

Subject Matter: Zoning Ordinance

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

**ORDINANCE NUMBER 06-10
(as enacted)**

TOWN OF SHARPSBURG, GEORGIA

WHEREAS, pursuant to the Authority conferred by Article 9, Section 2, Paragraph IV of the 1983 Constitution of the State of Georgia, and pursuant to the Chapter 66 of the Official Code of Georgia Annotated, “The Zoning Procedures Law” and for the purposes of promoting the health, safety, convenience, order, prosperity, or general welfare of the municipality; promoting desirable living conditions and the sustained stability of neighborhoods; protecting property against blight and depreciation; securing economy in government expenditures; lessening congestion in the streets; securing safety from fire, panic, and other dangers; providing adequate light and air; preventing the overcrowding of land; avoiding undue concentration of population; facilitating the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; protecting the value of existing properties; reducing the negative impact of mass retailers which the council has found by promoting the most appropriate use of land, buildings, and structures throughout the municipality; the Town Council of the Town of Sharpsburg does ordain and enact into law this Zoning Ordinance; and

WHEREAS, the purpose of this Ordinance is to establish minimum standards for the use of land and improvements in the Town of Sharpsburg, Georgia. The zoning regulations and districts herein established are designed to lessen congestion in the streets; provide safety from fire, panic, and other dangers; promote health, and general welfare; provide adequate light and air; avoid undue concentration of the population; provision of transportation, water, sewage, schools, parks and other public requirements; conserve the value of the Town’s economy; encourage the most appropriate use of land and structures; promote quality of life for all citizens; provide consistency with Land Use Element of the Comprehensive Plan.

NOW THEREFORE, THE MAYOR AND THE COUNCIL OF THE TOWN OF SHARPSBURG HEREBY ENACT AND ORDAIN THE TOWN OF SHARPSBURG’S ZONING ORDINANCE AS FOLLOWS:

**CHAPTER 94
ZONING ORDINANCE**

**ARTICLE 1
Intent and Short Title**

- 1.1** An Ordinance of the Town of Sharpsburg, Georgia, regulating the location, and use of buildings, structures, and land for residence, trade, industry, and other purposes, the height, bulk and size of buildings and other structures; the use of buildings, and land for business, industry, residence, public activities and other purposes; and for dividing the incorporated area into districts for such purposes and establishing boundaries; providing for a Planning Commission, defining its power and duties; the method of administration, amendment and enforcement; prescribing penalties for the violation of its provisions; and repealing conflicting resolutions.
- 1.2** This Ordinance shall be known and may be cited as the 2005 Zoning Ordinance of Sharpsburg, Georgia.

**ARTICLE 2
Purpose**

- 2.1** This Ordinance seeks to encourage development of land within the Town of Sharpsburg in accordance with the Town of Sharpsburg Comprehensive Plan. The promotion of land use is intended to reduce or eliminate the occurrence of conditions that may threaten the general health, safety and welfare of the residents of the Town of Sharpsburg. This ordinance shall serve the following purposes:
- Promote proper use and location, height, bulk, number of stories and size of buildings and other structures; sizes of yards and other open spaces; density and distribution of population; use of buildings, structures and land for commercial trade, professional offices, industry, residential, recreational, sanitation, conservation, transportation and public activities and the percentage of land which may be occupied by structures;
 - Reduce congestion, prevent overcrowding of land; to avoid undue concentration of population; to prevent urban sprawl; to facilitate the adequate provision of transportation, water, sanitary sewer, parks and other public infrastructure;
 - To promote desirable living conditions and the sustained stability and integrity of existing neighborhoods;
 - To protect property against blight and depreciation; to conserve the value of existing buildings; to encourage the most appropriate use of land, buildings and structures throughout the Town of Sharpsburg;
 - To encourage designs that protect the natural environment and retain the character of the Town of Sharpsburg by supporting a landscape and tree protection plan, green space and a higher level of order, prosperity and aesthetics; and
 - To secure economy in governmental expenditures.

- To protect and conserve the communities natural and historic resources.
- Develop and manage land and transportation networks to ensure the quality of the air and water.

2.1-1 Additional Purposes

The Town of Sharpsburg Zoning Ordinance further provides for the following:

- Defines certain terms used in this ordinance;
- Establishes certain land use zoning districts, the intent of each zoning district, and specifies the boundaries of those districts on the official zoning map;
- Establishes procedures for administering, enforcing, appealing and amending the ordinance;
- Regulates the use of buildings and structures located within the corporate limits of the Town of Sharpsburg;
- Provides penalties for violation of this ordinance;
- Defines the power and duties, as they relate to this ordinance, of the Town Council, as well as such administrative officers, bodies and agencies that the Town Council may establish for the efficient exercise of the zoning powers of the Town of Sharpsburg including but not limited to the zoning administrator and the Planning Commission.
- Repeals all conflicting ordinances, rules and regulations enacted by the Town of Sharpsburg, Georgia.

2.2 The Town Center and Traditional Neighborhoods Principles:

The Purpose of this Ordinance is to establish minimum standards for the use of land and improvements in the Town of Sharpsburg, Georgia. The zoning regulations and districts herein established are designed to create Traditional Town and Neighborhood Development which shall embrace the following principles:

- Subdivisions, residential and commercial developments will not be isolated, closed or predominated by cul-de-sacs; but will be connected and integrated with other subdivisions and developments both existing and possible future developments by connected street systems, sidewalks, multi-use trails, greenbelts and openspace so as to create an interconnected network of neighborhoods, residential and commercial developments.
- Residents, shops, workplaces and Civic Buildings are interwoven within the neighborhood, and all are in close proximity.
- A hierarchy of streets serves equitably the needs of the pedestrian and the automobile.
- Carefully placed Civic Buildings and Squares reinforce the identity of the Town and Neighborhoods.
- Spatially defined Squares and Parks provide places for informal social activity and recreation.

- Civic Buildings provide places of purposeful assembly for social, cultural or religious activities, becoming symbols of community identity through their architectural clarity.
- Private buildings form a disciplined edge, spatially delineating the public street space and the private block interior.
- Promote general health and welfare.
- Provide consistency with the Land Use Elements of the Comprehensive Plan.

Social Objectives:

They shall pursue certain social objectives:

- By bringing most activities of daily living, including dwelling, shopping and working within walking distance, the elderly and the young gain independence of movement.
- By reducing the number and length of automobile trips, traffic congestion is minimized and necessary road construction is limited.
- By providing defined public spaces such as streets and squares, citizens come to know each other and watch over their collective security.
- By providing a full range of housing types and workplaces, age and economic class are integrated and the bonds of an authentic community are formed.
- By integrating the various functions of daily life within neighborhoods of appropriate scale, meaningful involvement in local decision-making is facilitated.

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

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

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

ARTICLE 3 DEFINITIONS

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

- The words "must" "will" and "shall" are mandatory in nature, indicating that an action has to be done.
- The word "may" is permissive and allows discretion regarding an action.
- When consistent with the context, words used in the singular number include the plural and those used in the plural number include the singular. Words used in the present tense include the future.
- The word "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.

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 non-medical 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 set-back 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

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.

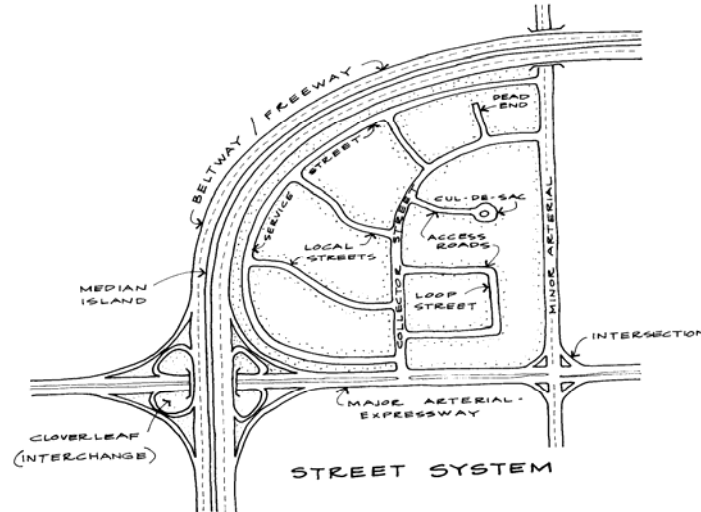
Driveways or other curb-cuts leading in or out of property zoned THC or LI may not open into a local street.

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 4
ZONING DISTRICTS AND BOUNDARIES**

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

R1 Rural Residential
R1A Single Family Residential
R2 Single-Family Residential
TND Traditional Neighborhood Development
PCD Planned Community Development
TMF Traditional Multi-family Residential
TNC Traditional Neighborhood Commercial
THC Traditional Highway Commercial
LI Light Industry / Technology Park
OD Old Town District Overlay
TC Town Center Overlay District

4.1-1 Rural Residential District (R1). This district is intended to permit a combination of low-density residential uses of various types, agricultural activities and associated uses. The regulations of the district are designed primarily to encourage a compatible relationship between agriculture and low density, single-family rural residential development.

4.1A Single Family Residential District (R1A). This district is intended to permit a combination of low-density residential uses of various types. Single-family dwellings are restricted to meeting Appearance Standards as shown in Table 5.3. The zoning district R1A is solely for the use of initial zoning associated with annexation of unincorporated property into the Town.

4.1-2 Single-Family Residential (R2). The purpose of this district is to accommodate medium-density single-family residences. Single-family dwellings are restricted to meeting Appearance Standards as shown in Table 5.3. R-2 zoning may only be applied in the following circumstances:

- within the corporate limits of the Town of Sharpsburg as it existed on January 1, 2005; or
- tracts of land annexed into the Town containing (ten) 10 or fewer acres with the intent of being subdivided into lots for R-2 approved uses.

4.1-3 Traditional Neighborhood Development (TND). The purpose of this district is to provide for a full range of housing types and workplaces interwoven within the neighborhood. A hierarchy of streets provides for the needs of the pedestrian and motorists. Carefully placed civic buildings and squares reinforce the identity of the town and neighborhoods. Spatially defined squares and parks provide places for informal social activity and recreation. Civic buildings provide places of purposeful assembly for social, cultural or religious activities. Private buildings form a disciplined edge, spatially delineating public streets.

4.1-4 Planned Community Development (PCD). The purpose of a planned community is to encourage the best possible site planning and arrangement of land uses under a unified plan of development rather than under lot-by-lot regulation. Tracts of fifty (50) acres or larger are required for this district. The PCD is designed to include residential, commercial and/or office zoning districts as appropriate to provide flexibility in the application of development standards and site design when approved according to a master development plan in a manner to promote the conservation of natural environment, more efficient use of land, and efficiency in the extension of streets and utilities.

4.1-5 Traditional Multi-family Residential (TMF). The purpose of this district is to provide for higher density residences that include apartment buildings, attached housing and live-work flex units.

4.1-6 Town Center Overlay District (TC). The purpose of this district is to provide for mixture of housing types, including detached single-family residences, apartments, attached housing and live-work flex units, and to provide for workplaces interwoven within the district. This district shall follow the design principles of TND districts including hierarchy of streets, placement of squares and parks, location of civic and private buildings and architectural guidelines.

4.1-7 Traditional Neighborhood Commercial (TNC). The purpose of this district is to provide for multi-family, shop-front commercial uses, office-work places, live-work flex residential units.

4.1-8 Traditional Highway Commercial (THC). The purpose of this district is to provide for shop-front commercial uses and offices of 10,000 square feet or less.

4.1-9 Light Industry / Technology Park General Industrial (LI). The purpose of this district is to provide suitable areas for industrial, assembly and other activities of a non-polluting industrial nature of over 10,000 square feet of building area.

4.1-10 Old Town District Overlay (OD). The purpose of the Old Town District Overlay is to protect the town's existing structures of Old Town in the District from incompatible development.

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

4.3 District Boundaries.

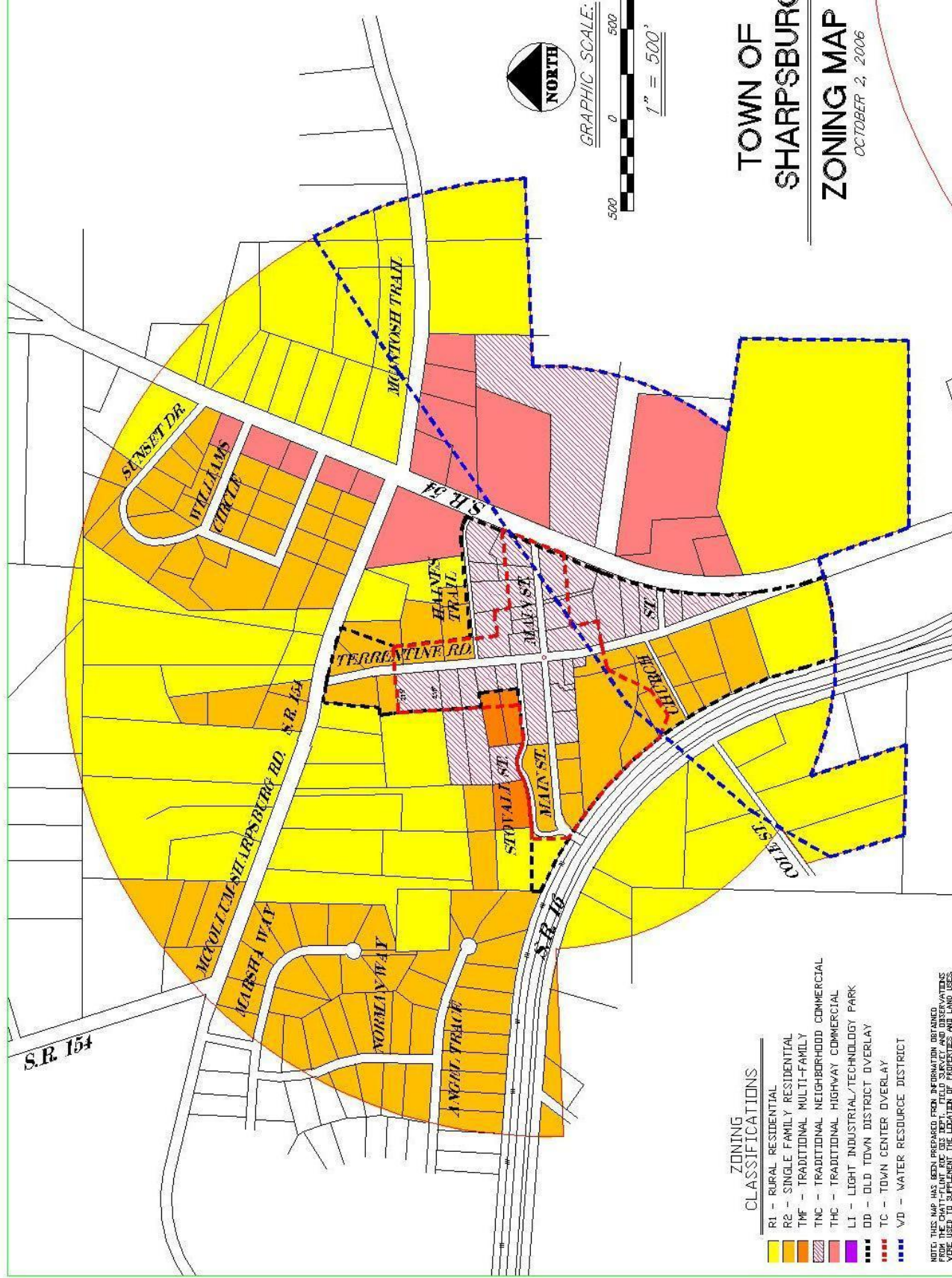
4.3-1 The district boundaries shown on the zoning district map are generally intended to follow streets, alleys or lot lines; where the districts designated on said map

are bounded by such street, alley or lot lines, the centerline of the street, alley or lot line shall be the boundary of the district unless such boundary is otherwise indicated on the map. In all other cases, the district boundary line shall be determined by use of the scale appearing on the Zoning Map.

4.3-2 When the boundary line of a district divides a lot or tract held in single-ownership at the time of the adoption of this Ordinance, the boundary line may be allowed to extend a distance of not more than fifty (50) feet to the least restrictive zone district.

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

SHARPSBURG ZONING MAP
(next page)



TOWN OF SHARPSBURG

ZONING MAP

OCTOBER 2, 2006

- ZONING CLASSIFICATIONS**
- R1 - RURAL RESIDENTIAL
 - R2 - SINGLE FAMILY RESIDENTIAL
 - TMC - TRADITIONAL MULTI-FAMILY
 - TNC - TRADITIONAL NEIGHBORHOOD COMMERCIAL
 - THC - TRADITIONAL HIGHWAY COMMERCIAL
 - LI - LIGHT INDUSTRIAL/TECHNOLOGY PARK
 - DD - OLD TOWN DISTRICT OVERLAY
 - TC - TOWN CENTER OVERLAY
 - VD - WATER RESOURCE DISTRICT

NOTE: THIS MAP HAS BEEN PREPARED FROM INFORMATION OBTAINED FROM THE TOWN OF SHARPSBURG. THE TOWN ENGINEERS HAVE USED TO SUPPLEMENT THE LOCATION OF PROPERTIES AND LAND USES.

**ARTICLE FIVE
ZONING DISTRICT STANDARDS AND PERMITTED USES**

5.1 District Lot Area, Yard and Height Standards. The requirements regarding lot size, building size, and building placement on the lot for each zone district shall be met as indicated in Table 5.1: Zoning District Area Yard and Height Requirements.

Table 5.1: Zoning District Area Yard and Height Requirements

| ZONING DISTRICT | MINIMUM LOT SIZE/TRACT SIZE | MINIMUM LOT WIDTH AT SETBACK LINE. (FEET) | FRONT YARD SETBACK FROM ARTERIAL & COLLECTOR/LOCAL STREET. (FEET) | SIDE YARD. (FEET) | REAR YARD. (FEET) | MAX. BUILDING HEIGHT. (FEET) | ROAD FRONTAGE (FEET) |
|---|-----------------------------|---|---|-------------------|-------------------|------------------------------|----------------------|
| R1 RURAL RESIDENTIAL | 1.5 ACRES/1.5 ACRES | 100' | 50'/45' | 20' | 50' | 34' 11" | 80' |
| R1A SINGLE-FAMILY RESIDENTIAL | 1.5 ACRES/1.5 ACRES | 100' | 50'/45' | 20' | 50' | 34' 11" | 80' |
| R2 SINGLE-FAMILY RESIDENTIAL | ¾ ACRE | 100' | 45'/40' | 15' | 20' | 34' 11" | 80' |
| *TND TRADITIONAL NEIGHBORHOOD DEVELOPMENT | *30 ACRES | * | * | * | * | * | * |
| MINI-TND | *6 ACRES | * | * | * | * | * | * |
| PCD PLANNED COMMUNITY DEVELOPMENT | *50 ACRES | ** | ** | ** | ** | ** | ** |
| *TMF TRADITIONAL MULTI-FAMILY RESIDENTIAL | * | * | * | * | * | * | * |
| *TC TOWN CENTER | * | * | * | * | * | * | * |
| *TNC TRADITIONAL NEIGHBORHOOD COMMERCIAL | * | * | * | * | * | * | * |
| *THC TRADITIONAL HIGHWAY COMMERCIAL | * | * | * | * | * | * | * |
| *LI LIGHT INDUSTRIAL | 0.5 ACRE | 80' | 45'/40' | 15' | 15' | 34' 11" | 80' |

**Note: See Sharpsburg Traditional Zoning Matrix, Table 5.4.*

***Note: See Section for Planned Community Development*

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 |
| ANTIQUÉ SHOP | | | | | | 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 | | |
| 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 |

| PERMITTED USES | R1 | R1A | R2 | TND | TMF | TC | TNC | THC | LI |
|--|----|-----|----|-----|-----|----|-----|-----|----|
| CARPET AND RUG SALES, FLOOR COVERING AND STORAGE | | | | | | | | X | X |
| CEMETERY | S | S | S | | | | | | |
| CHILD CARE CENTER, 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 | |
| TRACTOR EQUIPMENT-MATERIAL STORAGE | | | | | | | | | X |
| 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 | |

| PERMITTED USES | R1 | R1A | R2 | TND | TMF | TC | TNC | THC | LI |
|--|----|-----|----|-----|-----|----|-----|-----|----|
| 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 |
| MANUFACTURING INVOLVING THE ASSEMBLY OF PRE-MANUFACTURED COMPONENT PARTS. | | | | | | | | | X |
| MINI-WAREHOUSE (SELF-STORAGE FACILITY) | | | | | | | | | 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 |

| PERMITTED USES | R1 | R1A | R2 | TND | TMF | TC | TNC | THC | LI |
|--|----|-----|----|-----|-----|----|-----|-----|----|
| 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 |

5.3 Appearance Standards for Single-Family Detached Dwellings. In R1 R1A, and R2 zoning districts, appearance standards shall apply to single-family detached dwellings including site-built housing, industrialized housing, and manufactured homes. A Certificate of Occupancy may only be granted upon the finding that such development shall meet or exceed the Appearance Standards as shown on Table 5.3: Appearance Standards for Single-family Detached Dwellings.

Table 5.3: Appearance Standards for Single-family Detached Dwellings

| | PERMITTED IN R1 AND R2 ZONING DISTRICTS |
|----------------------------------|---|
| MINIMUM DWELLING WIDTH | 24' |
| MINIMUM ROOF PITCH | 6:12 |
| MINIMUM HEATED LIVING FLOOR AREA | 1650 SF |
| ROOF MATERIAL | (SEE NOTE 1 BELOW) |
| EXTERNAL SIDING MATERIALS | (SEE NOTE 2 BELOW) |
| PERMANENT FOUNDATION | (SEE NOTE 3 BELOW) |
| UTILITY METER | MOUNTED ON DWELLING STRUCTURE |
| LANDING AREA | (SEE NOTE 4 BELOW) |
| TOWING DEVICES | (SEE NOTE 5 BELOW) |
| FENCING | (SEE NOTE 6 BELOW) |

Notes:

1. The roof shall have a surface of fire-resistant wood shakes, asphalt composition, fire-resistant wood shingles, concrete, fiberglass, asphalt, or standing seam metal, slate, or other materials approved by the Town Council.
2. The exterior siding materials shall consist of traditional wood siding, cement-fiber siding, brick, stone or vinyl siding (.044' thickness or heaviest grade). Hard stucco may be used for accents only.
3. Permanent foundation (including manufactured homes) shall meet the requirements of standard building codes for manufactured homes. The pier foundation shall be 24" x 24" x 16" deep concrete footing. The underpinning for manufactured homes shall be 8" x 8" x 16" masonry block on a foundation 10" wide and 6" deep, unpierced, except for the required ventilation and access, which must be installed so that it encloses the area under the manufactured home to ground level. Weather strapping is mandatory.
4. For manufactured homes, a front landing area is required of at least 100 square feet with a side to side dimension of at least 8', on a concrete footing, no less than 12" x 12" x 12". All other landings to be a minimum of 10' x 10' on not less than a fabricated masonry footing.
5. Manufactured homes are required to remove all towing devices.
6. No privacy fencing is allowed in the front of a residence. Privacy fencing is allowed in the back yards starting at the back corners of the main dwelling. Minimum 5' privacy fence and 6' maximum. Residences are allowed to have fencing in the front of the main dwelling with a minimum 3' height. Approved fencing should be made of wrought iron, wood, vinyl. Chain link or wire fencing is only permitted in the backyard and may not be visible from the street.

In TND, TMF, TC, TNC, and THC zoning districts, architectural design requirements, parking requirements and additional setbacks are included in the Sharpsburg Traditional Zoning Matrix, Table 5.4.

**5.4 SHARPSBURG TRADITIONAL ZONING MATRIX
DETACHED HOUSE
ZONING DISTRICTS TND, TC**

| BUILDING TYPE | FRONT YARD SETBACK | SIDE YARD SETBACK | REAR YARD SETBACK | PARKING | ARCHITECTURAL |
|--|---|--|--|-----------------------------------|--|
| <p>DETACHED HOUSE</p> <p>Note: For Zoning Districts TND, TC</p> <p>TRADITIONAL SINGLE FAMILY</p> | <p>SEE SITE DEVELOPMENT REGULATIONS</p> | <p>5' MIN. OR 10' ONE SIDE, 0' OTHER</p> | <p>25' MIN. TO HOUSE 5' MIN. TO GARAGE</p> | <p>2 SPACES PER DWELLING UNIT</p> | <ol style="list-style-type: none"> 1. FRONTS OF RESIDENCES SHALL BE ORIENTED TO FRONT SIDEWALK. 2. RESIDENTIAL PARKING SHALL BE LOCATED IN REAR GARAGES, CARPORTS, OR SURFACE AREAS OFF ALLEYS PRIMARILY. PARALLEL PARKING ON FRONT STREETS IS ACCEPTABLE. 3. SIDEWALKS SHALL BE PLACED IN FRONT OF ALL RESIDENTIAL AREAS IN ACCORDANCE WITH THE TOWN OF SHARPSBURG SIDEWALK ORDINANCE. 4. STREET TREES SHALL BE PLANTED 30' O.C. BRADFORD PEAR TREES ARE NOT PERMITTED. 5. STREET LIGHTING STANDARDS SHALL BE TRADITIONAL DESIGN 16' MAX. HEIGHT. 6. MOST RESIDENTS SHALL HAVE ALLEYS OF 12' MIN: 20' MAXIMUM WIDTH. ALLEYS TO BE MAINTAINED BY A MANDATORY HOMEOWNERS ASSOCIATION AND EASEMENTS SHALL BE PROVIDED ON ALL LOTS FOR ACCESS, UTILITIES AND INGRESS/EGRESS. WHERE PRACTICABLE, UNDERGROUND UTILITES SHALL BE PLACED IN ALLEYS. 7. FRONT LOADED HOUSES SHALL HAVE GARAGES LOCATED BACK A MIN. OF 10' FROM FRONT FAÇADE. 8. ALL HOUSES SHALL HAVE FRONT PORCHES 8' MIN. DEPTH COVERING A MINIMUM WIDTH OF ¼ FRONT OF HOUSE. 9. FENCING. SEE APPEARANCE STANDARDS TABLE 5.3. 10. ARCHITECTURAL CONSIDERATIONS: <ul style="list-style-type: none"> ➤ ARCHITECTURAL STYLE SHALL BE "VERNACULAR", REFLECTIVE OF THE ARCHITECTURE OF VERNACULAR ARCHITECTURAL DISTRICTS IN SURROUNDING REGION. ➤ GARAGES SHALL BE LOCATED IN REAR OF HOUSES OFF ALLEYS. ➤ GARAGE SETBACK FROM REAR LINE 5' FROM OUTSIDE EDGE OF 12' ALLEY. SECOND FLOORS OF GARAGES CAN BE USED FOR "GRANNY FLATS", HOME OFFICES, OR RENTAL. ➤ MATERIALS – EXTERIOR MATERIALS SHALL BE TRADITIONAL WOOD LAP SIDING, CEMENT-FIBER SIDING, BRICK OR STONE. VINYL OR ALUMINUM SIDING MUST EMULATE TRADITIONAL WOOD GRAIN LAP SIDING AS SPECIFIED IN THE TOWN OF SHARPSBURG DEVELOPMENT STANDARDS. HARD STUCCO ALLOWED FOR ACCENTS ONLY. BRICK HOUSES MUST HAVE A MINIMUM OF 3 FULL SIDES BRICK. ➤ COLORS – EXTERIOR PAINTED COLORS SHALL BE WHITE OR A TRADITIONAL SOLID COLOR. ➤ ROOF PITCH – 6:12 TO 12:12. PORCH ROOF PITCH 2:12 MINIMUM. ➤ ROOF MATERIAL CAN BE ASPHALT SHINGLES, WOOD SHAKES, SLATE, OR METAL STANDING SEAM. ➤ RESIDENTIAL CEILING HEIGHTS FOR FIRST FLOOR SHALL BE 9' MINIMUM. ➤ ALL TND AND TC RESIDENCES SHALL HAVE CRAWL SPACES, RAISED SLAB OR BASEMENTS. OTHER RESIDENCES MAY HAVE SLAB ON GRADE. ➤ RESIDENTIAL WINDOWS SHALL BE VERTICAL. ACCENT WINDOWS MAY BE CIRCULAR, SEMI-CIRCULAR, RECTANGULAR, OCTAGONAL, OR HEXAGONAL. ➤ PORCHES ARE REQUIRED. |

Design Guidelines

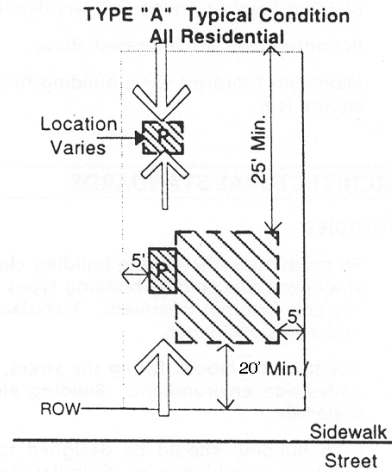
Detached house

LOT TYPE / DETACHED HOUSE

DESCRIPTION: The detached house is a single family house that is located on a single lot.

