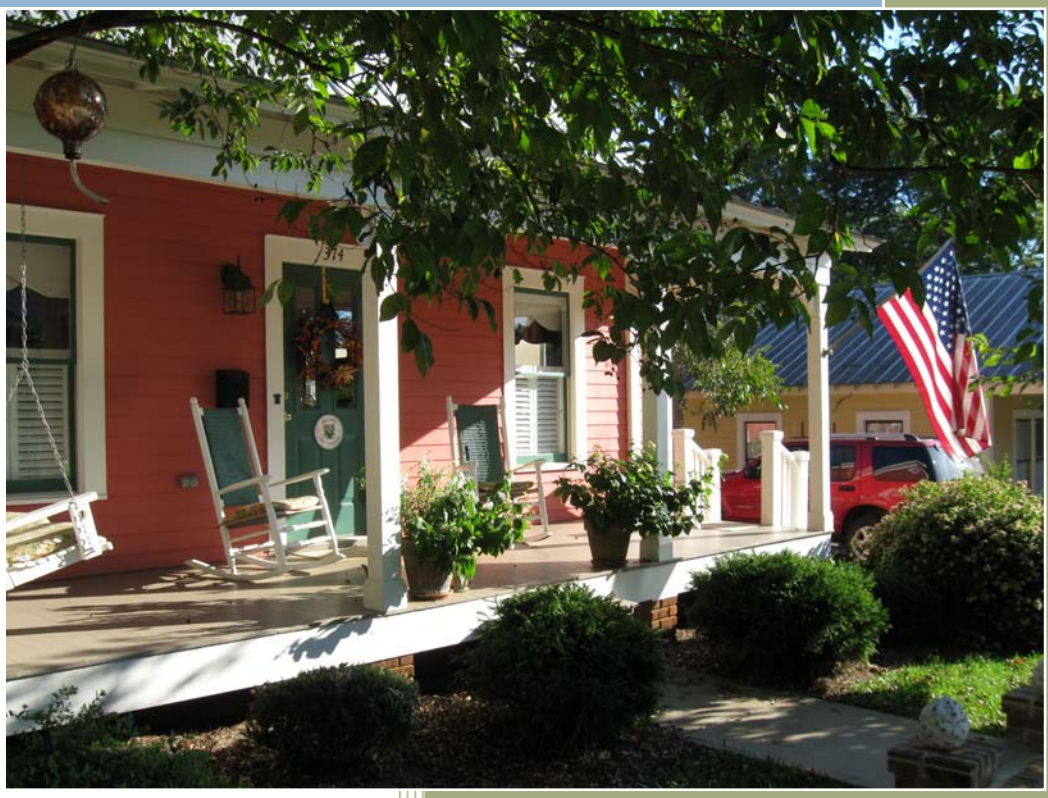
2011

Zoning Ordinance



MADISON
GEORGIA

Adopted - March 28, 2011

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Table of Contents

ARTICLE I: INTRODUCTION 2
Section 100 Title. 2
Section 110 Purpose, Authority, and Enactment. 2
Section 120 Jurisdiction. 2
ARTICLE II: DEFINITIONS 3
Section 200 General. 3
Section 210 Specific Definitions. 3
ARTICLE III: ESTABLISHMENT OF DISTRICTS 15
Section 300 Districts. 15
Section 310 District Boundaries. 15
Section 320 Rules for Determining District Boundaries When Uncertainty Exists. 16
Section 330 Procedures for Zoning of Property to Be Annexed. 16
ARTICLE IV: APPLICATION OF REGULATIONS 17
Section 400 Use. 17
Section 410 Reserved. 17
Section 420 Yards. 17
Section 430 One Principal Structure on a Lot. 17
Section 435 One Principal Use on a Lot. 17
Section 440 Accessory Structures or Uses. 17
Section 450 Building Permit Requirement. 17
Section 455 Building Permits Issuance. 17
Section 460 Buildings to Abut Public Streets. 17
Section 470 Relocation of Building Requirements. 17
ARTICLE V: GENERAL STANDARDS FOR ALL DISTRICTS 18
Section 500 Non-Conforming Buildings and Uses. 18
Section 510 Control of Curb Cuts and Vision Clearance. 20
Section 520 Off-Street Automobile Parking. 20
Section 530 - Off-Street Loading and Unloading Space 23
Section 540 Off-Street Storage and Parking of Vehicles and Equipment. 24
Section 550 Screening, Buffering, and Landscaping. 24
Section 560 Illumination. 27
Section 570 Lot Coverage. 27
Section 580 Performance Standards. 28
Section 590 Stormwater Management Standards. 29

Section 595 Small Parking Lots..... 33
ARTICLE VI: USE PROVISIONS BY DISTRICT.....35
Section 600 General. 35
Section 610 Residential Districts: R, R1, R2, R4, R6, R8. 35
Section 620 Commercial Districts: P-1, P-2, C-1, C-2, C-3, C-4. 39
Section 630 Industrial Districts: I-1 and I-2. 48
Section 640 - Overlay Districts: HPO, CDO, WPO 52
Section 641 - Historic Preservation Overlay District (HPO) 52
Section 642 Corridor Design Overlay District (CDO). 52
Section 643 - Water Protection Overlay District (WPO) 60
Section 650 - Planned Development Districts: PRD, PPD, PCD, PID 62
Section 651 - Planned Residential District (PRD). 65
Section 652 Planned Professional District (PPD). 65
Section 653 - Planned Commercial District (PCD). 66
Section 654 Planned Industrial District (PID). 66
Section 660 Interpretation of Uses. 66
ARTICLE VII: DIMENSIONAL REQUIRMENTS AND EXCEPTIONS.....68
Section 700 - Charts of Dimensional Requirements 68
Section 710 - Exceptions and Modifications 72
ARTICLE VIII: SUPPLEMENTARY STANDARDS FOR SPECIFIC USES 73
Section 800 Accessory Structures and Uses. 73
Section 810 Reserved. 79
Section 820 Cemeteries. 79
Section 830 Grocer: Convenience Stores. 79
Section 831 Grocer: Retail Packaged Liquor Stores. 80
Section 832 Archery Range or Firing Range. 80
Section 833 Office Parks and Shopping Centers. 80
Section 840 Individual ~~MOBILE AND~~ Manufactured Homes. 82
Section 845 Manufactured Home Parks. 87
Section 850 Attached Dwellings. 89
ARTICLE IX: TELECOMMUNICATION TOWERS & ANTENNAS 94
Section 900 Intent and Purpose. 94
Section 910 Applicability. 94
Section 920 Permitting Requirements. 94
Section 930 General Tower and Antenna Regulations. 95
Section 940 Towers and Antennas Permitted. 96

Section 950 Towers and Antennas Which Require Administrative Approval. 96
Section 960 Towers and Antennas Which Require a Conditional Use Permit. 96
ARTICLE X: SIGNS 97
Section 1000 Intent and Purpose. 97
Section 1010 Definitions. 97
Section 1020 Permitting Requirements. 100
Section 1030 Signs Which Require No Permit or Certificate of Appropriateness. 101
Section 1035 Signs Which Require No Permit but Require a Certificate of Appropriateness. 101
Section 1040 Temporary Sign Permits. 102
Section 1050 Prohibited Signs. 102
Section 1060 General Sign Regulations. 103
Section 1075 Additional Signs Permitted in Specific Districts. 106
Section 1090 - Non-Conforming Signs 107
ARTICLE XI: ADMINISTRATION & ENFORCEMENT 108
Section 1100 Enforcement. 108
Section 1105 Permitting Requirements. 109
Section 1110 Planning Commission. 109
Section 1115 City Council. 110
Section 1119 Amendment to the Comprehensive Plan. 110
Section 1120 Zoning Ordinance Amendments. 110
Section 1125 Conditional Uses. 113
Section 1130 Variances. 114
Section 1150 Disclosure of Campaign Contributions and/or Gifts. 117
Section 1160 Conflict of Interest In Zoning Decisions. 118
ARTICLE XII: LEGAL PROVISIONS 119
Section 1200 Conflict with Other Laws. 119
Section 1210 Severability. 119
Section 1220 Repeal of Conflicting Ordinances. 119
Section 1230 Effective Date. 119

ARTICLE I: INTRODUCTION

Section 100 Title.

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF MADISON, GEORGIA, CREATING ZONING DISTRICTS AND REGULATING LAND THEREIN, INCLUDING REGULATING THE LOCATION, HEIGHT, BULK, NUMBER, SIZE AND APPEARANCE OF BUILDINGS AND STRUCTURES, THE SIZE OF YARDS, COURTS AND OTHER OPEN SPACES, THE DENSITY AND DISTRIBUTION OF POPULATION, THE USES OF BUILDINGS AND STRUCTURES AND LAND FOR RESIDENCE, COMMERCE, INDUSTRY, RECREATION, PUBLIC ACTIVITIES OR OTHER PURPOSES; ADOPTING A MAP FOR THE PURPOSE OF ESTABLISHING THE BOUNDARIES OF SAID DISTRICTS; ADOPTING GENERAL ZONING REGULATIONS; PRESERVING BUILDINGS, STRUCTURES OR AREAS HAVING NATIONAL, REGIONAL, STATE OR LOCAL HISTORIC SIGNIFICANCE; PROTECTING AND ENHANCING SIGNIFICANT SCENIC, NATURAL AND VISUAL ASSETS OF COMMUNITY GATEWAYS AND CORRIDORS; ENSURING MAXIMUM PROTECTION FOR WATER SUPPLY WATERSHEDS, GROUNDWATER RECHARGE AREAS AND WETLANDS; PROVIDING SUPPLEMENTAL STANDARDS FOR SPECIFIC USES, TOWERS AND ANTENNAS AND SIGNS; PROVIDING A METHOD OF ADMINISTRATION AND AMENDMENT; PROVIDING FOR PENALTIES FOR VIOLATIONS; REPEALING CONFLICTING ORDINANCES; DEFINING CERTAIN TERMS USED HEREIN; AND FOR OTHER PURPOSES.

Section 110 Purpose, Authority, and Enactment.

Pursuant to the authority conferred by Article IX, Section II, Paragraph IV, of the Georgia Constitution of the State of Georgia, as amended, and for the purposes of promoting the health, safety, morals, convenience, order, prosperity and the general welfare of the municipality; 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; improving the aesthetic appearance of the municipality; promoting desirable living conditions and sustained stability of neighborhoods; preserving the value of buildings and encouraging the most appropriate use of land and buildings throughout the municipality; facilitating the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; following, where possible, the guidance of the comprehensive plan, the Mayor and Council of the City of Madison, Georgia, hereby ordain and enact into law the **Official Zoning Ordinance of the City of Madison, Georgia,** as amended for the incorporated area of the City of Madison for planning and zoning control purposes.

Section 120 Jurisdiction.

This Ordinance shall govern the use and development of all land, buildings, and structures within the incorporated limits of Madison, Georgia.

ARTICLE II: DEFINITIONS

Section 200 General.

Except as specifically provided herein, all words used in this Ordinance shall have their customary dictionary definitions. Unless otherwise expressly stated, the following words shall have the meaning herein indicated.

(1) Words used in the present tense include the future tense.
(2) Words used in the singular include the plural, and words used in the plural include the singular.
(3) The word "person" includes any natural person(s), firm, association, organization, partnership, corporation, trust, company and all other legal entities.
(4) The word "lot" includes the word "plot" or "parcel."
(5) The word "building" includes the word "structure.
(6) The word "shall" is mandatory.
(7) The word "used" or as applied to any land or building shall be construed to include the words "intended, arranged or designed to be used."
(8) The word "map," "zoning map" or "Madison Zoning Map" shall mean the "Official Zoning Map of the City of Madison, Georgia."
(9) The word "ordinance" shall mean the "Official Zoning Ordinance of the City of Madison, Georgia."
(10) The words "owner occupied" shall mean claimed as the domicile, as well as resided in, by a natural person with 50% or larger ownership interest. Evidence of domicile and/or residence shall include but not limited to the 50% or larger owner's providing the following evidence that the property is that person's primary residence:
    a) he/she sleeps overnight at the property 183 or more nights a year;
    b) he/she receives mail at the property as that person's primary address;
    c) his/her voter registration is at the property address;
    d) bank account shows the property as his/her address;
    e) vehicles are registered at the property address; and
    f) IRS records show the property as his/her primary address.

Section 210 Specific Definitions.

When used in this ordinance, the following words and phrases, whether capitalized or not, shall have the meaning indicated in this Section. Additional definitions pertaining to specific sections may be found in Section 642.2, 1010 and 1160.

(1) <u>ACREAGE, GROSS</u>: A measurement of the total area within a parcel of land.
(2) <u>ACREAGE, NET</u>: Gross acreage exclusive of dedicated public road rights-of-way, public use areas, flood control and drainage areas, and any easement constituting a substantial impairment of the fee.
(3) <u>ADDITION</u>: Any extension, increase, or enlargement in the size of a building in terms of height, length, width, gross floor area or lot coverage.
(4) <u>ADULT USE</u>: An establishment described and regulated in detail in the Madison City Code at Section 10-003 entitled Adult Entertainment Establishments which, for any form of consideration, provides adult entertainment services or activities defined below:

Erotic Dance Establishment. An adult entertainment establishment which features live performances by topless and/or bottomless dancers; dancers wearing lingerie; dancers wearing panties, thongs, or g-strings and pasties; go-go dancers; strippers; or similar entertainers whose performances are distinguished or characterized by the display of partial nudity and/or exposure of specified anatomical areas. The performance of specified sexual activities is prohibited. The display of Specified Anatomical Areas is prohibited.

Adult Bookstore. An adult bookstore is herein defined as (i) an establishment having as a portion of its stock in trade, books, magazines, or other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, and which has a display area or section of such materials of more than ten square feet or (ii) an establishment which derives 5% or more of its gross sales from the sale or rental of such materials.

Adult Motion Picture Theater. An enclosed building with a capacity of fifty (50) or more persons which, on a regular, continuing basis, is used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

Adult Motion Picture Mini-Theater. An enclosed building with a capacity of less than fifty (50) persons which, on a regular, continuing basis, is used for commercially presenting material distinguished or characterized by an emphasis on matters depicting or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

Adult Motion Picture Arcade. Any place to which the public is permitted or invited wherein coins or slug-operated or electronically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, typically in a booth, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing specified sexual activities or specified anatomical areas.

Adult Video Store. An (i) establishment having as its stock in trade video tapes or movies or other reproductions, whether for sale or rent, which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas; or (ii) an establishment with a segment or section, comprising five (5) percent or more of its total floor space, devoted to the sale or display of such material; or (iii) an establishment which derives more than five (5) percent of its net sales from videos or movies or other reproductions which are characterized or distinguished by their emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas.

Escort Bureau/Introduction Service. Any business, agency, or person(s) who, for a fee, commission, hire, reward, or profit, furnishes or offers to furnish names of or who introduces, furnishes or arranges for persons whose practice is to engage in specified sexual activities or to expose their and/or their patrons' specified anatomical areas, who may accompany other persons to or about social affairs, entertainment, or places of amusement, or who may consort with others about any place of public resort or within any private quarters. Escort Bureau/Introduction Service establishments are prohibited.

Massage Parlor. A business used for commercial entertainment, sometimes also described as a "bath house," where the patron directly or indirectly is charged a fee to engage in personal contact with or to allow personal contact by employees, devices, or equipment or by personnel provided by the establishment which involves Specified Sexual Activities or Specified Anatomical Areas. Massage Parlor establishments are prohibited.

