

Subject Matter: Amendment to Zoning Ordinance
Date of Legal Advertisement in the Times-Herald: July 20, 2010
Date First Reading: June 7, 2010
Date of Public Hearing before Town Council: July 5, 2010
Date of Adoption and Second Reading at a Public Hearing: July 5, 2010

**TOWN OF SHARPSBURG
COUNTY OF COWETA
STATE OF GEORGIA**

ORDINANCE NUMBER 10-01

TOWN OF SHARPSBURG, GEORGIA

PREAMBLE & FINDINGS

WHEREAS, the Town of Sharpsburg has adopted a comprehensive zoning ordinance codified at Chapter 9 of the Town of Sharpsburg Code of Ordinance; and

WHEREAS, the Town Council has determined that to serve the needs of the community certain amendments are needed in the Town's Code of Ordinances; and

WHEREAS, these amendments to the zoning ordinance regulating auction houses are necessary to further the general health and welfare of the community; and

WHEREFORE, THE TOWN OF SHARPSBURG HEREBY ADOPTS, ORDAINS AND ENACTS THE FORGOING AMENDMENT TO THE ZONING ORDINANCE AS FOLLOWS:

ARTICLE I

The Town of Sharpsburg's Zoning Ordinance, as codified at Chapter 9 Article III of the Town's Code of Ordinances is hereby amended by deleting the stricken language (~~stricken language~~) and adding the double underlined (double underlined) language as follows:

DEFINITIONS

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

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

Accessory Structure: A structure detached from the principal building on the same lot and customarily incidental and subordinate to the principal building.

Accessory Use: A use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with the principal use.

Addition: To an existing building any walled or roofed expansion to the perimeter of a building in which the addition is connected by a common load bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by an independent perimeter load bearing wall is new construction.

Administrator, Zoning: The person, officer, or official and his duly authorized representative, whom the Town Council has designated as its agent for the administration of this ordinance. If the Town Council fails to designate a Zoning Administrator, the Council shall act as the Zoning Administrator.

Alley: A minor street which is used primarily as a service way providing a secondary means of public access to abutting property and not intended for general traffic circulation.

Alteration: Any change in the supporting members of a building or structure such as bearing walls, columns, and girders, except such emergency change as may be required for safety purposes; any addition to a building; any change in use from one district classification to another; or, any movement of a building from one location to another.

Amenity area: The area(s) set-aside for active and passive recreation for the residents inside the PCD or for the general public. Recreation areas may include active and passive areas.

Animal Hospital: Facility for the temporary boarding and treatment of domestic animals operated under the supervision of a licensed veterinarian.

Apartment: See Dwelling, Multi-Family.

Auction House: An enclosed structure where objects of antiques, art, furniture and other goods are offered to sale to persons who bid on the object in competition with each other. Open air, livestock, vehicles and other auctions in similar nature are not permitted under the definition of auction house.

Awning: A roof-like cover that projects from the wall of a building for the purpose of shielding a doorway, walkway, or window from the elements.

Basement: The area below the first floor level in a building and having not more than one-half (1/2) of its height above grade.

Bed and Breakfast: A building, not necessarily owner occupied, which offers transient lodging accommodations and breakfast for two (2) or more guest rooms for compensation provided:

- Compliance with the same licensing, inspection and taxation requirements as hotels motels, and restaurant.
- If within a residential district, the building shall be residential in character, and may not contain more than 2 guest rooms, and shall serve breakfast only to its overnight guest.
- Meals can be served to other than overnight guests if operated in conformance with the Town's definition of Restaurant Custom Service.
- The owners may have employees.
- The owner shall provide one (1) off street parking space for each rental room and one (1) space for each employee.

Berm: A mound of earth or the act of pushing earth into a mound. A berm is usually two to six feet high and is used to shield, screen, and buffer undesirable views or to separate incompatible land uses. In traffic work, berm refers to the raised area between the curb line and right of way line.

Buffer: An area of natural vegetation or man-made construction which is intended to provide a

visual and dimensional separation between dissimilar land uses.

- **Natural Buffer:** A visual screen created by vegetation of such density so as to present an opaque visual separation when viewed from one side to the other throughout the year.
- **Structural Buffer:** A visual screen created through construction of a solid wooden fence, decorative masonry wall, earthen berm, or combination so as to present an opaque visual separation when viewed from one side to the other throughout the year.

Building: Any structure having a roof supported by columns or walls designed or built for the support, enclosure, shelter, or protection of persons, animals, or property of any kind.

Building, Alteration of: Any change or rearrangement in the supporting (such as bearing walls, beams, columns, or girders) of a building, any addition to a building, or movement of a building from one location to another.

Building, Floor Area: The sum of the gross horizontal areas of the several floors of a dwelling unit, exclusive of porches, balconies, garages, basements and cellars, measured from the exterior faces of the exterior walls or from the center lines of walls or partitions separating dwelling units. For uses other than residential, the floor area shall be measured from the exterior faces of the exterior walls or from the center lines of walls or partitions separating such uses, and shall include all floors, lofts, balconies, mezzanines, cellars, basements and similar areas devoted to such uses.

Building Line: A line parallel to the street right-of-way line at a distance from the right- of-way line equal to the depth of the required front yard for the zoning district in which the lot is located.

Building Site: The portion of a “lot”, as defined elsewhere in this ordinance, which shall meet or exceed the minimum area and other requirements specified herein for placement of a principal building and/or any necessary on-site septic tanks and drainfields, and/or wells for water supply.

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

Caliper: The diameter of a tree (usually nursery stock) measured at the point 6 inches above the ground or top of root ball for up to and including 4-inch caliper trees, and at a point 12 inches above the ground or top of root ball for larger sizes.

Canopy Tree: A tree that grows above a height of 50 feet.

Centerline of Street: That survey and monument line by the survey of the Town of Sharpsburg or Coweta County shall be the centerline of the street, or if such a centerline has not been surveyed, it shall be that line running midway between the outside curbs or ditches of street, or the middle of the traveled roadway of the street.