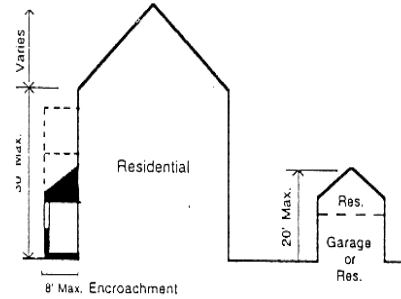
BUILDING PLACEMENT/PARKING/VEHICLE ACCESS

1. Buildings shall be placed on the lot within the zone represented by the hatched area.
2. Garages may be detached (entered from rear only), or attached to the main dwelling, with or without habitable rooms above. Front loaded garages, if provided, shall be set back a minimum of 10' from front of house.
3. Points of permitted front or rear access to parking indicated by arrows.
4. Main pedestrian access to the building is from the street. Secondary access may be from parking areas.
5. For buildings set back from sidewalk, balconies, stoops, stairs, open porches, bay windows, and awnings are permitted to encroach into the front setback area up to 8'.
6. Hedges, garden walls, or fences may be built on property lines or as the continuation of building walls.
7. Mechanical equipment at ground level shall be placed on the parking lot side of building and away from buildings on adjacent sites.



PERMITTED HEIGHT/ ENCROACHMENTS

1. Building height of main dwelling to ridge may vary depending on the roof pitch.
2. Maximum footprint for a building housing a detached accessory dwelling is 750 square feet.
3. Balconies, stoops, stairs, open porches, bay windows, and awnings are permitted to encroach into setback up to 8'.
4. Decks, balconies, and porches are permitted to encroach into rear setback up to 15'.



ARCHITECTURAL STANDARDS:

Principles:

1. Development shall generally employ building types that are compatible to the Town's Zoning District Standards.
2. The front elevations facing the street and the overall massing shall communicate an emphasis on the human scale and the pedestrian environment. Building elevations shall be clad with brick, traditional wood, fiber-cement siding, stone and hard stucco may be used for accents only.
3. Each building should be designed to form part of a larger composition of the area in which it is situated. Adjacent buildings should thus be of similar scale, height, and configuration.
4. Building silhouettes should be generally consistent. The scale and pitch of roof line should thus be similar across groups of buildings.
5. Porches should form a predominant motif of house designs and be located on the front or to the side of the dwelling. When attached to the front, they should extend over at least 75% of the front façade. All porches should be constructed of materials in keeping with those of the main building.

Configurations:

1. Main roofs on residential buildings shall be symmetrical gables or hips with a pitch of between 6:12 and 12:12. Porch roof pitch minimum is 2:12.
2. Balconies should generally be simply supported by posts and beams. The support of cantilevered balconies should be assisted by visible brackets.
3. Columns should be simple wooden posts, typically 5" square, or if round or square columns with classical details, the dimensions and moldings should be of correct proportions.
4. Residential windows shall be vertical. Accent windows may be circular, semi-circular, octagonal, rectangular or hexagonal.
5. Overhanging eaves may expose rafters: flush eaves should be finished with profiled molding or gutters.



**ATTACHED HOUSE
ZONING DISTRICTS TND, TMF**

| BUILDING TYPE | FRONT YARD SETBACK | SIDE YARD SETBACK | REAR YARD SETBACK | PARKING | ARCHITECTURAL |
|---|--------------------|-------------------|-----------------------------------|---|--|
| <p>ATTACHED HOUSE</p> <p>Note: For Zoning Districts TND, TMF.</p> | <p>10' TO 25'</p> | <p>5'</p> | <p>35' MIN. 5' MIN. TO GARAGE</p> | <p>1 SPACE PER BEDROOM.</p> <p>MAXIMUM 2 SPACES PER UNIT.</p> | <ol style="list-style-type: none"> 1. FRONTS OF RESIDENCES SHALL BE ORIENTED TO FRONT SIDEWALK. 2. RESIDENTIAL PARKING SHALL BE LOCATED IN REAR GARAGES, CARPORTS, OR SURFACE AREAS OFF ALLEYS PRIMARILY. PARALLEL PARKING ON FRONT STREETS IS ACCEPTABLE. 3. SIDEWALKS SHALL BE PLACED IN FRONT OF ALL RESIDENTIAL AREAS IN ACCORDANCE WITH THE TOWN OF SHARPSBURG SIDEWALK ORDINANCE. STREET TREES SHALL BE PLANTED 30' O.C. BRADFORD PEAR TREES ARE NOT PERMITTED. 5. STREET LIGHTING STANDARDS SHALL BE TRADITIONAL DESIGN 16' MAX. HEIGHT. 6. MOST RESIDENTS SHALL HAVE ALLEYS OF 12' MIN: 20' MAXIMUM WIDTH. ALLEYS TO BE MAINTAINED BY A MANDATORY HOMEOWNERS ASSOCIATION AND EASEMENTS SHALL BE PROVIDED ON ALL LOTS FOR ACCESS, UTILITIES AND INGRESS/EGRESS. WHERE PRACTICABLE, UNDERGROUND UTILITES SHALL BE PLACED IN ALLEYS. 7. BUILDINGS SHALL BE SMALL FOOTPRINT. MAXIMUM LENGTH, 150 FEET. 8. MAXIMUM HEIGHT, 36 FEET. 9. PARKING SHALL BE LOCATED IN REAR OF BUILDING SIDE-YARD PARKING SHALL OCCUPY NO MORE THAN 25% OF THE PRIMARY PARKING. 10. ARCHITECTURAL CONSIDERATIONS: <ul style="list-style-type: none"> ➤ ARCHITECTURAL STYLE SHALL BE "VERNACULAR", REFLECTIVE OF THE ARCHITECTURE OF VERNACULAR ARCHITECTURAL DISTRICTS IN SURROUNDING REGION. ➤ GARAGES, CARPORTS, OR PARKING SLIPS ARE REQUIRED IN REAR OFF ALLEYS. ➤ GARAGE SETBACK FROM REAR LINE 5' FROM OUTSIDE EDGE OF 12' ALLEY. SECOND FLOORS OF GARAGES CAN BE USED FOR "GRANNY FLATS", HOME OFFICES, OR RENTAL. ➤ COLORS – EXTERIOR PAINTED COLORS SHALL BE WHITE OR A TRADITIONAL SOLID COLOR. ➤ ROOF PITCH – 6:12 TO 12:12. PORCH ROOF PITCH 2:12 MINIMUM. ➤ ROOF MATERIAL CAN BE ASPHALT SHINGLES, WOOD SHAKES, SLATE, OR METAL STANDING SEAM. ➤ MATERIALS – EXTERIOR MATERIALS SHALL BE TRADITIONAL WOOD LAP SIDING, CEMENT-FIBER SIDING, BRICK OR STONE. VINYL OR ALUMINUM SIDING MUST EMULATE TRADITIONAL WOOD GRAIN LAP SIDING AS SPECIFIED IN THE TOWN OF SHARPSBURG DEVELOPMENT STANDARDS. HARD STUCCO ALLOWED FOR ACCENTS ONLY. BRICK HOUSES MUST HAVE A MINIMUM OF 3 FULL SIDES BRICK. ➤ RESIDENTIAL CEILING HEIGHTS FOR FIRST FLOOR SHALL BE 9' MINIMUM. ➤ ALL TND AND TC RESIDENCES SHALL HAVE CRAWL SPACES, RAISED SLAB OR BASEMENTS. OTHER RESIDENCES MAY HAVE SLAB ON GRADE. ➤ RESIDENTIAL WINDOWS SHALL BE VERTICAL. ACCENT WINDOWS MAY BE CIRCULAR, SEMI-CIRCULAR, OCTAGONAL, RECTANGLAR OR HEXAGONAL. ➤ PORCHES ARE REQUIRED. |

Design Guidelines

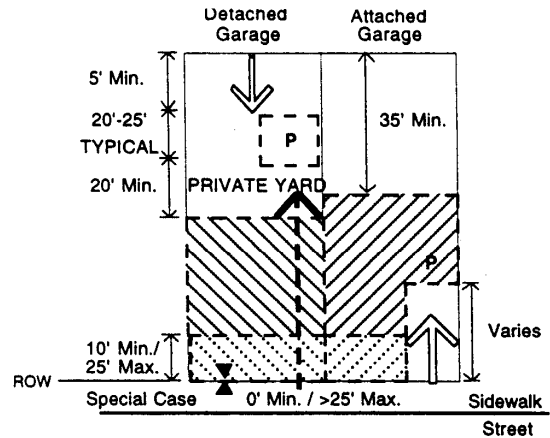
Attached house

LOT TYPE / ATTACHED HOUSE

DESCRIPTION: The attached house is a row house, a townhouse, a duplex, or a live-work flex unit.

BUILDING PLACEMENT/PARKING/VEHICLE ACCESS

1. Buildings shall be placed on the lot within the zone represented by the hatched area.
2. Along new streets, the build-to line shall be a minimum of 10' to 25' behind the street right of way.
3. A detached garage may be located only in the rear yard.
4. Hedges, garden walls, or fences may be built on property lines or as the continuation of building walls. A garden wall, fence, or hedge (min. 3' in height) shall be installed along any street frontage adjacent to parking areas.
5. Points of permitted front or rear access to parking indicated by arrows.
6. Main pedestrian access to the building is from the street. Secondary access may be from parking areas.
7. Mechanical equipment at ground level shall be placed on the parking lot side of building and away from buildings on adjacent sites.

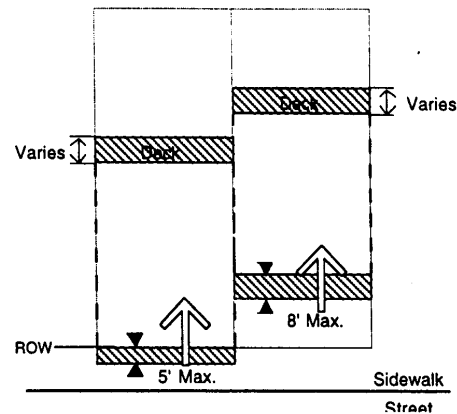


ENCROACHMENT/PEDESTRIAN ACCESS:

1. Main pedestrian access to the building is from the street (indicated by larger arrow). Secondary access may be from parking areas (indicated by smaller arrow).
2. Decks must be constructed only in rear yard area and are permitted to encroach into the rear setback up to 25'.

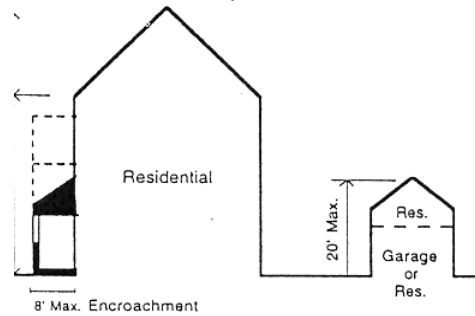
SPECIAL CONDITIONS:

1. The intention of buildings in all locations must be to relate the principal façade to the sidewalk and public space of the street.
2. Corners: Setback at street corners will generally replicate frontage conditions. However, side setbacks on a minor street may be less than the front dimension.
3. Within the limits described, front and side setbacks will vary depending upon site conditions. Setbacks should be used in a manner, which encourages pedestrian activity.



PERMITTED HEIGHT/ENCROACHMENTS

1. Building height shall be measured as the vertical distance from the highest finished grade relative to the street frontage, up to the eaves.
2. Building height to ridge will vary depending upon the roof pitch.
3. Maximum footprint for a building housing a detached accessory dwelling is 750 square feet.



ARCHITECTURAL STANDARDS:

Principles:

1. To perpetuate the unique building character of the Town and its environs and to re-establish its local identity, development shall generally employ building types that are compatible to the Town's Zoning District Standards in their massing and exterior treatment. Manufactured homes will not be permitted as part of any multi-unit residential development under this ordinance.
2. The front elevations facing the street and the overall massing shall communicate an emphasis on the human scale and the pedestrian environment. Building elevations shall be clad with brick, traditional wood, fiber-cement siding, stone and hard stucco may be used for accents only.
3. Each building should be designed to form part of a larger composition of the area in which it is situated. Adjacent buildings should thus be of similar scale, height, and configuration.
4. Building silhouettes should be generally consistent. The scale and pitch of roof line should thus be similar across groups of buildings.
5. Porches should form a predominant motif of house designs and be located on the front or to the side of the dwelling. When attached to the front, they should extend over at least 30% of the front façade. All porches should be constructed of materials in keeping with those of the main building.

Configurations:

1. Main roofs on residential buildings shall be symmetrical gables or hips with a pitch of between 6:12 and 12:12. Monopitch (shed) roofs are allowed only if they are attached to the wall of the main building. Porch roof pitch minimum is 2:12. All accessory buildings shall have roof pitches that conform to those of the main building.
2. Balconies should generally be simply supported by posts and beams. The support of cantilevered balconies should be assisted by visible brackets.
3. Columns should be simple wooden posts, typically 5" square, or if round or square columns with classical details, the dimensions and moldings should be of correct proportions. Extended and distorted classic of proportions are not acceptable.
4. Residential windows shall be vertical. Accent windows may be circular, semi-circular, octagonal, rectangular or hexagonal.
5. Overhanging eaves may expose rafters: flush eaves should be finished with profiled molding or gutters.



**APARTMENT BUILDING
ZONING DISTRICTS TMF, TND, TNC**

| BUILDING TYPE | FRONT YARD SETBACK | SIDE YARD SETBACK | REAR YARD SETBACK | PARKING | ARCHITECTURAL |
|--|--------------------|-------------------|--|---|--|
| <p>APARTMENT BUILDING</p> <p>Note: For Zoning Districts TMF, TND AND TNC</p> | 8' TO 25' | 8' MIN. | 25' MIN. TO HOUSE 5' MIN. TO GARAGE | 1 SPACE PER BEDROOM. MAXIMUM 2 SPACES PER UNIT. | <ol style="list-style-type: none"> 1. FRONTS OF APARTMENT BUILDINGS SHALL BE ORIENTED TO FRONT SIDEWALK. 2. RESIDENTIAL PARKING SHALL BE LOCATED IN REAR GARAGES, CARPORTS, OR SURFACE AREAS OFF ALLEYS PRIMARILY. 3. SIDEWALKS SHALL BE PLACED IN FRONT OF ALL RESIDENTIAL AREAS IN ACCORDANCE WITH THE TOWN OF SHARPSBURG SIDEWALK ORDINANCE. 4. STREET TREES SHALL BE PLANTED 30' O.C. BRADFORD PEAR TREES ARE NOT PERMITTED. 5. STREET LIGHTING STANDARDS SHALL BE TRADITIONAL DESIGN 16' MAX. HEIGHT. 6. MOST RESIDENTS SHALL HAVE ALLEYS OF 12' MIN: 20' MAXIMUM WIDTH. ALLEYS TO BE MAINTAINED BY A MANDATORY HOMEOWNERS ASSOCIATION AND EASEMENTS SHALL BE PROVIDED ON ALL LOTS FOR ACCESS, UTILITIES AND INGRESS/EGRESS. WHERE PRACTICABLE, UNDERGROUND UTILITES SHALL BE PLACED IN ALLEYS. 7. BUILDINGS SHALL BE SMALL FOOTPRINT. MAXIMUM LENGTH, 150 FEET. 8. MAXIMUM HEIGHT, 36 FEET. 9. ARCHITECTURAL CONSIDERATIONS: <ul style="list-style-type: none"> ➤ ARCHITECTURAL STYLE SHALL BE "VERNACULAR", REFLECTIVE OF THE ARCHITECTURE OF VERNACULAR ARCHITECTURAL DISTRICTS IN SURROUNDING REGION. ➤ GARAGE SETBACK FROM REAR LINE 5' FROM OUTSIDE EDGE OF 12' ALLEY. ➤ COLORS – EXTERIOR PAINTED COLORS SHALL BE WHITE OR A TRADITIONAL SOLID COLOR. ➤ 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 OF 3 FULL SIDES BRICK. ➤ ROOF PITCH – 6:12 TO 12:12. PORCH ROOF PITCH 2:12 MINIMUM. ➤ ROOF MATERIAL CAN BE ASPHALT SHINGLES, WOOD SHAKES, SLATE, OR METAL STANDING SEAM. ➤ RESIDENTIAL CEILING HEIGHTS FOR FIRST FLOOR SHALL BE 9' MINIMUM. ➤ RESIDENTIAL WINDOWS SHALL BE VERTICAL. ACCENT WINDOWS MAY BE CIRCULAR, SEMI-CIRCULAR, OCTAGONAL, RECTANGULAR OR HEXAGONAL. ➤ PORCHES AND BALCONIES ARE REQUIRED. |

Design Guidelines

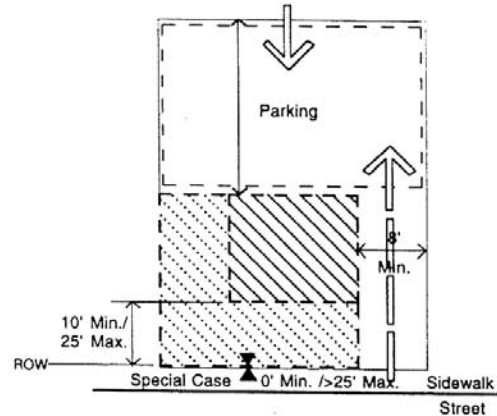
Apartment building

LOT TYPE / APARTMENT BUILDING

DESCRIPTION: The apartment building is a residential building accommodating several households.

BUILDING PLACEMENT/PARKING/VEHICLE ACCESS

1. Buildings shall be placed on the lot within the zone represented by the hatched area.
2. In most cases, the build to line will range from 10' to 20' behind street ROW. Special site conditions such as topography, pattern of lot widths, or setbacks of existing buildings permit a larger building setback. Downtown (mainstreet) apartments may be set up to the property line at the sidewalk, including corner conditions.
3. Building facades shall be generally parallel to frontage property lines.
4. Parking shall be located primarily to the rear of the building: side yard parking shall occupy no more than 25% of the primary frontage line and shall not be placed in any side yard abutting an intersecting street. Where dimensions of existing lots restrict parking behind buildings, the limitation on side yard parking may be modified.
5. Points of permitted front or rear access to parking indicated by arrows.
6. Hedges, garden walls, or fences may be built on property lines or as the continuation of building walls. A garden wall, fence, or hedge (min. 3' in height) shall be installed along any street frontage adjacent to parking areas.
7. Parking areas on adjacent lots shall be connected whenever practical.
8. Trash containers shall be located in a rear parking area.
9. Mechanical equipment at ground level shall be placed on the parking lot side of building and away from buildings on adjacent sites.
10. Building facades at street frontage lines shall be pedestrian oriented and of pedestrian scale.

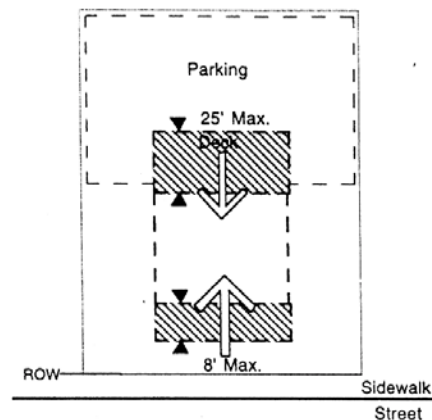


ENCROACHMENT/PEDESTRIAN ACCESS:

1. For buildings set back from sidewalk, balconies, stoops, stairs, open porches, bay windows, and awnings are permitted to encroach into the front setback area up to 8'.
2. For buildings set up to the sidewalk, balconies and upper level bay windows may encroach over the sidewalk area up to 5'.
3. Main pedestrian access to the building is from the street (indicated by larger arrow). Secondary access may be from parking areas (indicated by smaller arrow).

SPECIAL CONDITIONS:

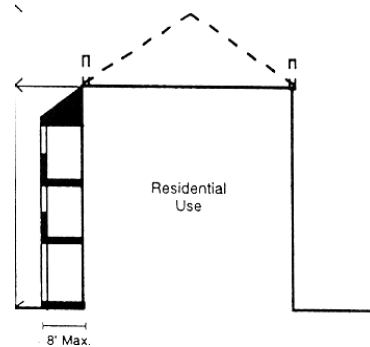
1. The intention of buildings in all locations must be to relate the principal façade to the sidewalk and public space of the street.
2. Corners: Setback at street corners will generally replicate frontage conditions. However, side setbacks on a minor street may be less than the front dimension.
3. Within the limits described, front and side setbacks will vary depending upon site conditions. Setbacks should be used in a manner, which encourages pedestrian activity.



BUILDING TYPE / APARTMENT BUILDING

PERMITTED HEIGHT

1. Building height shall be measured as the vertical distance from the highest finished grade relative to the street frontage, up to the eaves or highest level of a flat roof. Exception is for apartments exclusively for persons over 55 years of age, height shall not exceed 60 feet and shall have elevators if over one story.
2. The height of parapet walls may vary depending upon the need to screen mechanical equipment.
3. Building height to the ridge may vary depending on the roof pitch.



ARCHITECTURAL STANDARDS:

Principles:

1. To perpetuate the unique building character of the Town and its environs and to re-establish its local identity, development shall generally employ building types that are compatible to the Town's Zoning District Standards in their massing and exterior treatment.
2. The front elevations facing the street and the overall massing shall communicate an emphasis on the human scale and the pedestrian environment. Building elevations shall be clad with brick, traditional wood, fiber-cement siding, stone and hard stucco may be used for accents only.
3. Each building should be designed to form part of a larger composition of the area in which it is situated. Adjacent buildings should thus be of similar scale, height, and configuration.
4. Building silhouettes should be generally consistent. The scale and pitch of roof line should thus be similar across groups of buildings.
5. Porches should form a predominant motif of house designs and be located on the front or to the side of the dwelling. When attached to the front, they should extend over at least 30% of the front façade. All porches should be constructed of materials in keeping with those of the main building.

Configurations:

1. Main roofs on residential buildings shall be symmetrical gables or hips with a pitch of between 6:12 and 12:12. Porch roof pitch minimum is 2:12. All accessory buildings shall have roof pitches that conform to those of the main building.
2. Balconies should generally be simply supported by posts and beams. The support of cantilevered balconies should be assisted by visible brackets.
3. Columns should be simple wooden posts, typically 5" square, or if round or square columns with classical details, the dimensions and moldings should be of correct proportions. Extended and distorted proportions are not acceptable.
4. Residential windows shall be vertical. Accent windows may be circular, semi-circular, octagonal, rectangular or hexagonal.
5. Overhanging eaves may expose rafters: flush eaves should be finished with profiled molding or gutters.



**LIVE-WORK FLEX UNIT
ZONING DISTRICT TND, TC, TNC**

| BUILDING TYPE | FRONT YARD SETBACK | SIDE YARD SETBACK | REAR YARD SETBACK | PARKING | ARCHITECTURAL |
|--|--------------------|-------------------|---|---|--|
| <p>LIVE-WORK FLEX UNIT</p> <p>Note: For Zoning Districts TND, TC AND TNC</p> | <p>5' TO 20'</p> | <p>0'</p> | <p>35' MIN. 5' MIN. TO GARAGE</p> | <p>1 SPACE PER BEDROOM. MAXIMUM 2 SPACES PER UNIT. 1 SPACE PER 300 SF OF WORK SPACE</p> | <ol style="list-style-type: none"> 1. FRONTS OF LIVE-WORK FLEX UNITS SHALL BE ORIENTED TO FRONT SIDEWALK. 2. RESIDENTIAL PARKING SHALL BE LOCATED IN REAR GARAGES, CARPORTS, OR SURFACE AREAS OFF ALLEYS PRIMARILY. PARALLEL PARKING ON FRONT STREETS IS ACCEPTABLE. 3. SIDEWALKS SHALL BE PLACED IN FRONT OF ALL RESIDENTIAL AREAS IN ACCORDANCE WITH THE TOWN OF SHARPSBURG SIDEWALK ORDINANCE. 4. STREET TREES SHALL BE PLANTED 30' O.C. BRADFORD PEAR TREES ARE NOT PERMITTED. 5. STREET LIGHTING STANDARDS SHALL BE TRADITIONAL DESIGN 16' MAX. HEIGHT. 6. MOST RESIDENTS SHALL HAVE ALLEYS OF 12' MIN: 20' MAXIMUM WIDTH. ALLEYS TO BE MAINTAINED BY A MANDATORY HOMEOWNERS ASSOCIATION AND EASEMENTS SHALL BE PROVIDED ON ALL LOTS FOR ACCESS, UTILITIES AND INGRESS/EGRESS. WHERE PRACTICABLE, UNDERGROUND UTILITES SHALL BE PLACED IN ALLEYS. 7. BUILDINGS SHALL BE SMALL FOOTPRINT. MAXIMUM LENGTH, 150 FEET. 8. MAXIMUM HEIGHT, 36 FEET. 9. PARKING SHALL BE LOCATED IN REAR OF BUILDING SIDE-YARD PARKING SHALL OCCUPY NO MORE THAN 25% OF THE PRIMARY PARKING 10. ARCHITECTURAL CONSIDERATIONS: <ul style="list-style-type: none"> ➤ ARCHITECTURAL STYLE SHALL BE "VERNACULAR", REFLECTIVE OF THE ARCHITECTURE OF VERNACULAR ARCHITECTURAL DISTRICTS IN SURROUNDING REGION. ➤ GARAGES ARE REQUIRED FOR ALL APARTMENT HOUSES OFF ALLEYS. ➤ GARAGE SETBACK FROM REAR LINE 5' FROM OUTSIDE EDGE OF 12' ALLEY. ➤ MATERIALS – EXTERIOR MATERIALS SHALL BE TRADITIONAL WOOD LAP SIDING, CEMENT-FIBER SIDING, BRICK OR STONE. VINYL OR ALUMINUM SIDING MUST EMULATE TRADITIONAL WOOD GRAIN LAP SIDING AS SPECIFIED IN THE TOWN OF SHARPSBURG DEVELOPMENT STANDARDS. HARD STUCCO ALLOWED FOR ACCENTS ONLY. BRICK HOUSES MUST HAVE A MINIMUM OF 3 FULL SIDES BRICK. ➤ COLORS – EXTERIOR PAINTED COLORS SHALL BE WHITE OR A TRADITIONAL SOLID COLOR. ➤ ROOF SLOPE – 6:12 TO 12:12. ➤ ROOF MATERIAL CAN BE ASPHALT SHINGLES, WOOD SHAKES, SLATE, OR METAL STANDING SEAM. ➤ RESIDENTIAL CEILING HEIGHTS FOR FIRST FLOOR SHALL BE 9' MINIMUM. ➤ ALL TND AND TC RESIDENCES SHALL HAVE CRAWL SPACES, RAISED SLAB OR BASEMENTS. OTHER RESIDENCES MAY HAVE SLAB ON GRADE. ➤ RESIDENTIAL WINDOWS SHALL BE VERTICAL. ACCENT WINDOWS MAY BE CIRCULAR, SEMI-CIRCULAR, OCTAGONAL, RECTANGULAR OR HEXAGONAL. ➤ PORCHES AND BALCONIES ARE REQUIRED. |

Design Guidelines

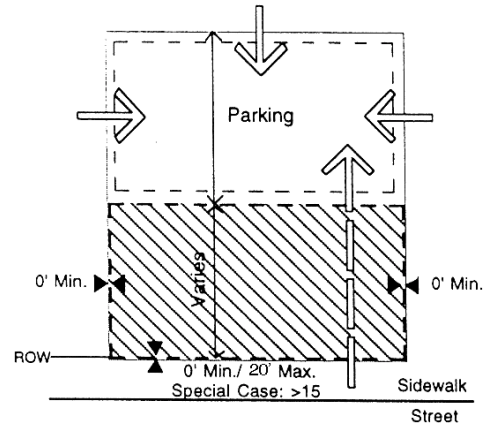
Live-work flex unit

LOT TYPE / LIVE-WORK FLEX UNIT

DESCRIPTION: The Live-work flex unit is a small scale structure in which one can live and work. It can be combined with other building types to form a mixed-use neighborhood center. Live-work units can be used for creative studios, professional offices, and incubator businesses.