(5) ADULT USE, SPECIFIED ANATOMICAL AREAS: As used herein, specific anatomical areas means and includes any of the following: less than completely and opaquely covered human genitals or pubic region; cleft of the buttocks; or the uncovered nipple or areola of the female breast or the exposure of any device worn as a cover over the nipples and/or areola of the female breast, which device simulates and gives the realistic appearance of nipples and/or areola; or human male genitalia in a discernible turgid state, even if completely and opaquely covered.

(6) ADULT USE, SPECIFIED SEXUAL ACTIVITIES: As used herein, specific sexual activities means and includes any of the following: Sexual Conduct as defined by GA Code Section 36-60-3 and described in GA Code Section 3-3-41(a), as written on July 1, 2006 and Sexually Explicit Nudity as defined by GA Code Section 36-60-3, as written on July 1, 2006.

(7) AGRICULTURAL: A use or occupancy for an enterprise involving farming, including plowing, tillage, cropping, installation of best management practices, seeding, cultivating, or harvesting for the production of food and fiber products.

(8) ALLEY: A platted service way providing a secondary means of access to abutting properties.

(9) ALTERATION: Includes without limitation any enlargement or diminution of a building or structure, addition, relocation, demolition, repair, remodeling, change in number of living units, development of or change in open space, development of or change in a sign by painting or otherwise, or other change in a facility. This excludes ordinary maintenance for which no building permit is required, replacement of utilities, rearrangement of internal partitions, and painting except as provided herein for signs.

(10) APARTMENT: A dwelling unit containing one (1) room or a suite of rooms, with a kitchen and bath, used as an individual dwelling unit within a portion of a building and usually used for rental purposes. Apartments shall be distinguished from lodging establishments where overnight accommodations, which include a bath and may include a kitchen, are provided to guests for thirty (30) days or less.

(11) APARTMENT, ACCESSORY: A subordinate apartment unit, as a mixed use, located within a building with a commercial principal use.

(12) APARTMENT BUILDING: A dwelling unit exclusively used for five (5) or more apartment units, except as otherwise expressly authorized by this Ordinance.

(13) APARTMENT HOUSE: A dwelling unit exclusively used for two (2) to four (4) apartment units and having the proportions, scale, features, and appearance of a single-family dwelling.

(14) ARCHERY RANGE AND/OR FIRING RANGE: Use of property where firearms and/or archery equipment are allowed for indoor practice by adults.

(15) BASEMENT: A space having one-half (1/2) or more of its floor-to-ceiling height below the average level of the adjoining ground and with a floor-to-ceiling height of not less than six and one-half (6-1/2) feet.

(16) BED AND BREAKFAST (B&B): An owner-occupied single-family dwelling providing lodging or lodging and breakfast for no more than four (4) guest rooms for compensation, operated by the domiciliary, resident, natural person owner

with a 50% or larger ownership interest, under prescribed conditions of use; the primary use is for a residence as opposed to business use.

(17) BED AND BREAKFAST INN (B&B Inn): A lodging establishment located in an owner-occupied building with five (5) to twelve (12) guest rooms that provides overnight accommodations and meals to paying guests. The inn's primary use is for business as opposed to residential use, may include commercial restaurant and kitchen facilities, and may serve special events, such as weddings, small business and civic meetings under prescribed conditions of use.

(18) BEST MANAGEMENT PRACTICES (BMPs): A wide range of management procedures, schedules of activities, prohibitions on practices and other management practices which have been demonstrated to effectively control the quality and/or quantity of stormwater runoff and which are compatible with the planned use. Design of BMPs shall be in accordance with the ***Manual for Erosion and Sediment Control in Georgia***, most recent edition.

(19) BLOCK: A piece or parcel of land entirely surrounded by public streets, other than alleys.

(20) BUFFER/BUFFERING: A portion of a lot or land area providing visual separation of one use from another and mitigating the effects of one land use upon another through the use of distance, vegetation and screening. Also referred to as a landscape buffer and differentiated from a stormwater buffer. Not to be confused with landscaping/landscape area.

(21) BUFFER WIDTH: Viewed aerially, buffer width is measured horizontally on a line perpendicular to the adjoining right-of-way or property line from which the use must be buffered. Buffer width is required in addition to the right-of-way and landscape requirements.

(22) BUILDING: Any structure having a roof supported by columns or walls and intended for shelter, housing, or enclosure of persons, animals, goods, or equipment.

(23) BUILDING, ACCESSORY: A structure detached from the principal building that:
(a) is subordinate to and serves a principal building or a principal use;
(b) is subordinate in area, extent, and purpose to the principal building served;
(c) is located on the same lot as the principal building served, except as otherwise expressly authorized by this Ordinance;
(d) is customarily incidental to the principal building. See also Section 800.1.

(24) BUILDING, PRINCIPAL: A building in which is conducted the principal use of the lot. In any residential district, any dwelling shall be deemed to be a principal building.

(25) BUILDING HEIGHT: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the building, excluding any antenna. Height shall mean when referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

(26) BUILDING & CODE OFFICIAL: The individual, designated by the City Manager, responsible for the implementation and enforcement of building codes, construction and design standards and such other ordinances assigned to his/her department. Also referred to as the Building Inspector.

(27) BUILDING & ZONING ADMINISTRATOR: The City Manager or his/her designee who is responsible for the administration of all municipal codes, standards, regulations and criteria related to building and zoning and responsible for the oversight of the Building & Code Official and the Zoning & Planning Official. Previously referred to as the Building Official.

(28) CAMPGROUNDS: Use of property for overnight outdoor camping and/or educational, outdoor sports, or retreat purposes for seasonal or short-term occupancy (less than 30 days). Shall be strictly construed as to not include recreational vehicle campgrounds.

(29) CERTIFICATE OF APPROPRIATENESS (COA): A document, required prior to a building permit, approving an application to make a alteration or a material change in the appearance of a property or of a structure, site, or work of art located in the Historic Preservation Overlay District (HPO) or the Corridor Design Overlay District (CDO) granted in accordance with the Madison Historic Preservation Commission Ordinance or Section 642 of this ordinance, respectively.

(30) CERTIFICATE OF COMPLIANCE: See Letter of Compliance (LOC).

(31) CERTIFICATE OF OCCUPANCY (CO): A document issued by the Building & Code Official approving an application to occupy a building as a condition precedent to the commencement of use after the construction or reconstruction of a structure or portion thereof, certifying that said use and structure are in compliance with the provisions of this Ordinance and all applicable municipal codes, regulations, standards and criteria, and granted in accordance with Section 1105.2 of this Ordinance.

[AMENDMENT – 14-5.12_Child & Personal Care]

(32) CHILD-CARE HOME, FAMILY: A facility in a private residence providing for the care, supervision, and protection (with or without academic instruction) of children in which the dwelling is occupied by the provider of these services and

where no more than six (6) children under eighteen (18) years of age are received for group care without transfer of custody for more than four (4) hours and less than twenty-four (24) hours per day. Also referred to as Family Child-Care Home or Day Care Home. Shall be strictly construed as to not include Group Child-Care.

(33) CHILD-CARE CENTER: A facility other than a private residence providing for the care, supervision, and protection (with or without academic instruction) of children which is licensed by the state and city, where seven (7) or more children under the age of eighteen (18) years of age are received for group care without transfer of custody for less than twenty-four (24) hours, and where tuition, fees, or other forms of compensation for the care of the children is charged. Also referred to as a Child Care Learning Center.

(34) CHURCH: An institutional building or buildings wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious congregation or body organized to sustain public worship, includes synagogue, temple, mosque, or other such places of worship.

(35) CHURCH, COMMUNITY: A church with a seating capacity of between three hundred (300) and six hundred (600) persons in the sanctuary or main activity area and additional gross floor area is limited to church offices, culinary, nursery and toiletry areas, and group meeting rooms.

(36) CHURCH, MEGACHURCHES: A large, specialized type of church with a seating capacity of more than six hundred (600) persons in the sanctuary or main activity area and that may also include additional gross floor area for church offices, culinary, nursery and toiletry areas, and group meeting rooms. Megachurches often encompass one or more nontraditional accessory uses including child-care, schools and after school programs, overnight accommodations, retail sales, soup kitchens, thrift shops, community shelter, recreational facilities, and other such uses.

(37) CHURCH, NEIGHBORHOOD: A church with a seating capacity of three hundred (300) persons or less in the sanctuary or main activity area and additional gross floor area is limited to church offices, culinary, nursery and toiletry areas, and group meeting rooms.

(38) CLINIC: A healthcare establishment where human patients are examined and treated on an outpatient basis by one or more physicians, dentists or other medical personnel and where patients are usually not lodged overnight.

(39) CLUB, NONPROFIT: Buildings and facilities owned or operated by a civic organization for social, intellectual, philanthropic, or recreational purposes to which membership is required and which are not operated for profit, as documented by state or federal records.

(40) COMMERCIAL: A use or occupancy by persons generally engaged in the buying and/or selling of commodities and services.

(41) CONCRETE BATCH PLANT A ready-mixed concrete production plant engaged primarily in the manufacture of concrete which is delivered to users in a plastic and unhardened state. Aggregate and cement are manufactured off-site and brought to the batch plant where they are mixed with water to produce concrete.

(42) CONDOMINIUM: A type of ownership of attached or detached dwelling units, offices, or other space within a structure, as defined by the provisions of the Georgia Condominium Act, O.C.G.A. 44-3-70 et seq. in which each unit is independently owned and financed by the occupant but in which all lands are commonly owned.

(43) CONVENIENCE STORE: A retail grocery establishment designed and stocked to quickly serve customers who purchase only a relatively few items, selling primarily packaged foods, beverages and snacks, and household supplies, with accessory retail sales of fuel, prepared food, and beer and wine. A convenience store is differentiated from a fuel station, where the primary use is fuel sales.

(44) COUNCIL: The Mayor and Council of the City of Madison, Georgia.

(45) CRAFTSMAN STUDIO: An establishment dedicated to the instruction and creation of decorative arts and furnishings including but not limited to wood, glass, and stone. Integral to the studio must be a retail component and an area where the public may observe the craftsman creating custom items for retail sales. No outside storage, construction, or assembly is permitted.

(46) DENSITY: The number of principal buildings or principal uses permitted per gross acre of land.

(47) DETENTION: A stormwater management method where stormwater runoff is temporarily stored. The runoff is then released at controlled rates.

(48) DISTRICT: A part or section of the City of Madison within which the zoning regulations are uniform.

(49) DUPLEX: See Dwelling, Two-Family.

(50) DWELLING UNIT, DETACHED: See Dwelling, Single-Family.

(51) DWELLING / DWELLING UNIT: A building or portion thereof, with living, sleeping, culinary, and sanitary accommodations, designed for or used for human habitation.

(52) DWELLING, ACCESSORY: A subordinate single-family dwelling unit located within or constructed on the same lot as a single-family dwelling.

[AMENDMENT – 14-8.11_Live/Work Units]

() DWELLING, LIVE/WORK UNITS: A dwelling unit exclusively designed for or used by one (1) family, where the predominant space is used for residential occupancy with a secondary space, separated or interconnected, utilized for work activity by the residential occupant.

(53) DWELLING, MULTI-FAMILY: A type of attached dwelling unit exclusively designed for or used by three (3) or more families with each family occupying an independent dwelling unit.

(54) DWELLING, SINGLE-FAMILY: A dwelling unit exclusively designed for or used by one (1) family that is a detached, freestanding building.

(55) DWELLING, TENANT: An accessory single-family dwelling unit located on a farm and occupied by a non-transient farm worker employed by the owner of the farm.

(56) DWELLING, TOWNHOUSE: A type of attached dwelling unit that is two stories in height which has outside, individual front and rear entrances, is separated from other dwellings by fire-rated common walls extending from the foundation to the roof decking, and is part of a contiguous group of no more than four (4) townhouses, and shall be considered a multi-family dwelling.

(57) DWELLING, TWO-FAMILY: A type of attached dwelling unit exclusively designed for and occupied by two (2) families with each family occupying an independent dwelling unit and having the exterior proportions, scale, features, and appearance of a single-family dwelling.

(58) EDUCATIONAL FACILITIES, PRESCHOOL: A facility other than a private residence that is primarily educational in nature providing for the instruction, care, supervision, and protection of children usually between three and five (3-5) years of age, where seven (7) or more children are received for group instruction and care for four (4) hours or less per day. This terms encompasses nursery school. This term is distinguished from day schools (see school) and after school programs (see child-care).

(59) EDUCATIONAL FACILITIES, SCHOOL: A facility other than a private residence that is educational in nature providing for the instruction, care, supervision, and protection of children between the kindergarten and high school levels, where seven (7) or more children under the age of eighteen (18) years of age are received for group instruction and care without transfer of custody for more than four (4) hours and less than twenty-four (24) hours per day. Also referred to as a day school. This term encompasses elementary/primary, secondary/middle/junior high, and high school levels.

(60) EDUCATIONAL FACILITIES, SCHOOL FOR THE ARTS: A facility where group instruction or classes in the various arts (e.g. dance, painting, sculpting, singing, karate) are taught to four (4) or more persons at a time. Also referred to as studios.

(61) EDUCATIONAL FACILITIES, UNIVERSITY/COLLEGE: A facility for post-secondary education authorized by the state to award associate, baccalaureate, or higher degrees.

(62) EXTERIOR ARCHITECTURAL FEATURE: The architectural style, general design, and general arrangement of the exterior of a structure, including, but not limited to, the texture of the building material, the type and style of all windows, doors, and signs, and other related architectural fixtures, features, details, or elements.

(63) FABRICATION: The preparation or treatment of semi-processed materials for use in creating a final product. The final product which may be assembled on site or distributed to a secondary facility for assembly.

(64) FAMILY: One (1) or more persons related by blood, marriage, adoption, or guardianship living together and occupying a dwelling as a single housekeeping unit or household, or no more than four (4) unrelated persons living together and occupying a dwelling as a single housekeeping unit or household.

(65) FLOOR AREA: The total area of all floors of a building as measured to the outside surfaces of exterior walls or from the centerline of walls separating two (2) connecting buildings, and including halls, stairways, and elevator shafts, but excluding attached garages, porches, balconies, unfinished basements, and attics with clearance less than seven (7) feet.

(66) FLOOR AREA, GROUND: The floor area of the grade level of a building, thus excluding basement or upper stories.

(67) GAME CENTER: Use of property where games (including video games, arcade games, pinball machines, billiard/pool tables, and other similar recreational games) are offered for indoor play. Shall be strictly construed as to not include monetary gambling devices, gaming tables, or other such games of chance.

(68) GYMNASIUMS: Non-commercial use of property for physical fitness facilities encompassing organized and unorganized athletic activities (including pools; courts for basketball, squash, racquetball, and other similar sports; and shower/locker facilities) which are offered for indoor activity.

(69) HEALTH/FITNESS CENTER: Use of property for health and physical fitness facilities encompassing equipment and classes which are offered for indoor activity.

(70) HEAVY INDUSTRIAL: Uses engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials. Includes manufacturing processes using flammable or explosive materials; storage of flammable or explosive materials; or storage or manufacturing processes that potentially involve hazardous or

commonly recognized offensive conditions. Operations typically do not make reasonable attempts to control the external effects of the manufacturing process, such as smoke, noise, soot, dirt, vibration, odor, etc.

(71) HEAVY MANUFACTURING: The manufacture and compounding of raw materials which may require outdoor operations as part of the process. Heavy manufacturing is specifically excluded from the I-1 and I-2 Zoning Districts.

