.

The Lumpkin County Board of Commissioners will adopt fees for the issuance of permits, the submission of applications, and such other activities by this chapter to cover the costs of administering these activities. The Board of Commissioners may also adopt schedules of dates, times, and places as appropriate to regulate the application, review and hearing processes required by this chapter. All such information will be published in writing and available through the Planning Department.

Sec. 27-9.1.2 Nonconforming uses.

A nonconforming use is a land use that does not comply with the requirements of this chapter, but which was lawfully established prior to the adoption, revision, or amendment of the provisions of this chapter that the use violates. A nonconforming use shall be allowed to maintain the violation of this chapter provided that:

1. The nonconforming use shall not be changed to another use without coming into compliance with this chapter.
2. The nonconforming use shall not be reestablished if it is at any time removed from the property or discontinued for two years or more, unless the premises are under a continuing lease but are unoccupied by the nonconforming use, regardless of the intent of the owner or occupier to resume the nonconforming use.
3. If a nonconforming use was lawfully established in a character area that is subsequently amended to require a SLUA for such use, the existing use shall not be subject to the provisions of this subsection, and therefore the owner shall submit the plans and documentation required to obtain a SLUA.

4. The repair or restoration to a safe condition of any nonconforming structure or part thereof declared to be unsafe by an official charged with protecting the public safety or health shall be allowed upon order of such official and shall not affect its status as a nonconforming use.

Sec. 27-9.1.3 Inspections and enforcement.

1. Any person other party violating the terms of the provisions of this chapter may be subject to an enforcement action through criminal, civil, and administrative proceedings.
2. Any county official charged with enforcement of these ordinances by the Board of Commissioners, including members of the Planning Department, the building inspector, environmental officer, the county engineer, or other such officials, shall conduct investigations reasonably necessary to enforce the provisions of this chapter.
3. While investigating potential violations of this chapter or conducting inspections to ensure compliance, officials charged with enforcement of this chapter, may enter private property at reasonable times. No person shall refuse entry or access to any authorized representative or agent of the County who presents appropriate credentials, who requests entry for an inspection or as part of an investigation. Nor shall any person obstruct, hamper, or interfere with any such official or their inspection.
4. Each day a property is not in compliance with the provisions of this chapter shall constitute a separate violation of this ordinance. A property may be cited with up to ten citations per day.
5. If there is ongoing construction or other work being performed when a violation of this chapter is discovered, a stop work order may be issued prohibiting further work on the site.
 - A. A stop work order may be issued in addition to any citation or other penalty issued for the violations.
 - B. The stop work order served on the same or separate form from the civil or criminal citation. If it is served separately, the form shall not the same information contained on the criminal or civil citation.
 - C. As stop work order shall not prohibit the stabilization of a site to prevent erosion or damage to the site or other properties, if such work is approved by the Planning Department or the citing official.
6. Any official authorized to enforce the requirements of this chapter may issue a criminal or civil citation for violations of it and stop work orders as appropriate.
 - A. An original citation signed by the issuing official shall be served on the owner of the property or his or her authorized representative, a corporate officer, or person responsible for operation of the site.
 - B. After service of the citation, a copy shall be promptly filed with the magistrate court of Lumpkin County.
 - C. The citation shall state:
 - I. The alleged offence.
 - II. The time and place the accused is to appear in court, or information concerning how to determine the court date.