BUILDING PLACEMENT/PARKING/VEHICLE ACCESS

1. Buildings shall be placed on the lot within the zone represented by the hatched area. In most cases, the build to line will range from 0' to 20' behind street ROW. Special site conditions such as topography, pattern of lot widths, or setbacks of existing buildings permit a larger building setback.
2. Building facades shall be generally parallel to frontage property lines.
3. Parking shall be located primarily to the rear of the building: side yard parking shall occupy no more than 25% of the primary frontage line and shall not be placed in any side yard abutting an intersecting street. Where dimensions of existing lots restrict parking behind buildings, the limitation on side yard parking may be modified.
4. Points of permitted front or rear access to parking indicated by arrows.
5. Hedges, garden walls, or fences may be built on property lines or as the continuation of building walls. A garden wall, fence, or hedge (min. 3' in height) shall be installed along any street frontage adjacent to parking areas.
6. Parking areas on adjacent lots shall be connected whenever practical.
7. Trash containers shall be located in a rear parking area.
8. Mechanical equipment at ground level shall be placed on the parking lot side of building and away from buildings on adjacent sites.
9. Building facades at street frontage lines shall be pedestrian oriented and of pedestrian scale.

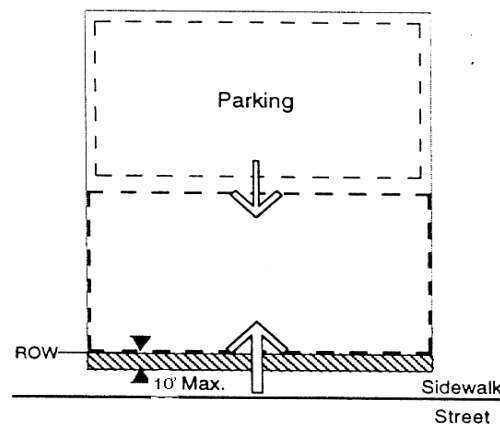


ENCROACHMENT/PEDESTRIAN ACCESS:

1. Balconies, bay windows, arcades, porches at an upper level and their supports at ground level, together with awnings above head height (min 7') are permitted within the sidewalk as shown by the hatched area. Encroaching arcaded should cover entire sidewalk.
2. Primary pedestrian access to the building is from the street (indicated by larger arrow). Secondary access may be from parking areas (indicated by smaller arrow).

SPECIAL CONDITIONS:

1. The intention of buildings in all locations must be to relate the principal façade to the sidewalk and public space of the street.
2. Corners: Setback at street corners will generally replicate frontage conditions. However, side setbacks on a minor street may be less than the front dimension.

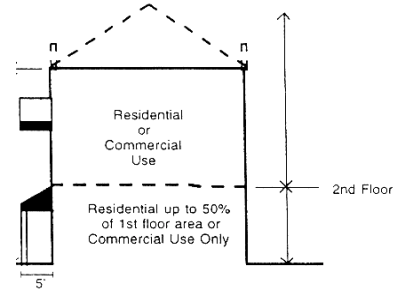


Within the limits described, front and side setbacks will vary depending upon site conditions. Setbacks should be used in a manner, which encourages pedestrian activity.

BUILDING TYPE / LIVE-WORK FLEX UNIT

PERMITTED HEIGHT

1. Building height shall be measured as the vertical distance from the highest finished grade relative to the street frontage, up to the eaves or highest level of a flat roof.
2. Building height to the ridge may vary depending on the roof pitch.



ARCHITECTURAL STANDARDS:

Principles:

1. To perpetuate the unique building character of the Town and its environs and to re-establish its local identity, development shall generally employ building types that are compatible to the Town's Zoning District Standards in their massing and exterior treatment.
2. The front elevations facing the street and the overall massing shall communicate an emphasis on the human scale and the pedestrian environment. Building elevations shall be clad with brick, traditional wood, fiber-cement siding, stone and hard stucco may be used for accents only.
3. Each building should be designed to form part of a larger composition of the area in which it is situated. Adjacent buildings should thus be of similar scale, height, and configuration.
4. Trailers (mobile units) may not be used a permanent workplace buildings.

Configurations:

1. Main roofs on Live-work flex unit buildings shall be symmetrical gables or hips with a pitch of between 6:12 and 12:12. Porch roof or canopy pitch minimum is 2:12. All accessory buildings shall have roof pitches that conform to those of the main building.
2. Balconies should generally be simply supported by posts and beams. The support of cantilevered balconies should be assisted by visible brackets.
3. Columns should be simple wooden posts, typically 5" square, or if round or square columns with classical details, the dimensions and moldings should be of correct proportions. Extended and distorted proportions are not acceptable.
4. Residential windows shall be vertical. Accent windows may be circular, semi-circular, octagonal, rectangular or hexagonal.
5. Overhanging eaves may expose rafters: flush eaves should be finished with profiled molding or gutters.
6. Street level windows shall be untinted. Mirrorized glass is not permitted in any location.



**SHOP-FRONT/OFFICE WORKPLACE BUILDING
ZONING DISTRICT TND, TC, TNC**

| BUILDING TYPE | FRONT YARD SETBACK | SIDE YARD SETBACK | REAR YARD SETBACK | PARKING | ARCHITECTURAL |
|---|---------------------------------|--------------------------|--------------------------------|---|--|
| <p align="center">SHOP-FRONT/OFFICE WORKPLACE BUILDING</p> <p align="center">Note: For Zoning Districts TND, TC AND TNC</p> | <p align="center">5' TO 25'</p> | <p align="center">0'</p> | <p align="center">25' MIN.</p> | <p>1 SPACE PER 300 SF. FOR COMMERCIAL. FOR RESTAURANTS, 1 SPACE PER 100 SF. OF GROSS AREA.</p> <p>FOR MULTIFAMILY, 1 SPACE PER BEDROOM. MAXIMUM 2 SPACES PER UNIT.</p> <p>FOR SHARED PARKING BETWEEN COMMERCIAL AND RESIDENTIAL, RESIDENTIAL PARKING MAY BE REDUCED 50%. (NO RESIDENTIAL ALLOWED IN THC).</p> | <ol style="list-style-type: none"> 1. TNC AND TC ENCOURAGE A MIX OF MULTI-FAMILY, SHOPFRONT BUILDINGS, OFFICE WORKPLACE, LIVE-WORK FLEX UNITS, AND ATTACHED HOUSING. 2. BUILDINGS SHALL BE SMALL FOOTPRINT - MAXIMUM LENGTH 150 FEET. 3. HEIGHTS –1 TO 2 STORIES WITH 2 STORIES REQUIRED IN TOWN CENTER. 4. FRONTS OF BUILDINGS SHALL BE ORIENTED TO FRONT SIDEWALK. 5. PARKING SHALL BE LOCATED IN REAR OF BUILDING; SIDE YARD PARKING SHALL OCCUPY NO MORE THAN 25% OF THE PRIMARY FRONTAGE. ON STREET PARKING MAY BE ALLOWED IN THE TC AND TNC. 6. SIDEWALKS SHALL BE PLACED IN FRONT OF ALL FRONTS OF COMMERCIAL DEVELOPMENTS IN ACCORDANCE WITH THE TOWN OF SHARPSBURG SIDEWALK ORDINANCE. 7. STREET TREES SHALL BE PLANTED 30' O.C. BRADFORD PEAR TREES ARE NOT PERMITTED. 8. STREET LIGHTING STANDARDS SHALL BE TRADITIONAL DESIGN 16' MAX. HEIGHT. 9. MOST SHOPFRONT BUILDINGS SHALL HAVE ALLEYS OF 12' MIN: 20' R/W. WHERE PRACTICABLE, UNDERGROUND UTILITIES SHALL BE PLACED IN ALLEYS. 10. ARCHITECTURAL CONSIDERATIONS: <ul style="list-style-type: none"> ➤ ARCHITECTURAL STYLE SHALL BE "VERNACULAR", REFLECTIVE OF THE ARCHITECTURE OF VERNACULAR ARCHITECTURAL DISTRICTS IN SURROUNDING REGION. ➤ MATERIALS – EXTERIOR MATERIALS SHALL BE TRADITIONAL WOOD LAP SIDING, CEMENT-FIBER SIDING, BRICK OR STONE. VINYL OR ALUMINUM SIDING MUST EMULATE TRADITIONAL WOOD GRAIN LAP SIDING AS SPECIFIED IN THE TOWN OF SHARPSBURG DEVELOPMENT STANDARDS. HARD STUCCO ALLOWED FOR ACCENTS ONLY. BRICK HOUSES MUST HAVE A MINIMUM OF 3 FULL SIDES BRICK. ➤ COLORS – EXTERIOR PAINTED COLORS SHALL BE WHITE OR A TRADITIONAL SOLID COLOR. ➤ COLONNADES, PORCHES, BALCONIES ARE REQUIRED. CANOPIES MAY BE CORRUGATED METAL SUPPORTED BY METAL POLES SIMILAR TO THOSE IN EXISTING HISTORIC ANTIQUE DISTRICT OR CANVAS AWNINGS. CANOPIES SHALL BE A MINIMUM OF 6' OVERHANG. CORRUGATED METAL CANOPIES ONLY IN THE TOWN CENTER. |

Design Guidelines

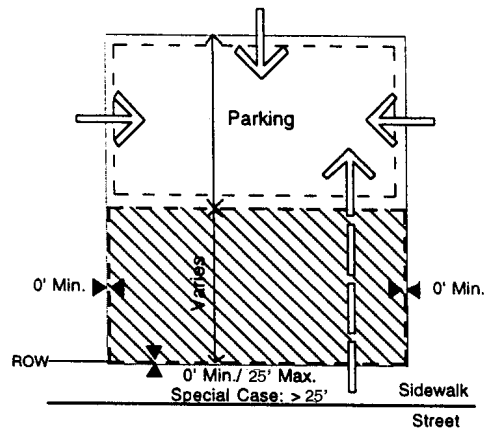
Shopfront/Office Workplace

LOT TYPE / SHOPFRONT BUILDING / OFFICE WORKPLACE

DESCRIPTION: The shopfront building is a small-scale structure, which can accommodate a variety of shopping uses. The structure is a maximum 8,000 square feet for the first floor and a maximum of 15,000 square feet including the second floor. A group of shopfront buildings can be combined to form a mixed-use neighborhood center. Individual shopfront buildings can be used to provide some commercial services such as a convenience food store in close proximity to homes.

BUILDING PLACEMENT/PARKING/VEHICLE ACCESS

1. Buildings shall be placed on the lot within the zone represented by the hatched area. In most cases, the build to line will range from 5' to 25' behind street ROW. Special site conditions such as topography, pattern of lot widths, or setbacks of existing buildings permit a larger building setback.
2. Building facades shall be generally parallel to frontage property lines.
3. Parking shall be located primarily to the rear of the building; side yard parking shall occupy no more than 25% of the primary frontage line and shall not be placed in any side yard abutting an intersecting street. Where dimensions of existing lots restrict parking behind buildings, the limitation on side yard parking may be modified.
4. A garden wall, fence, or hedge (min. 3' in height) shall be installed along any street frontage adjacent to parking areas.
5. Points of permitted front or rear access to parking indicated by arrows.
6. Parking areas on adjacent lots shall be connected whenever practical.
7. Trash containers shall be located in a rear parking area.
8. Mechanical equipment at ground level shall be placed on the parking lot side of building and away from buildings on adjacent sites.
9. Building facades at street frontage lines shall be pedestrian oriented and of pedestrian scale.

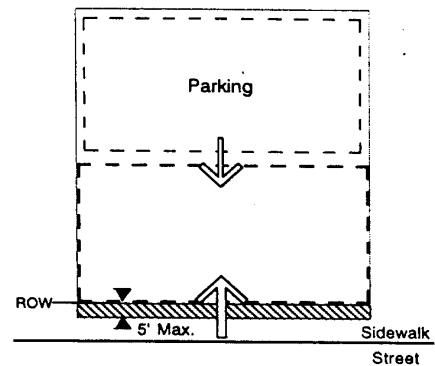


ENCROACHMENT/PEDESTRIAN ACCESS:

1. Balconies, bay windows, arcades, porches at an upper level and their supports at ground level, together with awnings above 0 head height (min 7'-6") are permitted within the sidewalk as shown by the hatched area. Encroaching arcaded should cover entire sidewalk.
2. Primary pedestrian access to the building is from the street (indicated by larger arrow). Secondary access may be from parking areas (indicated by smaller arrow).

SPECIAL CONDITIONS:

1. The intention of buildings in all locations must be to relate the Principal façade to the sidewalk and public space of the street.
2. Corners: Setback at street corners will generally replicate frontage conditions. However, side setbacks on a minor street may be less than the front dimension.



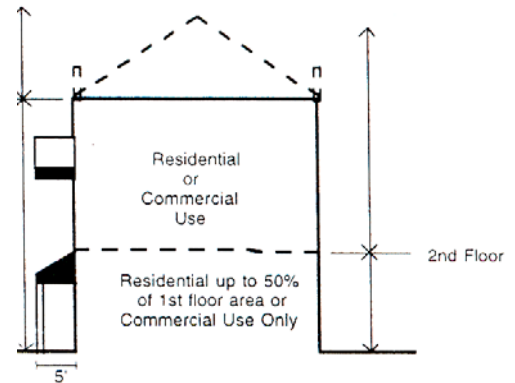
Buildings in all locations should relate the principal façade to the sidewalk and public space of the street.

Shopfront building

BUILDING TYPE / SHOPFRONT BUILDING / OFFICE WORKPLACE

PERMITTED HEIGHT

1. Building height shall be measured as the vertical distance from the highest finished grade relative to the street frontage, up to the eaves or highest level of a flat roof
2. The height of parapet walls may vary depending upon the need to screen mechanical equipment.
3. Building height to the ridge may vary depending on the roof pitch.



ARCHITECTURAL STANDARDS:

Principles:

1. To perpetuate the unique building character of the Town and its environs and to re-establish its local identity, development shall generally employ building types that are compatible to the Town's Zoning District Standards in their massing and exterior treatment.
2. The front elevations facing the street and the overall massing shall communicate an emphasis on the human scale and the pedestrian environment. Building elevations shall be clad with brick, traditional wood, fiber-cement siding, stone and hard stucco may be used for accents only.
3. Each building should be designed to form part of a larger composition of the area in which it is situated. Adjacent buildings should thus be of similar scale, height, and configuration.
4. Trailers (mobile units) may not be used as permanent workplace buildings.

Configurations:

1. Main roofs shall be symmetrical gables or hips with a pitch of between 6:12 and 12:12. Porch or canopy roof pitch minimum is 2:12.
2. Residential windows shall be vertical. Accent windows may be circular, semi-circular, octagonal, rectangular or hexagonal.
3. Street level windows shall be untinted. Mirrorized glass is not permitted in any location.
4. On sloped roof buildings, equipment at ground level shall be placed on the parking lot side of building and shall be screened and away from buildings on adjacent sites. On flat roof buildings, rooftop equipment shall be enclosed by parapet walls.



**CIVIC BUILDING
ZONING DISTRICT TC, TND**

| BUILDING TYPE | FRONT YARD SETBACK | SIDE YARD SETBACK | REAR YARD SETBACK | PARKING | ARCHITECTURAL |
|--|--------------------|--|-------------------|---|--|
| <p style="text-align: center;">CIVIC</p> <p>Note: For Zoning District TC AND TND</p> | 0' TO 25' | 8' MIN. 0' MIN. IN SPECIAL CASES AT CORNERS | 50' MIN. | <p>FOR ADMINISTRATIVE (OFFICE) USE, 1 SPACE PER 300 SF.</p> <p>AUDITORIUM, 1 SPACE FOR EVERY 4 SEATS.</p> | <ol style="list-style-type: none"> 1. BUILDING USES ARE PUBLIC IN NATURE (eg. SCHOOLS, LIBRARIES, GOVERNMENT BUILDINGS, AND CHURCHES). 2. HEIGHTS – MAX. 45' OF VERTICLE FAÇADE TO BOTTON OF EAVE LINE. HEIGHT ABOVE EAVE LINE VARIES (INCLUDING SPIRES OR CUPOLAS). SEE DESIGN GUIDELINES FOR “CIVIC BUILDINGS”. 3. FRONTS OF BUILDINGS SHALL BE ORIENTED TO FRONT SIDEWALK. 4. PARKING SHALL BE LOCATED IN REAR OF BUILDING: SIDE YARD PARKING SHALL OCCUPY NO MORE THAN 25% OF THE PRIMARY FRONTAGE. 5. SIDEWALKS SHALL BE PLACED IN FRONT OF ALL FRONTS OF COMMERCIAL DEVELOPMENTS IN ACCORDANCE WITH THE TOWN OF SHARPSBURG SIDEWALK ORDINANCE. 6. STREET TREES SHALL BE PLANTED 30' O.C. BRADFORD PEAR TREES ARE NOT PERMITTED. 7. STREET LIGHTING STANDARDS SHALL BE TRADITIONAL DESIGN 16' MAX. HEIGHT. 8. ARCHITECTURAL CONSIDERATIONS: <ul style="list-style-type: none"> ➤ ARCHITECTURAL STYLE SHALL BE “VERNACULAR”, REFLECTIVE OF THE ARCHITECTURE OF VERNACULAR ARCHITECHTURAL DISTRICT IN SURROUNDING REGION. ➤ MATERIALS – EXTERIOR MATERIALS SHALL BE PREDOMINANTLY BRICK, STONE OR TRADITIONAL WOOD LAP SIDING. CHURCHES MAY BE PREDOMINANTLY BRICK, STONE OR CEMENT FIBER SIDING. ➤ COLORS – EXTERIOR PAINTED COLORS SHALL BE WHITE OR A TRADITIONAL SOLID COLOR. ➤ ROOF MATERIAL CAN BE ASPHALT SHINGLES, WOOD SHAKES, SLATE, OR METAL STANDING SEAM. ➤ COLONNADES, PORCHES, BALCONIES ARE REQUIRED. |

Design Guidelines

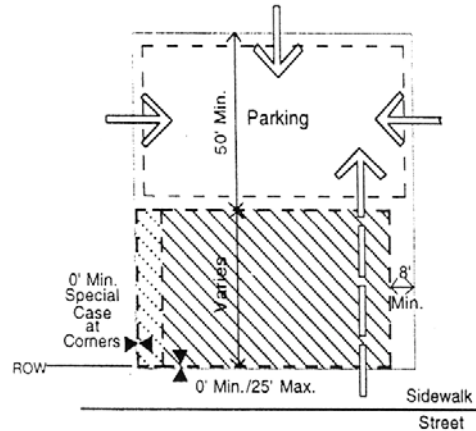
Civic building

LOT TYPE / CIVIC BUILDING

DESCRIPTION: A civic building is a building used for purposes that are public in nature (e.g. Schools, libraries, government buildings, and churches). These buildings must be designed to take their appropriate places within neighborhoods as integral parts of the community. It is expected that the scale and architectural sophistication of these buildings will match their civic importance. Where possible, civic structures shall be designed to terminate vistas or serve as key focal points in the neighborhood. The intention of buildings in all locations must be to relate the principal façade to the sidewalk and public space of the street. Civic buildings shall not be set back on the lot behind a standard parking lot.

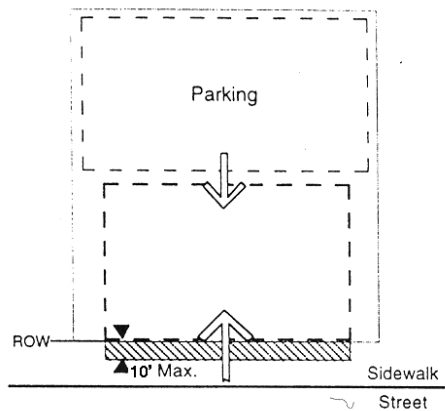
BUILDING PLACEMENT/PARKING/VEHICLE ACCESS

1. Buildings shall be placed on the lot within the zone represented by the hatched area. In most cases, the build to line will range from 0' to 25' behind street ROW. Special site conditions such as topography, pattern of lot widths, or setbacks of existing buildings permit a larger building setback.
2. Building facades shall be generally parallel to frontage property lines and be pedestrian oriented and of pedestrian scale.
3. A planting strip or defined plaza should be provided to relate the building to the street.
4. Parking shall be located primarily to the rear of the building: side yard parking shall occupy no more than 25% of the primary frontage line and shall not be placed in any side yard abutting an intersecting street. Where dimensions of existing lots restrict parking behind buildings, the limitation on side yard parking may be modified.
5. A garden wall, fence, or hedge (min. 3' in height) shall be installed along any street frontage adjacent to parking areas.
6. Points of permitted front or rear access to parking indicated by arrows.
7. Trash containers shall be located in a rear parking area.
8. Mechanical equipment at ground level shall be placed on the parking lot side of building and away from buildings on adjacent sites.



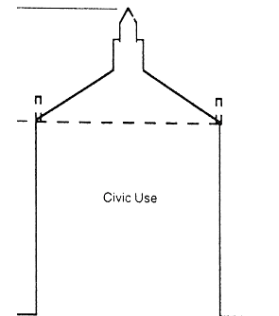
ENCROACHMENT/PEDESTRIAN ACCESS:

1. For buildings set up to the sidewalk, upper level balconies and bay windows may encroach a maximum of 5' over the sidewalk.
2. For buildings set back from the sidewalk, balconies, stoops, stairs, open porches, bay windows, and awnings are permitted to encroach into front setback area up to 8'.
3. Primary pedestrian access to the building is from the street (indicated by larger arrow). Secondary access may be from parking areas (indicated by smaller arrow).



PERMITTED HEIGHT AND USES

1. Building height shall be measured as the vertical distance from the highest finished grade relative to the street frontage, up to the eaves or highest level of a flat roof
2. The height of parapet walls may vary depending upon the need to screen mechanical equipment. Height to the ridge may vary depending on the roof pitch.
3. Maximum height of occupied building shall be 50 feet. Uninhabitable portions of buildings with foot print area 500 square feet or less may exceed 45 feet (example: spire, cupola).



ARCHITECTURAL STANDARDS:

Principles:

1. To perpetuate the unique building character of the Town and its environs and to re-establish its local identity, development shall generally employ building types that are compatible to the Town's Zoning District Standards in their massing and exterior treatment.
2. The front elevations facing the street and the overall massing shall communicate an emphasis on the human scale and the pedestrian environment. Building elevations shall be clad with brick, traditional wood, fiber-cement siding, stone and hard stucco may be used for accents only.
3. Each building should be designed to form part of a larger composition of the area in which it is situated. Adjacent buildings should thus be of similar scale, height, and configuration.
4. Trailers (mobile units) may not be used as civic buildings.
5. Schools, churches, and government buildings shall be built so that they terminate a street vista whenever possible and should be of sufficient design quality to create visual anchors for the community.

Configurations:

1. The Orders, if provided, should have proportions and moldings according to The American Vignola.
2. Main roofs shall be symmetrical gables or hips with a pitch of between 6:12 and 12:12. Porches or canopies minimum pitch is 2:12.
3. Windows shall be vertical. Accent windows may be circular, semi-circular, octagonal, rectangular or hexagonal.
4. On sloped roof buildings, equipment at ground level shall be placed on the parking lot side of building and shall be screened and away from buildings on adjacent sites. Rooftop equipment shall be behind parapet walls and all other mechanical equipment shall be enclosed in building materials that matches the structure or is visibly compatible with the structure. There will be no flat roofs on Civic Buildings.



**TRADITIONAL HIGHWAY COMMERCIAL BUILDING
ZONING DISTRICT THC**

| BUILDING TYPE | FRONT YARD SETBACK | SIDE YARD SETBACK | REAR YARD SETBACK | PARKING | ARCHITECTURAL |
|---|--------------------|-------------------|-------------------|---|---|
| <p>TRADITIONAL HIGHWAY COMMERCIAL</p> <p>Note: For Zoning Districts (THC)</p> | <p>0' TO 15'</p> | <p>0'</p> | <p>25' MIN.</p> | <p>1 SPACE PER 300 SF. FOR COMMERCIAL.</p> <p>RESTAURANTS, 1 SPACE PER 100 SF. OF GROSS AREA.</p> <p>OTHER PERMITTED USES, REFER TO ARTICLE 11 OF THIS ORDINANCE.</p> | <ol style="list-style-type: none"> 1. BUILDINGS SHALL BE SMALL FOOTPRINT - MAXIMUM LENGTH 150 FEET. 2. HEIGHTS - 2 STORIES MAXIMUM. 3. FRONTS OF BUILDINGS SHALL BE ORIENTED TO FRONT SIDEWALK. 4. PARKING SHALL BE LOCATED IN REAR OF BUILDING: SIDE YARD PARKING SHALL OCCUPY NO MORE THAN 25% OF THE PRIMARY FRONTAGE. 5. FOR SERVICE STATIONS, FUEL PUMPS SHALL BE LOCATED IN REAR OF BUILDING. 6. SIDEWALKS SHALL BE PLACED IN FRONT OF ALL FRONTS OF COMMERCIAL DEVELOPMENTS IN ACCORDANCE WITH THE TOWN OF SHARPSBURG SIDEWALK ORDINANCE. 7. STREET TREES SHALL BE PLANTED 30' O.C. BRADFORD PEAR TREES ARE NOT PERMITTED. 8. STREET LIGHTING STANDARDS SHALL BE TRADITIONAL DESIGN 16' MAX. HEIGHT. 9. SEE ARCHITECTURAL STANDARDS ON THE NEXT PAGE. |

Design Guidelines

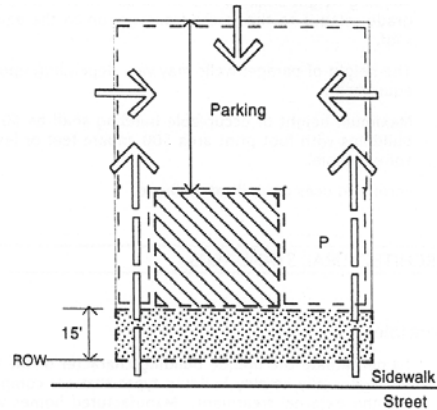
Traditional Highway Commercial

LOT TYPE / TRADITIONAL HIGHWAY COMMERCIAL

DESCRIPTION: The Traditional Highway Commercial generally comprises fast food retail, drive through banks, motels, and other highway dependent uses. These regulations are designed to bring these building types into a framework of town streets.