Cemetery, Public: Any plot of ground, building, mausoleum, or other enclosure not located on property owned by or adjacent to a religious institution but used for the burial of deceased persons.

Chapter: An “ordinance” and “chapter” as this ordinance may be codified.

Child Care Facility: A building or portion of a building where care and supervision is provided to persons away from their place of residence for less than twenty-four hours per day on a regular basis for compensation; serves nineteen (19) or more persons and is licensed by the State of Georgia; for children, the outdoor play area shall be enclosed by a fence of not less than four (4) feet in height in the rear yard only. For the purpose of this Ordinance, the term “child care” shall include but not be limited to the terms “Day Care”, “Nursery School”, “Early Learning Center”, “Pre-Kindergarten”, “Private Kindergarten”, “Play School” and “Pre-School”.

Child Care Home, Family: A customary home occupation which provides for six (6) or less persons who are not residents of the premises; care and supervision by a State of Georgia registered resident adult for less than twenty four (24) hours per day on a regular basis for compensation.

Child Care, Group: A building or portion of a building which provides care and supervision of persons away from their place of residence for less than twenty-four (24) hours a day on a regular basis for compensation; serves seven (7) to eighteen (18) persons and is licensed by the State of Georgia.

Church: A building or structure, or groups of buildings or structures, which by design and construction are primarily intended for conducting organized religious services and associated accessory uses.

Clinic: An establishment where patients are admitted for examination and treatment on an outpatient basis by one or more physicians, dentists, other medical personnel, psychologists, or social workers and where patients are not lodged overnight.

Club, Private: An establishment or premises owned or operated by a corporation, association, person or persons for a social, educational or recreational purpose but not primarily for profit or to render a service which is customarily carried on as a for profit business.

Commercial Parking Garage: A building designed and used for the temporary storage or parking of motor vehicles which is operated as a business enterprise with a service charge or fee being paid to the owner or operator for the storage or parking of privately owned vehicles.

Commercial Parking Lot: A tract of land designed and used for the temporary storage or parking of motor vehicles which is operated as a business enterprise with a service charge or fee being paid to the owner or operator for the storage or parking of privately owned vehicles.

Comprehensive Plan: An all inclusive, long-range plan intended to guide the growth and development of a community or region which typically includes inventory and analytic sections leading to a recommendation for the community’s future economic development, housing, recreation, transportation, community facilities and land use, all related to the community’s goals and objectives for these elements.

Condominium: A multi-family dwelling, office or commercial building in which each owner enjoys exclusive fee-simple title and ownership in an individual unit while retaining an undivided interest in the common facilities and areas of the building and grounds which are used

by all the owners or tenants of the condominium.

Crown Dripline: A vertical line extending from the outer surface of a tree branch tips to the ground.

Cul-de-sac: A dead-end street that terminates in a permanent turnaround and not intended for future extension.

Day Care Facility: The use of a building or premises for the care and supervision of children or elderly adults who do not reside on the property, for periods of less than 24 hours.

- **Day Care Center:** A day care facility that enrolls for pay, supervision and non-medical care, 19 or more children or elderly adults with no overnight stays.
- **Family Day Care Home:** An accessory use within a private residence operated by the occupant of the dwelling that enrolls for pay, supervision and nonmedical care, 5 or fewer children or elderly adults with no overnight stays, or no more than 6 children or elderly adults if the structure meets the building code requirements for institutional uses.
- **Group Day Care Home:** A day care facility that enrolls for pay, supervision and non-medical care, up to 18 children or elderly adults with no overnight stays.

Development: Subdividing a tract of land into two or more lots whether for sale or rental; construction, erection or expansion of a structure, filling, grading, excavation or land disturbing activities affecting more than ¼ acre (10,890 square feet); recording a plat in the office of the Clerk of Superior Court; or location of a facility.

Development Permit: The authorization necessary to initiate and conduct a land-disturbing activity and to carry out the planned development of land and structures.

Development Site: That portion of a tract of land that will be dedicated to a proposed development, including the land containing trees that will be counted toward satisfying the requirements of these provisions.

Diameter Breast Height (DBH): The diameter of an existing tree trunk measured at a height of 4 ½ feet above the ground. If a tree splits into multiple trunks below 4 ½ feet, the trunk is measured at its most narrow point beneath the split.

Deciduous Tree: Any tree that drops its leaves at the end of a growing season.

District: A delineated section or sections of the Town of Sharpsburg for which the zoning regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform.

Dripline Area: The total area underneath a tree, which encompasses all crown driplines.

Dwelling: A building which is designed or used exclusively for residential purposes, including single-family, multi-family residential buildings, rooming and boarding houses, manufactured homes and industrialized homes but not including hotels and motels.

- **Single Family Detached House:** A residential building, whether site-built or a manufactured home designed for occupancy by one family.
- **Single Family Attached House:** A residential building designed exclusively for occupancy by two families in separate dwelling units living independently of each other.
- **Multi-Family:** A residential building designed exclusively for occupancy by three or more families in separate dwelling units living independently of each other.
- **Multi-Family Attached:** A multi-family dwelling in which the dwelling units may adjoin on another only at the vertical walls.
- **Apartment Building:** A multi-family dwelling in which a dwelling unit may be located above another, such as in a garden apartment building.

Dwelling Unit: One or more rooms connected together and constituting a separate, independent housekeeping establishment with complete provisions for cooking, eating, sleeping, bathing and personal hygiene, and physically set apart from any other dwelling unit in the same structure.

Easement: The right, grant or privilege of using another's property for purposes such as constructing and maintaining sanitary sewers, water mains, electric lines, telephone lines, storm sewers, gas lines, bicycle paths, multi use paths or other purposes requiring encroachment onto another's property.

Evergreen Tree: Any tree that retains its foliage throughout the year.

Family: One (1) or more individuals permanently occupying a dwelling unit (not necessarily related by blood or marriage), and living as a single household unit, as distinguished from persons occupying a boarding house, group home, or hotel, as defined in this Ordinance.

Fence: An artificially constructed barrier of wood, wire, wire mesh, or decorative metal erected to enclose, screen or separate portions of a lot. Chain link and wire fences are prohibited.