- III. The identity of the accused.
 - IV. Person upon whom the citation was served.
 - V. Date of service of the citation.
 - VI. Identity and signature of the issuing officer.
 - VII. Contact information of the office charged with prosecuting the offense.
- D. Fines shall be assessed according to the following mandatory schedule, whether assessed as a civil administrative fine, or assessed as a criminal penalty upon conviction:
- I. The maximum permissible fine shall be \$1,000.00 per offense.
 - II. For the first violation of any provision of this chapter by any violator, the fine shall be \$250.00.
 - III. For the second violation of any provision of this chapter, whether the same or different as the first violation, by the same violator, the fine shall be \$500.00.
 - IV. For the third and subsequent violation of any provision of this chapter, whether the same or different as the prior two violations, by the same violator, the fine shall be \$750.00.
 - V. If in the judgment of the citing officer, the Planning Department, or the relevant court the violation is severe, or other aggravating circumstances exist, such as multiple violations of numerous provisions of this chapter on the same property, the citation may indicate aggravating circumstances exist, and state those circumstances. The fine shall be doubled in such cases, if the determination of aggravating circumstances is upheld, to a maximum of \$1,000.00.
 - VI. Repeated citations for the same violation on a second and subsequent days shall not count as a subsequent violation, but shall rather be assessed at the same rate as the initial violation. Multiple violations on the same day shall also be assessed at the same level. Per vehicle additions relate to violations such as junk vehicles, parking violations, and similar violations, where each vehicle is in violation of this chapter.
- E. In addition to or in lieu of fines, persons cited criminally may be subject to:
- I. Incarceration of up to 60 days in jail.
 - II. Community service of up to 250 hours, which must be performed in one year from the issuance of the final sentence.
7. A stop work order may be issued whenever the building official finds any work regulated by this chapter being performed in a manner contrary to the provisions of this chapter or in a dangerous or unsafe manner, the building official is authorized to issue a stop work order.

Sec. 27-9.1.4 Liability.

- 1. Neither the approval of a plan under the provisions of this chapter, nor the issuance of a permit, nor the compliance with provisions of this chapter, shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the county for damage to any person or property.

2. No provision of this chapter shall permit any persons to violate any state or federal law, including the Georgia Erosion and Sedimentation Act of 1975, O.C.G.A. § 12-7-1 et seq., as amended, the Georgia Water Quality Control Act, O.C.G.A. § 12-5-20 et seq., or the rules and regulations promulgated and approved under such laws or pollute any waters of the state as defined by said acts.

Secs. 27-9.1.5—27-9.1.10 Reserved.



LUMPKIN COUNTY LAND USE “DRAFT” UPDATE

4 APRIL 2022

MAJOR ITEMS THAT REMAINED THE SAME -

- LAND USE/PERFORMANCE ZONING
- CHARACTER AREA'S
- LANGUAGE IN THE COMMERCIAL CORRIDORS/OVERLAY DISTRICT/VILLAGE CENTERS
- RESIDENTIAL SINGLE FAMILY & SUBDIVISION ACREAGE REQUIREMENTS