BUILDING PLACEMENT/PARKING/VEHICLE ACCESS

1. Buildings shall be placed on the lot within the zone represented by the hatched area. In most cases, the build to line will range from 0' to 15' behind street ROW. Special site conditions such as topography, pattern of lot widths, or setbacks of existing buildings permit a larger building setback.
2. Building facades shall be generally parallel to frontage property lines.
3. Parking shall be located primarily to the rear of the building: side yard parking shall occupy no more than 25% of the primary frontage line and shall not be placed in any side yard abutting an intersecting street. Where dimensions of existing lots restrict parking behind buildings, the limitation on side yard parking may be modified.
4. Point of permitted access to the parking indicated by arrows.
5. A garden wall, fence, or hedge (min. 3' in height) shall be installed along any street frontage adjacent to parking areas.
6. Parking areas on adjacent lots shall be connected whenever practical.
7. Trash containers shall be located in a rear parking area.
8. On sloped roof buildings, equipment at ground level shall be placed on the parking lot side of building and shall be screened and away from buildings on adjacent sites. Rooftop equipment shall be behind parapet walls and all other mechanical equipment shall be enclosed in building materials that matches the structure or is visibly compatible with the structure.
9. Building facades at street frontage lines shall be pedestrian oriented and of pedestrian scale.

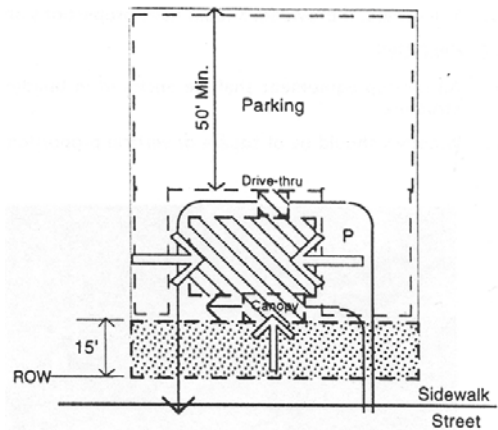


ENCROACHMENT/PEDESTRIAN ACCESS:

1. Main pedestrian access to the building may be from the side (indicated by the larger arrows). Secondary access must be from the street frontage (indicated by the smaller arrow).
2. Drive-thru's shall be located to the rear of the building.
3. Entrance canopies shall face the street.
4. Typical vehicular circulation movement is indicated by thin line arrows.

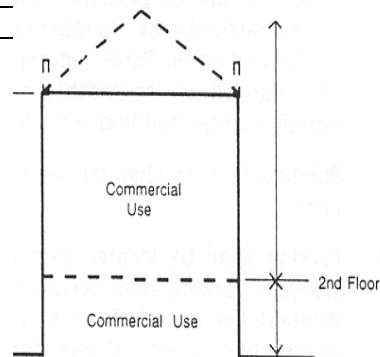
SPECIAL CONDITIONS:

1. Buildings in all locations must be to relate the principal façade to the sidewalk and public space of the street.



PERMITTED HEIGHT AND USES

1. Building height shall be 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.
2. The height of parapet walls may vary depending upon the need to screen mechanical equipment.
3. Building height to the ridge may vary depending on the roof pitch.



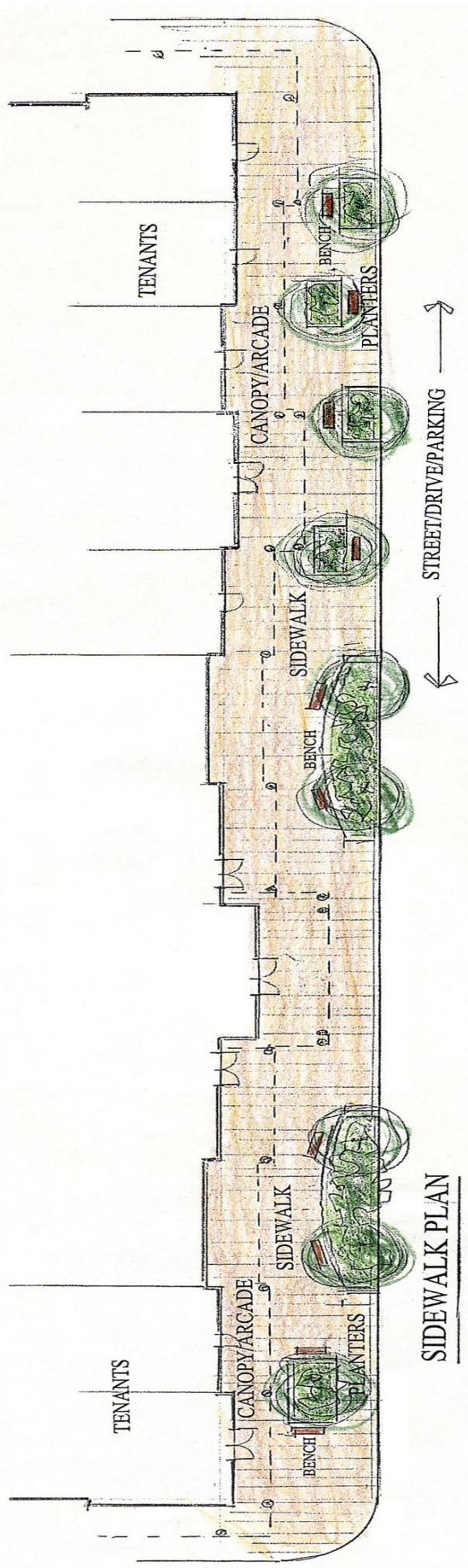
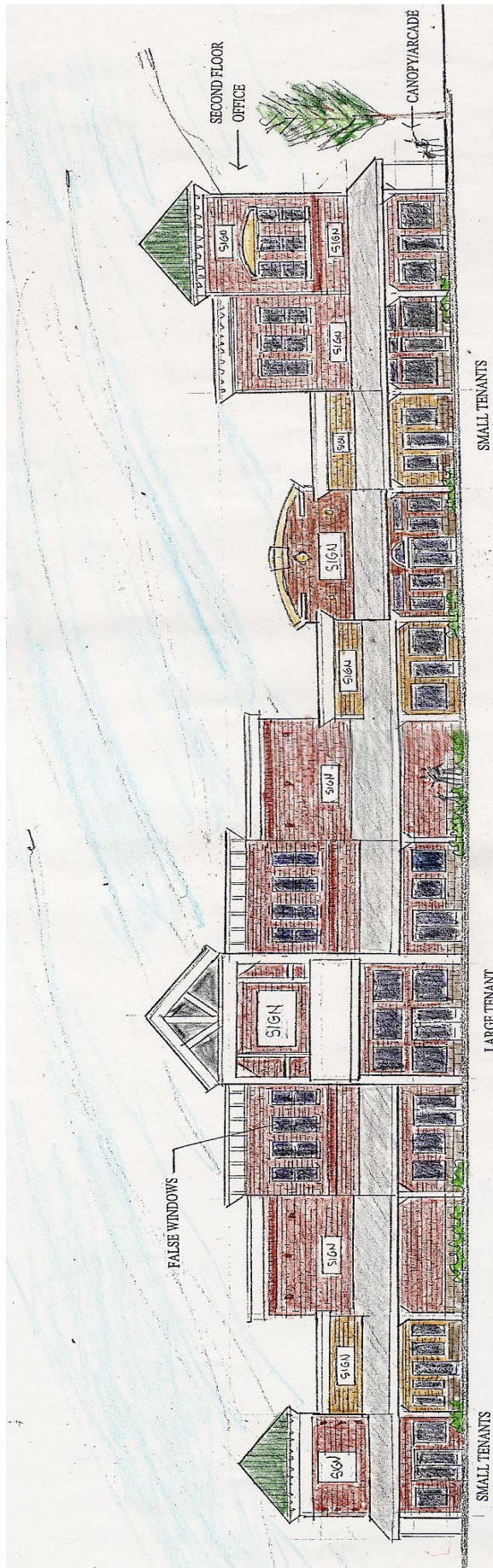
ARCHITECTURAL STANDARDS:

Principles:

1. While in keeping with the vernacular tradition, as defined in this ordinance, the style of the proposed nonresidential buildings should also be distinctive and unique to the Town of Sharpsburg and should separate the Town from the architectural styles being promoted in neighboring communities.
2. Architects are required to meet with Town Officials prior to initiating design activities to gain a better understanding of the look and feel of buildings that Sharpsburg desires to be constructed within the Town.
3. The front elevations facing the street and the overall massing shall communicate an emphasis on the human scale and the pedestrian environment.
4. Each building should be designed to form part of a larger composition of the area in which it is situated. Adjacent buildings should thus be of similar scale, height, and configuration.
5. Trailers (mobile units) may not be used as Traditional Highway Commercial buildings.
6. The general goal is for commercial buildings to appear as a group of small individual buildings that may have grown over time, rather than one large structure. This applies to buildings with one or two tenants, as well as larger buildings with multiple tenants. It allows for individual expression and styles of design, while maintaining a cohesive whole. Materials, colors and design details change with time, and this variety should be encouraged. The following are the general guidelines to encourage this expression.
 - Floor plan of front wall should off-set a minimum of 2', at a minimum of every 50' of building length.
 - The top of parapet height for flat roofs should vary at a minimum of every 50' of building length. Buildings with hip or gable roofs should incorporate dormers or other breaks to roof.
 - Variety of building design, materials and color for the front elevations. This includes the parapet shape and trim details.
 - All building fronts and sides should be brick. Various colors and types of brick may be used, as well as alternate trim materials
 - Tenant signage design, size and location may vary to be compatible with storefront design, but should have a consistent standard. This standard should be presented along with the architectural design.
 - There should be a continuous arcade across the front of the multi tenant buildings.
 - The front walkway should be wide enough to accommodate landscaping, benches and other pedestrian improvements.

Configurations:

1. See example on next page.
2. Main roofs shall be a combination of flat roofs and roofs with symmetrical gables or hips with a pitch of between 6:12 and 12:12. Porch roofs or canopies minimum pitch is 2:12.
3. Windows shall be vertical. Accent windows may be circular, semi-circular, octagonal, rectangular or hexagonal.
4. Street level windows shall be untinted. Mirrorized glass is not permitted in any location.
5. Equipment at ground level shall be placed on the parking lot side of building and shall be screened and away from buildings on adjacent sites. Rooftop equipment shall be behind parapet walls and all other mechanical equipment shall be enclosed in building materials that matches the structure or is visibly compatible with the structure.



**LIGHT INDUSTRY/TECHNOLOGY PARK
ZONING DISTRICT LI**

| BUILDING TYPE | FRONT YARD SETBACK | SIDE YARD SETBACK | REAR YARD SETBACK | PARKING | ARCHITECTURAL |
|--|--------------------|-------------------|-------------------|--|--|
| LIGHT INDUSTRY/ TECHNOLOGY PARK Note: For Zoning Districts LI | 0' TO 25' | 25' MINIMUM | 50' MINIMUM | REAR AND 25% SIDE OF THE BUILDING 1 PARKING SPACE FOR EVERY 2 EMPLOYEES LOADING DOCKS TO REAR OF BUILDING | <ol style="list-style-type: none"> 1. SIDEWALKS SHALL BE PLACED IN FRONT OF ALL BUILDINGS IN ACCORDANCE WITH THE TOWN OF SHARPSBURG SIDEWALK ORDINANCE. 2. STREET TREES SHALL BE PLANTED 30' O.C. BRADFORD PEAR TREES ARE NOT PERMITTED. 3. STREET LIGHTING STANDARDS SHALL BE TRADITIONAL DESIGN 16' MAX. HEIGHT. 4. ARCHITECTURAL CONSIDERATIONS: <ul style="list-style-type: none"> ➤ MATERIALS – EXTERIOR MATERIALS SHALL BE MASONRY (NOT EXPOSED CONCRETE BLOCK), BRICK, OR STONE. ➤ ROOF PITCH – FLAT ROOF OR SLOPED ROOF PITCH 6:12 TO 12:12. PORCH ROOF PITCH 2:12 ➤ ROOF MATERIAL CAN BE ASPHALT SHINGLES, WOOD SHAKES, SLATE, OR METAL STANDING SEAM. 5. 30% OF PARKING LOT TO BE GREENSPACE. 6. PARKING AREAS MUST INCLUDE PERVIOUS SURFACES. |

Design Guidelines

Light Industry/Technology Park

LOT TYPE / LIGHT INDUSTRY/TECHNOLOGY PARK

DESCRIPTION: The Light industry/Technology Park category generally comprises non-polluting light industrial and technology uses.

BUILDING PLACEMENT/PARKING/VEHICLE ACCESS

1. Buildings shall be placed on the lot within the zone represented by the hatched area. In most cases, the build to line will range from 0' to 25' behind street ROW. Special site conditions such as topography, pattern of lot widths, or setbacks of existing buildings permit a larger building setback.
2. Building facades shall be generally parallel to frontage property lines.
3. Parking shall be located primarily to the rear of the building: side yard parking shall occupy no more than 25% of the primary frontage line and shall not be placed in any side yard abutting an intersecting street. Where dimensions of existing lots restrict parking behind buildings, the limitation on side yard parking may be modified.
4. Point of permitted access to the parking indicated by arrows.
5. A garden wall, fence, or hedge (min. 3' in height) shall be installed along any street frontage adjacent to parking areas.
6. Trash containers shall be located in a rear parking area.
7. Mechanical equipment at ground level shall be placed on the parking lot side of building and away from buildings on adjacent sites.
8. Building facades at street frontage lines shall be pedestrian oriented and of pedestrian scale.

ENCROACHMENT/PEDESTRIAN ACCESS:

1. Main pedestrian access to the building may be from the side (indicated by the larger arrows). Secondary access must be from the street frontage (indicated by the smaller arrow).
2. Service bays and loading docks shall be located to the rear of the building.

BUILDING TYPE / LIGHT INDUSTRY/TECHNOLOGY PARK

PERMITTED HEIGHT

1. Building height shall be measured as the vertical distance from the highest finished grade relative to the street frontage, up to the eaves or highest level of a flat roof.
2. The height of parapet walls may vary depending upon the need to screen mechanical equipment.
3. Maximum building height 40'.

ARCHITECTURAL STANDARDS:

Principles:

Building elevations shall be clad with masonry (no exposed concrete block), fiber-cement siding, stone and hard stucco may be used for accents only.

Trailers (mobile units) may not be used in Light Industry/Technology Park

Configurations:

On sloped roof buildings, equipment at ground level shall be placed on the parking lot side of building and shall be screened and away from buildings on adjacent sites. Rooftop equipment shall be behind parapet walls and all other mechanical equipment shall be enclosed in building materials that matches the structure or is visibly compatible with the structure.

TRADITIONAL NEIGHBORHOOD DEVELOPMENT ZONING DISTRICTS TND, TC

| BUILDING TYPE | ARCHITECTURAL |
|--|--|
| <p>TRADITIONAL NEIGHBORHOOD DEVELOPMENT</p> <p>Note: For Zoning District TND AND TC.</p> | <p>PLANNING PRINCIPLES FOR TOWN CENTER (TC) AND TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND):</p> <p><u>THEY SHALL EMBRACE THE FOLLOWING PRINCIPLES:</u></p> <ul style="list-style-type: none"> ➤ RESIDENCES, SHOPS, WORKPLACES, AND CIVIC BUILDINGS ARE INTERWOVEN WITHIN THE NEIGHBORHOOD, AND ALL ARE IN CLOSE PROXIMITY. ➤ A HIERARCHY OF STREETS SERVES EQUITABLY THE NEEDS OF THE PEDESTRIAN AND THE AUTOMOBILE. ➤ CAREFULLY PLACED CIVIC BUILDINGS AND SQUARES REINFORCE THE IDENTITY OF THE TOWN AND NEIGHBORHOODS. ➤ SPATIALLY DEFINED SQUARES AND PARKS PROVIDE PLACES FOR INFORMAL SOCIAL ACTIVITY AND RECREATION. ➤ CIVIC BUILDINGS PROVIDE PLACES OF PURPOSEFUL ASSEMBLY FOR SOCIAL, CULTURAL OR RELIGIOUS ACTIVITIES, BECOMING SYMBOLS OF COMMUNITY IDENTITY THROUGH THEIR ARCHITECTURAL CLARITY. ➤ PRIVATE BUILDINGS FORM A DISCIPLINED EDGE, SPATIALLY DELINEATING THE PUBLIC STREET SPACE AND THE PRIVATE BLOCK INTERIOR. <p><u>THEY SHALL PURSUE CERTAIN SOCIAL OBJECTIVES:</u></p> <ul style="list-style-type: none"> ➤ BY BRINGING MOST ACTIVITIES OF DAILY LIVING, INCLUDING DWELLING, SHOPPING AND WORKING WITHIN WALKING DISTANCE, THE ELDERLY AND THE YOUNG GAIN INDEPENDENCE OF MOVEMENT. ➤ BY REDUCING THE NUMBER AND LENGTH OF AUTOMOBILE TRIPS, TRAFFIC CONGESTION IS MINIMIZED AND NECESSARY ROAD CONSTRUCTION IS LIMITED. ➤ BY PROVIDING DEFINED PUBLIC SPACES SUCH AS STREETS AND SQUARES, CITIZENS COME TO KNOW EACH OTHER AND WATCH OVER THEIR COLLECTIVE SECURITY. ➤ BY PROVIDING A FULL RANGE OF HOUSING TYPES AND WORKPLACES, AGE AND ECONOMIC CLASS ARE INTEGRATED AND THE BONDS OF AN AUTHENTIC COMMUNITY ARE FORMED. <p><u>DESIGN PRINCIPLES</u> FOR TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND):</p> <ol style="list-style-type: none"> 1. IN A TND, THERE SHALL BE A MIX OF ATTACHED AND DETACHED HOUSES, A VILLAGE CENTER MEETING HALL, PARKS, AND CONVENIENCE SHOPPING, SIDEWALKS BOTH SIDES OF STREETS, STREET TREES, PARKING IN ALLEYS WHEN PRACTICAL, AND NARROW STREETS AND OTHER DEVICES FOR TRAFFIC CALMING 2. ACCEPTABLE BUILDING TYPES ARE: DETACHED HOUSE, ATTACHED HOUSE, APARTMENTS, SHOPFRONT BUILDINGS, OFFICE WORKPLACE, LIVE-WORK FLEX BUILDING, AND CIVIC BUILDING. 3. ARCHITECTURAL STYLE SHALL BE "VERNACULAR", REFLECTIVE OF THE ARCHITECTURE OF HISTORIC DISTRICTS IN SURROUNDING REGION. 4. GARAGES ARE REQUIRED FOR ALL SINGLE-FAMILY DWELLING TYPES OFF ALLEYS. GARAGE SECOND FLOORS CAN BE USED FOR "GRANNY FLATS", HOME OFFICES OR RENTAL. 5. SIDEWALKS SHALL BE PLACED IN FRONT OF ALL RESIDENTIAL AND COMMERCIAL DEVELOPMENTS IN ACCORDANCE WITH THE TOWN OF SHARPSBURG SIDEWALK ORDINANCE. 6. FENCING - SEE APPEARANCE STANDARDS TABLE 5.3. 7. STREET WIDTHS – SEE ARTICLE 10, TND CRITERIA, IN THE SITE DEVELOPMENT REGULATIONS ORDINANCE 8. ALL UTILITIES SHALL BE UNDERGROUND. WHERE PRACTICABLE UNDERGROUND UTILITIES SHALL BE PLACED IN ALLEYS. REFER TO SITE DEVELOPMENT REGULATIONS ORDINANCE FOR FURTHER INFORMATION. 9. STREET SIGNS SHALL BE OF TRADITIONAL DESIGN. COMMERCIAL SIGNS SHALL HAVE NO NEON OR BE BACK LIGHTED. TRADITIONAL DESIGN REQUIRED. REFERENCE THE TOWN OF SHARPSBURG'S ADVERTISING & SIGNAGE ORDINANCE. 10. LANDSCAPING SHALL BE INDIGENOUS, SUSTAINABLE REQUIRING MINIMUM WATER AND MAINTENANCE. NO RED MULCH SHALL BE ALLOWED. REFERENCE THE TOWN OF SHARPSBURG'S TREE PROTECTION AND LANDSCAPE ORDINANCE. 11. STREET TREES – MINIMUM CALIPER, 3" WITH CANOPY OF 1,000 SF. AT MATURITY, PLANTED 30' ON CENTER. NO BRADFORD PEAR TREES SHALL BE ALLOWED. 12. COMMERCIAL BUILDING WINDOWS – LARGE ENOUGH TO VIEW MERCHANDISE. MINIMUM OF 70% OF FRONT OF STOREFRONT SHALL BE GLAZED. DARK TINTED OR REFLECTIVE GLASS NOT ACCEPTED. 13. HOUSING MIX – WITHIN A NEIGHBORHOOD, MIXED HOUSING TYPES ARE ENCOURAGED. RECOMMENDED, RESIDENTIAL ABOVE STORE OR OFFICE. 14. THE CONCEPT OF "TRAFFIC CALMING" IS REQUIRED BY UTILIZING A RANGE OF STRATEGIES AND |

DEVICES INCLUDING "ROUND ABOUTS", DISCONTINUATION OF LONG STREETS, STREETS TERMINATING IN FOCAL POINTS, PARALLEL PARKING ON STREETS, RAISED PEDESTRIAN WALKWAYS, AND NARROW STREETS WIDTHS. PROPOSED TRAFFIC CALMING DEVICES SHOULD BE SHOWN ON ALL PLANS SUBMITTED TO THE TOWN AND SHALL BE APPROVED BY THE TOWN'S QUALIFIED CONSULTANT. GEORGIA DOT AND COWETA COUNTY STANDARDS SHALL APPLY ON STATE AND COUNTY-CONTROLLED RIGHTS-OF-WAY, RESPECTIVELY.

15. CIVIC SPACES – INCLUDES SQUARES AND PARKS DESIGNED FOR PASSIVE ACTIVITY. NO RESIDENCE SHALL BE LOCATED FURTHER THAN 750' FROM A SQUARE OR PARK (AS DEFINED IN ARTICLE 9 OF THIS ORDINANCE).
16. PORTIONS OF A TRADITIONAL NEIGHBORHOOD DEVELOPMENT MAY BE GRANTED VARIANCES BY THE TOWN COUNCIL FROM ONE OR MORE OF THESE DESIGN PRINCIPALS PROVIDED THAT:
 - THE APPLICATION FOR VARIANCE IS CONSISTENT FOR STANDARDS FOR VARIANCES FOUND AT SECTION 13.18 OF THIS ZONING ORDANIANCE; AND
 - THAT THE APPLICATION REQUEST VARIANCE FROM THE LEAST NUMBER OF DESIGN PRINCIPALS NECESSARY FOR DEVELOPMENT OF THE VARIED PORTION AND THAT THE VARIED PORTION CONTINUES TO BE CONSISTANT WITH THE SOCIAL OBJECTIVES ON THE TRADITIONAL NEIGHBORHOOD DEVELOPMENT AND A MAJORITY OF THE TRADITIONAL NEIGHBORHOOD DEVELOPMENT DESIGN PRINCIPALS.
17. ARCHITECTURAL CONTROL:
 - ALL RESIDENTIAL AND COMMERCIAL PLANS SHALL BE SUBJECT TO APPROVAL AND MONITORING BY A QUALIFIED CONSULTANT AND APPROVED BY TOWN COUNCIL.

MINI-TND

6-29 ACRE DEVELOPMENTS

ALL OF THE ABOVE REGULATIONS APPLY FOR THE MINI-TND EXCEPT FOR THE ONES LISTED BELOW.

- 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.

5.5 OLD TOWN DISTRICT OVERLAY GUIDELINES

| OLD TOWN DISTRICT OVERLAY | ARCHITECTURAL GUIDELINES |
|---|---|
| <p>DEFINED BY BOUNDARIES ON TOWN ZONING MAP</p> <hr/> <p>INCLUDES FOLLOWING SUB-CATEGORIES:</p> | <p>(SEE SECTION 5.6 OLD TOWN DISTRICT OVERLAY)</p> |
| <p>ANTIQUE CENTER</p> <p>STRUCTURES FRONTING ON MAIN ST. FROM TERRENTINE RD. TO TENNIS COURTS.</p> | <p>FACADES OF EXISTING BUILDINGS SHALL NOT BE ALTERED. EXCEPTION IS ADDITIONS THAT ECHO THE SAME MATERIALS, TEXTURES, COLORS, AND DETAILS AS EXISTING STRUCTURES.</p> <p>ARCHITECTURAL CHARACTER: MATERIALS – EXTERIOR MATERIALS SHALL BE BOARD AND BATTEN BARNWOOD STAINED GREY (TO MATCH EXISTING SIDING IN THS AREA), BRICK, OR STONE. CANOPIES SHALL BE CORRUGATED METAL SUPPORTED BY IRON POLES SIMILAR TO EXISTING CANOPIES.</p> <p>INFILL: IN ORDER TO FILL GAPS BETWEEN BUILDINGS, STRUCTURES SHOULD BE OF SIMILAR SCALE, CHARACTER. MATERIAL, TEXTURE, COLOR, DETAILS, AND RHYTHM OF SPACING.</p> <p>ARCHITECTURAL CHARACTER: MATERIALS – EXTERIOR MATERIALS SHALL BE BOARD AND BATTEN BARNWOOD STAINED GREY (TO MATCH EXISTING SIDING IN THS AREA), BRICK, OR STONE. CANOPIES SHALL BE CORRUGATED METAL SUPPORTED BY IRON POLES SIMILAR TO EXISTING CANOPIES.</p> |
| <p>OLD TOWN CENTER</p> <p>STRUCTURES AT CORNERS AND FRONTING ON MAIN ST. AND TERRENTINE RD.</p> | <p>STRUCTURES SHALL BE OF SIMILAR ARCHITECTURAL CHARACTER AS BUILDING ON SOUTH WEST CORNER OF MAIN STREET AND TERRENTINE STREET.</p> <p>ARCHITECTURAL CHARACTER: EXTERIOR MATERIAL, BRICK COLOR AND JOINTING SHALL MATCH BUILDING ON SOUTH WEST CORNER OF MAIN STREET AND TERRENTINE. CANOPIES SHALL BE CORRUGATED METAL SUPPORTED BY IRON POLES SIMILAR TO EXISTING CANOPIES IN THE ANTIQUE CENTER. BUILDINGS SHALL CONFORM TO “SHOPFRONT BUILDING” CATEGORY.</p> |
| <p>“THOROUGHFARE OF GRAND HOMES”- TERRENTINE ROAD SOUTH.</p> <p>STRUCTURES FRONTING ON TERRENTINE RD. FROM MAIN STREET TO HIGHWAY 54</p> | <p>ARCHITECTURAL CHARACTER:</p> <p>ARCHITECTURAL STYLE FOR NEW INFILL HOUSES SHALL BE OF “VERNACULAR”, REFLECTIVE OF THE ARCHITECTURE OF HISTORIC STRUCTURES IN SURROUNDING REGION.</p> <p>INFILL HOUSES SHALL CONFORM TO “DETACHED HOUSE”, ESTATE CATEGORY.</p> |
| <p>TERRENTINE ROAD NORTH</p> <p>STRUCTURES FRONTING ON TERRENTINE RD. FROM MAIN ST. TO HIGHWAY 154.</p> | <p>ARCHITECTURAL CHARACTER:</p> <p>ARCHITECTURAL STYLE FOR NEW INFILL HOUSES SHALL BE OF “VERNACULAR”, REFLECTIVE OF THE ARCHITECTURE OF HISTORIC STRUCTURES IN SURROUNDING REGION.</p> <p>INFILL HOUSES SHALL CONFORM TO “DETACHED HOUSE” CATEGORY.</p> |
| <p>MAIN STREET EAST</p> <p>STRUCTURES FRONTING ON MAIN ST. FROM TOWN SQUARE TO HIGHWAY 54</p> | <p>ARCHITECTURAL CHARACTER:</p> <p>ARCHITECTURAL STYLE FOR NEW INFILL HOUSES SHALL BE OF “VERNACULAR” REFLECTIVE OF THE ARCHITECTURE OF HISTORIC STRUCTURES IN SURROUNDING REGION.</p> <p>INFILL HOUSES SHALL CONFORM TO “DETACHED HOUSE” CATEGORY.</p> |

5.6 Old Town District Overlay Standards.

The purpose of the Old Town District Overlay is to protect the town's existing Vernacular Architectural from incompatible architectural development. The Town of Sharpsburg finds that its existing Vernacular Architectural areas are important cultural and economic assets, critical to the town's downtown development, heritage tourism and heritage education goals, and ultimately to the public's long-term interest.