Fill: A portion of land surface to which soil or other solid material, either organic or inorganic, on a natural ground surface or excavation.

Finished Grade: The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

Flood: A rise in stream flow or stage that results in temporary inundation of the areas adjacent to the channel.

Floor: The top surface of an enclosed area in a building, including basement, (i.e. top of slab in concrete slab construction or top of wood flooring in wood frame construction).

Floor Area, Gross: The gross heated areas of all floors, measured from the exterior faces of the exterior walls of the building.

Flowering Trees: Ornamental trees that are known for their blooms and generally mature at a height of less than 40 feet. Flowering trees approved for use include dogwood, redbud, crape myrtle, and ornamental cherry. Flowering trees not approved for use include Bradford Pear.

Garage, Private: An accessory building designed or used for the storage of motor-driven vehicles owned and used by the occupants of the buildings to which it is an accessory.

Grade: The average level of the finished ground surface adjacent to the exterior walls of the building.

Green space: A plot of undeveloped land separating or surrounding areas of intensive residential or industrial use that is maintained for recreational enjoyment.

Gross Floor Area: The total area of all floors of a building, measured from the outside planes of the exterior walls.

Group Home: A residence composed of non-related individuals with one or more surrogate parents that function as a singular house-keeping unit. All group homes shall be approved and licensed by the State of Georgia Department of Human Resources.

Ground Cover: A low growing plant of less than 3 feet in height, other than turf grass, which forms a continuous cover over the ground surface.

Groundwater Recharge Area: The land area where the water that eventually seeps down into an aquifer first enters the ground.

Handicapped Parking Space: A space laid out and designated by signage in accordance with the requirements of the federal American with Disabilities Act.

Hardship: An unusual situation present which affects an individual property owner and will not permit the owner to enjoy the full utilization of the property which is given to others in the community. A hardship exists only when it is not owner-created, or when it is not economic in nature.

Health Department: The Coweta County Health Department.

Height, Building and Structure: The vertical distance measured from the highest grade adjacent to the highest point of roof surface of a flat roof, to the deck line of a mansard roof, or to the average height between eaves and ridges of a gable, hip or gambrel roof. Except for communication antenna and towers which are otherwise provided for in this ordinance.

Home Occupation: Any activity carried out for profit by the resident and conducted as an accessory use in the resident’s dwelling unit.

- **Home Office:** A home occupation that is limited to an office use and does not involve visits or access by the public, suppliers or customers, and does not involve the receipt, maintenance, repair, storage or transfer of merchandise at the home.
- **Home Business:** A home occupation that is limited to the use of a practicing professional, an artist, homemaker production (such as sewing or baking), or instruction in the in the fine arts, and may involve very limited visits or access by clients or pupils, but does not involve the maintenance, repair, storage or transfer of merchandise received at the home.

Hotel: A facility offering transient lodging on a daily rate to the general public and typically providing additional services, such as restaurants, meeting rooms, and recreational facilities. No cooking is allowed in any individual room or suites (except for coffee machines and microwaves).

Household: An individual living alone or a group of individuals living together in a single dwelling unit, sharing common use of and access to all living and eating areas, bathrooms, and food preparation areas, who mutually combine their efforts and share responsibilities for domestic chores such as child rearing, cleaning and cooking in a permanent and long term relationship, as contrasted to one in a transient relationship who pays for lodging such as a boarder.

Impervious Surface: A surface that rainwater cannot penetrate or be absorbed by, such as a paved or gravel parking lot, paved road or building.

Industrialized Home: Any structure or component thereof which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof. Industrialized buildings are constructed and regulated in accordance with the “Industrialized Building Act” Title 8, Chapter 2, Article 2, Part 1 of the Georgia Code Annotated.

Infill Development: The subdivision of, development of or construction on a parcel of land that is adjacent to developed land on two or more sides.

Junk: The term “junk” as used by this ordinance means any used article of commerce which is composed principally of iron, steel, brass, copper, or zinc, or their alloys, or any other base metal, and which is commonly bought for the purpose of resale and refabrication, either or both (See O.C.G.A. Section 43-22-1); provided further, the term “junk” as used by this ordinance means worn out and discarded material that may be returned to some use, especially old rope, chain, iron, copper, parts or machinery, electrical and electronics equipment, and bottles gathered or brought up by trade persons called junk dealers; hence, rubbish of any kind; odds and ends provided further, the term “junk” as used by this ordinance does not include scrap or steel recovered from automobiles, etc., being cut to size with or without being baled to meet specifications of steel mills and foundries for remelting.

Junk Business: All “junk business” is strictly prohibited in the Town of Sharpsburg. For the purposes of this ordinance, the term “junk business” is the pursuit, for profit, of purchasing old

iron, brass, bottles etc., and selling them again in the condition in which they were purchased by said dealer.

Junk Dealer: Junk Dealers and Junk Dealing are strictly prohibited activities within the Town of Sharpsburg. A “junk dealer” is any person, firm or corporation having a fixed place of business, or officer, agent and employee of any person, firm or corporation who engages in the purchase of used articles of commerce principally composed of iron, steel, brass, copper, or zinc, or their alloys, or any other base metals, and which is commonly bought for the purpose of resale and re-fabrication, either or both (See O.C.G.A. Section 43-22-1).

Junk Yard: Lot or part thereof, whether enclosed or not, used for the collection, storage, keeping, sale, abandonment, or resale of junk including scrap metal, rags, paper and other scrap materials and equipment, or for the dismantling, demolition or abandonment of three (3) or more disabled automobiles, not bearing current auto tags/decals, or other machinery, appliances or parts thereof.

Kennel: Any location where breeding, raising, boarding, caring for, and the keeping of more than five (5) dogs or cats or other small animals or a combination thereof (except litters of animals not more than six (6) months of age) is carried on for commercial purposes.

Land Disturbing Activity: Any grading, scraping, excavating, or filling of land, clearing of vegetation; and any construction, rebuilding, or alteration of a structure. Land disturbing activity shall not include activities such as ordinary maintenance and landscaping operations, individual home gardens, yard and grounds upkeep, repairs, additions, or minor modifications to a single family dwelling, and the cutting of firewood for personal use.