[AMENDMENT – 13-11.11_Historic Site and Museum]

() HISTORIC SITE/MUSEUM: A property and/or building of historic significance operated as a permanent, staffed institution and open to the public on a regular schedule.

(72) HOME OCCUPATION: See Section 800.3.

(73) HOTEL: A building in which lodging is provided with thirteen (13) or more guest rooms and offered to the public for compensation and in which access to each guest room is made through interior corridors or hallways.

(74) IMPERVIOUS SURFACE: Any hard-surfaced, man-made area that does not readily absorb water, including but not limited to building roofs, paved or graveled areas, and parking, driveway, and walkway areas.

(75) INDUSTRIAL: A use or occupancy by persons engaged in the manufacture, fabrication, processing, reduction, or destruction of any article, substance or commodity, or any other treatment thereof in such a manner as to change the form, character, or appearance thereof, and includes without limitation storage elevators, truck storage yards, warehouses, wholesale storage, and/or other similar types of enterprise.

(76) INDUSTRIAL, LIGHT: An industrial use that is capable of operation in such a manner as to control all external effects of the manufacturing process, such as smoke, noise, soot, dirt, vibration, odor, etc. As opposed to "heavy industry," an industrial use that produces moderate to significant external effects or that poses moderate to significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, excessive smoke, dust, or dirt or other nuisance or hazardous substances in the manufacturing or other process.

(77) INDUSTRIALIZED BUILDINGS: Any structure or component thereof wholly or substantially made, or assembled in manufacturing facilities for assembly and/or installation such that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof. "Industrialized building" does not include manufactured housing. All industrialized buildings shall bear the seal of the Georgia Department of Community Affairs.

(78) INN: A building or buildings in which lodging with five (5) to twelve (12) guest rooms , offered to the public for compensation including commercial restaurant and kitchen facilities as well as special event rentals both outdoor and indoor. The term should not be confused with a Bed & Breakfast Inn, where owner occupation is requisite and prescribed conditions of use apply.

(79) INSTITUTIONAL: A use or occupancy by persons engaged in nonprofit or quasi-public uses that provides a public service and is operated by government, utility, university, school or college, church or other religious organization, public agency, or tax-exempt organization (for example: library, hospital.)

(80) JUNKED AUTOMOBILE: Any wrecked, dismantled, partially dismantled, inoperative, or discarded automobile not currently licensed.

(81) KENNELS: Any location for raising, grooming, caring for, boarding or treating of dogs, cats, or other small animals.

(82) LANDSCAPING/LANDSCAPE AREA: A portion of lot or land area, either natural or modified for aesthetic or functional purposes through grading and planting, consisting of vegetation including but not limited to trees, shrubs, ground covers, grass, flowers, decorative rock, bark, mulch and other similar materials.

(83) LAUNDRY & DRY-CLEANING SERVICE: A facility that provides washing, drying, dry-cleaning and/or pressing services for a charge.

(84) LAUNDRY & DRY-CLEANING SERVICE, STATION: A facility used exclusively for the pickup and delivery of laundry and/or dry-cleaning without any cleaning service equipment upon the premises.

(85) LAUNDRY, SELF-SERVICE: A facility that provides washing, drying, dry-cleaning, and/or ironing equipment for rental use to the general public. Also referred to as a Laundromat.

(86) LIGHT DUTY TRAILERS: Light duty trailers are one or two axle trailers that may or may not be enclosed, capable of being pulled by passenger vehicles and are only used to haul equipment and materials.

(87) LIGHT INDUSTRIAL: Uses engaged in research and development activities, the manufacturing, compounding, processing, packaging, storage, assembly and/or treatment of finished or semi-finished products from previously prepared materials where all activities are conducted wholly within an enclosed building.

(88) LIGHT MANUFACTURING: The manufacture, predominantly from previously prepared materials or finished products or parts, including processing, fabrication, assembly, treatment and packaging of a such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and heavy manufacturing.

(89) LOADING SPACE: A space within the principal building or on the same lot, providing for the loading or unloading of trucks and other carriers.

(90) LOFT: A dwelling unit containing one (1) room or a suite of rooms, with a kitchen and bath, used as an individual dwelling unit within the upper floors or basement level of a building and where the ground floor level is reserved for non-residential uses.

(91) LOT: The basic development unit, an area with fixed boundaries, used by one (1) building and its accessory building and not divided by any street or alley. A lot must meet the requirements of the zoning district in which it is located and must have lot frontage on a public street. Right of way shall not be included in the area of a lot.

(92) LOT, CORNER: A lot abutting two (2) or more streets at their intersection.

(93) LOT, DOUBLE FRONTAGE: A non-corner lot abutting two (2) non-intersecting streets, as distinguished from a corner lot.

(94) LOT, INTERIOR: A non-corner lot.

(95) LOT COVERAGE: A measure of the intensity of land use that represents the portion of a site that is impervious surface.

(96) LOT DEPTH: The distance between front and rear lot lines. If said lines are not parallel, the depth shall be the average distance between the front and rear lot lines.

(97) LOT FRONTAGE: The distance along which the front lot line of a parcel adjoins a street.

(98) LOT LINE: The line of record bounding a parcel that divides one (1) lot of record from another lot of record or from a street or other public open space. Also referred to as a property line.

(99) LOT OF RECORD: A lot designated on a subdivision plat or deed and duly recorded in the Office of the Clerk of the Superior Court of Morgan County.

(100) LOT WIDTH: The horizontal distance between side lot lines measured at the required setback from the front lot line.

(101) MANUFACTURED HOME: means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on site, meets or exceeds the square footage requirement of the zoning district and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, *et seq*. (COUNTY DEFINITION)

(102) MANUFACTURED HOME PARK: means any property on which two (2) or more manufactured homes are located or intended to be located for purposes of residential occupancy. (COUNTY DEFINITION)

(103) MANUFACTURED HOME SPACE: A lot within a manufactured home park designed for the placement of one (1) manufactured or mobile home.

(104) MATERIAL CHANGE IN APPEARANCE: The construction of a new structure, or a change that will affect the exterior architectural features of any structure, site, or work of art within the HPO or CDO districts. Ordinary maintenance or repair of any exterior architectural feature in or on a structure that does not involve a change in design is expressly excluded from the definition of the term "material change in appearance." Material change in appearance includes without limitation the following:

(a) a reconstruction or alteration of the size, shape, or facade of a structure, including without limitation relocation of any doors or windows or removal or alteration of any architectural features, details, or elements;

(b) demolition of a structure;

(c) relocation of a structure within the HPO or CDO districts or from a location outside the HPO or CDO districts to a location within the HPO or CDO districts;

(d) commencement of excavation;

(e) a change in the location of advertising visible from the public way on the property; or

(f) the erection, alteration, restoration, or removal of any structure within HPO or CDO districts, including walls, fences, steps, and pavement, or other related site features.

(105) MOBILE HOME: means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, when erected on site, meets the square footage requirement of the zoning district, 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; and which has not been inspected and approved as meeting the requirements of the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. 5401-5445). For purposes of regulation, these are regulated exactly the same as Manufactured Homes in Section 840 and the term thus used interchangeably. (COUNTY DEFINITION)

(106) MOTEL: A building or buildings for lodging with thirteen (13) or more guest rooms and offered to the public for compensation with access to each guest room from outside the building.

(107) MULTI-FAMILY: See Dwelling, Multi-Family.

(108) NEIGHBORHOOD ACTIVITY CENTER: Use of property where a residential development has uses and or facilities (including pools, tennis courts, playgrounds, clubhouses, golf courses, and other similar uses) available for residents of the development and their guests.

(109) NON-CONFORMING CHARACTERISTIC OF USE: A feature of a property, including without limitation accessory structures and uses, parking, loading and unloading spaces, storage and parking areas, screening, screening, buffering and landscaping, illumination, towers and antennas, signs, or condition(s) of a conditional use, which was legal prior to this Ordinance, or amendment thereto, but which is not allowed under this Ordinance or amendment thereto. See Section 500.

(110) NON-CONFORMING LOT: A lot that the area, dimension, or location of which was legal prior to this Ordinance, or amendment thereto, but which is not allowed under this Ordinance or amendment thereto. See Section 500.

(111) NON-CONFORMING STRUCTURE: A building or structure that the size, dimensions or location of which was legal prior to this Ordinance, or amendment thereto, but which is not allowed under this Ordinance or amendment thereto. See Section 500.

(112) NON-CONFORMING USE: A use or activity which was legal prior to this Ordinance, or amendment thereto, but which is not allowed under this Ordinance or amendment thereto. See Section 500.

(113) OFFICE PARK A development having a single land use encompassing multiple professional occupancies with independent business licenses in two (2) or more buildings planned, designed, constructed, and/or managed to function as a unified complex: with tenants engaged in similar business, a cohesive architectural design, shared off-street parking, separation of goods delivery and customer access, landscaped open space areas, and connecting pedestrian amenities as an integral part of the complex. For minimum requirements and land uses regulations, see Section 833.

(114) OPEN SPACE: A parcel or area of land or water set aside, dedicated, designated, or reserved for public or private use in an essentially undeveloped or unimproved state that would: (1) conserve and enhance natural or scenic resources; (2) protect streams or water supply; (3) promote conservation of soils or wetlands; (4) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations, or sanctuaries; or (5) enhance passive or active recreation areas.

(115) PARK, ACTIVE: Non-commercial use of property for active enjoyment encompassing organized and unorganized athletic activities (including but not limited to athletic fields and playgrounds as well as tennis courts and swimming pools.) Shall not be construed to include golf courses nor driving ranges.

(116) PARK, PASSIVE: Non-commercial use of property for beautification and passive enjoyment (including but not limited to open space and green space areas, arboretums and preserves, point and pocket parks, and linear parks and/or trail systems). Shall not be construed to include camps or campgrounds.

(117) PARKING, OFF-STREET: A space for parking of motor vehicles provided on premises other than streets that is at least nine (9) feet wide and twenty (20) feet long with a minimum net area of one hundred and eighty (180) square feet, excluding area for egress and ingress and maneuvering of motor vehicles.

(118) PARKING AREA: An accessory use of a property for the purpose of parking or storage of no more than three (3) motor vehicles of the occupants of a principal building.

(119) PARKING GARAGE, PUBLIC: A building or portion thereof designed and/or used for parking or storage of motor vehicles, that is available to the general public and which may be provided for compensation, free, or as an accommodation to clients, customers, or employees.

(120) PARKING GARAGE, PRIVATE: A building or portion thereof designed and/or used for parking or storage of motor vehicles that primarily intended for the use of clients, customers, or employees of the principal building.

(121) PARKING GARAGE, RESIDENTIAL: An accessory building or a portion of a principal building used for the parking or storage of no more than three (3) motor vehicles of the occupants of the principal building, where no portion may be used or rented for commercial vehicle parking or storage. A carport or other such shelter shall be considered as a private garage.

(122) PARKING LOT: A surfaced area designed and/or used for the temporary parking and storage of four (4) or more motor vehicles and that is available to the general public and which may be provided for compensation, free, or as an accommodation to clients, customers, or employees. Parking lots must comply with Section 520.

[AMENDMENT – 14-5.12_Child & Personal Care]

(123) PERSONAL CARE ESTABLISHMENTS: A facility not occupied by the owner providing for the protective care, oversight, and personal service to two or more persons over eighteen (18) years of age for profit or not. Shall be broadly construed to include any form of group or congregate residency, including the terms Group Personal Care Home or Congregate Personal Care Home, with the exception of Nursing Homes, Emergency Shelters, and Personal Care Homes, unless otherwise herein noted.

(124) PLANNED CENTER: A single lot containing two (2) or more primary uses, each having its own business license, and having building(s) no less than 3,000 square feet and no more than 65,000 square feet planned, designed, constructed, and/or managed to function as a single development with shared off-street parking, provision of goods delivery separated from customer access, landscaped open space areas, and pedestrian plazas and/or amenities provided on the property as an integral part of the complex.

[AMENDMENT – 14-12.8_Planning Commission]

(125) PLANNING COMMISSION: The City of Madison Planning & Zoning Commission.

(126) PLAY CENTER: Use of property where playground equipment, inflatable play structures, or other play facilities are offered for indoor play by children.

(127) PROCESSING: The preparation of material to meet specifications established by an end-user for assembly, fabrication, or sale. Processing facilities are limited to baling, briquetting, compacting, flattening, sorting, packaging, and cleaning. No final products are assembled on site.

(128) PROFESSIONAL: A use or occupancy by persons of a recognized field typically engaged in rendering personal, executive or administrative services or activities (i.e. accountant, actuary, advertisement, appraisal, architect, billing/bookkeeping, brokerage, computer science, decorator, designer, editor, engineer, insurance, investment, landscape architect, lawyer, real estate, researcher, surveyor, translator, web design). The term excludes without limitation persons engaged in repairs or sales of tangible personal property and any use which would create any loud noise, noxious odors or medical waste.

(129) PROFESSIONAL, MEDICAL : A use or occupancy by persons of a recognized field typically engaged in providing medical services and certified either by the State of Georgia and/or nationally recognized body (i.e. physician, chiropractor, dentist, psychologist, optometrists, physical therapists, and similar health care providers) or working under such person. For the purposes of this definition veterinarians and other animal care providers are specifically excluded.

(130) RESIDENTIAL: A use or occupancy by persons for human habitation, including single-family, two-family, and multi-family dwellings, apartments, and accessory and tenant dwellings. Residences do not include such guest and transient accommodations as hotels, motels, recreational vehicle campgrounds, personal care establishments, healthcare facilities, etc.

(131) RESTAURANT: A commercial establishment characterized by table service where food and beverages are prepared, served, and consumed primarily within the principal building. The term encompasses cafes, grills, and lunch counters and includes outdoor customer dining areas and carry-out/take-out service but excludes without limitation drive-in and drive-thru restaurants.

(132) RESTAURANT, DRIVE-IN: A restaurant that caters to motor vehicle business where the person being served may consume food and/or beverages while sitting in a motor vehicle.

(133) RESTAURANT, DRIVE-THRU: A restaurant where a patron may be served while remaining in a motor vehicle and may consume food and /or beverages on or off the premises.

(134) RETAIL: A commercial use that sells any article, substance, or commodity in small quantities directly to the end consumer, but excludes bulk retail establishments, building and construction material supply establishments, and those uses classified more specifically by definition herein. For the purpose of this ordinance, “bulk retail” is differentiated from general retail in that it involves a high volume of sale of related and/or unrelated products in a warehouse setting and membership warehouse clubs. Incidental manufacturing of products sold by the retail establishment on the premises is included, provided that the manufacturing area does not occupy more than twenty (20) percent of the total floor area and does not employ more than five (5) persons.

(135) RETENTION: A stormwater management method where a given volume of stormwater runoff is permanently stored. Release of the given volume is by infiltration and/or evaporation.

(136) SCREENING/SCREEN: A method of visually shielding or obscuring an abutting or nearby structure or use from the public right-of-way or from another structure or use.

(137) SEDIMENTS: Any solid particulate matter, mineral or organic, that has been or is being transported by water, air, ice or gravity.

(138) SHOPPING CENTER: A development having a single land use encompassing multiple retail occupancies with independent business licenses in building(s) planned, designed, constructed, and/or managed to function as a unified complex: with tenants engaged in similar business, a cohesive architectural design, shared off-street parking, separation of goods delivery and customer access, landscaped open space areas, and connecting pedestrian amenities as an integral part of the complex. For minimum requirements and land uses regulations, see Section 833.