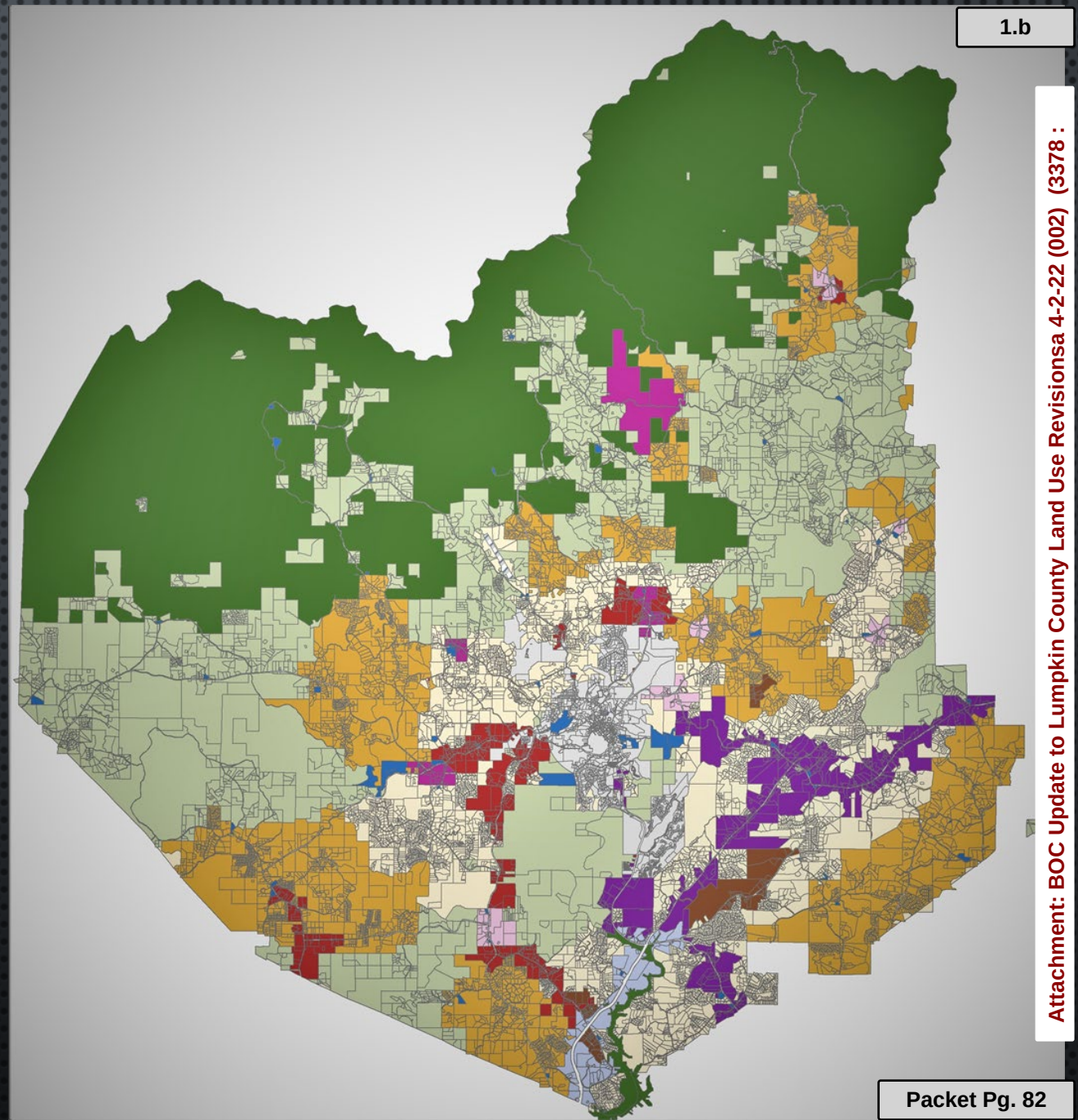
MAJOR ITEMS THAT HAVE CHANGED -

- “EVERY LAWFUL LAND USE FITS INTO A LAND USE CATEGORY, AND NO OTHERWISE LAWFUL LAND USE IS PROHIBITED IN ANY CHARACTER AREA.
- NO LAND USE CATEGORIES
- ROAD CLASSIFICATION MAP
- GENERAL DEVELOPMENT CATEGORIES
- SCHEDULE OF PERMITTED ACTIVITIES
- PERFORMANCE STANDARDS CHART
- LAND USE APPROVAL PERMITS/PLANNING REVIEW COMMITTEE
- CONDITIONAL USE APPLICATION AND PERMITS
- SLUA’S AND LANGUAGE
- VARIANCE PROCESS

DRAFT LAND USE REGULATIONS:

- ✓ STEP #1 – MAINTAINED CURRENT CHARACTER AREA MAP (REVISE CA DEFINITIONS)
- ✓ STEP #2 – DEVELOPED ROAD CLASSIFICATION PLAN
- ✓ STEP #3 – ESTABLISHED DEVELOPMENT CATEGORIES
- ✓ STEP #4 – DEVELOPED SCHEDULE OF PERMITTED ACTIVITIES (USES)
- ✓ STEP #5 – ESTABLISHED PERFORMANCE STANDARDS CHART
- ✓ STEP #6 – IDENTIFIED ACTIVITIES REQUIRING CONDITIONAL USE APPROVALS
- ✓ STEP #7 – IDENTIFIED ACTIVITIES REQUIRING SPECIAL LAND USE APPROVALS
- ✓ STEP #8 – REVISED CURRENT ADMINISTRATIVE PROCEDURES

✓ Step #1 –
Maintained Current Character Area Map



 Step #3 –**Establishment of Development Categories****Character Areas that are within the Restrictive Development Category:**

- 1) Agricultural Preservation
- 2) Rural Places
- 3) Residential Growth

Character Areas that are within the General Development Category:

- 1) Neighborhood Village Centers
- 2) Community Village Centers
- 3) Commerce Corridor
- 4) Gateway Corridor
- 5) Gateway Corridor Overlay District
- 6) Industrial

 Step #4 –**Schedule of Permitted activities**

- Together with established character areas, and specific development categories, any new development proposed in each CA shall meet the performance standards requirements of the proposed development as described in *Article II* of this chapter.
- These requirements are intended to separate and reduce potential conflicts between adjacent land uses by establishing road access requirements, setbacks, buffers and screening between uses.
- Subjecting certain conditional uses to additional scrutiny and approvals because of the type activity and the potential impacts on neighboring and nearby land uses.