Land Disturbance Permit: A permit issued to authorize the disturbance of land and vegetation.

Livestock: The “livestock” as used herein shall mean and include cattle, horses, goats, sheep, swine, rabbits, poultry, ducks, geese, and other fowl customarily bred or raised in captivity.

Lot: A lot of record, or any combination of lots of record, held in a single ownership by one person or in common ownership by more than one person, which has both lot area and lot dimensions equal to or greater than the lot width and lot area requirements established by this ordinance for the zoning district in which such tract of land is located and for the use proposed for the tract of land.

Lot, corner: A lot having frontage at the intersection of two or more public streets.

Lot depth: The mean horizontal distance between the front and rear building setback lines (lot lines), measured in the general direction of the side building setbacks (lot lines).

Lot line: A boundary of record that divides one lot from another or from a public or private street or any other space.

Lot, nonconforming: A lot that has less than the minimum area or minimum dimensions required in the zone in which the lot is located.

Lot, through: A lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot.

Lot width: The distance between side lot lines measured at the front building setback. **Lot of record:** A lot that exists as shown or described on a plat or deed in the records of the Office of the Clerk of the Superior Court of Coweta County prior the date of adoption or subsequent amendment of this Ordinance.

Manufactured Home: A structure defined by and constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 as amended, 42 U.S.C. 5401, et seq.

Manufactured Home means a structure, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical system contained therein; except that such term shall include any structure which meets all the requirements and the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development complying with the standards established under this title.

A manufactured home is a single family detached dwelling and its placement in a residential district must meet or exceed the Appearance Standards as provided in Article 5.3 of this ordinance.

Minimum front setback: The Principal Setback Line required on the front of a lot by the zoning district.

Mini-TND: Reserved for developments of 6-29 acres. Shall comply with requirements of Traditional Neighborhood Development (TND) except commercial and office is not required if convenient shopping is otherwise available. A village center meeting place is required but does not have to be a building or hall.

Mobile Home: A dwelling manufactured prior to June 15, 1976, transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet in floor area, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein.

Motel: A permanent building or group of permanent buildings in which overnight sleeping accommodations are provided for travelers and having a parking space near or adjacent to the entrance of the room. Such use has eighty (80) percent of the rooms occupied by a different registered guest every five (5) days, provides patrons with daily maid service, twenty-four (24) hour desk/counter clerk service, and a telephone service to receive incoming and outgoing messages, and shall comply with the applicable requirements of the Coweta County Health Department and O.C.G.A. Section 31-28-1 et. Seq., and may provide additional services such as restaurants, retail gift shops, meeting rooms, swimming pools and exercise facilities. No cooking in any individual room or suites (except coffee machines and microwaves).

Non-Conforming Use: The use of any building or land which was lawful at the time of passage

of this ordinance, or amendment thereto, but which use does not conform, after the passage of this ordinance or amendment thereto, with the regulations of the district in which it is situated.

One-Hundred-Year Flood: A 100-year frequency flood that has the probability of occurring once every 100 years and thus has a 1 percent chance of occurring in any given year.

One-Hundred-Year Flood Plain: Those areas of the Town of Sharpsburg having a one percent chance or greater of being partially or completely inundated by flood waters, either from a defined river, creek or stream or from the unusual and rapid accumulation of runoff or surface water from any sources. For purposes of this ordinance, the One-Hundred-Year flood plain shall be as shown on flood hazard boundary maps, published by the Federal Emergency Management Agency or as determined from formal flood hazard studies prepared by or for the Town of Sharpsburg.

Open space: An area of land or water that is permanently set aside through dedication, designation or reservation to remain in a natural and unimproved state or that may be improved only for active or passive recreation or enjoyment.

- **Common Open Space:** Privately-owned land or water areas within a development project that are available to or benefit all occupants of the development on a continuing and permanent basis, such as walking trails, community centers or clubhouses, golf courses and other recreation areas, protected flood plains or wetlands, and fishing or boating lakes. Common open space does not include any streets or public rights-of-way, or yard areas or landscape areas located on private property.
- **Public Open Space:** Land reserved for preservation, leisure or recreational use but dedicated in fee simple to a governing body or agency to be responsible for operation and maintenance. Public open space may not be reserved for or dedicated to the exclusive use of the residents of a particular development.

Parking Lot: An open area used exclusively for the temporary parking of vehicles and bicycles and which no gasoline or vehicular accessories are sold or no other business is conducted.

Parking Lot Island: A landscaping strip located in a parking lot. Such islands must be sized to allow the plants and trees located within it to grow to their mature size.

Parking Space: A space, enclosed or unenclosed, having an area of not less than 162 square feet (9' x 18') exclusive of access, permanently reserved for the temporary storage of one vehicle and having access to the street.

Permit: Any written authorization for building, construction, alteration, development, occupancy, or other matter required by this Ordinance to be approved by a designated commission, board, official or employee. The person to whom such permit is issued shall be known as the "permittee."

Permitted Use: Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

Personal Care Home: A building or group of buildings, a facility or place in which is provided two or more beds and other facilities and services, including room, meals and personal care, for non-family ambulatory adults. For the purpose of these Rules, Personal Care Homes shall be classified as: Family Care Personal Care Home, Group Personal Care Home, or Congregate Personal Care Home. This term does not include buildings which are devoted to independent living units which include kitchen facilities where residents have the option of preparing and serving some or all of their own meals or boarding facilities which do not provide personal care.

- **Family Personal Care:** A home for adults in a family type residence, noninstitutional in character, which offers care for two to six persons.
- **Group Personal Care Home:** A home for adult persons in a residence or other type building(s), noninstitutional in character, which offers care for seven to fifteen persons.
- **Congregate Personal Care Home:** A home for adults which offers care to or sixteen or more persons.

Planning Commission: The Planning Commission for the Town of Sharpsburg as may be established by the Town Council. If the Planning Commission is not established, the Town Council shall act as the Planning Commission.

Plat: A map, plan or layout of a county, town, town, lot, section, subdivision or development indicating the location and boundaries of properties.