(139) SIGN: See Section 1010.

(140) SMALL PARKING LOT: A surfaced area accommodating up to ten (10) spaces or graveled area accommodating up to five (5) spaces designed and/or used for temporary parking and storage of vehicles and that is available to the general public and which may be provided for compensation, free, or as an accommodation to clients or employees. Small parking lots must comply with Article V, Section 520 and Section 595.

(141) SMALL SCALE INSTRUCTION: Use of property where interior space(s) are used to provide short lessons or tutoring to groups of 20 or fewer attendees. Uses appropriate to Gymnasiums and Health Fitness Centers are not encompassed by this definition.

(141) STORMWATER BUFFER: A natural or vegetated area through which stormwater runoff flows in a diffuse manner so runoff does not become channeled, and which area provides the infiltration of the runoff and filtering of pollutants.

(143) STORMWATER BUFFER WIDTH: Viewed aerially, the stream buffer width is measured horizontally on a line perpendicular to the surface of water, landward from the top of the bank on each side of the stream, or landward

from the state buffer limits for state waters. The additional buffer width is required in addition to the stream buffer requirements as defined by the Georgia Environmental Protection Division for state waters.

(144) STREET, ARTERIAL: A major road designed for continuous movement of all types of traffic but with less control over vehicular access than highways.

(145) STREET, COLLECTOR: A road allowing for vehicular access to lots, carrying traffic to and from local streets, and managing traffic having origin or destination in the immediate neighborhood.

(146) STREET, HIGHWAY: A multi-lane, limited access road designed for fast, continuous movement of all types of traffic with control over access to abutting property.

(147) STREET, INTERSTATE HIGHWAY: A multi-lane, limited access road continued through more than one state and designed for fast, continuous movement of all types of traffic and heavy traffic volume with control over access to abutting property. Also referred to as the interstate and specifically referencing Interstate Highway 20 (I-20).

(148) STREET, LOCAL: A slow speed road, providing direct access to private lots, and carrying traffic having destination or origin on the street itself.

(149) STRUCTURE: Anything manmade constructed on the ground or attached to something on the ground.

(150) SUBDIVISION: Any division of land into two (2) or more lots, building sites or other divisions; provided, however, that the following are not included in this definition:

(a) the division into parcels of five (5) acres or more, if each resulting parcel has at least one hundred and fifty feet (150) of frontage on an existing public road;

(b) the sale or exchange of land between owners of adjoining properties, provided that additional lots are not thereby created, and that the modified lots comply with this Ordinance and the ***Subdivision Regulations***.

(151) TERMINAL, MOTOR FREIGHT: A storage and distribution facility for the receipt, transfer, short-term storage, and dispatching of goods having more than five (5) heavy trucks (having a rating of more than 10,000 pounds and/or an unladen weight of more than 6,000 pounds) on the premises at any one time, excluding trucking accessory to another industrial use on the site.

(152) THEATERS: Use of property where motion pictures are played or where live performances (dramatic arts - theatre, music, dance, etc.) are conducted for indoor viewing by a public assembly.

(153) THEATERS: Use of property where motion pictures are played or where live performances (dramatic arts theatre, music, dance, etc.) are conducted for outdoor viewing by a public assembly or individually from parked vehicles.

[AMENDMENT – 13-11.11_Historic Site and Museum]

() TOUR SERVICE OFFICES: Premises used by licensed tour operators to coordinate tours and provides guides and/or tourist information.

(154) TOWER: Any structure primarily for supporting one or more antennas, including without limitation self-supporting lattice towers, guy towers, monopole towers, radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, and alternative tower structures.

(155) TOWNHOUSE: One of a series of abutting single-family dwelling units part of a single building, on adjoining lots, the units being separated by a wall or walls.

(156) TOXIC MATTER OR MATERIAL: Any substance (liquid, solid or gaseous) that, by reason of an inherent deleterious property when emitted in any amount, is potentially injurious to plants, animals or human beings.

(157) TRUCK STOP/TRAVEL PLAZA: A mixed commercial use of property on one parcel providing facilities for the refueling, maintenance and/or servicing of heavy trucks and which may include related service facilities for such vehicles and their drivers, including but not limited to dispensing of motor fuels and petroleum products directly into motor vehicles, restaurants, lodging, shower and laundry facilities, truck service, overnight truck parking and/or storage, and a parking area of one (1) acre or more in association with the above services.

(158) TRUCKS, HEAVY: Heavy trucks are trucks, including truck tractors and similar vehicles, with two (2) or more rear axles.

(159) TRUCKS, LIGHT: Light trucks are trucks and similar vehicles with single rear axles and single rear wheels. A light truck is considered a passenger vehicle.

(160) TRUCKS, MEDIUM: Medium trucks are trucks and similar vehicles, other than truck tractors, with single rear axles and dual rear wheels. Truck tractors are in the "heavy truck" category.

(161) USE, ACCESSORY: A use of land or a building or portion thereof that:

(a) is subordinate in area, extent, and purpose to the principal use of the land or building;

(b) is located on the same lot as the principal use of the land or building, except as otherwise expressly authorized by this Ordinance; and,

(c) is customarily incidental to the principal use of the land or building. See also Section 800.2.

(162) USE, CONDITIONAL: See Section 1125.

(163) USE, MIXED: An enterprise located in a single principal building that has more than one permitted use in combination where neither use constitutes an accessory use, that functions as a unified entity utilizing the same

business license (e.g. drug store and lunch counter, auto parts retail and tire retail store), and that is operated in accordance with the provisions of an approved conditional use permit. See Section 435. Not to be confused with a planned center.

(164) USE, PRINCIPAL: The main purpose for which land or a building is used. Also referred to as the primary use.

(165) UTILITY: A public or private enterprise whose purpose is to provide energy, power, water, transportation, natural gas, sewage, communication, or other utility service to the general public.

(166) VARIANCE: A departure from the zoning ordinance relating to property dimensional requirements. See Section 1130.

(167) YARD: An open space at grade between the principal building or buildings and the nearest lot lines unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein; for measurement purposes, all parts of the principal building are included (i.e. eaves, steps, decks, covered porches and structural additions).

(168) YARD, FRONT: A yard extending the full width of the lot between the front lot line and the front of the principal building projected to the side lot lines. The depth of the yard shall be measured at right angles from the front lot line to the nearest point of the principal building. On lots having frontage on more than one (1) street, the minimum front yard shall be provided for each street.

(169) YARD, REAR: A yard extending the full width of the lot between the rear lot line and the rear of principal building projected to the side lot lines. On all corner lots the rear yard shall be at the opposite end of the lot from the primary entrance.

(170) YARD, SIDE: A yard between the side lot line and the side of the principal building extending from the front yard to the rear yard. If no front yard is required, the front boundary of the side yard shall be the front lot line. On corner lots, the side yard shall be adjacent to the street upon which the lot does not have a primary entrance.

(171) ZONING & PLANNING OFFICER: The individual, designated by the City Manager, responsible for implementation and enforcement of the applicable provisions of the comprehensive plan, zoning ordinance, subdivision regulations, stormwater management standards, design criteria and such other ordinances as many be assigned to his/her department.

ARTICLE III: ESTABLISHMENT OF DISTRICTS

Section 300 Districts.
The City is divided into the districts set forth in ***Table 1 – Districts*** below.

Section 300: Table 1 – Districts

LAND USE CATEGORY	SHORT TITLE	DISTRICT NAME
RESIDENTIAL:		
	R	Estate Residential District
	R1	Large Lot Residential District
	R2	Medium Lot Residential District
	R4	Small Lot Residential District
	R6	Multi-Family Medium Density Residential District
	R8	Multi-Family, High Density Residential District
COMMERCIAL:*		
	P-1	Professional / Office / Institutional District
	P-2	Professional / Limited Commercial District
	C-1	Downtown Commercial District
	C-2	Neighborhood Commercial District
	C-3	General Commercial District
	C-4	Interstate Commercial District
	C-5	Heavy Commercial District
INDUSTRIAL:		
	I-1	Light Industrial / Limited Commercial District
	I-2	Light Industrial / Manufacturing District
OVERLAY:		
	HPO	Historic Preservation Overlay District
	CDO	Corridor Design Overlay District
	WPO	Water Protection Overlay District
PLANNED DEVELOPMENT:		
	PRD	Planned Residential District
	PPD	Planned Professional District
	PCD	Planned Commercial District
	PID	Planned Industrial District

* For the purposes of this chart, the term commercial incorporates professional and institutional uses.

Section 310 District Boundaries.

310.1 Incorporation of the Zoning Map. The boundaries of the above described districts are hereby established as shown on the map, entitled "Official Zoning Map, City of Madison, Morgan County, Georgia," adopted on June 11, 2007 , by the Mayor and City Council of Madison, Georgia, and certified by the City Clerk. This map shall be the Official Zoning Map of the City of Madison and is hereby made a part of this Ordinance as if fully set forth herein. Said map is a public record and shall be kept on file in City Hall, 132 N. Main Street, Madison, Georgia.

310.2 Map Amendment. If, in accordance with this Ordinance, changes are made to the Official Zoning Map, such changes shall be marked on the Official Zoning Map promptly after the amendment has been approved by the Council, together with an entry on the Official Zoning Map referring to the application on file which states the date of the official action and a brief description of the nature of the changes.

Section 320 Rules for Determining District Boundaries When Uncertainty Exists.

320.1 Boundaries Following Property Lines. Unless otherwise indicated, the district boundaries follow property lines, land lot lines, center lines of streets, highways, alleys, or railroads, shorelines of streams, reservoirs, or other bodies of water, or civil boundaries, and they shall be construed to follow such lines.

320.2 Boundaries Parallel to Centerline of Streets. Where district boundaries are approximately parallel to the center lines of streets, highways, or railroads, or rights-of-way of the same, or the centerline of streams, reservoirs, or other bodies of water, or said lines extended, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map.

320.3 Boundaries Dividing Lots. Where a district boundary line as appearing on the Official Zoning Map divides a lot that is in single ownership at the time of the enactment of this Ordinance or any amendment thereto, the zoning district classification of the larger portion may be extended to the remainder by the Council pursuant to the zoning ordinance amendment procedure set forth in this Ordinance.

320.4 Abandoned or Vacated Land. Where public land is vacated or abandoned by the Council, the regulations applicable to the property to which it reverted shall apply.

320.5 Determination of Boundary by Council. In a case where the exact location of a boundary cannot be determined by the above-described methods, the Council shall, upon application, determine the location of the boundary. The requirements of Article XI shall govern.

320.6 Comprehensiveness of Zoning Districts. The purpose of these regulations and the accompanying map is to place all portions of Madison into zoning districts. Should any area appear to be omitted from a zoning district classification, such area or areas are hereby placed in R1 (Large Lot Residential District) and are subject to all the regulations pertaining thereto until such time as the Planning Commission and the Council determine its proper zoning district classification pursuant to Section 1120.

Section 330 Procedures for Zoning of Property to Be Annexed.

330.1 Initiation of Zoning Procedures. The City of Madison may begin the required procedures for rezoning of property to be annexed to the City as required in Section 1120 at any time on or after the date the notice of the proposed annexation is provided to the County Commission of Morgan County as required under O.C.G.A. Section 36-36-6.

330.2 Notice of Hearing. Section 1140 shall govern.

330.3 Hearing Required. The hearing required under Section 1145 for zoning amendments shall be conducted prior to the annexation.

330.4 Effective Date. The zoning classification approved by the City shall become effective on the later of the date the zoning is approved by the City, or the date the annexation becomes effective pursuant to O.C.G.A. Section 36-36-2.

330.5 Fees. The established ***City of Madison Fee Schedule*** shall set forth the fees and costs associated with annexation.

ARTICLE IV: APPLICATION OF REGULATIONS

Section 400 Use.
No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall be erected, remodeled, extended, constructed, reconstructed, moved or structurally altered except in conformity with this Ordinance, or amendments thereto.

Section 410 Reserved.

Section 420 Yards.
Except as hereinafter provided, no part of a yard or other open space required for any building for the purpose of complying with the provisions of this Ordinance shall be included as part of a yard or other open space similarly required for another building. Every part of a required yard, court, and other open space shall be unobstructed and open from its lowest point to the sky, except for the ordinary projection of sills, cornices, buttresses, ornamental features, chimneys, flues, and eaves, provided such projections shall not extend more than two feet into the yard area or open space requirements.

Section 430 One Principal Structure on a Lot.
Except as otherwise permitted by this Ordinance, only one (1) principal structure and its permitted customary accessory buildings may hereafter be erected on any lot.

Section 435 One Principal Use on a Lot.
Except as otherwise permitted by this Ordinance, only one (1) principal use and its accessory uses may hereafter be located on any lot. Mixed uses shall obtain a conditional use permit in accordance with Section 1125. With the exception of residential uses, the principal use of the lot must be registered as part of the occupation tax (formerly known as the business license application).

Section 440 Accessory Structures or Uses.
Accessory structures and uses are permitted in accordance with Section 800.

Section 450 Building Permit Requirement.
No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered except upon application for and issuance of a building permit by the Building & Code Official. See Section 1105.

Section 455 Building Permits Issuance.
Except as otherwise provided, nothing herein shall require any change in the plans, construction, size, design, or use of any building, structure, or part thereof, for which a building permit has been legally issued prior to the adoption or amendment of this Ordinance, if construction shall start within six (6) months after the issuance of such building permit.

Section 460 Buildings to Abut Public Streets.
Each building shall be located on a lot or parcel that provides lot frontage onto a public street.

Section 470 Relocation of Building Requirements.
Except as otherwise provided, no existing building or other structure shall be relocated in the City except in conformity with this Ordinance. Such relocation requires a permit granted by the Building & Code Official. Any such relocated building shall meet all applicable standards of building codes for new construction.

ARTICLE V: GENERAL STANDARDS FOR ALL DISTRICTS

Section 500 Non-Conforming Buildings and Uses.

Within the districts established by this Ordinance or later amendments, there exist lots, uses, structures, and characteristics of use lawful before this Ordinance was passed or amended, but not in conformity with this Ordinance or future amendments. Non-conformities are declared by this Article to be incompatible with permitted uses in the districts involved.

(1) Intent. It is the intent of these regulations to permit these non-conformities to continue until they are removed or ceased, but not to encourage their survival. It is further the intent that non-conformities shall not be used as grounds for adding other uses, structures, or characteristics of uses prohibited elsewhere in the same district, and that non-conformities shall not be enlarged, expanded or extended in any manner except as herein provided.

(2) Avoidance of Undue Hardship. To avoid undue hardship, nothing in these regulations shall be deemed to require a change in the plans, construction, or designated use of any building for which a building permit was issued as provided under Section 455.

500.3 Non-Conforming Lots of Record.

(1) Single Non-Conforming Lots of Record. A single lot of record existing at the effective date of adoption or amendment of this Ordinance that does not meet requirements for area, width, or both may only be built on if:
   (a) yard dimensions and lot coverage requirements, except requirements for area, width, or both, conform to the applicable regulations;
   (b) variance for yard dimensions and lot coverage requirements are obtained in accordance with Section 1130;
   (c) such lot does not have continuous frontage with other lots in the same ownership; and
   (d) all other requirements of this Ordinance are met.

(2) Non-Conforming Lots of Record in Combination. If two (2) or more abutting lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots do not meet the requirements established for lot width and area, said lots shall be considered an undivided parcel for the purpose of these regulations. No portion of said parcel shall be used or sold in a manner that diminishes compliance with lot width and area requirements established by these regulations. Nor shall any division of any parcel be made which creates a lot with a width or area less than specified by the requirements stated in this Ordinance.