Definitions:

Old Town District Overlay – A geographically definable area, possessing a significant concentration, linkage, or continuity of sites, buildings, structures or objects united by traditional vernacular design and architecture delineated on the Official Zoning Map.

New Construction – The fabrication or placement of any building or other structure on a lot, or an addition to an existing building if such addition is visible from the street or streets and would increase living space.

Description of the District:

The Old Town District Overlay is delineated on the Zoning Map for the Town of Sharpsburg, which is incorporated and made a part of this ordinance.

Applicability:

Within the Old Town District Overlay, the provisions of this Article shall apply to:

- New construction, rehabilitation projects and building additions.
- Relocation of existing buildings, into, out of, or within the District.
- Proposed demolition of existing structures, and
- Other applicable issues, if specified herein.

Conditions and Compatibility Standards:

Along with the Architectural guidelines in Section 5.5 the following conditions and compatibility standards shall apply within the Old Town District Overlay.

1. New construction, rehabilitation projects and building additions:
 - a. Size, Scale and Setback: New buildings shall be similar in height, width and setback to nearby buildings within the District.
 - b. Materials: New buildings and rehabilitation projects shall utilize exterior materials common to the exterior of the buildings in the District.
 - c. Shapes: Roof pitches and building shapes should be consistent with those within the District.
 - d. Rhythm: New construction and rehabilitation projects shall be consistent, with respect to the pattern of windows and doors of buildings (in the District) in the vicinity of the New Construction.

- e. Orientation or directional expression of front elevation: New structures shall be compatible with the orientation of the buildings, squares and places to which they are visually related in the District.
- f. Landscaping: Landscaping shall attempt to maintain the characteristics and be visually compatible with the overall environment of the District area.
- g. Appurtenances: Appurtenances related to a building (such as fences, stone walls, light fixtures, steps, paving, sidewalks, and sign) shall be visually compatible with the environment of the buildings, places, and squares to which they are related within the District.

2. Demolition of existing structures:

- a. Proposed demolition of structures existing within the District Overlay at the time of the adoption of this Zoning Ordinance shall be subject to the prior review by the Town Council.
- b. Upon receipt of any request to demolish a building, or any part thereof, the Town Council shall review the circumstances and conditions of the structure or part proposed for demolition, and make an initial determination as to whether any of the following criteria apply to the structure:
 - Is the building of such architectural or historical interest that its removal would be to the detriment of the public interest?
 - Is the building of such old and unusual or uncommon design, texture and material that it could not be reproduced or be reproduced only with great difficulty?
 - Would retention of the building promote the general welfare by maintaining and increasing real estate values; generating business; creating jobs; attracting new residents; promoting heritage education; or making the town a more attractive and desirable place to live?
- c. Should the town determine that none of the criteria listed above are applicable, then permission to demolish the building shall be granted, no later than 30 days after the property owner's written request to demolish the building is presented to the Town of Sharpsburg.
- d. If the Town Council, instead, should determine that at least one of the above criteria is applicable, then the Town of Sharpsburg shall notify persons or groups interested in historic preservation who may wish to work with the owner in an effort to preserve the structure, or locate purchasers who would agree to preserve the building in accordance with the standards of the District. The Town may post the subject property with a sign which states: "This property is scheduled for demolition. Anyone interested in purchasing to preserve or to relocate contact the Town of Sharpsburg," or some other similar statement.
- e. If efforts to preserve the building (in accordance with the above provisions) have failed, 180 days after the owner's written request for demolition, permission to demolish the building shall be granted.

3. Building relocation: Buildings shall be retained on their present sites whenever possible. Relocation shall be considered only as an alternative to demolition.

- a. For buildings to be moved into the District Overlay area, or relocated within the District Overlay area, new construction standards (see number 2 above) and architectural guidelines (see Section 5.3) shall apply.
- b. For buildings to be moved out of the District Overlay area, demolition standards shall apply (See Section 1 above).

Administration of this Section:

1. Provisions of the Overlay District shall be administered by the Town Clerk and/or designee appointed by the Town Council.
2. The Town of Sharpsburg shall prepare and adopt rules and regulations for the administration of this Article, such as permit issuance procedures and forms, and detailed design guidelines and criteria consistent with this Article.
3. The Town Council shall have the power to seek technical advice from outside its members on any application.
4. Violations of any provisions of this Article shall be punished in the same manner as provided for punishment of violations of validly enacted Ordinances of the Town of Sharpsburg.
5. On matters of new construction or building additions, failure of the Town of Sharpsburg to act within ninety (90) days after receipt of property owner's duly submitted complete application shall constitute approval, and no other evidence of approval shall be needed; provided, the property owner has not failed to timely provide the Town Council with additional information.
6. On matters of new construction or building additions, permits or certificates issued by the Town Clerk shall become void unless construction is commenced within six (6) months of date of issuance. Such permits or certificates shall be issued for a period of eighteen (18) months and shall be renewable.
7. All work performed pursuant to an issued permit shall conform to the requirements of the District. If the work performed is not in accordance with the District, the Town shall issue a cease and desist order and all work shall cease.
8. The Town of Sharpsburg shall be authorized to institute any appropriate action or proceeding in a court of competent jurisdiction to prevent any new construction, demolition or building relocation not in compliance with the provisions of this ordinance or to prevent any illegal act or conduct with respect to the District Overlay.

Undue Hardship:

When, by reason of unusual circumstances, the strict application of any provision of this Article would result in the exceptional practical difficulty or undue economic hardship upon any owner of a specific property, the Town of Sharpsburg, in passing upon applications, shall have the power to vary or modify strict adherence to said provisions, or to interpret the meaning of said provisions, so as to relieve such difficulty or hardship; provided such variances, modifications or interpretations shall remain in harmony with the general purpose and intent of said provisions, so that the architectural integrity, or character of the Overlay District shall be conserved and substantial justice done. In granting variances, the Town of Sharpsburg may impose such reasonable and additional stipulations and conditions as will, in its judgment, best fulfill the purpose of this Article. An undue hardship shall not be a situation of the person's own making.

Appeals:

Any person adversely affected by any determination made by the Town Clerk or his/her designee relative to the issuance or denial of a permit under this Article may appeal such determination to the Town Council. Any such appeal must be filed with the Town Clerk within fifteen (15) days after the issuance of the determination, or in the case of a failure of the Town to act, within fifteen (15) days of the expiration of the ninety (90) day period allowed for action by the Town. The Town Council may approve, modify, or reject the determination made by the Town Clerk or his/her designee, if the Town Council finds abuse or error in its discretion in reaching a decision.

Affirmation of Existing Building and Zoning Codes:

Nothing in this Article shall be construed as to exempt property owners from complying with existing Town or County building and zoning codes, nor to prevent any property owner from making any use of this property not prohibited by other statutes, ordinances or regulations.

5.7-1 PURPOSES

- The purpose of Planned Community Development (PCD) regulations is to encourage and allow more creative and imaginative design of land developments than is possible under certain zoning district regulations. Planned Community Developments are intended to allow substantial flexibility in planning and designing a proposal. This flexibility often accrues in the form of relief from compliance with certain site and design requirements contained in the Town of Sharpsburg Zoning Ordinance. PCDs allow higher density and non-traditional siting requirements and as such, require features not normally required of traditional developments. Unlike “traditional developments,” PCDs require in-depth scrutiny and are often highly conditioned. Hence, more information is demanded about the proposal than would be required if development were being pursued under conventional zoning requirements. PCDs ensure the development will be in harmony with the character of the neighborhood in which the development is located. In most cases, each area within a PCD project developed for residential (including required open space and recreation amenities), commercial or office land use shall be designated separately according to the master development plan unless a mixture of uses within the site can better accomplish the goals established herein. As part of the above goals and purposes, PCDs must consist of more than one type of land use to be considered a PCD project.
- Specifically, PCDs set forth a framework for traditional neighborhood development that encourages pedestrian-scale residential, commercial, and office activities to be designed in such a way as to reduce the number and type of vehicle trips, limiting congestion and thereby improving air quality. Conventional development is also addressed in a manner to promote the clustering of residential land use to set aside areas for recreation and open space while providing for varied forms of pedestrian, bicycle and other alternate forms of transportation movement that is buffered from commercial and office activities. The developer benefits by having flexibility from the underlying or existing zoning regulations attached to the parcel in question. The Town benefits by being assured of the long term development plans for a specific parcel, while coordinating those plans with the comprehensive plan, and insuring compatibility of uses and optimum community development.
- The natural features, arrangement of land uses, and departures from existing zoning and development standards, shall be represented on a Master Development Plan.
- The PCD is not intended to circumvent the parameters of existing zoning, but rather to encourage ingenuity and resourcefulness in land planning. Planned Community Development zoning is not intended to be used for speculative purposes to enhance the value of property. As such, approval of a PCD will be as a conditional use, based upon a detailed Master Development Plan submitted as part of the application. If construction is not commenced within one year, and pursued in an orderly manner toward completion, the planning and zoning commission may, upon written notice to the property owner, abolish the zoning or reduce the size of the approved PCD to fit the scope of actual development. The planning and zoning commission and/or developer may make no changes to the approved Master Development Plan without

review and recommendation from the Planning Commission, and approval by Town Council.

5.7-2 OBJECTIVES

Through proper planning and design, each Planned Community Development should include features which further, and are in compliance with, the following objectives:

- To allow for the design of developments that are architecturally and environmentally innovative, and that achieve better utilization of land than is possible through strict application of standard zoning and subdivision controls.
- To provide a range of residential uses environment, including types of housing, and community facilities/recreation uses.
- To encourage land development that, to the greatest extent possible, preserves natural vegetation, respects natural topographic and geologic conditions, and refrains from adversely affecting flooding, soil, drainage, and other natural ecologic conditions.
- To combine and coordinate architectural styles, building forms and structural/visual relationships within an environment that allows mixing of different land uses in an innovative and functionally efficient manner.
- To provide for abundant, accessible, and properly situated public open and recreation space, private open and recreation space, schools, and other public and private facilities.
- To utilize land uses, nonresidential for convenient service, employment, and access points for residences.
- To encourage conservation of natural topographical and geological features with emphasis upon:
 - Conservation of existing surface and sub-surface water resources;
 - Preservation of major trees and other significant natural environmental features;
 - Prevention of soil erosion;
- To encourage an efficient network of streets and utilities appropriate to serve the land uses within the PCD district.
- To create a mixture of uses that decrease reliance on the use of the automobile and to strongly encourage the use of alternative modes of transportation.
- To enable land developments to be completely compatible and congruous with adjacent and nearby land developments.

- To create master development plans to guide the PCD with specific development objectives, which shall be included in conditions, covenants, and restrictions.

5.7-3 DEFINITIONS.

For this purpose of this section, the following terms shall have the meaning immediately set forth after the term.

Density – The number of families, individuals, dwelling units or housing structures per unit of land. Gross density includes all the land within the boundaries of the particular area excluding nothing. Net density excludes 50 percent of any land identified as a flood hazard area or within any electricity or gas transmission easement.

Gross land area – The entire parcel, parcels or tracts of property under consideration for a PCD development.

Master development plan: A written and graphic submission for a PCD which represents a tract of land; proposed subdivision; the location and bulk of buildings and other structures; density of development; streets, alleyways, sidewalks, and multiuse paths; parking facilities; common recreation and open space; public facilities; and all conditions, covenants, and restrictions relating to use thereof. The master development plan is submitted in conjunction with a rezoning application for the PCD district.

Net land area – The gross land area minus 50 percent of any land identified as a flood hazard area or within any electricity or gas transmission easement.

Nonresidential land uses: Those uses which are not residential land uses, which includes but are not limited to: commercial or office uses, streets, drives, and service/parking areas.

Ownership types: These include all types of residential development including, but not limited to: single-family, duplex, apartments, town homes, condominiums and rental housing, such that ownership may be fee simple, lease-purchase, leased or rented, and common ownership of open spaces, recreation facilities, and parking areas.

Preliminary concept plan: A preliminary plan of the proposed planned development, of sufficient accuracy to be used for purpose of reviewing the proposed land uses and general layout.

Professional consultant: A registered and/or certified engineer, architect, landscape architect, or planner who prepared the preliminary concept and the master development plan, within the scope of their respective legal responsibilities.

Public lands: The land area designated for general public use, not otherwise under the control of a homeowner or property owner association.

Residential land uses: Any variety of residence types as permitted herein, and as shown on the approved master development plan.

5.7-4 STANDARDS APPLYING TO ALL PLANNED COMMUNITY DEVELOPMENTS

Any proposed Planned Community Developments must meet the following standards:

- *Comprehensive Plan* - A Planned Community Development must conform to the objectives of the Comprehensive Plan of the Town of Sharpsburg.
- *Site and Ownership* - All of the land in a PCD shall be owned or controlled by a single responsible entity. Individual properties in a PCD may be sold after a plat has been recorded, with the properties subject to private deed covenants that ensure the continuance of the PCD as originally approved and developed.
- *Area* - The minimum area required for a PCD district shall be fifty (50) contiguous acres of land. Projects with less acreage where the applicant can "demonstrate" that a smaller parcel will meet the purposes and objectives of the PCD district, must apply for a variance.
- *Location of PCD* - The PCD district shall be located on collector or major streets and shall have access and egress only on a collector or major street as defined by Article 3 of this Ordinance. The PCD must be located in an area where Town services can be provided efficiently or where the developer will provide utility extensions from the existing utility termini.
- *Required Yards, setbacks, building lines* – The minimum required front, side and rear yards (setbacks, building lines) are established for the various uses the PCD district within this Article. The applicant for a PCD may request modifications to the minimum required yards during the zoning amendment process if topographical or other constraints exist on the subject property. The information supplied to the Town under Section 5.4 Sharpsburg Traditional Zoning Matrix must show where yard modifications are proposed.
- *Buffers* – Within a PCD development, where the rear of a commercial or office building faces a public street or property used for residential purposes, an earthen berm, no less than six feet in height, containing at a minimum of evergreen trees at intervals of 20 feet on center planted at a height sufficient to achieve opacity shall be provided. Masonry fencing may be used in place of berms with Town Council approval.

Buffer zones between residential and nonresidential portions of the development shall not be less than the minimum buffers otherwise required unless approved as part of the Master Development Plan, in which case no variance should be required.
- *Phasing* - Where the PCD development contains mixed-use areas the phasing of the construction of each usage shall be defined in the PCD Master Development Plan.

- *Compatibility* - The proposed uses in a Planned Community Development must be suitable in view of the use and development of adjacent and nearby property.

In addition, the Planned Community Development shall not endanger the public health, welfare, or safety, nor shall it substantially diminish or impair property values for surrounding properties.

- *Need* - The Planned Community Development must be of a character and contain such uses that are needed in the area of the proposed project as outlined in the Town of Sharpsburg Comprehensive Plan.
- *Open Space* - The PCD must include a minimum of 25 percent of gross area as open space. The streets and parking areas shall not be credited toward the minimum open space requirements as per Section 9.2-1 of this Ordinance.

The Master Development Plan for the PCD shall act as private deed covenants running with the land to assure the continuance of the planned residential development in accordance with approved plans and development.

- *Utilities* - Water, sewage, and street facilities shall be adequate for the proposed development, or there shall be a definite proposal for making them so.
- *Site Design* - The development shall utilize design and development features that would not be possible by the application of lot-by-lot zoning district regulations. PCD's are encouraged to incorporate elements of the Traditional Neighborhood Design zoning district in other sections of this Ordinance.
- *Fire Protection Design Criteria* - All development must adhere to National Fire Protection Association (NFPA) 1141, Standard for Fire Protection in Planned Building Groups. The fire chief or designee may approve exceptions, including access, spacing, and fire protection requirements, provided the exceptions meet the intent of the applicable codes and do not violate applicable laws.

5.7-5 PERMITTED USES/DEVELOPMENT STANDARDS:

- 5.7-5.1 *Residential uses:*** Residences may be single-family detached, cluster, or attached. The development standards for residential uses are listed below and may be adjusted by the planning commission.

Single-family residential (detached)

| Criteria | Standard |
|-----------------------|--|
| Minimum lot size | Variable; minimum of 5,500 square feet with a maximum density not to exceed 3.0 units per net acre |
| Minimum lot width | 50 feet |
| Minimum front setback | 20 feet from right of way |
| Minimum side yard | 5 feet |
| Minimum rear yard | 20 feet (5 feet for accessory structures on rear alleys) |
| Maximum height | 34'11" |
| Curb and gutter | Required |
| Paved driveway | Required |
| Sidewalks | Required, See Town of Sharpsburg Sidewalk Ordinance |
| Streetlights | Required |
| Underground utilities | Required/in alleys where possible |
| Public sewer | Required |
| Public water | Required |
| Garages | <p align="center">Required</p> <p align="center">Where alleys are used – Attached or detached garages are required to be in the rear yards and load from the alley.</p> <p align="center">Side Entry garages are allowed on corner lots</p> <p align="center">Where alleys are not used, attached and detached front loaded garages are permissible if set back.</p> |
| Alleys | Encouraged, no curb and gutter for alley section. |
| Architectural Styles | Vernacular architecture consistent with the intent of the Comprehensive Plan. |
| Colors | Exterior colors should be consistent with colors used on traditional southern homes. Trim should be painted in a white or other color lighter than the base color |
| Materials | Materials – Exterior Materials Shall Be Traditional Wood Lap Siding, Cement-Fiber Siding, Brick Or Stone. Vinyl Or Aluminum Siding Must Replicate Traditional Wood Grain Lap Siding And Must Be Approved By Council. Hard Stucco Allowed For Accents Only. Brick Houses Must Have A Minimum Of 3 Full Sides Brick. |
| Porches | Strongly Recommended |
| Recreation/open space | As stated herein. |

Single-family residential (attached) & live/work flex units

| Criteria | Standard |
|-----------------------|--|
| Minimum lot size | Variable; minimum of 2,750 square feet with a maximum density not to exceed 8.0 units per net acre as defined herein. |
| Minimum lot width | 20 feet. |
| Minimum front setback | 10 feet from right of way |
| Minimum side yard | None. |
| Minimum rear yard | 20 feet (5 feet for accessory structures on rear alleys). |
| Maximum height | 34' 11" |
| Curb and gutter | Required. |
| Paved driveway | Required. |
| Sidewalks | Required, See Town of Sharpsburg Sidewalk Ordinance |
| Streetlights | Required. |
| Underground utilities | Required/in alleys where possible. |
| Public sewer | Required. |
| Public water | Required. |
| Garages | <p align="center">Required.</p> <p>Where alleys are used – Attached and detached garages are required to be in the rear yards and load from the alley. Side Entry garages are allowed on corner lots</p> <p>Where alleys are not used, attached and detached front loaded garages are permissible if set back.</p> |
| Alleys | Encouraged, no curb and gutter for alley section. |
| Porches | Recommended. |
| Architectural Styles | Vernacular architecture consistent with the intent of the Comprehensive Plan is encouraged. |
| Colors | Exterior colors should be consistent with colors used on traditional southern homes. Trim should be painted in a white or other color lighter than the base color |
| Materials | Materials – Exterior Materials Shall Be Traditional Wood Lap Siding, Cement-Fiber Siding, Brick Or Stone. Vinyl Or Aluminum Siding Must Replicate Traditional Wood Grain Lap Siding And Must Be Approved By Council. Hard Stucco Allowed For Accents Only. Brick Houses Must Have A Minimum Of 3 Full Sides Brick. |
| Recreation/open space | As stated herein. |

Public buildings and recreation facilities (amenities) for use of the residents of the PCD are permitted. The restrictions as to the use of these facilities

shall be set forth in the covenants and restrictions of the PCD development. The requirements for amenities are listed below.

Amenity requirements:

- In order to assure that adequate recreation and open space exists on-site, the following shall guide the PCD development in the development of *minimum* thresholds for open space and recreation facilities. It is expected that a PCD shall **exceed** the minimum standards set forth herein.
- Amenity and recreation facilities shall be required according to a point system based on standards per five acres of development (total acreage). The minimum number of points and minimum amenities required shall be dependent on the total acreage of the PCD as shown in Table 1.
- The point system for each type of amenity is shown in Table 2.
- For other amenities not listed, the number of points assigned shall be established by the Town Council and shall not exceed 25 points as established in this district.

Table 1: Minimum Number of Points/Criteria per PCD Acreage Class

| PCD Total Acreage | Minimum Points | Minimum Criteria |
|-------------------|---|---|
| 50 to 100 acres | 40 | Minimum of 25% of gross area in open space. |
| 101 to 200 acres | 60 | Minimum of 25% of gross area in open space. |
| 201 to 300 acres | 80 | Minimum of 25% of gross area in open space. |
| 301 to 400 acres | 100 | Minimum of 25% of gross area in open space. |
| 401 to 500 acres | 125 | Minimum of 25% of gross area in open space. |
| over 500 acres | 125 + 10 points for each 100 acres over 500 acres | Minimum of 25% of gross area in open space. |

Table 2: Points for Each Amenity Proposed for a PCD

| Amenity Type | Points | Comments |
|---------------|---------------------------|---|
| Nature trails | 1.0 (per 100 lineal feet) | Gravel or other walkable surface, 6 feet in width (Must connect with the required Multi-Use Trails within the development) |
| Bike lanes | 1.0 (per 100 lineal feet) | Paved, 3 feet in width min. (Located on local or connector streets and must connect with the required Multi-Use Trails within the development). |
| Lake | 10.0 (existing) 25.0 | Minimum of 10 acres, with full access, piers, launch |

| | | |
|-------------------------|---|--|
| | (new) | |
| Playground | 5.0 | Swings, "jungle-gym", etc. (max. of 4 playgrounds) |
| Formal parks | 2.5 (per acre provided) | Formal landscaping, fountains or art, benches (max. of 6 parks) |
| Informal (Pocket) Parks | 2.0 | Small neighborhood green spaces with benches, outdoor grills and/or other passive recreational features (max of 10 parks) |
| Swim/Tennis Facility | 10.0 | Basic swimming pool and tennis court facility, with adjoining parking lots. (max. of 2 facilities) |
| Amenity Center | 30.0 37.5 (if center contains town green/festival grounds) | Centralized community space with pool(s), tennis court(s), playground, community building and/or pavilion/gazebo designed for use by all PUD residents and tenants. Note: does not have to be centrally located in the PUD, but must be accessible by path or trail from all neighborhoods within the PUD, as well as by automobile. |
| Open space | 1.0 (per 1% of gross area) | Natural or enhanced, with trails providing access to and through the area |

5.7-5.2 Office/institutional uses: Office development shall be designed and landscaped in a manner which is compatible with residential development and which provides for traffic circulation of alternative modes of transportation (i.e., pedestrian, bicycle, transit). The permitted uses are as follows:

- Libraries, museums, and art galleries.
- Churches.
- Medical and dental clinics/offices.
- Professional and business offices providing that wholesale or retail merchandise are not offered for sale.
- Daycare centers providing child care for more than nineteen children when conducted in a principal structure or institution not associated with a church facility, provided that at least 200 square feet of outdoor play area and 35 square feet of indoor play area is provided for each child. Use of outdoor play area in shifts is allowed. A security fence shall enclose the outdoor play area and must be a minimum of four feet in height. A decorative wooden fence or masonry wall a minimum of six feet in height shall be used when adjacent to residential uses. State license required.
- Assisted living/elder care facilities.
- 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.

Development standards. For office/institutional 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, 30 feet if a corner lot |
| Minimum rear yard | 30 feet |
| Maximum height | 34' 11" |
| Parking | Structured, or surfaces (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 |
| 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 zoning approval of placement (typically at rear of structure). |

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.

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.
- 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). |

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.

5.7-6 PCD ESTABLISHMENT CONSIDERATIONS.

Criteria for establishment of PCD land uses and specifications: In examining the proposed PCD, the Town of Sharpsburg or delegated body to the extent permitted by law shall consider the following factors in addition to those outlined in Section 13.5 of this ordinance:

- The applicant's statement describing the character and rationale for the proposed development.
- The appropriateness of each prospective zoning district if each land use district were perceived as a separate zoning district.

- Respective land uses recommended in plans or documents officially adopted by the Town.
- Whether the major components of the PCD are appropriately located and should be able to continue to function if all phases of the PCD are not completed.
- The compatibility of proposed land uses.
- The degree of integration/interrelationship vs. independence of proposed land uses.
- The extent to which major design elements, such as roads systems, pedestrian circulation networks, open space, drainage systems, utilities, etc., are properly integrated.
- Whether each non-residential use is intended to serve the internal needs of the PCD or an external market. Serving an external market is acceptable if the non-residential uses have immediate frontage and immediate access to a collector street and/or arterial street.
- Infrastructure capacity and effect upon public services.
- Effect on property outside of the PCD.
- Conformance with engineering and other technical requirements.
- Probability that the project will be completed as planned.
- Whether the proposed project is a genuine PCD, or represents an attempt to circumvent the prescribed zoning. Industrial uses or commercial uses located on the perimeter of the PCD or along highways shall be subject to close scrutiny in this regard.
- Effects upon public health, safety, and welfare.

5.7-7 AREAS OF SPECIAL CONSIDERATION.

During the design of the PCD Master Development Plan, the following components are required to be considered. The narrative submitted along with the PCD Master Development Plan for approval must document what components were used and why other components could not be incorporated into the Master Development Plan design.

- Distinctiveness and quality of site design.
- Placement of structures on most suitable sites with consideration of topography, soils, vegetation, slope, etc.
- Clustering of buildings.
- Preservation of additional open space.

- Preservation of unique and important natural resources and features.
- Preservation of important historic, archaeological, and/or cultural resources.
- Development of publicly accessible active, or passive recreational areas.
- Use of greenways or landscaped corridors linking various uses.
- Use of pedestrian and/or bicycle circulation networks, segregated from vehicular traffic.
- Other traffic mitigation measures.
- Creation of traditional neighborhood style development.
- Use of rear alleys for service purposes.
- Rear placement of parking areas.
- Provision of public benefits, such as a community center or day care center.
- Public access to community facilities within the PCD.
- Sensitive treatment of perimeters in order to mitigate impacts upon adjoining properties.
- Enhanced landscaping, increased tree preservation, deeper vegetated buffers, or increased plantings along roadways, in open spaces and recreational areas, as well as along the project perimeter.
- Innovative stormwater management methods, including porous pavers, porous concrete or asphalt paving, bioretention areas, water quality ponds and wetlands, vegetative filter strips and other techniques outlined in the Town's Post-Development Stormwater Management Ordinance.