Pond: A body of standing water less than one acre in surface area, created either by a natural dam, or other means of water impoundment.

Principal Building: A building where the main or principal use of the lot is conducted.

Principal Building Setback Line: A line delineating the minimum allowable distance between a property line or the right-of-way line of an abutting street and a principal building on a lot.

- **Front Building Setback:** The minimum allowable distance between the right-of-way line of any abutting street and any part of a principal building on a lot. The front setback distance is applied along the full length of the right-of-way and is parallel to it.
- **Rear Building Setback:** The minimum allowable distance between a rear lot line and any part of a principal building on a lot. The rear building setback extends along and parallel to the full length of the rear lot line.
- **Side Building Setback:** The minimum allowable distance between a side lot line and any part of a principal building on a lot. The side building setback extends along and parallel to the side lot line between the front building setback and a rear building setback (if any).

Principal Use: The specific, primary purpose for which land or a building is used.

Protection Area: All lands that fall outside the buildable area of a lot or parcel of land, all areas of the parcel required to remain in open space, the drip line areas beneath a tree or

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clusters of trees to be retained, and all areas required to remain landscape strips or buffers, and other areas as may be established by conditions of zoning approval.

Restaurant, Custom Service: An establishment where food and drink are individually ordered and served at the table, and consumed primarily within the principal building or in established outdoor dining areas, as contrasted to a fast food restaurant.

Restaurant, Fast Food: Any establishment, building or structure where food or drink are served for consumption either on or off the premises, by order from or service to persons either over an interior counter, outside the structure or from an outdoor service window or automobile service window, or by delivery. This definition shall not include otherwise permitted restaurants where outdoor table service is provided to customers in established outdoor dining areas or where drive-through or take-out service is provided incidental to a Custom Service Restaurant.

Retirement Community: An age-restricted residential development that offers significant services and facilities for the elderly, including social and recreational activities, personal care services, or health facilities limited to use by the development's residents. At least 80% of the units must be occupied by residents 62 years old or older, and the remaining units must be occupied by at least one resident 55 years old or older.

Rooming or Boarding House: A dwelling within which a resident family or manager offers lodging or lodging and meals to two or more persons not under the resident's parental or protective care in exchange for monetary compensation or other consideration.

Scale of Development: The relationship of a particular project or development, in terms of size, height, bulk, intensity and aesthetics.

Setback: The mean horizontal distance between the front street right-of-way line and the front line of the building or the allowable building lines as defined by the front yard regulations of this ordinance.

Setback Line: The line which is the required minimum distance from any lot line and that established the area within which the principal structure must be erected or placed.

Setback Minimum: The shortest distance allowed between a street right-of-way or any other lot line and the nearest point on principal or accessory building on a lot. Minimum setback requirements for buildings are associated with the type of lot line from which the setback is taken; for instance, a "side yard setback" is measured from a side lot line.

Shrub: A self-supporting woody plant that normally reaches a height of more than 2 but less than 12 feet.

Sign: All signs are defined as provided for in the Town of Sharpsburg signage ordinance.

Special Uses: A use not ordinarily permitted but which may be permitted with imposition of conditions related to the promotion of the public health, safety, morals, or general welfare and designed to minimize the negative impact on surrounding lands. Such conditions may include, but are not limited to, restriction on land use; height, setback and other non-use requirements; physical improvements, including infrastructure, to the property.

Specimen Tree or Stand: Any tree or grouping of trees that has been determined to be of high value because of its species, size, historic significance, age or location. General criteria for the determination of specimen trees or stands are as follows:

- Any deciduous tree whose DBH exceeds 30 inches.
- Any evergreen tree whose DBH exceeds 24 inches.
- Any understory tree whose DBH exceeds 10 inches.
- Any tree that has historic value and can be documented through historical records or otherwise.

State Waters: Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State which are not entirely confined and retained completely upon the property of a single individual, partnership or corporation.

Stormwater Detention Facility: A facility that provides storage and controlled release of stormwater runoff during and after a flood or storm.

Story: The portion of a building included between the surface of any floor and the surface of the floor above it: or if there is no floor above it, the space between any floor and the ceiling above it.

Stream: A natural body of running water flowing continuously or intermittently in a channel on or below the surface of the ground.

Street: A right-of-way, whether designated as an avenue, boulevard, road, highway, expressway, lane or other way, generally intended for the movement of vehicular and pedestrian traffic and which serves as point of access to abutting property.

Street, classification: As described herein:

Alley: A minor street which is used primarily as a service way providing a secondary means of public access to abutting property and not intended for general traffic circulation.

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

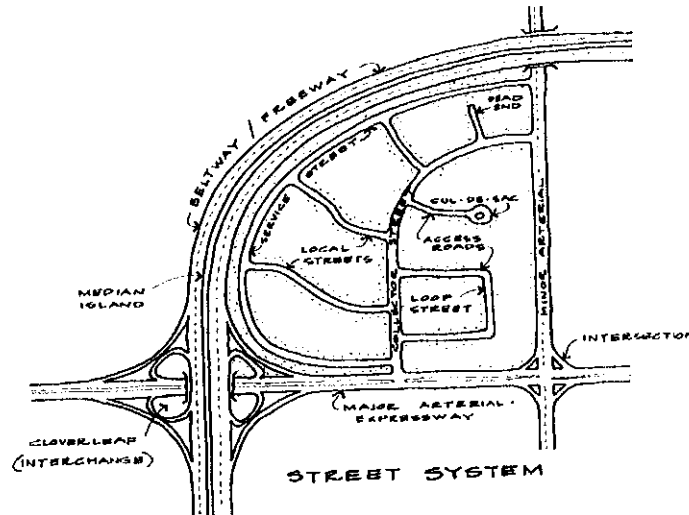
Driveways or other curb-cuts leading in or out of property zoned THC or LI may not open into a local street.

Collector Streets: Streets that provide access to activity centers from residential areas. Their purpose is to collect traffic from streets in residential and commercial areas and distribute the traffic to the arterial system. Main Street and Terrentine Street are collector streets within the Town of Sharpsburg;

Driveways or other curb-cuts leading in or out of property zoned THC or LI may open into a collector street only by special use permit.