500.4 Non-Conforming Uses. Where, prior to adoption of this Ordinance or amendments thereto, a lawful use exists that would not be permitted by these regulations, such use may be continued so long as it remains otherwise lawful; however:

(1) no such use shall be changed to another non-conforming use;

(2) no such use shall be increased nor extended by acquiring more land area than was owned or leased at the effective date of adoption or amendment of this Ordinance;

(3) no such use shall be increased nor extended more than twenty-five (25%) percent greater gross floor area by addition to any building occupied by such uses at the effective date of adoption or amendment of this Ordinance or by construction of additional buildings;

(4) if any such use is abandoned, regardless of the intent to resume use by the one having the right to use the property, no non-conforming use may be resumed. It shall be prima facia evidence of abandonment for the owner and/or one having the right to use the property to:
   (a) discontinue the non-conforming use for more than twelve (12) months;
   (b) fail to obtain a new or renew an existing business license and remit the business occupation tax required by the Code of Ordinances for the non-conforming use; or,
   (c) fail to declare and remit the sales tax required by state law for the non-conforming use.

(5) nothing in this Section shall prevent the City of Madison from considering a variance from these provisions in specific instances where a change would provide a necessary improvement for traffic and public safety.

500.5 Non-Conforming Structures. Where prior to the adoption of this Ordinance or amendments thereto, a lawfully constructed structure exists that would not be permitted by these regulations, such structure may remain and continue to be used so long as it remains otherwise lawful provided that:

(1) Non-residential Structures
   (a) no such structure shall be increased or extended to occupy additional gross floor area than was occupied at the effective date of adoption or amendment of this Ordinance. Ordinary repairs, remodeling, repair or

replacement of non-load bearing walls, fixtures, wiring, or plumbing are allowed provided that the gross floor area is not increased;

(b) no such structure shall be altered to increase its nonconformity, but any structure may be altered to decrease its nonconformity. Any such alteration must comply with this Ordinance and must not in itself be non-conforming; and,

(c) should such a structure be hereafter damaged or destroyed by fire, explosion, windstorm, flooding, accident or calamity not caused by the one having the owner or the one having the right to use the property, the owner may rebuild a structure having a gross floor area equal to or less than the destroyed structure. Any structure reconstructed by more than seventy-five percent (75%) of gross floor area must comply with this Ordinance and must not be itself non-conforming, with the exception of gross floor area;

(d) no such structure which has been legally condemned shall be used, altered or reconstructed except in accordance with the provisions of this Ordinance;

(e) should such structure be voluntarily moved for any reason for any distance whatever, it must then be altered to conform to the requirements of the district to which it is moved;

(f) when non-conforming, accessory structure shall be subject to the same provisions that govern the principal structure to which they are an accessory; and,

(g) nothing in this Section shall prevent the strengthening or restoring to a safe condition of any structure or part thereof declared unsafe by any official charged with protecting the public safety, upon order of such official.

(2) Residential Structures

(a) no such structure shall be altered to increase its nonconformity, but any structure may be altered to decrease its nonconformity. Any such alteration must comply with this Ordinance and must not in itself be non-conforming;

(b) ordinary repairs, remodeling, repair or replacement of non-load bearing walls, fixtures, wiring, or plumbing are allowed provided that the footprint of the structure is not increased;

(c) should such a structure be hereafter damaged or destroyed by fire, explosion, windstorm, flooding, accident or calamity not caused by the owner of the property, the owner may rebuild a structure in the building footprint less than or equal to the destroyed structure. Any structure reconstructed to exceed the original footprint must comply with this Ordinance and must not be itself non-conforming;

(d) no such structure which has been legally condemned shall be used, altered or reconstructed except in accordance with the provisions of this Ordinance;

(e) should such structure be voluntarily moved for any reason for any distance whatever, it must then be altered to conform to the requirements of the district to which it is moved;

(f) when non-conforming, accessory structures shall be subject to the same provisions that govern the principal structure to which they are an accessory;

(g) nothing in this Section shall prevent the strengthening or restoring to a safe condition of any structure or part thereof declared unsafe by any official charged with protecting the public safety, upon order of such official; and

(h) nothing in this Section shall prevent the City of Madison from considering a variance from these provisions in specific instances where a change would provide a necessary improvement for the welfare of the public.

500.6 Non-Conforming Characteristics of Use. Where prior to the adoption of this Ordinance or amendments thereto, a lawful characteristic of use exists that would not be permitted by these regulations, such characteristic of use may remain and continue to be used so long as it remains otherwise lawful provided that:

(1) ordinary maintenance and repairs of such characteristic of use is allowed;

(2) no such characteristic of use shall be altered to increase its nonconformity, but any structure may be altered to decrease its nonconformity. Any such alteration must comply with this Ordinance and must not in itself be non-conforming.

(3) no such characteristic of use shall be increased nor extended more than twenty-five (25%) percent in land area than existed at the effective date of adoption or amendment of this Ordinance, nor by the construction of additional characteristics of use; and,

(4) nothing in this Section shall prevent the strengthening or restoring to a safe condition of any characteristic of use or part thereof declared unsafe by any official charged with protecting the public safety, upon order of such official; and,

(5) nothing in this Section shall prevent the City of Madison from considering a variance from these provisions in specific instances where a change would provide a necessary improvement for traffic and public safety.

(6) for sign structures, replacement of a sign face on the property is an allowed alteration provided that either:

(a) the non-conforming use or business was located upon the property at the effective date of adoption or amendment of this Ordinance, or
(b) the non-conforming sign structure is utilized by two or more non-conforming uses(s) or businesses was located upon the property at the effective date of adoption or amendment of this Ordinance.

Section 510 Control of Curb Cuts and Vision Clearance.

510.1 Curb Cuts.

(1) Dimensions. No curb cut shall exceed thirty (30) feet in length.
(2) Proximity. Curb cuts shall be no closer than forty-five (45) feet to other curb cuts or closer than thirty (30) feet to any street intersection. All separations are measured at the radius return back of curb to the right-of-way line. Distances between curb cuts shall be measured from BOC (Back of Curb) to BOC at the radius return between the closest edges of the cuts.
(3) Frequency Per Lot. One (1) curb cut shall be allowed per one hundred and fifty (150) feet of frontage, up to three (3) cuts per single lot. Existing lots with less than one hundred and fifty (150) feet of frontage shall be allowed one (1) curb cut.

510.2 Vision Clearance. In all use districts except the pedestrian-oriented C-1 District, no obstruction to vision between two and one-half (2-1/2) feet and ten (10) feet from ground level shall be permitted within twenty (20) feet of the intersection of two (2) streets or railroad track, or of a street intersection with a railroad track.

Section 520 Off-Street Automobile Parking.

Within the City, off-street automobile parking space shall be provided on every lot on which any use is established in accordance with this Ordinance. No structure shall be hereafter erected nor any of the following uses established unless the minimum number of parking spaces specified below are provided.

520.1 Intent and Purpose. To progressively alleviate or prevent traffic congestion and shortages of on-street parking spaces; to ensure that adequate off-street parking and loading facilities are provided proportional to the needs of each land use; and to ensure off-street parking and loading facilities will be efficient and safe, and protect surrounding land uses from adverse effects of parking areas.

520.2 General Requirements.

(1) Minimum Size of Off-Street Parking Space. A space at least nine (9) feet wide and twenty (20) feet long with a minimum net area of one hundred and eighty (180) square feet, excluding area for egress and ingress and maneuvering of vehicles.
(2) Off-Street Parking Space on Different Lot. If an off-street parking space cannot be reasonably provided on the same lot on which the principal use is conducted, the Zoning & Planning Official may permit such space to be provided on other off-street property, if such space lies within four hundred (400) feet of the property line of such principal use, and is under the exclusive control of the person responsible for the principal use. For the purpose of this subsection, “exclusive control” means ownership of such remote space or a lease of such space for no less than two (2) years. Such vehicle parking space shall not thereafter be reduced or encroached upon in any manner.
(3) Provision of Parking Spaces for Separate Uses. The required number of parking spaces for any number of separate uses may be combined in one (1) lot, but the required space assigned to a use may not be assigned to another use at the same time. However, the portion of the lot required for a use whose peak attendance will be at night or on a particular day of the week may be assigned to a use which will be closed during said peak attendance times.
(4) No Reduction of Off-Street Parking Areas. Areas reserved for off-street parking shall not be reduced in area or changed to any other use unless the permitted use that it serves is discontinued or modified, and all requirements hereof continue to be met.
(5) Pre-Existing Parking. Off-street parking existing on the effective date of this Ordinance serving an existing building or use shall not be reduced to an amount less than required herein for a similar new building or use.
(6) Alteration of Existing Commercial Buildings. Any commercial building existing on the effective date of this Ordinance may be enlarged up to ten percent (10%) of gross commercial floor area without increasing existing off-street parking spaces.

(7) Change of Use. In the case of an existing structure changing use, off-street parking requirements applicable to the new use must be provided, unless a variance is obtained in accordance with Section 1130.

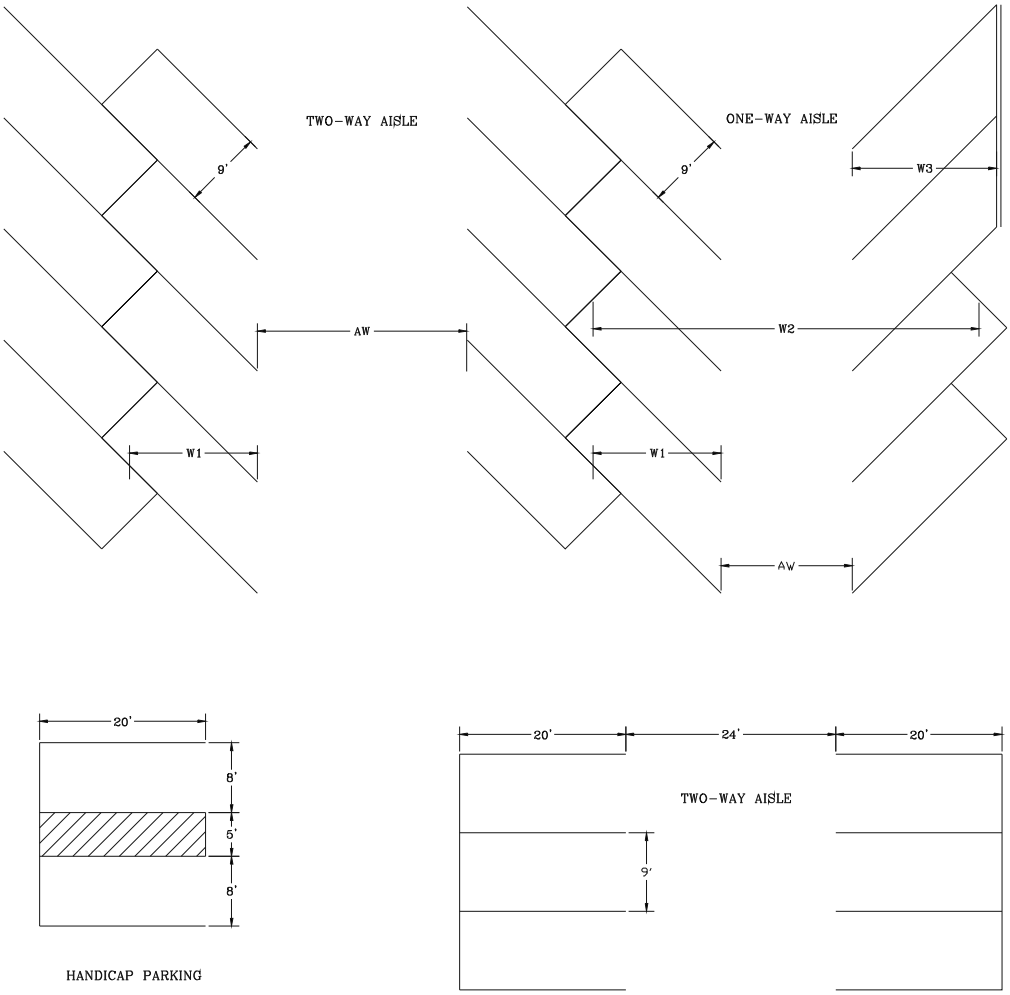
(8) Extension into Residential Districts or within a Residential District. Required parking spaces may extend up to one hundred (100) feet into a residential district or within a residential district if the parking lot adjoins a commercial or industrial district or serves a non-residential use and has its only access on the same street as the primary use that it serves, and is separated from abutting residential lots by a planted buffer strip at least ten (10) feet wide.

(9) Emergency Vehicles. Parking shall not obstruct Emergency Vehicles from access to buildings.

(10) Handicap Parking Access. Handicap Parking Access shall be provided as required in the Americans with Disabilities Act. The parking requirements for disabled individuals are defined in the ***Federal Register, 28 CFR part 36, Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities; Final Rule dated July 26, 1991.***

(11) Parking Space and Aisle Dimensions. The following diagrams specify the required space and aisle dimensions for the situation depicted. Alternate configurations in conformity with the spirit of these regulations may be authorized by the Building & Zoning Administrator or his/her authorized representative.

(12) C-1 District Exemption. Because of the pedestrian nature and emphasis upon the downtown area, the presence of ample on-street parking, and the allowance of commercial garages within the district, new buildings and uses within the C-1 District with the exceptions itemized herein are exempt from the requirements of Section 520.3; however, if parking is provided, all the provisions of Section 520.4 must be met. However, no exemption shall be allowed for any type of dwelling unit, lodging establishments, or places of public assembly (See Section 520 – Table 3).



Section 520: Table 2 – Parking Stall and Aisle Dimensions

PARKING ANGLE	W1	W2	W3	AW
45 degrees	14.5'	44.0'	16.5'	15
60 degrees	16.5'	51.0'	18.0'	18
75 degrees	17.5	57.0'	18.5'	22

520.3. Parking Space Requirements for All Districts. Off-street automobile storage or parking space shall be provided with vehicular access to a street or alley, and shall be equal to at least the minimum requirements for the specific land use set forth in the Section. Any specific land use not itemized in the table below shall meet the parking space requirements set forth for professional offices, except where the Zoning & Planning Official judges the potential traffic situation to require more parking.