5.7-8 DEVIATIONS FROM DEVELOPMENT STANDARDS.

- The Planning Commission may request and approve deviations from existing development standards in order to achieve an effective Master Development Plan which: respects the natural features of the property; is compatible with neighboring land uses; and is an asset to the community and is consistent with Town standards for variances.
- Planned community districts and their associated Master Development Plans are not exempt from future ordinance changes dealing with: landscaping, tree protection, signage, stormwater runoff, groundwater

recharge, sewage disposal and treatment, and protection of rare and endangered species.

- Financial constraints shall not be considered when granting deviations from existing development standards.

5.7-9 PCD MASTER DEVELOPMENT PLAN REQUIREMENTS:

All applications for a planned community district shall provide seven copies of the development Master Development Plan package upon submittal, containing the following written and graphical elements:

1. A narrative statement:
 - a. Describing the character of and rationale for, the proposed PCD.
 - b. Addressing the proposed ownership and maintenance of streets, drainage systems, water and sewer systems, open space areas, parking areas, and other proposed amenities and improvements; and
 - c. Proposing phasing and time schedule; and
2. The proposed name of the development if there is one, as well as proposed names of neighborhoods or other sub units of the development; and
3. The names and addresses of the owner(s) of record, and the applicant, if different from the owner; and
4. Names of owners and type of land use of all parcels contiguous to the development property; and
5. Proposed arrangement of land uses, approximate acreage of each use area or tract, type of use and density (residential use tracts); and
6. A boundary survey with the computed acreage of the tract bearing the seal of a registered land surveyor; and
7. The location of primary control points to which all dimensions, angles, bearings, block numbers and similar data shall be referred; and
8. A map or site plan showing:
 - a. The location, dimensions, descriptions, and flow of existing wetlands, watercourses and drainage structures within the tract or on contiguous tracts; and
 - b. Location of municipal limits or county lines, and district boundaries, if they traverse the tract, form part of the boundary of the tract, or are contiguous to such boundary; and
 - c. Vicinity map or sketch showing the general relationship of the proposed development to the surrounding areas with access roads referenced to the intersection of the nearest state primary or secondary paved roads. Reference distances shall be shown in feet if less than 1,000 feet and in miles or tenths of a mile if greater than 1,000 feet; and
 - d. Topographic survey (at least five (5) foot contour intervals); and

- e. The location, dimensions, name and description of all existing or recorded streets, alleys, reservations, easements or other public rights-of-way within the tract, intersecting or contiguous with its boundaries or forming such boundaries; and
 - f. The location, dimensions, description, and names of all existing or recorded residential lots, parks, public areas, permanent structures and other sites within or contiguous with the tract; and
 - g. Zoning district(s) of adjacent properties; and
 - h. Proposed amenity areas, playgrounds and other passive and active recreation areas. Plan should also show where multi-use trails are proposed and where trails will interconnect with other existing trails of the Town's system.
9. Proposed conceptual street system layout; and
 10. Preliminary master drainage plan; and
 11. Residential data:
 - a. Estimated total residential units.
 - b. Proposed setbacks for front, side and rear of lots if different than required by this Article.
 12. Non-residential data:
 - a. Estimated total building square footage by land use type.
 - b. Proposed parking and loading/unloading designated areas by land use type.
 - c. Proposed setbacks for front, side and rear of lots if different than required by this Article.
 13. Pictures and sample floor plans of proposed residential dwellings and residential live/work flex units.
 14. "Analysis of Impact" documentation from Section 13.3-3 (7).
 15. Conflict of Interest disclosures as required by Section 13.3-3 (3).
 16. Proposed internal site planning standards such as setbacks and buffers aimed at addressing potential incompatibility between adjacent land uses and activities; and
 17. Other documentation as may be required by the Town or under Section 13.3 of this Ordinance.
 18. Any fees established by the Town of Sharpsburg.

5.7-10 PRE-APPLICATION CONFERENCE.

The applicant shall prepare a draft of the PCD Master Development Plan and supporting data and documents and shall schedule a pre-application conference with the Town prior to the formal submittal for rezoning. The pre application conference will give the opportunity for the applicant to outline the ideas and concepts in the proposed PCD development and will also give the Town the opportunity to determine if additional information will be required or if other agencies will need to be notified regarding the

proposed development (i.e., the Development of Regional Impact process. The Town may invite its qualified consultants to this meeting and the applicant may be charged a fee, equal to the cost of the consultant to study and suggest improvements.

ADDITIONAL INFORMATION.

The Town Council, the Planning Commission and/or staff may require submission of additional maps, data or proposed methods of addressing other pertinent matters relative to the proposed development where, owing to the nature, size and location of the proposed development, particular elements critical to the health, safety and welfare of the community and its citizens should be addressed. Such elements may be, but are not limited to, traffic impact, emergency preparedness and response, environmental preservation, historic preservation, public access, community linkages, public education, and the like.

5.7-11 CHANGES IN THE PLANNED COMMUNITY DEVELOPMENT

The Planned Community Development shall be developed according to the approved Master Development Plan, Phasing Plan and all supporting data. The approved Master Development Plan, Phasing Plan and supporting data together with all recorded amendments shall be binding on the applicants, their successors, grantees, and assigns and shall limit and control the use of premises and location of structures in the Planned Community Development project as set forth therein.

It is understood that it may be necessary to amend the approved Master Development Plan during the course of development due to engineering, topographical, geotechnical or other events or circumstances.

Modifications from the previously approved Master Development Plan shall be deemed by the Town to be minor changes if any and all modifications by the applicant do not:

- Vary the total number of dwelling units by more than five (5) percent;
- Involve a reduction of the area set aside for open space nor the relocation of such area or areas;
- Increase by more than 10% of the total floor area proposed for any nonresidential land use;
- Does not substantially change the location of any non-residential areas as shown on the approved Master Development Plan.

Additionally, modifications in the location or designs of local streets, cul-de-sacs, alleys water or sewage distribution/collection lines or the location of stormwater management facilities (provided the relocation of the stormwater management facility does not cause a reduction in the amount of open space or another provision above).

Minor changes to the approved Master Development Plan shall be documented on the site construction/development plans submitted by during the course of development. The Town shall review the proposed changes and verify that they are considered minor

changes. All minor changes shall also be reflected on the Planned Community District Master Development Plan.

Any changes that fall outside of a minor change shall be considered a major change and must be approved using the procedures for the initial approval of the Planned Community District Master Development Plan.

5.7-12 CONDITIONS AND GUARANTEES

Prior to the granting of any Planned Community Development, the Town Council may stipulate, such conditions and restrictions upon the establishment, location, design, layout, height, density, construction, maintenance, aesthetics, operation, and other elements of the Planned Community Development as deemed necessary for the protection of the public interest, improvement of the development, protection of the adjacent area and to secure compliance with the standards specified in this section. In all cases in which Planned Community Developments are granted, the Town Council may require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection with the approval of the Planned Community Development are being, and will be, complied with.

5.7-13 SEVERABILITY

In the event that any subsection, sentence, clause, or phrase of this section shall be declared or adjudged invalid or unconstitutional, such adjunction shall in manner affect the other subsections, sentences, clauses, or phrases of this section, which shall remain in full force and effect, as if the subsection, sentence, clause, or phrase so declared or adjudged invalid or unconstitutional were not originally part thereof.

ARTICLE 6
General Provisions

6.1 Use of Land. No land shall be used except for a purpose permitted in the district in which it is located.

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

6.2-1 Location of Buildings. Every building hereafter erected, converted, enlarged, reconstructed, moved or structurally altered shall be located on lots as herein defined except as approved by the Town Council.

6.2-2 Height of Buildings. No building or structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered to exceed the height limit established in Section 5.4. Traditional Zoning Matrix for the district in which it is located except for the following:

| | |
|------------------|---------------------------|
| Antennas | Silos |
| Chimneys | Tanks |
| Church spires | Telecommunications Towers |
| Flag Poles | Water Towers |
| Public Monuments | |

6.2-3 Dimensional Regulations. No building or use shall be erected, converted, enlarged, moved or structurally altered except in conformity with the minimum space requirements (i.e. the lot area, floor area, building height, etc.) for the district in which such building is located.

6.2-4 Temporary Buildings. Temporary buildings shall not be permitted in any district except when they are used in conjunction with construction work or pending completion of a permanent building. Such building shall be used for a period not to exceed one (1) year and shall be removed when the construction of the permanent building is completed. Construction of the permanent building is said to be completed at the issuance of a Certificate of Occupancy.

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

easements, covenants or other agreements between parties, then the provisions of this ordinance shall govern.

- 6.4 Zoning Affects all Land and Buildings.** No buildings, structures or land shall be used or occupied; and no building, structure or part thereof shall be erected, constructed, reconstructed, moved, enlarged or structurally altered unless in conformity with the regulations of this ordinance.
- 6.5 Principal Building Per Lot.** Unless provided for elsewhere in this ordinance, there shall be no more than one (1) principal use structure upon on any lot of record in any R1, R1A, R2, TMF, and LI districts. Accessory uses shall be allowed only in accordance with this ordinance.
- 6.6 Underground Utilities.** All utilities are required to be placed underground in all new developments of two (2) or more lots except where the Mayor and Town Council determines underground utilities are infeasible due to shallow rock, high water table, or other similar geologic or hydrologic conditions.
- 6.7 Required Spaces May Not be used by Another Building.** No part of any yard, other open space, or off-street parking or loading space required in connection with any building, structure, or use by this ordinance shall be considered to be part of a required yard, other open space or off-street parking or loading space for any other building or structure unless otherwise provided for elsewhere in this ordinance.
- 6.8 Street Access:** Except as otherwise provided herein, no building shall be erected, constructed, moved or relocated on a lot that is not located on a street that is permanently open to public use; specifically, no private roads, private accesses or private driveways shall be authorized after the adoption of this amended zoning ordinance. If a lot of record at the time of the adoption of this amended zoning ordinance is already located on a private road, private access or private driveway, then said lot may be considered a lawful non-conforming lot. However, no permits for the building of any structure shall be granted on the property unless the applicant or owner provides a copy of an access agreement, easement or other document evidencing legal authority for access to the subject property that has been duly recorded in the Office of the Clerk of Superior Court, Coweta County, Georgia.
- 6.9 Lot Reduction Prohibited.** No lot shall be reduced in size so that lot width or depth, size of yards, lot area per family or any other requirement of this Resolution is not maintained. This limitation shall not apply when a portion of a lot is acquired for a public purpose.

ARTICLE 7
Supplemental Regulations

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

7.1-1 Use of Substandard Lots. Where the owner of a lot at the time of the adoption or amendment of this Ordinance does not own sufficient area and width to enable him to conform to the dimensional requirements of this Ordinance may be used as a building site for a structure or use permitted in the zone in which it is located; provided the owner has the approval in writing of the Coweta County Health Department (approval of the Health Department is required to assure parcel is large enough to handle septic tank and drainfield lines), the Town of Sharpsburg Planning Commission and Town Council. Owner shall provide the Planning Commission and Town Council with a site plan so orientation of all principle and accessory structures shall be clearly delineated.

7.1-2 Residential Use of Substandard Lots. In addition to Section 7.1-1, in any residential district, any lot of record existing at the time of adoption or amendment of this Ordinance which has a width or area less than that required by this Ordinance may be used as a building site for a single-family dwelling only.

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

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

7.3 Accessory Uses and Structures.

7.3-1 An accessory structure shall not be permitted in any required front yard.

7.3-2 No accessory building or structure shall be erected beyond a required yard line along any street.

7.3-3 Residential accessory uses such as garages, greenhouses or workshops, shall not be rented or occupied for commercial purposes.

7.3-4 Areas in which the accessory storage of a boat, boat trailer or travel trailer is permitted shall not include the required front yard.

7.3-5 Gasoline station pumps and pump islands where permitted shall be located in the rear of the major building.

7.3-6 An open or unenclosed swimming pool may occupy a required rear or side yard, provided that the pool is not located closer than six (6') feet to a rear lot line or ten (10') feet to an interior side lot line. A three (3') foot wide walk space shall be provided between pool walls and protective fences or barrier walls which are to be 6' high.

7.4 Residential Home Occupations. The conduct of business in R1, R1A, and R2 districts may be permitted under the provisions of this section. It is the intent of this section to ensure the following:

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

Residential home occupations, where permitted, must meet the following special requirements:

7.4-1 A home occupation is subordinate to the use of a dwelling unit for residential purposes. No more than twenty-five (25%) percent of the floor area of the dwelling unit may be used in connection with a home occupation or for storage purposes in connection with a home occupation.

7.4-2 No more than one (1) home occupation shall be permitted within a single dwelling unit.

7.4-3 A home occupation shall be carried on wholly within the principal use. No home occupation or any storage of goods, materials, or products connected with a home occupation shall be allowed in accessory buildings or garages which are attached or detached.

7.4-4 The residential home occupation is limited to employment of residents of the property and not more than one (1) additional person.

7.4-5 A home occupation shall produce no noise or obnoxious odors, vibrations, glare, fumes, or electrical interference detectable to normal sensory perceptions outside the principal structure.

7.4-6 No traffic shall be generated by such home occupations in greater volume than would normally be expected in a residential neighborhood and any

need for parking generated by the conduct of such home occupation shall be met by providing off-street space and located in rear or side yard.

7.4-7 On the premises, retail sales are prohibited except for the retail sales of products or goods produced or fabricated on the premises as a result of the home occupation.

7.4-8 There shall be no exterior indication of the home occupation or variation from the residential character of the principal use.

7.4-9 No on-street parking of business related vehicles (either marked or commercially equipped) shall be permitted at any home. No business related vehicles larger than a van, panel truck or pick up truck is permitted to park overnight on the premises. The number of business related vehicles is one (1).

7.4-10 Permitted residential home occupations:

1. Architectural services
2. Art Studio
3. Consulting services
4. Data Processing
5. Direct sale product distribution (Amway, Avon, Jaffra, Mary Kay, Tupperware etc.) provided there is no production on premises.
6. Drafting and graphic services
7. Dressmaking, sewing, tailoring, contract sewing (1 machine)
8. Engineering service
9. Financial planning or investment services
10. Flower arranging
11. Home office
12. House Cleaning service
13. In-home child care, but not more than six (6) children at a time, including the caregiver's own pre-school children
14. Insurance sales or broker
15. Interior design

16. Laundry and ironing service
17. Locksmith
18. Real estate sales, broker or appraiser
19. Telephone answering, switchboard call forwarding
20. Tutoring, including all indoor and outdoor instructional services limited to two (2) students at a time.
21. Writing, resume services, computer programming
22. One on one religious, ministerial, or pastoral services
23. Beauty/Barber Shops – only two works stations per residence are allowed.

7.4-11 All other occupations are prohibited in residential districts.

7.5 Cemeteries. All proposed cemeteries whether public, private or in conjunction with a religious institution shall not be located in a floodplain area as delineated by DFIRM maps for Town of Sharpsburg.

7.6 Property Maintenance. To ensure the health, safety and welfare of the citizens of Town of Sharpsburg the following regulations shall be established for the maintenance of property in the town, also reference the Town of Sharpsburg’s Environmental and Nuisance Ordinances:

7.6-1 Non-functioning appliances shall be stored in an enclosed accessory or principal building. Any non-functioning appliances such as refrigerators, freezers, stoves, etc., shall have doors removed prior to storage.

7.6-2 Any major auto repairs such as building motors, transmissions or heavy body work shall be done in an enclosed accessory building or on a section of property not visible from the public street.

7.6-3 Non-licensed and/or inoperable vehicles shall be stored in an enclosed accessory building. No more than two non-licensed and/or inoperable vehicles shall be stored on property.

7.6-4 Yard sales shall last for a maximum of two consecutive days from 8:00 a.m. to 5:00 p.m. in any two (2) day period. There shall not be any continuous yard sales in Town of Sharpsburg. Storing of yard sale items shall be in an enclosed accessory or principal building and shall not be on display in any yard except during the hours of the yard sales. A property owner may hold, or allow to be held, only one (1) yard sale per month.

7.6-5

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

ARTICLE 8
MINIMUM /MAXIMUM SPACE, USE AND LOCATION REQUIREMENTS

8.1 Generally. All residential districts and residential dwellings units shall be subject to the additional requirements of this division.

No person shall occupy or let to be occupied any dwelling or dwelling unit for living therein unless there is compliance with the requirements of this Article 8.

8.2 Kitchen and eating area.

8.2-1 Every dwelling unit shall have a room or portion of a room in which food may be prepared or cooked, which shall be equipped with the following:

- a) **Kitchen sink.** A kitchen sink in good working condition and properly connected to a water supply system as authorized under the appropriate provisions of the town's Code and which provides at all times an adequate amount of heated and unheated running water under pressure.
- b) **Cabinets and shelves.** Cabinets and shelves for the storage of eating, drinking and cooking equipment and utensils and of food that, under ordinary conditions, does not require refrigeration for safekeeping, and a counter or table for food preparation.
- c) **Stove and refrigerator.** A stove or similar device for cooking food, and a refrigerator or similar device for the safe storage of food at temperatures below 50 degrees Fahrenheit but more than 32 degrees Fahrenheit under ordinary conditions, which are properly installed with all necessary connections for safe, sanitary and efficient operation.

8.2-2 Every dwelling unit shall have a room or portion of a room intended for the consumption of food, which shall be equipped with a table and at least two chairs.

8.3 Bathroom, lavatory and tub or shower.

- a) Within every dwelling unit there shall be at least one bathroom.
- b) Within every dwelling unit there shall be a lavatory sink. The lavatory sink may be in the bathroom, or if located in another room, the lavatory sink shall be located within ten feet to a door leading directly into a room in which a toilet is located. The lavatory sink shall be in good working condition and properly connected to a water supply system which is approved by the town and which provides an adequate amount of heated and unheated running water under pressure.
- c) Within every dwelling unit there shall be a room which affords privacy to persons occupying the room and which is equipped with a bathtub or shower in good working condition. The tub or shower may be in the same room as the

bathroom or in another room and shall be in good working condition and properly connected to a water supply system which is approved by the town and which provides an adequate amount of heated and unheated running water under pressure.

8.4 Bedrooms.

8.4-1 The ceiling height of any bedroom shall be at least nine feet on the first floor; except that for a bedroom under a sloping ceiling, at least one-half of the floor area shall have a ceiling height of at least seven feet, and the floor area of that part of such a room where the ceiling is less than five feet shall not be considered as part of the floor area in computing the total floor space of the room for the purpose of determining the maximum permissible occupancy.

8.4-2 No space located totally or partially below grade shall be used as a bedroom of a dwelling unit unless:

- a) The floor and those portions of the walls are of waterproof and damp-proof construction.
- b) The total openable window area for allowing the entrance of outside light in each such bedroom is equal to at least four square feet.
- c) There are no pipes, ducts or other obstructions less than six feet eight inches from the floor level which interfere with the normal use of the room or area.

8.5 Bathroom, sleeping room or water closet used for passageway.

No dwelling or dwelling unit containing two or more bedrooms shall have such arrangements that access to a bathroom, lavatory sink, tub or shower intended for use by occupants of more than one bedroom can be had only by going through another bedroom; nor shall room arrangements be such that access to a bedroom can be had only by going through another bedroom. A bathroom or a room containing a lavatory sink, tub or shower shall not serve as the only passageway from a bedroom to any habitable room, hall, basement or cellar or to the exterior of the dwelling unit.

8.6 Maximum occupancy.

- a) In every dwelling unit consisting of two or more rooms, every bedroom shall contain at least 70 square feet of floor space for the first two occupants, and at least 50 square feet of floor space for each additional occupant thereof; provided that no bedroom shall be used to sleep more than four occupants.
- b) In every dwelling unit consisting of more than two bedrooms, there shall be at least one bathroom for every additional two bedrooms in excess of the first two bedrooms, in accordance with the following schedule:

| Number of Bedrooms | Minimum Number of Bathrooms |
|--------------------|-----------------------------|
| 1--3 | 1 |
| 4--5 | 2 |
| 6--7 | 3 |
| 8--9 | 4 |

8.7 Closet space.

Every dwelling unit shall have at least four square feet of floor to ceiling heated space for the personal effects of each permissible occupant; if such space is lacking such closet part, an amount of space equal in square footage to the deficiency shall be subtracted from the area of habitable room space used in determining permissible occupancy.

8.8 Automobile parking restrictions.

In residential districts between the hours of 11:00 p.m. and 7:00 a.m., no more than two vehicles per dwelling unit plus one additional vehicle for each bedroom after the first bedroom in the dwelling unit may remain parked outside the dwelling unit for two or more consecutive nights. The following schedule illustrates vehicles allowed per number of bedrooms:

| Number of Bedrooms | Number of Vehicles |
|--------------------|--------------------|
| 1 | 2 |
| 2 | 4 |
| 3 | 5 |
| 4 | 6 |
| 5 | 7 |

But in no event shall the number of vehicles so parked exceed eight vehicles per dwelling unit.

8.9 Parking of tractor trucks, semi-trailers and tractor trailers in residential districts restricted.

8.9-1 No person shall park or store any truck tractor, tractor trailer, or semi-trailer, or any motor vehicle having in excess of two axles, in a residential district for longer than two hours.

8.9-2 This section shall not apply to the following:

- a) Tractor trucks, tractor trailers or semi-trailers owned or operated by the Town of Sharpsburg, Coweta County, the State of Georgia or the United States.
- b) Tractor trucks, tractor trailers or semi-trailers actively being used in the process of loading or unloading personal property for relocation, moving or similar purposes; provided, however, that such tractor trucks, tractor trailers or semi-trailers shall not remain parked or stored in any residential zone for longer than 36 consecutive hours.
- c) Owners/operators of tractor trucks who have secured valid permits pursuant to section 8.10.

8.9-3 Nothing herein shall be construed to impair or limit in any way the power of the town to define and declare nuisances and to declare their removal or abatement by summary proceedings or otherwise.

8.9-4 Any person violating any provision of this section shall, upon conviction, be subject to up to the maximum fine and/or the maximum term of imprisonment as authorized by the town's charter.

8.10 Non-conforming parking with valid permit.

8.10-1 Owners of tractor trucks residing within the Town of Sharpsburg as of September, 8, 2005 and who personally operate a tractor truck which, when parked or stored at the owner/operator's primary residence, shall become non-conforming with respect to the prohibitions of section 8.9 may continue such use in existence as a non-conforming use subject to the following restrictions and requirements:

- a) The owner/operator of the tractor truck shall secure a permit from the zoning administrator for the continuation of the parking or use of a tractor truck in residential districts. No permit shall be available for the parking or storage of semi-trailers in residential districts beyond the time limitations specified in section 8.9-1 above.
- b) Proof of residency within the Town of Sharpsburg and proof of the applicant's ownership of the tractor truck in question shall be required as a precondition to the issuance of a permit hereunder. The permit shall be personal to the permittee and shall be non-assignable and non-transferable. Only one (1) permit shall be issued per residence.

- c) An owner/operator of a tractor truck who has obtained a valid permit pursuant to this section shall park such tractor truck only upon a paved or concrete driveway at such owner/operator's primary residence or on a street directly abutting the owner/operator's primary residence.
- d) A permit issued hereunder shall remain valid for as long as the permit holder qualifies for a non-conforming permit pursuant to this section 8.10.

8.11 Servicing of tractor trucks, semi-trailers and tractor trailers in residential districts restricted.

- a) No person shall park or store any inoperable tractor truck, semi-trailer or tractor trailer in a residential district for longer than forty-eight (48) hours, regardless of whether the owner/operator of such inoperable equipment has obtained a permit pursuant to section 8.10.
- b) No person shall perform major repairs on a tractor truck, semi-trailer or tractor trailer in a residential district. Light servicing shall be permissible provided that such light servicing is done in accordance with applicable federal and state law (specifically including, but not limited to, those laws governing hazardous waste disposal and environmental protection) and provided that such servicing does not create a nuisance or otherwise violate any other provision of the Town's Code.

ARTICLE 9
Buffer Zones and Open Space

9.1 Buffer Zones. Refer to the Tree Protection and Landscape Ordinance for buffer planting standards.

9.1-1 Buffer Zones Required. Buffer zones shall be established and maintained in the following situations:

- Where nonresidential districts are contiguous with residential districts;
- Where single-family residential districts are contiguous with single-family residential districts of differing densities;
- Where multifamily districts are contiguous with single-family residential districts, buffer zones are required of the nonresidential and multifamily development in addition to normal side and rear yards;
- Where preexisting nonresidential development is contiguous with proposed residential developments, and where no buffer in compliance with this Article is established on the nonresidential development where contiguous with the proposed residential district;
- Where preexisting multifamily or mobile home districts are contiguous with proposed single-family residential development;
- Where no buffers in compliance with this chapter are in existence on the multifamily or mobile home district where contiguous to the proposed single-family residential development;

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

| Minimum Buffer Zone Required- Adjoining Districts | | | | | | | | | |
|--|-----------|------------|-----------|------------|------------|-----------|------------|------------|-----------|
| | R1 | R1A | R2 | TND | TMF | TC | TNC | THC | LI |
| R1 | X | X | 30' | 50' | 50' | 30' | 30' | 50' | 100' |
| R1A | X | X | 30' | 50' | 50' | 30' | 30' | 50' | 100' |
| R2 | 30' | 30' | X | 50' | 50' | 30' | 30' | 50' | 100' |
| TND | 50' | 50' | 50' | X | 30' | X | X | 50' | 100' |
| TMF | 50' | 50' | 50' | 30' | X | 20' | 50' | 50' | 100' |
| TC | 30' | 30' | 30' | X | 20' | X | X | X | 100' |
| TNC | 30' | 30' | 30' | X | 50' | X | X | 30' | 100' |
| THC | 50' | 50' | 50' | 50' | 50' | X | 30' | X | 100' |
| LI | 100' | 100' | 100' | 100' | 100' | 100' | 100' | 100' | X |
| Note: Buffers may be required in front yards in certain circumstances. See Section 9.1-5 | | | | | | | | | |

9.1-2 Buffer Zone Requirements. All buffer areas and screening shall be established in accordance with the following requirements:

1. Buffers shall be established and maintained along required property lot lines in accordance with the landscaping policies and standards of the Sharpsburg Tree Protection and Landscape Ordinance and any additional specifications that may be established by the Mayor and Council. In the event the buffer includes a utility or pipeline easement, a minimum buffer of no less than 20 feet in width will be required outside the easement.
2. Buffers shall meet the minimum width requirements for dissimilar districts as shown in the "Minimum Buffer Zone Requirements" Table Section 9.1-1.
3. The screening provided by the buffer zone shall be established within any buffer along the entire length of the side and rear lot lines. However, this screening requirement may be adjusted in order to observe the sight distance required in the Development Regulations or as a condition of zoning, special use, or variance approval or as approved by the Mayor and Council.
4. Buffer zones shall be left in their natural state unless otherwise approved by the Town Council and not temporarily or permanently disturbed by grading, property improvements, or construction activities.
5. Buffer zones shall be used only for a buffer and shall not be used for paving, parking, recreation areas, or as otherwise restricted in Section 3 (definition of "Buffer").
6. Where required to achieve effective visual screening, the Town Council may require that existing native vegetation be supplemented with additional plantings and/or with a wall, fence or berm. The owner should follow the requirements of the Tree Protection and Landscaping Ordinance for the enhancement of a buffer zone. If or fence is established as a part of the buffer zone, then every effort should be made to minimize the disturbance of adjacent or off site vegetation during the construction.
7. Kudzu or other invasive species shall not be permitted in buffer zones.