✓ Step #5 –
Compatibility Performance Standards

- Activities are permitted or prohibited on property, based on the residential or non-residential Character Area to which the property has been assigned and, further, based on the nature of the right of way to which the property is adjacent.
- An activity is permitted only where a diamond appears in the “Road Classification” column corresponding to the nature of the right of way adjacent to the property and the row for the relevant (Restrictive (“R”) or General (“G”)) Character Area.
- The road classification column designations are A=arterial, C=collector, L=local. Similarly, minimum lot size and minimum buffers, setbacks and screening are based on the residential or non-residential Character Area to which the property has been assigned.

Road Classification			ACTIVITIES	ACRES	BUFFER (ft.)	SETBACKS (ft) from		SCREENING (ft)	
A	C	L				Adjoining Property	Road R. O.W.	Total	Partial
			Addiction Treatment Facility	R					
◆	◆			G	10	100	100	100	150

✓ **Step #6 –**

Activities requiring conditional use approvals

Article V - CONDITIONAL USE APPROVAL

- Conditional Uses are those activities that have unique requirements not covered in the Performance Standards charts.
- The restrictions found in this Article shall be in addition to the standards established under other Articles of this Ordinance.
- Where Conditional Use restrictions conflict with those found in other Articles of this Ordinance, the more restrictive provisions shall apply.
- Variances shall not be allowed for Conditional Use's.

✓ **Step #7 –**

Activities requiring Special Land Use Approvals

ARTICLE VI – ACTIVITIES requiring SPECIAL LAND USE APPROVAL

- *The activities contained in this Article must undergo a review by the Planning Commission with a recommendation to the Board of Commissioners.*
- *This requirement is in addition to any applicable standards found elsewhere in this Performance Zoning Ordinance.*
- Any potential land use that is not identified in this ordinance may be subject to the SLUA process.

✓ **STEP #8 - REVISE CURRENT
ADMINISTRATIVE PROCEDURES**

- ✓ REVISED/ENHANCE
DEFINITIONS
- ✓ VARIANCE PROCESS
- ✓ DECISION APPEALS
- ✓ SLUA PROCESS
- ✓ AMBIGUOUS LANGUAGE
- ✓ I.E. ENCOURAGED,
DISCOURAGED, SUGGESTED,
- ✓ EVERY LAWFUL LAND USE NO
LONGER ALLOWED IN EVERY
CHARACTER AREA..."

REVISION AND IMPLEMENTATION TIMELINE.

<u>DATE</u>	<u>ITEM</u>
30 DECEMBER 2021	BOC SPECIAL CALLED WORK SESSION TO DISCUSS LAND USE REVISIONS
3 - 9 JANUARY 2022	COMMISSIONERS' INPUT PERIOD TO STAFF
10 JANUARY 2022	PLANNING COMMISSION WORK SESSION TO DISCUSS LAND USE REGULATIONS
24 JANUARY 2022	INITIAL PUBLIC HEARING FOR INPUT TO REVISIONS TO THE LAND USE REGULATIONS
22 FEBRUARY 2022	FINAL PUBLIC HEARING REGARDING REVISIONS TO LAND USE REGULATIONS
15 MARCH 2022	LEGAL REVIEW OF DRAFT LAND USE REVISION
31 MARCH 2022	PUBLIC FORUM: 4PM-7PM AT PARK AND REC
1 APRIL 2022	PUBLIC FORUM: 9AM-12PM AT PARK AND REC
4 APRIL 2022	SPECIAL CALLED MEETING – LAND USE DRAFT
5 APRIL 2022	PUBLIC HEARING – LAND USE REGULATIONS
19 APRIL 2022	BOC ADOPT REVISIONS TO THE LAND USE REGULATIONS.

Legal Review Period
21 March – 11 April