Arterial: A street with signals at important intersections and stop signs on the side streets and collects and distributes traffic to and from collector streets. Arterials connect activity centers and carry large volumes of traffic at moderate speeds. State Highway 54, State Highway 16, State Highway 154, and McIntosh Trail are arterial streets within the Town of Sharpsburg.

Figure 1: Street Types



Structure: Anything constructed or erected on the ground or attached to something on the ground. A fence or a wall is not a structure.

Temporary Structure: A structure without any foundation or footings and which is removed when the designated time period, activity or use for which the temporary structure was erected has ceased.

Tenant: A natural person, business or other entity that occupies land or buildings by title, under a lease, or through payment of rent: an occupant, inhabitant, or dweller of a place.

Town Council: Town Council and governing body are used throughout this document and both mean the elected officials of the Town of Sharpsburg

Tree: Any living, self-supporting woody perennial plant which normally obtains a trunk diameter of at least 2 inches and a height of at least 12 feet and typically has one main stem or trunk and many branches.

Turf: Ground cover composed of one or more species of perennial grass that is grown as a permanent lawn.

Use: The purpose for which land or a building or other structure is designed or arranged, or for which it is occupied.

Variance: Permission to depart from the literal requirements of a zoning ordinance.

Vegetation: All plant growth, such as trees, shrubs, mosses and grasses.

Vernacular: Vernacular architecture is historic architecture unique to a region. Of or being an indigenous building style using local materials and traditional methods of construction and ornament, especially as distinguished from academic or historical architectural styles. This includes architectural styles circa early 1800's to 1920's within a radius of 500 miles of Sharpsburg. Styles may include Georgian, Classic Revival, Colonial Adam, Victorian Stick, Victorian Folk, Victorian Shingle and Victorian Craftsman.

Visual Screen: Natural vegetation or a decorative structure that creates an opaque visual block or obscures an unattractive view. Screening may consist of any combination of the following, as approved by the Zoning Administrator:

- Fencing constructed of cedar, redwood, treated wood, or other suitable all-weather material.
- Masonry walls.
- Plant materials or natural vegetation.
- Earthen berms.

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

Yard: An open space that lies between the principal building or buildings and the nearest lot line. The minimum required yard as set forth in the ordinance is unoccupied and unobstructed from the ground upward except as may be specifically provided in the zoning ordinance.

Yard, Front: A space extending the full width of the lot between any building and the front lot line and measured perpendicular to the building at the closest point to the front lot line.

Yard, Rear: A space extending across the full width of the lot between the principal building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line.

Wetlands, Protected: Those wetlands identified on the National Wetlands Inventory maps prepared by the U.S. Fish and Wildlife Service, or otherwise approved by the U.S. Army Corps of Engineers as jurisdictional wetlands based on competent studies prepared by a registered and qualified professional engineer.

Zoning: The power of local governments to provide within their respective boundaries for the zoning or districting of property for various uses and the prohibition of other or different uses within such zones or districts and for the regulation of development and the improvement of real estate within such zones or districts in accordance with the uses of property for which such zones or districts were established.

Zoning decision: Final legislative action by the Town Council which results with:

- The adoption of a zoning ordinance;

- The adoption of an amendment to this ordinance which changes the text of this ordinance;
- The adoption of an amendment to this ordinance which rezones property from one zoning classification to another;
- The adoption of an amendment to this ordinance which zones property to be annexed into the city; or
- The grant of a permit relating to a special use of property.

Zoning District: A section of the Town of Sharpsburg, Georgia, as designated on the Official Zoning Map within which zoning regulations are uniform and compatible.

Zoning Ordinance: An ordinance establishing procedures and zones or districts within the respective territorial boundaries of the Town of Sharpsburg, Georgia, which regulate the uses and development standards of property within such zones or districts. The term also includes the map adopted in conjunction with the textual ordinance which shows the zones or districts classifying property depicted thereon.

ARTICLE II

The Town of Sharpsburg’s Zoning Ordinance, as codified at Chapter 9 Article V of the Town’s Code of Ordinances is hereby amended by deleting the stricken language (~~stricken language~~) and adding the double underlined (double underlined) language as follows:

5.2 Permitted Uses.

No principal building, structure or land use shall be permitted except in the zoning districts indicated and for the purposes permitted in Table 5.2. Each use is mutually exclusive and does not include other uses listed in the table. A principal use denoted by the letter “S” is permitted only if a special use permit is granted by the Town Council. For legal uses not included in this list, an application can be made to the Mayor and Council to determine its permitted districts based upon similar existing uses. The Town reserves the right to regulate any new business which it is permitted to regulate. There may be only one permitted use per lot except in TC, TNC, THC, TND and LI districts.

Note: If a use is not specifically listed in Table 5.2 it is a prohibited use.

Table 5.2 Permitted Uses

PERMITTED USES	R1	R1A	R2	TND	TMF	TC	TNC	THC	LI
ACCESSORY USES	X	X	X	X	X	X			X
ADULT ENTERTAINMENT									X
ADVERTISING DISPLAY, SALES AND MANUFACTURING							X	X	X
AGRICULTURE EQUIPMENT SALES, SUPPLY, STORAGE								X	X
AMBULANCE SERVICES								X	X
ANIMAL CARE FACILITY SHALL BE LOCATED AT LEAST 100' FROM ANY PROPERTY ZONED FOR RESIDENTIAL USE								X	X