9.1-3 Buffer Requirements when adjoining preexisting developments. When a proposed development adjoins a preexisting development(s) where a buffer would be normally be required by Section 9.1-1 on the preexisting development, the developer of the proposed development shall be required to establish a buffer zone between the proposed project and the preexisting use. This buffer zone shall meet all of the other requirements of Section 9.1-2 in order to establish said zone.

9.1-4 Buffer Requirements When Adjoining Another Municipal/Jurisdiction Boundary. Where a proposed development, or expansion of an existing development, adjoins a parcel or parcels that are located outside of the existing corporate limits of Sharpsburg, the proposed development shall provide a buffer zone in accordance with Section 9.1-1. The existing use and/or zoning classification of the parcels shall be examined and compared to an equivalent

zoning district in the Table in Section 9.1-1 to determine the appropriate width of the buffer zone.

9.1-5 Front Yard Buffers. Front yard buffers are required in the following locations and circumstances.

- For future development along McIntosh Trail, GA Highway 54 and GA Highway 16 buffer zones of 50' are required between the public road and the following districts: R1, R1A, R2, TND, TMF, TNC, LI and PCD.
- For future development along McIntosh Trail and GA Highway 154 a buffer zone of 80' are required along both sides of the road in all zoning districts to allow for future road widening.

Such buffers shall also be left in their natural states except to remove dead trees or unless the property has only one frontage and/or access on a public road. Under such circumstances, the above required buffers can be disturbed to allow a perpendicular curb cut and access to the property, but must be landscaped with a mix of trees and shrubs, approved by the Town Council, to provide adequate opacity.

9.1-6 Screening Requirements Screening and/or buffers shall be required for purposes of obscuring features such as dumpsters, rear entrances, utility and maintenance structures, and loading facilities. Required materials, heights and other standards for screening these types of uses are found in the Tree Protection and Landscape Ordinance.

9.1-7 Identification of Buffer Zones on Plans and Plats. All buffer zones shall be designated on the appropriate permit application(s) and indicated on the required site plan(s) or final subdivision plat(s).

9.1-8 Buffer Zone Setbacks. Structures, including driveways, parking facilities, or retaining walls will be located a minimum of five (5) feet from any buffer.

9.2 Open Space shall be set aside for permanent protection. Activities within Open Spaces are restricted in perpetuity by the Town through the use of covenants, easements and/or legal instrument(s) drawn in favor of and approved by the Town prior to the recording of any plan or final plat. Open Space shall be required to be provided in TND, TMF, PCD, R1, R1A, and R2 Districts.

9.2-1 Standards to Determine Open Space.

1. The minimum restricted Open Space shall comprise at least 25 percent of the gross tract area, unless otherwise stated herein.
2. Above-ground utility rights-of-way, slopes over 25 percent of at least 5,000 square feet contiguous area, bodies of open water over 5,000 square feet contiguous area, anticipated right-of-way or existing roads and utilities and areas of impervious surface (unless part of the multi-use trails) may not be counted towards the 25 percent minimum area requirement.

3. Large portion of the Open Space shall be in contiguous tracts where possible. Open Space should adjoin any neighboring areas of Open Space and natural areas that would be candidates for inclusion as part of a future area of protected Open Space.
4. The Open Space shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe, convenient access to the Open Space.

9.2-2 Permitted Uses of Open Space. Uses of Open Space may include the following:

1. Conservation of natural, archeological or historical resources;
2. Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
3. Multi-use trails according to the requirements of Section 9.4 of this Article.
4. Passive recreation areas;
5. Active recreation areas provided that they are limited to no more than 10 percent of the total Open Space (multi-use trails excluded). Active recreation areas may include impervious surfaces. Active recreation areas in excess of this limit must be located outside of the protected Open Space;
6. Horticulture and community gardens;
7. Nonstructural stormwater management practices (Note: Detention/Retention ponds are considered structural management practices and will be excluded from open space requirements); or
8. Other conservation-oriented uses compatible with the purposes of this ordinance.

9.2-3 Prohibited uses of Open Space.

1. No more than 10 percent of open space requirement may be used for golf courses;
2. Roads, sidewalks, parking lots and impervious surfaces, except as specifically authorized in the previous sections;
3. Agricultural and forestry activities not conducted according to accepted Best Management Practices; and,
4. Other activities as determined by the Applicant and recorded on the legal instrument providing for permanent protection.

9.2-4 Ownership and Management of Open Space.

1. Ownership of Open Space. The applicant must identify the owner of the Open Space who is responsible for maintaining the Open Space and facilities located thereon. Ownership must be in the Homeowners' Association unless otherwise agreed to by the Town. The Homeowners' Association shall have lien authority to ensure the collection of dues from all members. The Homeowners' Association's articles of incorporation and bylaws must be approved by the Town prior to their recording or the sale of any lot. The Homeowners Association bylaws must provide that the Town may enforce against the Homeowners' Association's members, the Homeowners' Association's responsibility to maintain the Open Space, including the Town's right to assess and collect the Homeowners' Association's dues and place liens on the subject property. The responsibility for maintaining the Open Space and any facilities located thereon shall be borne by the owners of the properties and homeowners in the subdivision. If the Homeowners' Association becomes inactive or fails to properly and adequately maintain the Open Space and facilities, in the sole discretion of the Town, the Town may assess and collect from the property owners and homeowners within the subdivision (and lien the property within the subdivision of owner failing to timely pay assessments), money sufficient to operate the Homeowners' Association and to properly maintain the Open Space and facilities of the subdivision.

2. Management Plan. Applicant shall submit a Plan for Management of Open Space and Common Facilities ("Plan") that:
 - Allocates responsibility and guidelines for the maintenance and operation of the Open Space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements;
 - Governance of the association by the Georgia Property Owner's Association Act (OCGA Section 44- 3-220 et seq.) or a successor to that Act that grants lien rights to the association for maintenance expenses and tax obligations.
 - Responsibility for maintenance of common areas.
 - Responsibility for insurance and taxes.
 - Automatic compulsory membership of all property owners and subsequent lot purchasers and their successors; and compulsory assessments.
 - Conditions and timing of transferring control of the association from the developer to the property owners.
 - Guarantee that the association will not be dissolved without the advance approval of the Town of Sharpsburg.
 - Restrict the time of deliveries to commercial businesses and dumpster pick-up to between 7:00am and 9:00 pm.
 - Provides that any changes to the Plan be approved by the Mayor and Town Council; and,
 - Provides for enforcement of the Plan, including assessment of cost of maintenance on individual owners within the Homeowner's Association

or the other owner of the Open Space and the placement of liens on lots of owners who fail to pay assessments.

3. In the event the party responsible for maintenance of the Open Space fails to maintain all or any portion in reasonable order and condition, the Town of Sharpsburg may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the owner, Homeowner's Association, or to the individual property owners that make up the Homeowner's Association, and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties.

9.2-5 Legal Instrument for Permanent Protection.

1. The Open Space shall be protected from further development in perpetuity by a binding legal instrument that is recorded with the deed. The instrument must be approved by the Town and shall be one of the following at the option of the Town:
 - a. A permanent conservation easement in favor of either:
 1. A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or
 2. A governmental entity with an interest in pursuing goals compatible with the purposes of this ordinance. If the entity accepting the easement is not the Town of Sharpsburg, then a third right of enforcement favoring the Town of Sharpsburg shall be included in the easement;
 - b. A permanent restrictive covenant for conservation purposes in favor of the Town; or,
 - c. An equivalent legal tool that provides permanent protection, if approved by the Town of Sharpsburg.
2. The instrument for permanent protection shall include clear restrictions on the use of the Open Space. These restrictions shall include all restrictions contained in this Article, as well as any further restrictions approved by the Town, the Applicant or the Town chooses to place on the use of the Open Space.

9.3 Reduction of Yards or Lot Areas. Unless otherwise provided in this Ordinance, no lot existing at the time of passage of this ordinance shall be reduced, divided or changed so as to produce a tract of land which does not comply with the minimum dimension or area

requirements of this ordinance for the district in which it is located unless said reduction or division is necessary to provide land that is needed and accepted for public use.

9.4 Multi-Use Trails

9.4-1 Multi-Use Trails required.

The Mayor and Council shall require multi-use trails in order to facilitate pedestrian and multi-modal access from residential and commercial developments to schools, parks, playgrounds and other town amenities via the multi-use trails. The trails shall be indicated on any plans for rezoning or development of zoned land, and shall be designed as to be consistent with the goals outlined in the Comprehensive Plan for multi-modal trail locations and the MUTS Master Plan.

9.4-2 Multi-Use Trail Design Standards

Multi use trails shall be installed by the developer according to Section 9.4-1 above and shall comply with the following design and construction standards:

- The alignment of the trail shall conform to the general plan for the area or as directed by the Mayor and Council. The path shall be located a minimum of four feet from any property line, except where located on an easement for access to a street or where unique topographical standards warrant such location. Such locations shall be shown on the subdivision preliminary plat, commercial development plan, PCD Master Development Plan or other conceptual plans submitted to the Town of Sharpsburg for approval.
- The trails shall be constructed in accordance with the standards adopted by the Town of Sharpsburg in the Multi-Use Trail System Master Plan Study. When multi-use trails are located in the one-hundred-year floodplain, porous paving materials are required for the segments within the floodplain. When multi-use trails are located in required open space, porous materials are preferred.
- Where existing ground conditions require cross drainage under the trail, the pipe size and alignment of the culverts shall be approved by the Town's Qualified Consultant.
- After the paving is complete, the trails shall be inspected by the Town and any defects noted and the developer notified of the deficiencies. Grassing and backfilling the edges of the trails shall be included within the specifications.
- Easements for multi-use trails shall be a minimum of 20 feet in width. The Town's Qualified Consultant may require wide easements if topographical or other situations dictate a wider easement unless otherwise specified in the MUTS Master Plan.
- The trails shall generally be a minimum of 9 feet in width unless otherwise specified in the MUTS Master Plan.
- Multi-use trail easements shall be shown on the final plat or development plan and will be dedicated to and owned by the Town of Sharpsburg.

Article 10
Telecommunication Antenna and Towers

10.1 Purpose. The purpose of this Ordinance is to establish guidelines for the sitting of towers and antennas. The goals of this Ordinance are to:

1. Enhance the ability of the providers of telecommunications services to provide such services to the community effectively, and efficiently;
2. Encourage strongly the joint use of new and existing tower sites;
3. Locate towers and antennas, to the extent possible, in areas where the adverse impact on the community is minimal;
4. Configure towers and antennas in a way that minimizes the adverse visual impact of the towers and antennas, and;
5. Encourage the location of towers in non-residential areas and minimize the total number of tower sites.

10.2 Definitions.

Alternative tower structure: Man made trees, clock towers, bell steeples, light poles, and similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers.

Antenna: Any exterior apparatus designed for telephonic, radio, or television communication through the sending and/or receiving of electromagnetic waves.

FAA: The Federal Aviation Administration.

FCC: The Federal Communications Commission.

Governance Authority: The Mayor and Council of the Town of Sharpsburg.

Height: When referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

Pre-Existing towers and antennas: The meaning set forth in Section 8.3(4) of this ordinance.

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

Tower Facilities: Includes towers, antennas, and all accessory buildings, excluding tower anchors.

Zoning Administrator: A person designated by the Town Council of the Town of Sharpsburg. If no Zoning Administrator has been named then the Town Council shall serve the function of the Zoning Administrator.

10.3 Applicability.

District Height Limitations. The requirements set forth in this ordinance shall govern the location of towers that exceed, and antennas that are installed at a height in excess of, the height limitations specified for each zoning district. The height limitations applicable to building and structures as provided in the zoning ordinance shall not apply to towers and antennas.

Public Property. Antennas or towers located on publicly owned property, leased, or otherwise controlled by the governing authority shall be exempt from the requirements of this ordinance, provided a license or lease authorizing such antenna or tower has been approved by the governing authority.

Amateur Radio; Receive-Only Antennas. This ordinance shall not govern any amateur radio tower, or the installation of any antenna, that is under seventy (70) feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas.

Pre-Existing Grandfathered Towers and Antennas. Any tower or antenna existing on the effective date of this ordinance shall not be required to meet the requirements of this ordinance, other than the requirements of Section 8.4(5) and (6). Any such tower or antennas shall be referred to in this Ordinance as “pre-existing towers” or “pre-existing antennas”.

10.4 General Guidelines.

1. **Principal Use.** Antennas and towers will be considered a principal uses. Antennas and towers may not be installed on a lot of record where there is a current principal use for which an antenna or tower would not be considered an accessory use. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to set-back requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lots.

2. **Inventory of Existing or Planned Tower Sites.**

(a) Each applicant for a tower or antenna, shall contact the owners of all existing tower sites or planned tower sites approved after the effective date of this Ordinance, that are either within the jurisdiction of the governing authority or within one-quarter mile of the border thereof, and provide the Town Council with an inventory of said tower sites. The inventory should include the following information:

(1) The owner and/or lessee of the tower site;

- (2) The location, height, and design of the tower site;
 - (3) Whether each such tower site could accommodate the tower proposed by the applicant without changing the existing or proposed structure; or
 - (4) Whether each such tower site could accommodate the tower proposed by the applicant of either or both the existing or proposed tower was structurally or otherwise changed. Any changes shall be specified in general terms.
 - (b) The Town of Sharpsburg may share such information with other applicants applying for approval under this Ordinance or other organizations seeking to locate antennas within the jurisdiction of the governing authority, provided, however, that the Town of Sharpsburg is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
3. Site Plan. Applicants requesting approval shall submit a scaled site plan, showing the location and dimensions of all improvements, including information concerning topography, radio frequency coverage, tower height requirements, setbacks, access, existing and proposed utilities, parking, fencing, landscaping, and other information necessary to assess compliance with this Ordinance. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a qualified professional engineer.
4. Aesthetics: Lighting. The following guidelines shall govern the aesthetics and lighting of all towers, and the installation of all antennas.
 - (a) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness.
 - (b) At a tower site, the design of the building and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment.
 - (c) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
 - (d) Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.

5. Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute a violation of this ordinance for which a citation may be issued in accord with paragraph 10.4(7) below.
6. Building Codes; Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the governing authority concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have sixty (60) days to bring such tower into compliance. If the owner fails to bring and maintain such tower into compliance with such standards then the Zoning Administrator may issue a citation for violating this ordinance in accord with paragraph 10.4(7) below.
7. Enforcement. Failure to strictly comply with this ordinance shall constitute a violation of this ordinance for which a citation may be issued by the Zoning Administrator. Such citation shall be returnable to the municipal court. The municipal court is authorized to the levy a fine in accordance with the Sharpsburg Town Charter. Each day a tower is operated in non-compliance with this ordinance shall constitute a separate offense.
8. Nondiscriminatory Co-Location. In accord with Section 10.5(7) of this ordinance, all owners and/or operators of telecommunication towers must make all excess capacity available to additional providers (co-locators) and such owners and/or operators shall NOT discriminate among co-locators on any basis except 1) ability to pay rents and 2) compatibility of equipment with current providers.
9. Town of Sharpsburg right to Co-Locate. The Town of Sharpsburg shall have the right to co-locate emergency/public safety equipment at no cost on any approved tower within the Town's jurisdiction, provided that the co-location of antennas do not interfere with the normal tower operations. Each new tower must reserve space for future Town co-location.

10.5 Development Requirements.

1. Zoning Districts allowed: Allowed only in Light Industrial (LI) Districts by Special Use Permit. Special Use applications shall be granted or denied in accord with Section 13.17 of the Town of Sharpsburg Zoning Ordinance.

- (a) Minimum lot area: As required in LI districts.
 - (b) Minimum lot width: As required in LI districts.
2. Setbacks:
- (a) All tower facilities shall be set back from all adjoining properties zoned Residential a distance equal to the height of the tower or 200 feet, whichever is greater.
 - (b) All tower facilities shall be set back from all adjoining properties zoned non-residential a distance equal to the height of the tower or 100 feet, whichever is greater.
3. All anchors shall be set back as required by the LI zoning district.
4. Towers over 70 feet in height shall not be located within one mile from any existing or planned tower that is over 70 feet in height regardless of location (i.e. in or out of Town-limits).
5. Security Fencing. Towers and all facilities shall be enclosed by a wood fence or steel chain link fence with inserts for screening not less than eight (8) feet in height and shall be equipped with an appropriate anti-climbing device.
6. Landscaping. The following guidelines shall govern the landscaping surrounding towers;
- (a) The tower and related facilities shall be landscaped with a standard buffer that shall consist of a landscaped strip ten (10) feet in width surrounding the perimeter of the compound. Buffer plantings shall be four (4) feet in height at the time of planting.
 - (b) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large wooded lots, natural growth around the property perimeter may be a sufficient buffer.
7. All new towers must be constructed in such a manner so as to maximize the availability of tower space for the co-location of addition telecommunication equipment operated by differing providers. Prohibiting co-location, via above market rate rents or by any other direct or indirect means, shall constitute a violation of this ordinance.

10.6 Public Hearing Required.

1. General. All new tower construction and any additions to existing towers shall require an application for a special use permit and a Public Hearing and approval by the Town Council. All such uses shall comply with Sections 10.4 and 10.5 of this Ordinance and all other applicable ordinances. Applicants shall apply for a Public Hearing through the Planning Department.

In granting an approval, the governing authority may impose conditions to the extent the Town of Sharpsburg concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.

2. Factors Considered in Public Hearing Applications. In addition to the factors contained in Section 13.17 of the Sharpsburg zoning ordinance the governing authority shall consider the following factors as well in determining whether to approve a special use application, although the governing authority may waive or reduce the burden on the applicant of one or more of these criteria, if in the judgment of the governing authority, the goals of this ordinance are better served thereby:

- (a) Height of the proposed tower;
- (b) Proximity of the tower to residential structures and residential district boundaries;
- (c) Nature of uses on adjacent and nearby properties;
- (d) Surrounding topography;
- (e) Surrounding tree coverage and foliage;
- (f) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
- (g) Proposed ingress and egress; and
- (h) Availability of suitable existing towers and other structures as discussed in Section 10.6(3) of this Ordinance.

3. Availability of Suitable Existing Towers or Other Structures for Co-location. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the governing authority that no existing or planned tower or structure can accommodate the applicant's proposed antenna (see Section 10.4). This inventory should also include the following supplemental information:

- (a) No existing towers or structures are located within the geographical area required to meet applicant's engineering requirements.
- (b) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
- (c) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
- (d) Applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures.

- (e) The fees or costs required to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed unreasonable.
- (f) Applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

10.7 Removal of Abandoned Antennas and Towers. Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove same within ninety (90) days of receipt of notice from the Town notifying the owner of such abandonment. If such antenna or tower is not removed within said ninety (90) days, the Zoning Administrator shall take appropriate action to effect the removal of the tower. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

Article 11 Parking and Loading

Section 11.1. Off-Street Automobile Parking and Loading and Unloading Spaces Required.

Off-street automobile parking and loading and unloading spaces shall be provided, as specified in this Ordinance, for uses and structures hereafter established.

Any building or use that is subsequently enlarged shall meet the off-street parking and loading and unloading space requirements of this Ordinance for the addition made.

Section 11.2. Plan and Design Standards for Off-Street Parking.

The following are required plan and design standards for off street parking.

11.2-1. Required area for each parking space. Each automobile parking space shall be not less than nine feet wide and 18 feet deep. Adequate interior driveways shall connect each parking space with a public right-of-way. A maximum of one foot six inches of the required 18 feet may overhang a grassed area. This overhang cannot be over a sidewalk or right-of-way and must be arranged in such a way as to allow adequate front-to-front parking.

11.2-2. Interior driveways. Interior driveways when used with 90- degree-angle parking shall be at least 22 feet wide; when used with 60-degree-angle parking, at least 12 feet wide with one-way traffic, 22 feet wide with two-way traffic; when used with parallel parking or where there is no parking, at least ten (10) feet wide for one-way traffic and at least 20 feet wide for two-way traffic. A minimum ten foot driveway and stacking lane is required for any type drive-up window or pick-up station. This is in addition to regular driveways.

11.2-3. Improvement of Off-Street Parking Lots. All off-street parking lots, whether public or private, for more than five vehicles shall meet the following standards:

- They shall be graded to insure proper drainage, surfaced with concrete or asphalt at least two inches thick installed on an approved base and maintained good condition free of weeds, dust, trash and debris.
- Where required or encouraged by this ordinance, porous paver systems (grass pave, porous concrete or asphalt, grasscrete, or other modular systems) shall be installed to the manufacturer's specifications on an approved base and maintained in a good condition free of weeds, dust, trash and debris. Porous paver systems shall be routinely cleaned and vacuumed to remove trapped sediment and debris which would otherwise prevent them from passing stormwater into the ground.
- High intensity lighting facilities shall be so arranged that the source of any light is concealed from public view and from adjacent residential properties and does not interfere with traffic.

- They shall not be used for the sale, repair, dismantling or servicing or storing of any vehicle, equipment, materials or supplies.
- Each parking space shall be clearly demarcated by a painted stripe no less than three (3) inches wide running the length of each of the longer sides of the space or by curbing or by other acceptable method which clearly marks and delineates the parking space within the parking lot..

11.2-4. Location of Required Off-Street Parking Spaces on Other Property. If the required automobile off-street parking spaces cannot reasonably be provided on the same lot on which the principal use is located, such spaces may be provided on other off-street property lying not more than four hundred feet from the main entrance to the principal use, unless otherwise specified in this Ordinance. In this situation, the applicant shall submit with his application for a building permit or an occupancy permit an instrument duly executed and acknowledged which accepts as a condition for the issuance of a building permit or an occupancy permit the permanent availability of such off street parking spaces to serve his principal use.

11.2-5. Sharing of Required Off-Street Parking Spaces. One-half of the off-street parking spaces required by a use whose peak attendance will be at night or on Sundays may be shared with a use that will be closed at night or on Sundays, unless otherwise specified in this Ordinance.

11.2-6. Location and Surface of Parking Areas .Parking spaces shall be located in the rear or sides of the principal building unless a condition or hazard exists, outside of the control of the owner and which cannot be feasibly remedied, that prohibits the construction of a parking lot in the rear or side of the building.

In any district, the parking of any vehicle on other than a surface treated and hardened to accommodate the vehicle is prohibited, unless otherwise specified in this Ordinance.

In any residential district, the parking of any vehicle in the front yard or in front of the principal building line is prohibited except on a hard-surfaced driveway or in a carport or garage.

Section 11.3. On street parking.

Where encouraged or required by this Ordinance, parking spaces on public streets shall be required to be provided by the developer consistent with the requirements of this section for surface, drainage and other improvements. On street parking spaces shall be counted towards the minimum number of spaces provided for the lot in which the spaces directly abut, or shall be counted in the overall parking required for a PCD, TND, TNC development if a master parking plan is provided as a component of any required submittals.

Section 11.4. Minimum Number of Parking Spaces Required.

Table 11.4 Minimum Requirements

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

Section 11.5. Plan and Design Standards for Off-Street Loading and Unloading Spaces.

The following are the plan and design standards for off-street loading and unloading spaces.

- Off-street loading and unloading spaces shall have access from an alley or, if there is no alley, from a public street.
- The off-street loading and unloading space shall be so located that it causes a minimum of interference with the free movement of vehicles over a street, sidewalk or alley.

Section 11.6. Minimum Size and Number of Off-Street Loading and Unloading Spaces Required.

The minimum number and size of off-street loading and unloading spaces required are as follows:

For the purpose of this Section, an off-street loading and unloading space shall have the minimum dimensions of 12 feet x 40 feet x 14 feet of overhead clearance. The minimum number of such spaces required are as follows:

Retail business, office, wholesale, industrial, governmental, and institutional uses, including public assembly places, hospitals and educational institutions, one space for the first 10,000 square feet of total floor area or fractional part thereof. For anything in excess of 10,000 square feet, such uses shall provide loading spaces according to the following schedule:

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

ARTICLE 12
Non-Conforming Uses

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

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

1. Minimum requirements of the district for front, side and rear yard, height and floor area shall be complied with.
2. A lot to be used for duplexes, multi-family dwellings, residential group development projects, or manufactured homes, when allowed within the district, only if the lot meets the minimum lot area requirements for those uses in the district.
3. When two (2) or more adjoining and vacant lots within a non-approved development with continuous frontage are in a single ownership at the time of application, and such lots have a frontage or lot area less than is required by the district in which they are located, such lots shall be re-platted so as to create one (1) or more lots which conform to the minimum frontage requirements of the district.

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

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

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

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

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

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

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

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

ARTICLE 13
Administration

13.1 This Ordinance shall be administered by the Zoning Administrator of the Town of Sharpsburg, in cooperation with the Town Council and the Planning Commission, if such commission exists in accordance with this Ordinance.

13.1-1 All duties and obligations contained in this Administration Article shall be the duties and obligations of the Town Council unless and until the Town Council delegates authority to a Planning Commission in accordance with Section 13.1.3 hereof. If at any time there is no Zoning Administrator designated by the Town Council, the Town Council shall act as the Zoning Administrator during such time.

13.1-2 Duties of Town Council

1. Maintain public records concerning the administration of the Zoning Ordinance including all maps, amendments, Certificates of Zoning Compliance, Special uses, Variances, and records of public hearings.
2. Ensure compliance with the Laws of Georgia including the Zoning Procedures Act; and, to administer this Ordinance in such a manner to further the promotion of the health, safety and welfare of the Town of Sharpsburg.

13.1-3 Creation of a Planning Commission.

The Town Council hereby reserves the power to create a Planning Commission to aid in the administration of this Zoning Ordinance. Said Planning Commission shall be constituted by ordinance amending this Article, with such ordinance stating what powers and duties are delegated to the Planning Commission. Notwithstanding the forgoing, final authority in deciding upon zoning matter and the adopting and amending of this Zoning Ordinance shall at all times remain vested in the Town Council. If at anytime a Planning Commission has not been created, the duties of the Planning Commission shall be exercised by the Mayor and Town Council.

13.2 Initiation of Amendments:

13.2-1 Applications to amend this Ordinance may be in the form of proposals to amend the text, or proposals to amend the Official Zoning Map(s). An application to amend the Official Zoning Map(s) may be initiated by an individual property owner or his agent, the Planning Commission, or by the Town Council. Unless initiated by the Town Council or the Planning Commission, all applications to amend the Official Zoning Map(s) must be submitted in writing, by the owner or his agent to the Town Clerk, and shall be accompanied by an appropriate fee as established by the Town Council. An application for an amendment to the Zoning Map(s) affecting the same property shall not be submitted more than once every 12 months, said intervals to begin with the date of final decision by the Town Council.

The 12-month interval shall not apply to applications initiated by the Council or the Planning Commission, except for amendments to the Zoning Map(s) initiated by the Planning Commission which were defeated by the Town Council, in which case the interval required for the subsequent application shall be at least six months. However, an application to alter conditions of rezoning may be submitted at any time.

13.3 Application for Amendments:

13.3-1 Each application to amend this Ordinance or the Official Zoning Map(s) shall be filed with the Town Clerk and deemed submitted to the Town Council when the Clerk has notified the Town Council that an application for amendment has been filed. Initiation of all amendments must be submitted by written request whether the request originates from the Town Council, the Planning Commission or and individual property owner. If Town Council provides an application form, then all applications for amendments must be on such form. Applications shall be submitted in compliance with the following:

13.3-2 Text amendment applications shall include the following:

- a. Name and address of applicant.
- b. Current provisions of text to be affected by amendment.
- c. Proposed wording of text change.
- d. Reason for amendment request.