Section 520: Table 3 – Parking Space Requirements for All Zoning Districts

LAND USE CATEGORY	**PARKING SPACES minimum**	
RESIDENTIAL: single-family dwelling, two-family dwelling, tenant dwelling	*unless otherwise specifically provided for, residential land uses shall provide a minimum of:* 1 space per dwelling unit of 2,000 sq.ft. or less; 2 spaces per dwelling unit of 2,000 sq.ft. or more	
accessory dwelling, accessory apartment, apartment building	1 space per accessory dwelling or apartment **AND** 1 space per 4 apartment units	
bed & breakfasts, child-care home, personal care home	in addition to single-family dwelling requirements, 1 space per guest room **OR** 1 space per 4 care recipients	Code: Section 22: 104 & 110
multi-family dwelling	1 ½ spaces per dwelling unit	
COMMERCIAL: *	*unless otherwise specifically provided for, commercial land uses shall provide a minimum of:* 1 space for each full-time employee **OR** 1 space per 200 sq. ft. of gross floor area	
places of public assembly, including but not limited to: churches and places of worship, community center, conference or convention hall (3), courtroom or meeting facility, funeral and internment establishments, theaters-indoor	1 space for each full-time employee **AND** 1 space per 4 seats or provided for patron use (18" of bench space equals 1 seat)	
community associations/clubs (3), country clubs, health clubs and/or fitness center	1 space per 5 active members	
educational facilities/ schools, child-care center*, pre-school/after-school programs	1 space per 4 seats in the main assembly hall **OR** 1 space for each employee (2) **AND**	
financial institutions, government offices, professional offices	1 space per 300 sq. ft. of ground floor area **AND** 1 space per 500 sq. ft. of upper floor areas **AND** 1 space per commercial/government vehicle	
health facilities, except group personal care homes	1 space per 4 beds **AND** 1 space per staff/visiting doctor **AND** 1 space per 2 employees	
libraries and museums	1 space per 500 sq. ft. of gross floor area	
lodging:	1 space per guest room or recreational vehicle space **AND** 1 space per 5 full-time employee	
recreational facilities: except campgrounds, RV parks, and country clubs	1 space per 100 sq. ft. of floor area **OR** 1 space per 2,000 sq. ft. of lot area	

restaurants	1 space per 4 seats provided for patron use **AND** 1 space for every 75 sq. ft. of floor area provided for patron use not including seats	
retail establishments	1 space for each full-time employee **AND** 1 space per 500 sq. ft. of gross floor area	
telecommunication facilities	parking area equal to 25 % of the gross floor area	
INDUSTRIAL:	*unless otherwise specifically provided for, industrial land uses shall provide a minimum of:*	
industrial/manufacturing establishments wholesale establishments	1 space for per 3 employees on the maximum work shift **AND** 1 space per commercial/company vehicle operating from the premises	

* For the purposes of this matrix, the term commercial incorporates professional, office and institutional uses.
(1) All available driveway space may be used in meeting the requirements of this Section.
(2) The greater of these two (2) calculations shall be used to establish the minimum parking requirement.
(3) Does not include provisions for overnight lodging or parking.

520.4 Site Requirements. All off-street parking except for single-family, two-family structures and apartment houses shall meet the following requirements:

(1) Surfacing of Parking Areas. All such parking shall be hard surfaces with concrete or plant bituminous material and shall be maintained in a dust-proof condition. A good stand of grass shall be maintained on the remainder of the lot.
(2) Illumination. Lighting facilities shall be so arranged that light is reflected away from property lines.
(3) Drainage. The parking area shall be adequately drained.
(4) Parking Areas Inside Residential Districts or Within Ten (10) Feet From Residential Districts. Along edges of parking areas inside residential districts or within ten (10) feet from residential districts, a dense planting of trees and shrubs shall be established on a strip of land not less than ten (10) feet in width. Such planting shall be not less than six (6) feet in height. A substantial bumper rail of wood, metal, or concrete shall be installed on the edge of the planting strip.
(5) Raised Curb. A raised curb between six (6) and twelve (12) inches is required along all property lines, except for driveway openings and lot lines abutting residential districts, where the requirements in Section 520.2(8) apply.
(6) Visibility. No sign shall be placed within the public right-of-way. Signs and planting strips shall be arranged so they do not obstruct visibility for drivers or pedestrians.
(7) Landscaping. For parking areas with ten (10) or more parking spaces, at least ten percent (10%) of the interior of the parking area shall be permanently landscaped, in addition to screening buffers as required in Section 550. Landscaping may consist of trees, shrubs, flowers, or other ornamental plants. All landscaped areas shall be regularly maintained. Any dead or dying trees or plants shall be replaced within one (1) month of death or noticeable decay.
(8) Marking of Parking Spaces. Required parking spaces shall be permanently marked, except in single and two-family residences.
(9) Parking Space Design. No off-street parking space shall be constructed so as to require the backing of vehicles into a public street.

Section 530 - Off-Street Loading and Unloading Space

On every lot on which a commercial or industrial use is hereafter established, off-street loading and unloading spaces shall be provided as follows:

(1) Size of Off-Street Loading Spaces. Each off-street loading space shall have minimum dimensions of fourteen (14) feet in clearance height, twelve (12) feet in width, and fifty-five (55) feet in length. However, upon written certification under oath that a particular loading space will be used exclusively by shorter trucks, the Building & Zoning Administrator may reduce the minimum length to as little as thirty-five (35) feet, provided that at no time shall any vehicle protrude into a sidewalk or street.
(2) Connection to Street or Alley. Each required off-street loading space shall have direct access to a street or alley or have a driveway that offers satisfactory access for trucks.
(3) Floor Area Over 10,000 Square Feet. For each building requiring the receipt or distribution of materials or merchandise with floor area of more than 10,000 square feet, there is required at least one (1) off-street

loading space for every 10,000 square feet of floor space or fraction thereof. Such space shall be located so as not to hinder the free movement of pedestrians and vehicles.

(4) Floor Area Less Than 10,000 Square Feet. For each commercial or industrial building requiring the receipt or distribution of materials or merchandise and having a floor area of less than 10,000 square feet, there shall be at least one (1) off-street loading space, which may be shared by an adjacent establishment. Such loading space shall be located in a manner that will not hinder the free movement of pedestrians and vehicles.

(5) Location of Off-Street Loading Spaces. All required off-street loading spaces shall be located on the same premises as the use said spaces are intended to serve, or on an adjacent lot if the use is shared with said adjacent lot.

(6) Permanent Dedication. Areas dedicated for off-street loading shall not be reduced in area or changed to any other use unless the use served is discontinued or modified, unless equivalent loading space is provided and approved by the Building & Code Official.

(7) Emergency Vehicles. Occupied loading and unloading spaces shall not obstruct Emergency Vehicles from access to buildings.

Section 540 Off-Street Storage and Parking of Vehicles and Equipment.

Recreational vehicles (RV), motor homes, commercial vehicles, all-terrain vehicles and off-road vehicles, boats, heavy equipment, and trailers of all types, including without limitation travel, boat, camping, and hauling trailers, shall not be parked or stored on any lot occupied by a dwelling or in any residential district except in accordance with the following requirements:

540.1 Commercial Vehicles. The storage and parking of commercial vehicles is governed by the following:

(1) Residential Districts.
- (a) no commercial vehicle with gross vehicle weight (GVW) exceeding 11,000 lbs. shall be parked or stored in the R1, R2, R4, R6, or R8 zoning district or residential planned development districts (PRD ;
- (b) one (1) commercial vehicle not exceeding 11,000 GVW is permitted per dwelling unit in the above districts;
- (c) no vehicle used for hauling explosives, gasoline, or liquefied petroleum products is permitted; and
- (d) no commercial vehicle is allowed to park overnight on the street in a residential district.

(2) Non-Residential Districts. In non-residential districts, one (1) commercial vehicle per principal building shall be permitted. Four (4) additional commercial vehicles are permitted provided that a off-street parking space for each vehicle is provided and dedicated to its use only; said parking shall be located in the rear yard only. No commercial vehicle used for hauling explosives, gasoline, or liquefied petroleum products is permitted.

540.2 Recreational Vehicles, Trailers. Recreational vehicles (RV), trailers, motor homes, all-terrain vehicles (ATV), off-road vehicles (OTV), boats, and heavy equipment are prohibited from being parked or stored in any front yard in any district. A recreational vehicle or motor home shall not be occupied either temporarily or permanently while it is parked or stored in any area except in a Recreational Vehicle Park authorized under this Ordinance.

540.3 Inoperable Vehicles. No inoperable vehicle shall be permitted in any residential district for more than fourteen (14) days unless it is in an enclosed garage. In residential districts all repairs shall be in an enclosed garage.

Section 550 Screening, Buffering, and Landscaping.

All required screens, buffers, and landscape areas require plan review and approval by the Zoning & Planning Administrator prior to installation. A landscape plan, including a plant schedule, shall be submitted for plan review. Amendments or modifications may be submitted for review as necessary and require approval prior to installation.

550.1 Objectives. Screens, buffer and landscape requirements shall be implemented as required and shall address the following objectives:

(1) eliminate or minimize conflicts between land uses;

(2) shield or obstruct public visibility of objectionable views, incompatibilities or nuisances, including but not limited to parking areas, loading/unloading areas, parking and storage of vehicles and equipment, service areas, refuse containers, mechanical systems, transformers and outdoor storage;

(3) minimization of glare and noise;

(4) control or direction of vehicular and pedestrian movement;

(5) enhancement of aesthetic appeal;

(6) amelioration of air quality and water runoff problems; and
(7) establishment of privacy.

550.2 Required Screening. Any reference to screening requires a dedicated and undisturbed opaque barrier, such as fences, walls, berms, vegetation, or any combination thereof.

(1) Fences or walls creating a solid visual barrier shall be a minimum of six (6) feet in height and as approved by the Zoning & Planning Official.
(2) Berms, individually or in combination with another type of screening, shall be 1) utilized when consistent with surrounding property features; 2) stabilized, 3) where possible, constructed to be consistent with natural or proposed drainage patterns, and 4) regularly maintained by the property owner.
(3) Vegetation shall be a tight evergreen hedge or mixture of evergreen trees and shrubs, providing a one hundred percent (100%) visual barrier to a height of six (6) feet within two (2) years of planting.
(4) Except as otherwise provided in this Ordinance, any operation conducted outside of a building, including without limitation, drive-in business, outdoor recreation, outdoor storage of materials, and outdoor servicing activities, in a non-residential district or as part of a non-residential use shall be enclosed by screening to conceal such areas or facilities from any abutting residential district or use.

550.3 Required Buffering. Any reference to buffering requires a dedicated and undisturbed land area at least ten (10) feet wide, except as otherwise specifically noted herein, with either existing or planted vegetation, or combination thereof, in accordance with the following standards:

(1) Vegetation shall be a tight evergreen hedge or mixture of evergreen trees and shrubs, providing a one hundred percent (100%) visual barrier to a height of six (6) feet within two (2) years of planting, except as otherwise provide or where immediate public safety concerns dictate otherwise,
(2) Trees, included in the buffer, may be counted toward the required site density calculations.
(3) Buffer requirements may be counted toward area and yard requirements.
(4) An interstate buffer shall be maintained along both sides of Interstate 20, excepting only that land lying within five hundred (500) feet of the right-of-way of a) the intersection of Interstate 20 and Georgia Highway 441 and b) the intersection of Interstate 20 and Georgia Highway 83. This buffer shall be a minimum of fifty (50) feet in width with a dense growth of trees at least twenty-five (25) feet in height. All vegetation within the interstate buffer existing at the adoption of this Ordinance or amendments thereto shall be retained and maintained as to constitute an effective visual and auditory barrier. Where existing vegetation does not meet the specifications outlined above or if vegetation is nonexistent, then development plans and proposals shall include the planting of an interstate buffer concurrent with development which shall meet the specifications outlined above within a three (3) year period.

550.4 Required Landscaping. Any reference to landscaping requires a dedicated and undisturbed land area at least ten (10) feet wide, except as otherwise specifically noted herein, in accordance with the following standards:

(1) Vegetation shall be a mixture of evergreen and deciduous trees and shrubs.
(2) Trees, included in the buffer, may be counted toward the required site density calculations. See requirements related to vegetation in Chapter 86 of the ***Code of Ordinances***.
(4) A thoroughfare landscape area shall abut the right-of-way of all highways, arterials, collectors, and roads within the city limits, including local streets. This thoroughfare landscape shall be a minimum of twenty-five (25) feet in width, with a minimum of one (1) overstory tree per every linear twenty-five (25) foot. Berms, hedges, and/or shrubs are required to visually mitigate when a parking area or pavement abuts the thoroughfare landscape. A thoroughfare landscape area may be crossed by access curb cuts, in accordance with Section 510.

550.5 Vegetation. Vegetation (also referred to as plants, plant material, plantings) for screening, buffering and landscaping requirements shall be approved and reviewed by the City Landscape Architect.

(1) Artificial Plant Material. No artificial plants shall be installed or used to meet screening, buffering, or landscaping requirements.
(2) Grass Areas. Grass areas located in the front yard should be sod. Sprigging or seeding may be reviewed and approved by the City Landscape Architect, provided that the grass variety is suitable to the area and produces complete coverage within four (4) months of planting.
(3) Species/Varieties. Native plant material is preferred for hardiness and water requirements. Unless otherwise approved by the City Landscape Architect, species selected for installation shall be those listed in the ***City of Madison Preferred Planting List***. All plant materials used for installation shall conform to the standards

established by the ***American Association of Nurserymen and the American Standard for Nursery Stock*** provisions.

(4) Plant Size. Overstory trees, also referred to as canopy trees, shall be a minimum of 2.5 caliper inches (measured three (3) feet above ground) and between ten (10) and twelve (12) feet in height at installation; understory trees shall be a minimum of 1.5 caliper inches (measured three (3) feet above ground) and between six (6) and eight (8) feet in height at installation. Shrubs shall be a minimum size of a three (3) gallon container at installation.

(5) Installation. At installation, vegetation shall be free from injury, pests, disease, nutritional disorders or root defects and be in good vigor to assure a reasonable expectation of survival. Proposed vegetation and irrigation, where required, shall be installed in accordance with the approved plan. Installation must be completed within twelve (12) months, except where the Zoning & Planning Official grants an extension for installation to occur during the next appropriate planting season.

(6) Agreement and Bonding. For all uses developed after the effective date of this ordinance, except single-family and two-family residential uses, the developer or owner shall post a performance bond, letter of credit, or cash escrow guaranteeing all vegetation and work for a period of two (2) years after installation in a sum established by the Building & Zoning Administrator. The bond shall be in the amount of fifty percent (50%) of the estimated cost of replacing all of the required vegetation, including installation costs. At the end of two (2) years, the City of Madison shall make an inspection and notify developer or owner and the bond company of any corrections to be made.

(7) Maintenance. The owner, occupant, tenant and respective agent of each, if any, shall be jointly and severally responsible for all vegetation located on the property, except single-family and two-family residential uses.

(a) Vegetation shall be maintained to promote natural shape and healthy growth, meaning pruned regularly in accordance with the recommendations established for the specific plant material by the ***American Association of Nurserymen and the American Standard for Nursery Stock.***

(b) Approved screens, buffers, and landscape areas shall be maintained free of weeds, meaning any plant material not on the approved landscape plan, as approved or amended. Areas containing grass, as approved on the landscape plan, shall be regularly cut to maintain an attractive and pest free site; grass areas reaching a height of more than eight (8) inches or weeds within screens, buffers, and landscape areas shall be considered a violation of required maintenance and shall also be evaluated as a potential public nuisance.

(c) Diseased and dead plant materials shall be replaced in accordance with the approved plan within thirty (30) days after written notice from the Zoning & Planning Official, except where the Zoning & Planning Official grants an extension for installation to occur during the next appropriate planting season.

(d) For all uses after the effective date of this ordinance, except single-family and two-family residential uses, the owner, occupant, or agent of the new use shall maintain all vegetation installed in accordance with an approved landscape plan.

[AMENDMENT – 12-5.14_Fencing]

550.6 Fencing.

(1) General Provisions.

(a) Fences may be located immediately on a property line with no setback requirements, and the property owner shall be solely responsible for ascertaining the property line;

(b) Fences must conform to the design standards applicable to the Historic Preservation Overlay District and the Corridor Overlay Design District when located in those districts; where a conflict occurs between said design standards and those herein, said design standards shall be considered more restrictive and therefore controlling in that instance.