PERMITTED USES	R1	R1A	R2	TND	TMF	TC	TNC	THC	LI
ANTIQUE STORE						X	X	X	
APPAREL AND ACCESSORY STORE				X		X	X	X	
APPLIANCE SALES				X		X	X	X	
ART GALLERY/PHOTOGRAPHY				X		X	X	X	
ATHLETIC/HEALTH CLUB & FACILITIES				X		X	X	X	
ASSEMBLY HALL, CIVIC CENTER				X		X	X		
AUCTION HOUSE						S	S	S	
AUTOMOBILE AND TRUCK SALES, SERVICE AND REPAIR								X	X
AUTOMOBILE, TRUCK REPAIR AND BODY SHOP								X	X
BAIT SHOP				X				X	X
BAKERY/PASTRY SHOP				X		X	X	X	X
BANK OR FINANCIAL INSTITUTION				X		X	X	X	
BARBER SHOP/BEAUTY SHOP				X		X	X	X	
BASEBALL BATTING CAGES								X	X
BED AND BREAKFAST	X		X	X		X	X		
BOAT STORAGE									X
BOAT SALES, SERVICE & REPAIR								X	X
BOOKS, CARDS AND STATIONARY STORES				X		X	X	X	
BUILDER SUPPLIES AND STORAGE									X
BUILDING MATERIALS SALES, SUPPLIES AND STORAGE									X
CAR WASH								X	X
CARPET CLEAN. STORE								X	X
CARPET AND RUG SALES, FLOOR COVERING AND STORAGE								X	X
CEMETERY	S	S	S						
CHILDCARECENTER, GROUP				X		X	X	X	
CHILD CARE FACILITY				X		X	X	X	
CHILD CARE HOME	S	S	S	S					
CHURCHES	S		S	S	S	S	S	S	S
CIVIC CLUBS				X		X	X	X	
CLINIC, PUBLIC OR PRIVATE				X		X	X	X	
CLUB OR LODGE								S	S
COLLEGE, UNIVERSITY OR JUNIOR COLLEGE				S		S	S	S	
CONGREGATE PERSONAL CARE HOME				S	S	S	S	S	
CONTRACTOR EQUIPMENT-MATERIAL STORAGE									X

PERMITTED USES	R1	R1A	R2	TND	TMF	TC	TNC	THC	LI
CONVENIENCE STORES WITHOUT FUEL PUMP SERVICE				X		X	X	X	
CONVENIENCE STORES WITH FUEL PUMP SERVICE- PROVIDED THAT ALL PUMPS SHALL BE AT LEAST 15 FEET FROM ANY STREET RIGHT-OF-WAY				X		X	X	X	
CURIO AND SOUVENIR SHOPS				X		X	X	X	
DRUG STORES, PHARMACIES				X		X	X	X	
DWELLING, MULTI-FAMILY				X	X	X	X		
DWELLING, SINGLE-FAMILY DETACHED	X	X	X	X		X	X		
EQUIPMENT RENTAL								X	X
EQUIPMENT SUPPLIES								X	X
FARMING	X								X
FLEA MARKET									X
FLORIST SHOP				X		X	X	X	
FUNERAL HOME, MORTUARY								X	
FURNITURE AND HOME FURNISHINGS				X		X	X	X	X
GARDEN LANDSCAPING SUPPLIES				X		X	X	X	X
GOLF COURSES AND CLUB HOUSES				S				S	S
GOLF DRIVING RANGE				S				S	S
GOVERNMENT BUILDINGS				X		X	X		
GROCERY STORE				X	X	X	X	X	X
GROUP CARE PERSONAL HOME	S		S	S	S		S	S	
HARDWARE, PAINT AND WALLPAPER STORE				X		X	X	X	X
HOBBY, TOY AND GAME STORE				X		X	X	X	
HOME OCCUPATION- SUBJECT TO ARTICLE 7 REGULATIONS.	X	X	X	X	X				
HOSPITAL				X			X	X	
HOTEL/INN				X			X	X	X
JEWELRY STORE				X		X	X	X	
KENNEL								X	X
LAUNDRY, PICK UP AND DRY CLEAN SERVICES				X		X	X	X	
LAUNDRY, COIN OPERATED				X			X	X	
LIBRARY				X		X	X	X	
LIVESTOCK- RAISING/KEEPING FOR PERSONAL PLEASURE, PROVIDED THAT ALL STRUCTURES SHALL BE AT LEAST 100' FROM ANY PROPERTY LINE.	X								
MACHINE SHOP, FABRICATION, WELDING, SALES									X

PERMITTED USES	R1	R1A	R2	TND	TMF	TC	TNC	THC	LI
MANUFACTURING INVOLVING THE ASSEMBLY OF PRE-MANUFACTURED COMPONENT PARTS.									X
MINI-WAREHOUSE (SELF-STORAGE FACILITY)								X	X
MOTEL								X	X
MOVIE THEATRE				X		X	X	X	X
MUSEUM				X		X	X	X	
NURSERY, GREENHOUSE - PROVIDED THAT NO STRUCTURE SHALL BE LOCATED CLOSER THAN 100' TO ANY ADJOINING RESIDENTIAL PROPERTY.							X	X	X
OFFICE, BUSINESS AND PROFESSIONAL				X		X	X	X	X
OFFICE SUPPLIES				X		X	X	X	X
PARKING LOT				X		X	X	X	X
PARKS & RECREATION	X		X	X	X	X	X	X	X
PET AND DOG GROOMING SHOPS							X	X	X
PRINT SHOP				X		X	X	X	X
RECREATIONAL FACILITIES	X		X	X	X	X	X	X	X
RECYCLING COLLECTION STATION									X
REPAIR SERVICE, GENERAL MERCHANDISE							X	X	X
RESTAURANT				X		X	X	X	X
RESTAURANT W/ DRIVE-IN AND/OR DRIVE-THROUGH FACILITIES.								X	
RETAIL STORES				X		X	X	X	X
SCHOOL - PUBLIC OR PRIVATE	S		S	S		S	S	S	
SEWERAGE TREATMENT FACILITIES-PUBLIC OR PRIVATE	S		S	S	S			S	S
SHOE REPAIR				X		X	X	X	
TAXIDERMY								X	X
TIRE SALES AND SERVICE								X	X
UTILITY FACILITIES	S	S	S	S	S		S	S	S
VETERINARY CLINIC/ANIMAL HOSPITAL/GROOMING								X	X
VIDEO SALES AND RENTAL				X		X	X	X	X
VOCATIONAL SCHOOL				S		S	S	S	X
WATER DISTRIBUTION OR TREATMENT FACILITIES	S	S	S	S	S	S	S	S	S

5.7-5.3 **Commercial uses:** Commercial development shall include those uses established herein, which are parts of a PCD. Commercial development shall be designed and landscaped in a manner which is compatible with residential development and which provides for traffic circulation compatible with alternative modes of transportation (i.e., pedestrian, bicycle, transit).