13.3-3 Map and rezoning amendment applications shall include the following:

1. A legal description of the tract(s) to be rezoned, including the street address and subdivision, if any, or area in which the tract is located.
2. A minimum of seven (7) copies of a plat, drawn to scale, showing north arrow, land lot and district; the dimensions, acreage and location of that tract(s); floodplain and flood hazard areas; unusual topographical features; current zoning of subject tract and all adjacent properties; and existing structures. This plat shall be prepared by a registered architect, registered professional engineer, registered landscape architect, or planner with an AICP certification or land surveyor whose seal shall be affixed to the plat.
3. The names and addresses of the owners of the land and their agents, if any; together with a written notarized authorization for the owner(s) agents, if any, to seek rezoning.
4. A narrative indicating specifically how the property is to be used or development.

5. The name and address of abutting property owners as indicated by Town of Sharpsburg or Coweta County Tax Records.
6. Each zoning map amendment application, whether submitted by local government, or by a party other than local government shall include with it to be complete a written, documented analysis of the impact of the proposed rezoning with respect to each of the following matters:
 - a. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties.
 - b. Whether the zoning proposal would adversely affect the existing use or usability of adjacent or nearby property.
 - c. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.
 - d. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
 - e. Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Land Use Plan.
 - f. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.
7. For PCD amendment requests, the developer shall provide all documentation required in Section 5.7.
8. Other information as may be required by the Mayor and Council.
9. If the applicant is a person, group or entity other than the Town of Sharpsburg, or one of its public bodies, commissions or authorities, a rezoning fee shall be required. The fee shall be established and amended from time to time by the Mayor and Council.

13.3-4 Submitted Application. Applications shall be submitted at least 50 days prior to the date on which it is to be considered by the Town Council and in sufficient time so as to permit advance advertising and notice of any public hearing(s) pursuant to the terms of this Section and the Zoning Procedures Act.

13.3-5 An application may be withdrawn by the applicant after the legal advertisement has been placed with the publisher as required by this

Section shall have first appeared, but the rezoning application fee shall be forfeited. An applicant may also withdraw an application before the legal advertisement is published and in writing to the Town Council. If application is withdrawn before the legal advertisement is placed with the publisher, a full refund of application fee shall be available to the applicant.

13.3-6

An applicant shall file site plans, renderings, construction specifications, written development restrictions, detail description of the proposed use and other conditions which the applicant proposes as binding conditions upon the development and use of the property involved in the application provided, however, that any such conditions or alterations or changes thereto shall be filed with the Town Council at least seven (7) days prior to the public hearing before the Town Council. If any such conditions or alterations or changes thereto are proposed by an applicant and have not been filed as required by this subsection, the Town Council, at the time of the public hearing on the application, may defer any action on such application to a specific meeting date. The date designed for action on the application shall be set at a time, which will allow the applicant to comply with the filing requirements of this subsection.

13.3-7

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

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

13.4 Public Notification

13.4-1 Legal Notice: Due notice of the public hearing before the Town Council shall be published in a newspaper of general circulation within the Town of Sharpsburg or the newspaper which carries the legal advertisements of the County by advertising the date, time, place, and purpose of the public hearing at least 15 days and not more than 45 days prior to the date of the hearing conducted by the Town Council. If the application is for amendment to the Official Zoning Map(s), then this notice also shall include the location of the property, the present zoning classification of the property, and the proposed zoning classification of the property.

13.4-2 Signs Posted: The applicant shall post, in accordance with the Town of Sharpsburg Posting notice requirements, erect, at least 15 days prior to the date of the hearing, in a conspicuous place on the property in question, a sign of not less than nine square feet, with not less than three inch black letters upon a white background, which shall read as follows:

NOTICE TO THE PUBLIC

A PETITION HAS BEEN FILED WITH THE TOWN OF SHARPSBURG THAT THIS PROPERTY BE CHANGED FROM ITS CURRENT (insert current district name) ZONING TO (insert requested district name) ZONING.

A PUBLIC HEARING WILL BE HELD AT A&O BRIDGES RECREATION CENTER LOCATED ON MAIN STREET IN SHARPSBURG ON (insert date) AT (insert time) P.M. ALL THOSE HAVING AN INTEREST IN THIS PETITION SHOULD BE PRESENT.

MAYOR AND TOWN COUNCIL

13.5 Standards for the Exercise of Zoning Power

13.5-1 In addition to the standards enumerated in other sections of this Ordinance, the Planning Commission and Town Council shall consider the following matters in reference to any rezoning application:

1. The existing land uses and zoning classification of nearby property.
2. The possible creation of an isolated district unrelated to adjacent and nearby districts and not in conformance with the Future Land Use map.
3. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
4. Whether the proposed change will adversely influence living conditions in the neighborhood.

5. Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.
6. Whether the proposed change will create adverse environmental impacts, such as water, erosion and sediment disturbances.
7. Whether the proposed change will adversely affect property values in the adjacent area.
8. Whether the proposed change will seriously reduce light and air to adjacent areas.
9. Whether the subject property has a reasonable economic use as currently zoned.
10. Whether the change suggested is out of scale with the needs of the neighborhood or the Town.
11. The extent to which the proposed change is consistent with, and promotes the comprehensive plan and land use plan, adopted by the Town of Sharpsburg.
12. The relative gain to the public as compared to the hardship, if any, imposed on the property owner by the present zoning.
13. The suitability of the subject property for the zoned purposes.
14. The length of time the subject property has been vacant as zoned, considered in the context of land development in the vicinity of the property, and legitimate efforts to develop or sell the property as presently zoned.
15. The possible effects of the proposed zoning change and proposed use on the character of the zoning district, existing land use pattern, and architectural harmony of the subject area.
16. Any other factors relevant to balancing the interest in promoting the public health, safety, morality, or general welfare against the interests of a property owner in rezoning.
17. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

13.6 Conflict of Interest and Disclosure Rules

The disclosure required by this section shall be filed at least five (5) calendar days prior to the first hearing by the Town Council or the Planning Commission on the rezoning application.

13.6-1 Any Town Council member, the Mayor, any Planning Commission member who knows or reasonably should know that he or she:

1. has any direct ownership in any real property to be affected by a rezoning action under consideration by Town of Sharpsburg;
2. has a ten percent (10%) or more direct ownership interest in the total assets or capital stock in any business entity which has any direct ownership in any real property affected by a rezoning action under consideration by Town of Sharpsburg; or
3. has a spouse, parent, sibling or child with any interest as described in previous 1 and 2, shall disclose the nature and extent of such interest, in writing, to the Town of Sharpsburg Town Council as soon as he or she knows of its existence. Such an Official shall disqualify himself/herself from voting on the rezoning action and shall not take any other action on behalf of himself or herself or anyone else to influence action on the rezoning action. If written disclosures made pursuant to this section result in the inability of the Town Council to obtain a quorum for the purpose of making a final decision when considering a rezoning action, the Town Council shall initiate the special master process set forth in O.C.G.A. §36-67A-5, as amended. Moreover, questions of interpretation as to the application of this statute should be resolved by reference to the Georgia state law governing campaign contribution disclosures, O.C.G.A. §36-67A-1 et seq., as amended.

13.6-2 When any proponent or opponent of a rezoning action has made, within two years immediately preceding the filing of the rezoning action being opposed, campaign contributions aggregating \$250.00 or more to a local government official of the local government which will consider the application, it shall be the duty of the proponent or opponent to file a disclosure with the Town Clerk or Town Council showing:

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

13.7 Procedures for Public Hearing See Zoning Amendment Procedures in Article 14.

13.8 Action by Town Council. The Town Council shall consider the standards in Article 13 in evaluating each application. So that the purpose of this Ordinance will be served, health, public safety, and general welfare secured, the Town Council may approve the application, reduce the land area for which the application is made, change the district requested, add or delete conditions of the application, deny an application, or defer

consideration of an application to acquire additional information. An action by the Council to defer the application shall include a statement of the date and time of the next meeting at which the application will be considered, which statement shall constitute public notice of the hearing on the application and no further notice, is required. The final decision by the Town Council shall be reduced to writing and mailed to the applicant.

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

13.10 Building Permit Required

13.10-1 No building or other structure shall be located, erected, moved, added to, or structurally altered without a building permit issued by the Building Inspector. No building permit shall be issued except in conformity with the provisions of this Ordinance.

13.10-2 It shall be unlawful to commence the excavation or filling of any lot for construction of any building until a building permit has been issued for such work.

13.10-3 Building permits are required for roof replacement and for replacement or installation of heating and air conditioning systems.

13.10-4 No permit shall be required for any repairs or modernization of any building which does not increase the floor area of such building, providing that no encroachment into any required yard area is built and that the modernization does not include any repair, replacement or installation of new roofing or heating and air conditioning systems.

13.11 Reserved.

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

13.12-1 A Certificate of Occupancy is required in advance of the use or occupancy of:

1. Any lot or a change in the use thereof.
2. A building hereafter erected, altered or a change in the use of an existing building.

3. Any non-conforming use that exists at the time of the enactment of this Ordinance or an amendment thereto that is changed, extended, altered, or rebuilt thereafter.

13.12-2 A record of all Certificates of Occupancy shall be kept on file in the office of the Town Clerk and a copy shall be furnished on request, to any person having a proprietary or tenancy interest in the building or land involved.

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

13.13-1 Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of the ordinance, or whenever the building official has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building, structure, premises, electrical, gas, mechanic or plumbing system unsafe, dangerous or hazardous, the building official may enter at all reasonable times when granted access by the occupant to inspect the same or perform any duty imposed upon the building official by this ordinance.

13.13-2 Unsafe Buildings or Systems. All buildings, structures, electrical, gas, mechanic or plumbing systems which are unsafe, unsanitary or do not provide adequate egress or ingress or which constitute a fire hazard, are otherwise dangerous to human life, which in relation to existing use, constitute a hazard to safety or health, are considered unsafe buildings or systems. All such unsafe buildings, structures or service systems are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition. The repair and rehabilitation is the responsibility of the owner of the building or structure. If demolition is deemed necessary the owner is responsible for all costs. If the owner does not repair, rehabilitate or demolish the building or structure as deemed appropriate by the building official the owner shall be fined for violation of this Zoning Ordinance. Each day the repair, rehabilitation or demolition is not shown to be underway shall be considered a separate offense.

13.13-3 Stop Work Orders. Upon notice from the building official, work on any building, structure, electrical, gas, mechanical or plumbing system that is being done contrary to the provisions of this ordinance, building codes, manufacturer's specifications or in a dangerous or in a dangerous or unsafe manner, shall immediately cease. Such notice shall be in writing, given to the owner, his agent or person doing the work and shall state the condition under which work may proceed.

13.13-4 Revocation of Permits. The building official may revoke a permit or approval, issued under provisions of this ordinance, where there have been any false statements or misrepresentations as to the material facts in the application or plans on which the permit or approval was based. The

building official may revoke a permit upon determination by said official the permit was issued in violation of, or not in conformity with the provisions of this ordinance.

13.14 Permits. Any owner, agent or contractor who desires to construct, enlarge, alter, repair, move or demolish a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by technical codes, or to cause any such work to be done, shall first make application to the building official and obtain the required permit for the work. Ordinary, minor repairs may be made with the approval of the building official without a permit, provided such repairs shall not violate any of the provisions of the technical codes.

13.14-1 Permit Applications. Each application for a permit, with the required fee, shall be filed with the building official on a form furnished by the Town of Sharpsburg for a specific work to be done, including a general description and the location of the proposed work. The application shall be signed by the owner, his agent or contractor. The application shall indicate the proposed occupancy of the building or structure.

1. Each application for the construction, and or the, enlargement, of a building or premises greater than 200 square feet, shall require the number of sets of plans drawn to scale as determined by the Town Council. The official seal of a Certified Architect or engineer legally registered under the laws of this state will be required for all residential and commercial buildings and as required by Georgia Building and Fire Codes.
2. Each application shall contain two copies of the land plat from the Coweta County Tax Assessors office showing the exact location, size of building, distance to property and building lines, total acreage and square footage of lot or parcel. These copies may be duplicates.
3. Where private sewerage systems are used, a copy of the permit for the septic system, issued by the Coweta County Health Department, shall accompany the application for the permit.

13.14-2 Issuing Permits. The building official shall act upon an application for a permit within ten working days from the time application is filed with the Town of Sharpsburg. If the building official is satisfied the work described in the application and contract documents filed, conform to the requirements of the technical codes, state law and this ordinance, the building official is authorized to issue a permit to the applicant.

1. If the application for a permit and the documents describing the work do not conform to technical codes, state law or this ordinance the building official shall not issue a permit, but

shall notify the applicant in writing of the reasons for refusal to issue the permit. This written notification shall be postmarked no later than ten working days from the time application is filed with the Town of Sharpsburg.

2. Any person who begins any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fine of \$100 per day from the beginning date of construction until permit application is received by the Town of Sharpsburg, plus the price required for the permit or permits

13.15 Conditional Zoning.

13.15-1 In order to maintain the health, safety, welfare, and morality of the citizens of Town of Sharpsburg the Town Council may impose conditions on rezoning requests. Conditions placed on the property as a part of approval of a rezoning application shall remain in force until such time as an appeal has been granted. Conditions shall be in writing and purpose for the conditions shall be established.

13.15-2 Conditions placed on property at the time of rezoning shall become a written part of the minutes of the Council meeting, or shall be placed in the ordinance, and shall be attached to the amendment to the Official Zoning Map. The conditions imposed shall be part of the rezoning application and kept in the office of the Town Hall.

13.15-3 Any condition or conditions imposed upon the petitioner by the Town Council in its ordinance, or as contained in its minutes, or as contained in written representations by the applicant, accepted by the Town Council, must be satisfied before the change in status will take permanent effect. Should the imposed condition(s) fail to be performed within the prescribed time period set forth by the Town in either the Town minutes or ordinance or in the application, if otherwise so stated, then within one year, the property at issue will automatically revert to the status or classification it occupied before the practitioner's application to re-zone was filed.

13.15-4 Conditions include those contained in the minutes of the Town Council, which shall become a part of the ordinance when enacted and written representations submitted by the applicant to the Town, and accepted by the Town Council, which shall become an amendment to the applicant's rezoning application and a part of the enacted ordinance.

13.16 Appeal Process for Conditional Zoning. Appeals for removal of conditions placed on rezoned property may be heard by the Town of Sharpsburg Town Council only when the reason for the placement of conditions has changed to allow the use of the property without the conditions. Appeals shall follow the same procedure as that of a rezoning application. Public hearings are required before any conditions placed on property may be dissolved.

13.17 Special Uses

13.17-1 The Planning Commission, if constituted, shall review and recommend approval, denial or approval with conditions and the Town of Sharpsburg shall approve or deny special uses which are specifically authorized by this Ordinance. Public Hearings are required. (See Article 14, Section 14-2).

13.17 -2 **CONDITIONS AND LIMITATIONS:** The Planning Commission, if constituted, shall include any condition, requirement, or limitation which may be necessary to protect adjacent properties and carry out the provisions of this Ordinance in its review and the Town of Sharpsburg may impose conditions, requirements or limitations it deems necessary. If at any time after a special use permit has been issued, the Building Official (if not appointed, the Mayor and Council) finds that the conditions imposed and the agreements made have not been or are not being fulfilled by the holder of a special use permit, the permit shall be terminated.

13.17 -3 **PROCEDURE:** Application for a special use shall be filed with the Office of the Town Clerk, and the Planning Commission, if available, otherwise with the Mayor and Council, and shall have thirty (30) days within which to consider each request and make written recommendations to the Town Council. A public hearing is required by the Town Council (see Public Hearing Requirements). Upon receiving recommendations from the Planning Commission or after the thirty day period has expired, the Town Council shall schedule the proposed special use to be voted on at the next regularly scheduled Commission meeting. Each application shall be accompanied by a professionally prepared, to scale, site plan, showing the following:

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

13.17-3.1 **FEE:** Each application for a special use shall be assessed a fee according to fee schedule established by the Town Council.

13.17-4 Specifically, in order to grant approval of a special use, the Town Council must find the following standards have been met:

1. Compliance with the Town of Sharpsburg's zoning ordinance.
2. The character and use of buildings and structures adjoining or in the vicinity of the subject property.
3. The compatibility of the proposed use at the subject property to the present uses of the buildings, structures, or properties adjoining or in the vicinity of the subject property.
4. Impact of the proposed use on nearby properties, including existing and possible future uses.
5. Impact of the proposed use on public facilities, utilities and public infrastructure.
6. Appropriateness of the proposed use as related to the Town's land use plan.
7. The number of persons residing, studying, working in or otherwise occupying buildings adjoining or in the vicinity of the subject property.
8. Traffic conditions in the area of the proposed use and possible aggravation of traffic conditions by the proposed use.
9. Accessibility of building for fire and police protection.
10. Materials of combustible, explosive or inflammable nature to be sold, stored, or kept on the premises.
11. Protection of occupants of adjoining and surrounding buildings from noise, dust, grasses, pollution.
12. Population density in the surrounding area and threats to the public safety created by the proposed use.
13. Relationship of the proposed use to the neighboring areas in the context of how the use might service of have utility to the area.
14. Adequacy of the site in terms of protecting and screening nearby properties from adverse impacts which might result from the proposed use.
15. The number, size, and type of signs proposed for the site.
16. The amount and location of open space on the site.
17. Hours and manner of operation of the proposed use.

18. The type of electrical illumination for the proposed use with special reference to its effects on nearby structures and the glare, if any, from such illumination in surrounding sleeping quarters.
19. Adequacy of available parking and ingress and egress to the property.
20. Impact of the proposed use on the property values of surrounding properties at the uses for which the surrounding properties are presently being used.

13.17-5 Conditional approval. The Planning Commission or the Town Council may impose such conditions as it deems necessary to insure compatibility of the proposed use with the neighboring area and with the policies of the Town's zoning ordinance and land use plan and the standards of this chapter. Such conditions may include, at a minimum, any of the following:

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

13.18 Variances

13.18-1 A variance may be authorized upon application and public hearing appeal, in specific cases, from the terms of this Zoning Ordinance where granting a

variance will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of ordinance will, in an individual case, result in unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of hardship upon finding by the Planning Commission or Town Council that:

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

13.18-2 CONDITIONS AND LIMITATIONS: The Planning Commission shall include any condition, requirement, or limitation which may be necessary to protect adjacent properties and carry out the provisions of this Ordinance. If at any time after a variance has been issued, the Town Council find the conditions imposed and the agreements made have not been or are not being fulfilled by the holder of a variance, the variance shall be terminated.

13.18-3 PROCEDURE: Applications for variance shall be filed with the Town Clerk, and the Planning Commission, if established, otherwise the Town Council shall have sixty (60) days within which to consider each request. Each application shall be accompanied by a professionally prepared, and to scale, site plan, showing the following:

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

7. Parking spaces if applicable

13.18-3.1 FEE: Each application for a variance shall be assessed a fee according to fee schedule established by the Town Council.

13.18-4 Action. The Planning Commission, if established otherwise the Town Council, shall consider the request for a variance at a meeting within sixty days of the submittal of the application. The Planning Commission (or Town Council) shall approve or deny the application for a variance. If the request is denied by the Planning Commission, the applicant, or the Town Council, may appeal the decision to the Town Council for review and final decision. A decision by the Town Council shall be final and non-appealable.

13.18-5 Procedures for Hearing. Procedures for an appeal hearing before the Town Council shall be:

1. The applicant must file a written request for an appeal with the Town Clerk or the Mayor within thirty (30) days of the Planning Commission's decision. A decision of the Town Council is not appealable.
2. The Town Council may call the decision of the Planning Commission for review and decision by the Town Council sending applicant notice of a hearing within thirty (30) days of the Zoning Commission's decision.
3. Evidence shall be produced by the applicant as to why the variance is necessary.
4. A member of the Planning Commission or Town Clerk may be called upon to testify to the rules and regulations in the zoning ordinance.
5. The applicant and the Town Council have the right to question witnesses.
6. The Town Council may uphold or reverse the decision by the Planning Commission. If additional information is needed the hearing may be continued to another date.
7. If the applicant disagrees with the decision of the Town Council regarding the appeal of the decision rendered by the Planning Commission the applicant may appeal to the proper courts.

13.19 Penalties

13.19-1 Any person, firm, or corporation violating a provision of this Ordinance shall be guilty of a misdemeanor, and upon conviction, may be punished

for each violation, up to the extent allowed by the Town Charter. Each day such a violation continues shall be deemed separate offense.

- 13.19-2** In case any building is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, lot, or acreage is used in violation of this Ordinance, the Town Council, or any other appropriate authority, or any person who would be damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action in proceeding to prevent said violation in the case of each such building or use.

13.20 Compliance with Zoning Procedures Law

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

ARTICLE 14
ZONING AMENDMENT PROCEDURES

14.1 Amendment Procedures

The procedure for amending this zoning ordinance shall be as outlined below:

(1) Any person or persons desiring to submit a petition requesting a change in zoning shall file such petition, with a plat of the affected property attached thereto, together with a payment of the amount determined by the town council from time to time as an appropriate fee for same to cover administrative costs, with the town clerk. The petitioner may also be required to submit additional information as may be useful and necessary to deliberations regarding the zoning change.

(2) After submission of a complete petition, proposed amendments to this zoning chapter shall be submitted to the town council for adoption, modification, or rejection. The town council shall have sixty (60) day in which to conduct a thorough study of the petition. Before the town council acts on an a petition for an amendment to this zoning chapter, it shall hold a public hearing thereon, at least 15 day's and not more than 45 prior to the date of the hearing notice of the time and place of which shall be published in a newspaper of general circulation in the town. In addition, the applicant or the applicant's agent shall erect, at least 15 days prior to the date of the hearing, in a conspicuous place on the property in question, a sign of not less than nine square feet, with not less than three inch black letters upon a white background, which shall read as follows:

NOTICE TO THE PUBLIC

A PETITION HAS BEEN FILED WITH THE TOWN OF SHARPSBURG THAT THIS PROPERTY BE CHANGED FROM ITS CURRENT (insert current district name) ZONING TO (insert requested district name) ZONING.

A PUBLIC HEARING WILL BE HELD AT A & O BRIDGES RECREATION CENTER LOCATED ON MAIN STREET IN SHARPSBURG ON (insert date) AT (insert time) P.M. ALL THOSE HAVING AN INTEREST IN THIS PETITION SHOULD BE PRESENT.

MAYOR AND TOWN COUNCIL

Failure to post or maintain the notice shall not, however, invalidate the actions taken.

(3) If an application for rezoning of property is denied by the town council, or a zoning different from that requested is granted, then the applicant or his successor may not apply for rezoning of the same property, or portion thereof, for 12 months immediately following the town council's decision on the initial application.

(4) If an applicant does not proceed to develop his/her property in a manner consistent with the rezoning within twelve (12) months from the date the town council granted the petition for rezoning, then the subject property will automatically revert to the zoning classification existing prior to the rezoning. This automatic reversion will not in any

manner affect a landowner's right to re-submit another petition for rezoning and the fact that the property reverted shall in no manner prejudice the petition.

14.2 Hearings on zoning matters; procedures

- (a) For the purposes of these procedures, the term "zoning decision" shall mean the final legislative action by the Town of Sharpsburg which results in:
 - (1) The adoption of a zoning ordinance;
 - (2) The adoption of an amendment to a zoning ordinance which changes the text of the zoning ordinance;
 - (3) The adoption of an amendment to a zoning ordinance which rezones property from one zoning classification to another;
 - (4) The adoption of an amendment to a zoning ordinance by the town which zones property to be annexed into the town; or
 - (5) The grant of a permit relating to a special use of property.
- (b) On all petitions for a proposed zoning decision that are referred to the town council, the council will hold a public hearing on such petitions at a regularly scheduled or properly called special meeting of the council. All public hearings shall be held at the usual location that the Mayor and Council hold meetings.
- (c) The governing, calling, and conducting of hearings shall be accomplished in accordance with the following policies and procedures:
 - (1) If any person desires a stenographic record of the proceedings, such persons shall make arrangement for such by informing the clerk of the town council, who shall arrange for a stenographer to record the proceedings. The costs of such shall be borne by the person or persons requesting stenographic recording. No stenographer not arranged for in accordance with these procedures shall be allowed to set up in the hearing room.
 - (2) The mayor shall indicate that a public hearing has been called for the consideration of zoning decisions and shall inquire as to conflicts of interest and campaign contributions. Thereupon the city council shall consider each application on an individual basis.
 - (3) For each application, the mayor shall poll the members of the town council as to conflicts of interest with the proposed zoning decision. The mayor shall also poll the applicant and persons speaking in opposition to the proposed zoning decision as to any campaign contributions that they have made to members of the town council and the mayor within the two years immediately preceding the filing of the petition or application for the proposed zoning decision.

- (4) When an application comes up for review, the mayor may ask for a show of hands for those persons who appear in support of/opposition to the petition. If it appears that the number of persons wishing to appear in support of/opposition to the petition is in excess of that which may reasonably be heard, the mayor may request that a spokesman for the group be chosen so that the entire presentation of the positions of those in support of/opposition to the petition shall not exceed twenty (20) minutes.
 - (5) For each proposed zoning decision, the proponents of the proposed zoning petition shall have a minimum of ten (10) minutes collectively for the presentation of data, evidence, and opinion; provided, however, that such presentation shall not exceed twenty (20) minutes in length, unless the mayor allows the proponents additional time for presentation.
 - (6) For each proposed zoning decision, the opponents of the proposed zoning petition shall have a minimum of ten (10) minutes collectively for the presentation of data, evidence, and opinion; provided, however, that such presentation shall not exceed twenty (20) minutes in length, unless the mayor allows the opponents additional time for presentation.
 - (7) The town council may request a report from the city staff on their recommendation and the recommendation of the planning and zoning commission if such commission exists.
 - (8) The applicant for the zoning amendment shall be allowed a short opportunity for rebuttal and final comments.
 - (9) After the above procedures have been completed, the mayor will indicate that the public hearing is formally closed.
- (d) After the public hearing is closed, the town council may either vote upon the proposed change or may delay their vote to a subsequent meeting; provided, that notice of the time, date, and location when such zoning decision is to be made shall be announced at the meeting during which that public hearing is held.
 - (e) The town clerk shall make available to the public printed copies of these procedures.

ARTICLE 15

The Zoning Ordinance shall be codified and Chapter 94 of The Town of Sharpsburg's Code of Ordinances.

ARTICLE 16

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

ARTICLE 17

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

ARTICLE 18

The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, sentence, paragraph, or section of this Ordinance shall be declared illegal by the valid judgment or decree of any court of competent jurisdiction, such an illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

ARTICLE 19

The repeal of any stricken, deleted or repealed language of this ordinance of the now former language of the Town of Sharpsburg (“ Former Language”) shall not be construed or held to repeal the Former Language as to any offense committed against such Former Language or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the Former Language, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the herein newly enacted language (“New Language”) takes effect, save only that proceedings thereafter shall conform to the New Language, so far as practicable. If any penalty, forfeiture or punishment be mitigated by any provision of the New Language, such provision may be, by the consent of the party affected, applied to any judgment announced after the New Language takes effect.

ARTICLE 20

Town ordinance number 05-01 entitled “Zoning Ordinance” adopted September 8, 2005 is repealed in its entirety.

Town ordinance number 01-1 entitled “Zoning Amendment Procedures” adopted January 8, 2001 is repealed in its entirety.

All other ordinances and parts of ordinances in conflict herewith are here by expressly repealed.

Date of first reading at a regular/open meeting of Council: September 18, 2006

Date of Public Hearing before Council at regular/open meeting: October 2, 2006

[signatures on next page]

APPROVED BY THE MAYOR AND COUNCIL OF THE TOWN OF SHARPSBURG at a regular meeting of the Mayor and Council on the _____ day of October, 2006, by the following voting for adoption:

Wendell L. Staley, Mayor

J. Clay Cole, Council Member

Larry W. Hyde, Council Member

Derrick G. McElwaney, Council Member

Standly D. Parten, Council Member

Attest:

Donna M. Camp, Town Clerk

Robin L. Spradlin, Town Administrator