(c) Fences located within (10) feet of any public property, public right-of-way, or public easement shall apply for a fence permit from the City of Madison. The City Manager or his designee shall review either a current survey of the property or, at his discretion, conduct a site inspection prior to the issuance of a fence permit.

(2) Height Restrictions. No fence permit shall be issued for any fence, or portion thereof, located:

(a) Within ten (10) feet of a public intersection as measured from the nearest intersection corner in excess of three (3) feet in height from ground grade level;

(b) Within residential (R, R1, R2, R4, R6, R8) and professional (P1, P2) zones, for a fence in excess of seven (7) feet in height from the ground grade level;

(c) Within commercial (C1, C2, C3, C4, C5) and industrial (I1, I2) zones, for a fence in excess of seven (7) in the front yards and twelve (12) feet for side and rear yards.

Section 560 Illumination.
All outdoor lighting shall be directed away from property lines.

Section 570 Lot Coverage.
In an effort to maintain the rural character of the City of Madison and to help protect the environment against the effects of erosion and sedimentation, and to maintain the benefits derived from watershed areas and groundwater recharge areas and from unique characteristics such as an established tree canopy, civic greenspaces, and from unique characteristics such as an established tree canopy, civic greenspace, and landscaping enhancements, it is hereby determined that the maximum impervious lot coverage shall be 60% of the total site area in all zoning districts except the geographically small area of the City designated as C1 – Downtown Commercial. Recognizing that redevelopment of existing properties offers unique challenges to site planning, particularly for smaller sites, alternative methods to address lot coverage are permissible for existing sites as outlined below.

570.1 New Development Projects
Lot coverage by impervious surfaces shall not exceed sixty percent (60%)in all zoning districts except C1-Downtown Commercial. In the C1 zoning district zero lot lines are permitted to continue the existing building pattern. To encourage traditional zero lot line construction, there is no restriction on lot coverage for sites in the C1 zoning district.
570.2 Expansion Projects
A. Definition
An expansion is defined as any project in which the existing structure is increased by no more than 50% of its existing ground floor area of that which exists at the time of this Ordinance *or* the total impervious area is not increased by more than 50% of that which exists at the time of this Ordinance. Any increase above 50% shall be treated as a new development project and the site shall be designed with no more than60% impervious area.
B. Application of Guidelines
Due to their greater impact as a result of greater size, lots greater than 3 acres in area shall not be redeveloped with impervious surface area in excess of 60% of the total area.

570.3 Redevelopment Projects
A. Definition
A redevelopment is defined as any project in which an existing building or structure is demolished by more than 50% or total area of impervious surface is reduced by 50% or more.
B. Application of Guidelines
Due to their lesser impact as a result of smaller size lots less than 3 acres in total area may be redeveloped with a maximum impervious surface area of 75% of the total lot area.
C. Alternatives for Lot Coverage on Small Lots (Less than 3 acres)
The following options are available to properties less than 3 acres in area in which the existing total impervious surface coverage exceeds 60% of the site area. 15% increase or "overage" may be addressed by:
(1) Off-site ownership or perpetual easement of an acreage equivalent to the necessary impervious area, if located within 1,000 feet of the property line of the subject development site.
(2) A perpetual easement for pervious surface area on a lot directly adjacent to the site. (e.g. off-site greenspace). The acreage designated under easement shall be one contiguous area not less than 10 feet in width. The acreage subject to the easement shall not be eligible to be included in the required pervious area for more than one lot. The easement shall include a maintenance plan which shall stipulate the party responsible for maintenance of the subject area,
(3) Contribution to a local "greenspace protection" fund for the purpose of greenspace protection and acquisition, protection against soil erosion and sedimentation, protection of the watershed and the groundwater recharge areas, or similar measures protective of the natural environment, provided that no more than half of the overage may be addressed by this method. A fee of $2,500 per percent above 60% shall be assessed. The fee shall be paid prior to issuance of any permits pertaining to the project. For example, a site with 68% impervious area shall pay a fee as calculated below:
68% - 60% = 8% 8 x $2,500 = $20,000 fee
(4) A combination of the above measures may be utilized.

Section 580 Performance Standards.

Every use, activity, process or operation in the below described districts shall comply herewith. No existing use, activity, process or operation shall be hereafter altered or modified so as to conflict with, or further conflict with, such performance standards. If, as of the date of adoption of this Ordinance, the operation of any existing use violates these performance standards, such operations shall not be changed to increase the degree of such violation.

580.1 Administration and Enforcement.

(1) Investigation of Violations. Whenever, in the opinion of the Building & Zoning Administrator, there is a reasonable suspicion of violation of these standards, the Building & Zoning Administrator may perform investigations and analyses, and may utilize the assistance of a qualified technician.

(2) Investigation fees. If a violation is found, the violator may be held responsible for the reasonable fee of any technician(s), as restitution imposed by a court. Such fees may be recovered in the same manner as, and in addition to, the fines specified in Section 1100.4.

(3) Deposit. If a complaint is received and the Building & Zoning Administrator does not believe there is a reasonable suspicion that a violation actually exists, the Building & Zoning Administrator may require that the complainant post an escrow deposit in the amount of five hundred dollars ($500.00).

(a) if the complaint is sustained, the escrow deposit shall be refunded to the depositor; or

(b) if the complaint had no reasonable basis, the investigation fee shall be paid from the complainant's escrow deposit. Any remainder of the deposit shall be refunded to the complainant upon completion of the investigation.

(4) Public Nuisance. Any violation of these performance standards shall be considered a public nuisance. Therefore, in addition to the enforcement procedures specified herein, the Building & Zoning Administrator is authorized to pursue other appropriate legal remedies.

580.2 Reserved.

580.3 Commercial Districts – P-1, P-2, C-1, C-2, C-3, C-4.

(1) Noise. Sound levels shall be measured with a sound level meter and associated band filter manufactured according to standards prescribed by the American Standards Association, or its successors. Measurements shall be made using the flat network of the sound level meter. Impulse type noises shall be subject to the performance standards prescribed herein, provided that such noises shall be capable of being accurately measured, and shall be those noises which cause rapid fluctuations of the needle of the sound level meter with a variation of no more than plus or minus two (2) decibels. Noises incapable of being so measured such as those of an irregular and intermittent nature, shall be controlled so as not to become a nuisance to adjacent uses.

The sound pressure level of any use, activity, process or operation, other than background noises, such as the operation of motor vehicles or other transportation facilities, shall not exceed the decibel limits set forth below when measured at the property line of the lot on which it is located:

Section 580.3 Table 4 – Sound Level Standards

OCTAVE BAND FREQUENCY cycles per second	PERMITTED SOUND LEVEL cycles per second
20 to 75	72
75 to 150	67
150 to 300	59
300 to 600	52
600 to 1,200	46
1,200 to 2,400	40
2,400 to 4,800	34
Above 4,800	32

(2) Vibration. Any use, process, operation or activity which shall cause at any time and at any point beyond the boundaries of the lot, earth borne vibrations, other than background vibrations such as the operation of motor vehicles or other transportation facilities, in excess of the limits set forth in the following table, is prohibited. Vibration shall be expressed as displacement in inches and shall be measured with a three-component measuring system approved by the Building & Zoning Administrator.

Section 580.3 Table 5 – Vibration Level Standards

FREQUENCY cycles per second	DISPLACEMENT inches
0 to 10	0004
10 to 20	0002
20 to 30	0001
30 to 40	0001
Over 40	0001

Impact vibrations which are discrete pulses that do not exceed one hundred (100) impulses per minute shall be permitted twice the displacements shown above.

580.4 Commercial and Industrial Districts – P-1, P-2, C-1, C-2, C-3, C-4, C-5, I-1, I-2.

(1) Toxic Matter. No use shall discharge or store any toxic matter in such concentrations as to violate any law or regulation, or be detrimental to or endanger the public health, safety, comfort or welfare of citizens of Madison or cause injury or damage to property or business.

(2) Glare and Heat.
   (a) Any operations producing heat shall be performed within a completely enclosed building in such manner as not to create a public nuisance or hazard.
   (b) Neither direct nor sky-reflected glare, whether from floodlights or from high-temperature processes such as combustion, welding or otherwise, shall be permitted to be visible beyond the property line of the use. This restriction shall not apply to signs or lighting permitted by this Ordinance.

(3) Radiation Hazards.
   (a) The release of radioactive gases and particulate matter shall not exceed the maximum allowable concentration permitted by any applicable laws and regulations.
   (b) No activity involving radiation hazards under which causes exposure to persons in excess of the maximum allowable under applicable laws and regulations shall be permitted.

(4) Smoke and Particulate Matter.
   (a) Commercial Districts. The emission of smoke or dust within any commercial district in an amount sufficient to create a general nuisance to adjoining properties shall be prohibited.
   (b) Industrial Districts. The emission of smoke or dust within any industrial district in an amount sufficient to create a general nuisance to adjoining properties shall be prohibited. All smoke and the emission of all other particulate matter in quantities sufficient to produce an opacity at any point greater than Ringlemann 3 is prohibited. The only exception is emission consisting entirely of condensed steam. A Ringlemann 1 unit is defined as twenty percent (20%) density for one (1) minute. No more than fifteen (15) units of Ringlemann smoke shall be permitted per hour and no smoke more intense than Ringlemann 2 is permitted, except that during one (1) hour a day, thirty (30) units of smoke may be emitted, but with no smoke more intense than Ringlemann 3. The total quantity of emitted solids shall not exceed one (1) point per hour per acre of lot area.

(5) Odors. No odor shall be regularly emitted in such quantities as to be readily detectable within twenty-five (25) feet of any residential use.

Section 590 Stormwater Management Standards.

590.1 Applicability. No person shall develop any land in the commercial or industrial districts without implementing approved stormwater management measures that control or manage runoff, in compliance with this Ordinance. Expansions of existing developed properties within the commercial or industrial districts must comply with this Section. For the purposes of Section 590, the term buffer means stormwater buffer and the term buffer width means stormwater buffer width.

590.2 Stormwater Management Design Criteria. To assist in the design and evaluation of stormwater management facilities, ***Stormwater Management Design Criteria*** have been developed. Although the intention of the Criteria is to establish uniform design practices, they neither replace the need for engineering judgment nor preclude the use of information not presented.

590.3 Permitting Requirements.

(1) No final occupancy permits shall be issued without recorded easements for stormwater management facilities; and receipt of an as-built plan that includes a certification of the storm drainage system.

(2) No site grading permits shall be issued or modified without right of entry for emergency maintenance, right of entry for inspections, any off-site easements needed, and an approved stormwater management plan.

(3) The approved stormwater management plan shall contain certification by the applicant that all land clearing, construction, development and drainage will be done according to said plan. Site grading permits may be revoked at any time if the construction of stormwater management facilities is not in strict accordance with approved plans.

(4) In addition to the plans and permits required from the City, applicants shall obtain all state and federal permits required for the proposed development.

590.4 Permit Suspension and Revocation.

(1) A site grading permit may be suspended or revoked for violation(s) of the conditions of the stormwater management plan approval, construction not in accordance with the intent of the approved plans, non-compliance with correction notice(s) or stop work order(s), or existence of an immediate danger in a downstream area.

(2) If any of these conditions are found, a written notice of violation shall be served upon the owner or authorized representative, and an immediate stop-work order may be issued. The notice shall set forth the measures necessary to achieve compliance. Correction must be started immediately.

590.5 Stormwater Management Plans. The applicant shall submit a final Stormwater Management Plan (SMP), as part of construction submittals, if required in Section 590.6. Should any such plan involve any stormwater management facilities or land to be dedicated to public use, the plan shall also be submitted to the department having jurisdiction over the land or other appropriate departments or agencies identified by the City for review and approval. This plan shall serve as the basis for all subsequent construction. The plan shall ensure that the property complies with all stormwater requirements of this Ordinance. Easements and agreements must be executed between all involved owners and submitted as part of the SMP or site development plan. The SMP shall include the following as a minimum:

(1) Contact Information. (a) name of proposed business; (b) name, address and phone number of the property owner(s) and developer; and, (c) name, address and phone number of the design firm.

(2) Basic Information. (a) submittal date and date of most recent revisions; (b) graphic scale and north arrow; (c) vicinity map, with owner names and zoning shown for abutting properties; and, (d) state approved design professional's stamp and signature.

(3) Property Information. (a) land lot, section and district; (b) exact boundary lines of the tract indicated by a heavy line giving lengths and bearings based on a boundary survey prepared by a surveyor registered in Georgia; and, (c) total acreage of the site.

(4) Topography. Ground elevations of the tract determined from field surveys or aerial photographs. The basis for the topographic information shall be shown. Contours shall be drawn at intervals of two (2) feet, and shall be mean sea level contours. Proposed grading, if different than existing contours.

(5) Zoning & Setbacks. Present zoning of the tract, and the zoning of abutting properties. Proposed zoning, if different from the existing zoning. A statement of the required setbacks for the proposed zoning. The front, rear and side setback lines shown graphically.

(6) Flood Plain. Location and elevation of the 100-year flood plain, or a statement that no part of the property lies within the 100-year flood plain.

(7) Roadways.

(a) All existing public roads that abut the property, showing right-of-way (ROW) and pavement widths.

(b) The plan, profile and speed limit for the existing public road at the development entrance, demonstrating that the minimum sight distances are satisfied.*

(c) Future ROW, if additional ROW is required to bring an existing public road up to current standards.

(d) Detail for paving on the proposed right-of-way within property.

(e) Deceleration lanes at development entrances, as required.*
(f) Dimensions of turning radii.*
(g) Curb and gutter detail* and a standard detail of all curb cuts.*
(h) The centerline of the nearest existing driveway or street if there is one within one hundred (100) feet of any curb cut centerline.
(i) Details of all temporary construction access to public roads.

(8) Soil Erosion & Sedimentation.
(a) The soil erosion and sedimentation control plan.
(b) Distance and bearing to the benchmark with the mean sea level elevation.
(c) Description, by a registered engineer, demonstrating how runoff will not adversely affect downstream properties.
(d) Certification that a water flow test has been performed specifically for this project within the past twelve (12) months.*

(9) Stormwater Management.
(a) Location, size and type of existing and proposed stormwater management structures.
(b) Stormwater piping profiles.
(c) Hydrology study based on the stormwater management requirements by a state approved professional, if detention ponds are required.

(10) Easements, Utilities, Miscellaneous.
(a) Existing easements, city or county lines, utility lines, bridges, street culverts and similar features. Any proposed easements.
(b) Location and type of all utilities, and indication of whether underground or overhead.* Proposed type of water/sanitary sewer service.* All water/sewer information required by City or Morgan County.*
(c) Location of nearest fire hydrant.*
(d) Proposed off-street parking facilities, including the dimensions of the parking lot, location of parking spaces, and maneuvering aisles.*
(e) Placement of sidewalks and streetlights if required or otherwise provided*
(f) The proposed finished floor elevations of all buildings.
(g) The location, height and size of any proposed signs.

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* These items may be eliminated from site plans required for the following uses if the project area is less than one and one tenth (1.1) acres: electrical substations, cellular telephone towers and water/sewer pumping stations.

590.6 Minimum Runoff Control Requirements.

(1) Developments of Less than 0.25 Acres of Impervious Surface:
(a) Site development plans must include BMPs. No Stormwater Management Plan is required.
(b) Detention is not required.

(2) Developments with 0.25 to 0.39 Acres of Impervious Surface (that increase stormwater runoff by less than 1.00 cubic foot per second (CFS) from pre-existing conditions based on the 25-year storm event):
(a) Site development plans must include BMPs. No Stormwater Management Plan is required.
(b) A hydrology study certified by an appropriate state approved professional which shows a less than 1.00 CFS increase in stormwater runoff from pre-existing conditions, based on the 25-year storm event.
(c) Detention is not required.