A. Uses no greater than 3,000 square feet in floor area:

- Antique and art shops.

- Auction Houses
- Barber shops, beauty shops, spas, and similar service establishments.
- Bicycle and repair shops.
- Books, stationery, and card shops.
- Dry cleaners/laundries.
- Catering establishments.
- Dry goods and notions establishments.
- Florists and gift shops.
- Coffeehouses.
- Custom dress making, tailoring, or millinery shops.
- Jewelry stores.
- Loan offices.
- Music stores.
- News and tobacco shops.
- Photographers (including the sale of supplies, film development, and equipment).
- Quick copy centers.
- Shoe stores and shoe repair shops.

B. Uses no greater than 7,500 square feet in floor area:

- Banks, savings and loans, credit unions, and similar financial institutions.
- Drug stores and apothecary shops.
- Restaurants, bakeries (with retail sales on the premises), and cafes, odor-scrubbing devices required.

C. Uses no greater than 20,000 square feet in floor area:

- Apparel stores.

- Grocery, fruit, vegetable, and meat markets that involve no killing, eviscerating, skinning, plucking or smoking of products.

D. Other:

- Structured parking facilities.
- Other retail and service uses as may be determined by council to be similar and compatible with the above-listed permitted uses.
- Apartments on second story over office/commercial space. The intent of this provision is to allow for a live/work environment, not to allow for an apartment complex. Therefore, any management company owning and managing more than ten apartment units must first get council approval.

Development standards. For commercial development, the following standards shall apply:

Criteria	Standard
Minimum lot area	6,000 square feet
Minimum lot width	40 feet
Minimum front setback	None
Maximum front setback	15 feet
Minimum side setback	None, 15 feet if a corner lot
Minimum rear yard	30 feet
Maximum height	34'11"
Parking	Structured, or surface (rear parking preferred); on-street parking prohibited, unless approved on the Master Development Plan.
Structured parking	Allowed with commercial along street frontage.
Architectural Styles	Architectural styles consistent with southern small town commercial buildings are encouraged.
Colors	Exterior colors should be consistent with colors used on traditional southern commercial structures. Trim should be painted in a white or other color lighter than the base color
Exterior Materials	Exterior Materials Shall Be Traditional Wood Lap Siding, Cement-Fiber Siding, Brick Or Stone. Hard Stucco Allowed For Accents Only. Brick Houses Must Have A Minimum Or 3 Full Sides Brick.

Drive-through access	Allowed after planning and development approval of placement (typically at rear of structure).
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Parking shall be aesthetically arranged to provide for convenient walking/cycling wherever possible. On-street parking is prohibited, unless allowed according to an approved illustrative Master Development Plan. Shared use of parking facilities (with office or commercial uses) may result in the reduction of the required parking by no greater than 40 percent.

Accessory uses:

- Accessory structures or buildings.
- Recreation areas owned, operated, and maintained by homeowners' associations exclusively for the use of residents and their guests.
- The parking of one unoccupied travel trailer, motor coach, or pleasure boat subject to provisions of this chapter, provided that there is no exterior parking for said vehicle.

Conditional uses: Upon application to and recommendation by the Town Council the following conditional uses are permitted:

- Guest quarters or employee quarters, provided that not more than one unit shall be permitted on a lot and this unit shall be in the rear yard. These quarters shall not be used as rental property.
- Daycare centers for more than three children when conducted in a principal structure or within a church or school, provided that at least 200 square feet of outdoor play area and 35 square feet of indoor play area is provided for each child. A security chain link fence shall enclose the outdoor play area and must be a minimum of four feet in height. State license required.
- Home occupation daycare for more than six children when conducted within a single-family residence also used and occupied by a family as a dwelling unit, provided that at least 200 square feet of outdoor play area and 35 square feet of indoor play area is provided for each child. A security chain link fence shall enclose the outdoor play area and must be a minimum of four feet in height. State license required.
- Nursing care facilities of a denominational nature when located on the same site as a church.

Public, parochial, and private schools when such facilities are located on the same site of the school or college. Any such facility shall front on a thoroughfare having the minimum classification of collector and have minimum frontage of 200 feet. The minimum site area shall be three acres.

ARTICLE III

This Ordinance shall become immediately effective upon its second reading and adoption by the Mayor and Town Council.

ARTICLE IV

The Preamble of this Ordinance shall be construed to be, and is hereby incorporated by reference as is fully set out herein.

ARTICLE V

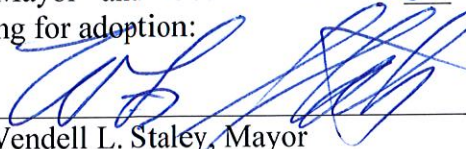
The Ordinance shall be codified within the Code of Ordinances of the Town of Sharpsburg, Georgia at Chapter 9 in a manner consistent with the laws of the State of Georgia and of the Town of Sharpsburg.

ARTICLE VI

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

(Signatures Appear on the Next Page)

APPROVED BY THE MAYOR AND COUNCIL OF THE TOWN OF SHARPSBURG, at a regular meeting of the Mayor and Council on the 5th day of July, 2010, by the following voting for adoption:

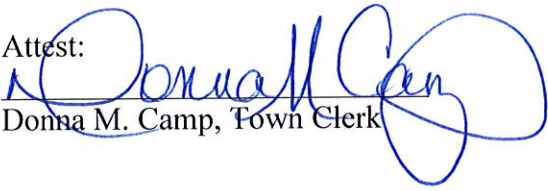

Wendell L. Staley, Mayor

Absent
L. Gordy Anderson, Council Member

Absent
Celene D. Davenport, Council Member

D. Keith Rhodes
D. Keith Rhodes, Council Member

Connie Turner
Connie F. Turner, Council Member

Attest:

Donna M. Camp, Town Clerk