(3) Developments with 0.25 to 0.39 Acres of Impervious Surface (that increase stormwater runoff by more than 1.00 cubic foot per second (CFS) from pre-existing conditions based on the 25-year storm event):
(a) Site development plans must include a Stormwater Management Plan, and BMPs must be implemented.
(b) All developments shall be required to submit a hydrology study certified by an appropriate state approved professional which shall discuss the effects of off-site drainage, increased runoff from the site, and existing conditions downstream from the development. The study and the required management plan shall show that drainage will not affect downstream properties.
(c) Detention is required.

(4) Developments of 0.40 to 0.99 acres of Impervious Surface:
(a) Eighty percent (80%) of sediments must be removed from stormwater runoff before it leaves the property.
(b) Site development plans must include a soil erosion and sediment control plan and BMPs must be implemented.
(c) All developments shall be required to submit a hydrology study certified by an appropriate state approved professional which shall discuss the effects of off-site drainage, increased runoff from the site, and

existing conditions downstream from the development. The study and the required stormwater management plan shall show that drainage will not affect downstream properties.

(d) Detention is required.

(e) A maintenance schedule and agreement complying with Section 590.5 is required.

(f) Energy dissipaters are required if exiting velocity is greater than ten (10) feet per second.

(5) Developments of 1.0 to 10.0 Acres of Impervious Surface:

(a) Ninety percent (90%) of sediments must be removed from stormwater runoff before it leaves the property.

(b) Site development plans must include a soil erosion and sediment control plan and BMPs must be implemented.

(c) All developments shall be required to submit a hydrology study certified by an appropriate state approved professional which shall discuss the effects of off-site drainage, increased runoff from the site, and existing conditions downstream from the development. The study in combination with the required stormwater management plan shall show that drainage will not affect downstream properties.

(d) Detention is required.

(e) A maintenance schedule and agreement complying with Section 590.5 is required.

(f) Energy dissipaters are required if exiting velocity is greater than ten (10) feet per second.

(g) Any development that includes a stormwater discharge point within twenty-five (25) feet of the water edge of any stream, creek, river, water body, or state waters, and is draining into these, shall have an additional buffer width of twenty–five (25) feet. If an additional buffer width is impossible, stormwater outflow shall be routed through a minimum of twenty-five (25) feet of grass or vegetation, using BMPs, for further filtering and control of the runoff to meet the additional buffer width requirements. The additional buffer width shall be provided on the property being developed or through permanent easements meeting City standards. The additional buffer width shall be maintained in natural vegetated conditions as much as possible. If natural vegetation is not existing, native plantings shall be provided to create such buffer.

(h) Developments greater than ten (10) acres of impervious surface shall be reviewed on a case by case basis.

590.7 Stormwater Management Facilities.

(1) Stormwater management facilities may include both structural and nonstructural elements. Natural swales and other natural runoff conduits shall be retained where practicable.

(2) Where additional stormwater management facilities are required to satisfy the minimum control requirements, the following are examples of what may be used:

(a) Extended Detention Ponds

(b) Retention (Wet) Ponds

(c) Sand Filters

(d) Constructed Wetlands

(e) Infiltration Trenches/Devices

(f) Filter Strips and Flow Spreaders

(g) Grassed Swales

(h) Oil/Grit Separators

(3) If designed according to the specifications indicated in the ***Stormwater Management Design Criteria***, the stormwater BMPs will be reviewed based on the assumed sediment removal efficiencies indicated in the Design Criteria.

(4) Stormwater BMPs not listed in the Design Criteria may be approved. All proposed stormwater management structures shall be designed and certified by an appropriate state approved professional, and shall be subject to the approval of the City.

(5) Where detention and/or retention structures are used, designs that consolidate these facilities into a limited number of large structures will be preferred over designs which utilize a large number of small structures.

(6) Proposed stormwater control structures that will be shared among more than one (1) property will be evaluated on a case by case basis.

590.8 Maintenance.

(1) Any stormwater discharge control facility that services a single lot or development shall be privately owned and maintained. However, the owner shall grant to the City a perpetual, non-exclusive easement that allows for public inspection and emergency repair, in accordance with the terms of the maintenance agreement.

(2) A proposed inspection and maintenance agreement shall be submitted to the City for all private on-site stormwater discharge control facilities prior to the approval of the stormwater management plan. Such agreement must be acceptable to the City and shall be the responsibility of the private owner.

(3) All maintenance agreements shall include without limitation the following:
   (a) maintenance and inspection schedule meeting standards provided in the ***Stormwater Management Design Criteria***;
   (b) a description of the property on which the stormwater management facility is located and all easements from the main site to the facility;
   (c) size and configuration of the facility;
   (d) statement that properties which will be served by the facility are granted rights to construct, use, reconstruct, repair, maintain, and access the facility;
   (e) statement that no amendments to the agreement will become effective unless approved in writing by the City; and,
   (f) the agreement shall be executed by all involved property owners and the City.

(4) The agreement shall provide that preventive maintenance inspections of stormwater management facilities may be made at the City's discretion.

(5) The agreement shall provide that if the condition of a facility presents a danger to the public health, safety or general welfare because of unsafe conditions or improper maintenance, the City shall have the right, but not the duty, to take such actions as may be necessary to protect the public and make the facility safe. Any cost incurred by the City shall be paid by the owner.

(6) The agreement shall be recorded by the owner in the Superior Court Clerk's Office, Real Estate Records, prior to final facility inspection and approval.

Section 595 Small Parking Lots.

Within the City, off-street Small Parking Lots shall be developed in accordance with this Section and all remaining sections of Article V.

595.1 Intent and Purpose. To allow flexibility and sensitivity in developing small parking lots or adding parking spaces to existing parking facilities where the total number of automobile parking spaces does not exceed ten (10) spaces.

595.2 General Requirements for Graveled Parking Areas. Small parking lots accommodating up to five (5) automobiles shall be allowed to be constructed with a graveled surface. The maximum number of existing and added automobile parking spaces shall not exceed five (5) spaces. Concrete curb and gutters shall not be required for such parking lots, unless, otherwise the owner wishes to add the curbs or directed by the Municipal Engineer for reasons of stormwater runoff management, erosion control, and possible impact minimization to abutting rights of way and properties. All parking lot setbacks, lot coverage, landscaping requirements shall be met as required by the Zoning Ordinances and Development Regulations for all Zoning Districts.

(1) Constructability of Graveled Surfaces. Positive drainage and proper BMPs shall be required for all graveled parking areas. The top 12-inch section of soil subgrade shall be graded, compacted, and constructed to meet the minimum construction requirements specified for Graveled Parking Areas.

(2) Required Plans and Documents. Scaled graphical plans showing existing and proposed conditions over a recorded Boundary Survey / Plat must be submitted to the City for Review. Topographic survey or general topographic information and sensitive areas such as wetlands, creeks, streams, lakes, and other natural and historic features shall be shown on the plans. The plans must indicate the current zoning and use of the subject property and surrounding properties and access to public right of way facilities. Dimensions of proposed and existing parking spaces, access drives, building and parking setback lines, and structures shall be shown on the plans. Use of BMPs and landscaping / planting shall also be specified on the plans. Applicant and property owner's mailing and contact information as well as the subject property address must be provided on the plans. Construction details shall make reference to the City's Standard Details and/or otherwise, provided for review and approval.

(3) Fees. A flat fee of $100 shall be required for each development review request to defray the cost of administrative review and permitting.

(4) Permitting. A completed application along with the proper fees and plans shall be submitted to the City for Review. Upon review completion and finding the request in compliance with all applicable codes, ordinances, and regulations, the City shall issue a permit for the proposed development. Construction shall not be initiated

unless a permit has been issued for the proposed development. The City requires a minimum of 24 hours notice prior to any construction and land disturbances activities after the permit is issued.

(5) Special Conditions. The City shall have the right to negate the issuance of a permit or require additional information and improvements such as curb and gutter, paving, drainage structures, specialized BMPs if it were found in the opinion of the Municipal Engineer and City Manager that such development would create potential hazard and negative impact to the Public and adjacent properties.

595.3 General Requirements for Paved Parking Areas. Small parking lots accommodating more than five (5) but not greater than ten (10) automobiles shall be paved with asphalt or concrete. The maximum number of existing and added automobile parking spaces shall not exceed ten (10) spaces. Concrete curb and gutters shall be required for such parking lots, unless, otherwise approved by the Municipal Engineer or City Manager for reasons of stormwater runoff management, erosion control, and possible impact minimization to abutting rights of way and properties. All parking lot setbacks, lot coverage, landscaping requirements shall be met as required by the Zoning Ordinances and Development Regulations for all Zoning Districts.

(1) Constructability of Paved Surfaces. Positive drainage and proper BMPs shall be required for all paved parking areas. The top 12-inch section of soil subgrade shall be graded, compacted, and constructed to meet the minimum construction requirements specified for Small Paved Parking Areas.

(2) Required Plans and Documents. Scaled graphical plans showing existing and proposed conditions over a recorded Boundary Survey / Plat must be submitted to the City for Review. Topographic survey in two (2) foot contours or less shall be provided. Sensitive areas such as wetlands, creeks, streams, lakes, and other natural and historic features shall be shown on the plans. A soil erosion and sediment control plan, grading plan, and hydrologic calculations addressing pre-and post-development conditions must be prepared by a State Registered Professional (Surveyor, Engineer, and Landscape Architect) qualified to do such design shall be submitted to the City. The plans must indicate the current zoning and use of the subject property and surrounding properties and access to public right of way facilities. Dimensions of proposed and existing parking spaces, access drives, building and parking setback lines, and structures shall be shown on the plans. A landscaping / planting plan shall also be submitted for the development. Applicant and property owner's mailing and contact information as well as the subject property address must be provided on the plans. Construction details shall make reference to the City's Standard Details and / or otherwise, provided for review and approval.

(3) Fees. Fees shall be calculated based on the fee schedule that is in effect for all development plan reviews. This fee is assessed to defray the cost of administrative review and permitting.

(4) Permitting. A completed application along with the proper fees and plans shall be submitted to the City for Review. Upon review completion and finding the request in compliance with all applicable codes, ordinances, and regulations, the City shall issue a permit for the proposed development. Construction shall not be initiated unless a permit has been issued for the proposed development. The City requires a minimum of 24 hours notice prior to any construction and land disturbances activities after the permit is issued.

(5) Special Conditions. The City shall have the right to negate the issuance of a permit or require additional information and improvements such as drainage structures and specialized BMPs if it were found in the opinion of the Municipal Engineer and City Manager that such development would create potential hazard and negative impact to the Public and adjacent properties.

ARTICLE VI: USE PROVISIONS BY DISTRICT

Section 600 General.
This Article is established to ensure that each district is developed for its intended use. It is the intent of this Article to promote stability and a consistent pattern of land development and to promote the use of land consistent with the best interests of the residents of Madison.

600.1 Use Prohibited When not Specified. Any use not specifically named in a district shall be prohibited, unless application is made and permission granted for a text amendment under Section 1120.

Section 610 Residential Districts: R, R1, R2, R4, R6, R8.
The residential zoning districts include: Estate Residential District (R), Large Lot Residential District (R1), Medium Lot Residential District (R2), Small Lot Residential District (R4), Multi-Family Medium High Density Residential District (R6), and Multi-Family High Residential District (R8).

610.1 General Provisions.
In these residential zoning districts, no building shall be erected, remodeled, extended, constructed, reconstructed, moved, or structurally altered, nor shall any building or land be used for any purpose except as hereinafter specifically provided and allowed by this chapter.

610.2 Specific Intent and Purpose.

(1) In addition to the general purposes listed in Section 110, the specific purposes of these zoning districts are to:
- (a) provide appropriately located areas for a range of residential uses, and agricultural uses that are compatible therewith;
- (b) strengthen the city's economic base, protect residential investments, and promote the sustained stability of residential areas;
- (c) encourage an orderly and coordinated residential growth pattern to ensure adequate and efficient provision of public services;
- (d) create suitable environments for various types of residential uses and compatible accessory uses, and protect them from the adverse effects of inharmonious uses;
- (e) minimize the impact of commercial and industrial development on adjacent residential districts;
- (f) establish dimensional requirements for residential development and supplementary standards for specific uses in residential areas;
- (g) ensure that the appearance and effects of residential buildings and uses are harmonious with the character of the area in which they are located;
- (h) ensure the provision of limited off-street parking, loading and storage facilities, the reservation of ample yard, court, and other open space and the provision of adequate screening, buffering, and landscaping; and,
- (i) provide sites for compatible public uses which complement residential development.

(2) The unique specific purposes of each residential zoning district are as follows:

(a) ***Estate Residential District (R).***
To provide for areas of very low density, detached, single-family residential development and conditional agricultural uses in combination therewith; to recognize and protect the rural character of the area; to permit compatible accessory and conditional use of institutional and public buildings and uses requiring large amounts of open space which normally complement a balanced and attractive residential area; to protect the open and/or sparsely developed areas of the city from premature, scattered, and inefficient growth patterns; and to ensure the transition of these rural areas occurs in a coordinated and orderly manner so that they reflect the traditional residential development pattern already established within the original city limits.

(b) ***Large Lot Residential District (R1).***
To provide for areas of low density, detached, single-family residential uses; to reinforce the traditional residential development pattern predominant within the original city limits along primary and secondary corridors characteristic of the city's earliest platting of streets and regular blocks; to recognize and protect regular city blocks with large lots, street grid based, and highly pedestrian character of the historic areas

of the city; to permit compatible accessory and conditional use of institutional and public buildings and uses which normally complement a balanced and attractive residential area; to protect low-density, single-family residential areas from encroachment of higher density residential and non-residential uses; and to stabilize and protect owner-occupied housing and encourage a suitable environment for family life.

(c) ***Medium Lot Residential District (R2).***
To provide for areas of medium density, detached, single-family residential uses; to recognize and protect the moderate lot size, street grid based and highly pedestrian character of the city's turn-of-the-century neighborhoods and subdivisions; to reinforce the traditional residential development pattern characteristic of the historic areas of the city; to permit compatible accessory uses which normally complement balanced and attractive residential uses; to stabilize and protect owner-occupied housing and encourage a suitable environment for family life; and, to protect moderate density, single family residential areas from encroachment of higher density residential and non-residential uses.

(d) ***Small Lot Residential District (R4).***
To provide for areas of high density, detached single-family residential uses; to recognize and protect the small lot size, street grid based and highly pedestrian character of the historic areas of the city; to reinforce the traditional residential development pattern characteristic of the city's modern neighborhoods and subdivisions; to permit compatible accessory uses which normally complement a balanced and attractive residential area; to stabilize and protect owner-occupied housing and encourage a suitable environment for family life; and to protect medium density, single family residential areas from encroachment of higher density residential and non-residential uses.

(e) ***Multi-Family Medium High Density Residential District (R6).***
To provide for areas of high density, attached single-family residential uses with the allowance of a mixture of two-family dwellings, attached multi-family residential dwellings, and areas for mobile home parks; to reinforce the traditional residential development pattern characteristic of the city's modern neighborhoods and subdivisions; and to encourage and protect quality multi-family development and provide an alternative to detached single-family development; to allow more dense residential development designed to take advantage of the economy and convenience afforded by condensed development patterns through the reduction of lot size, congregation of site amenities (open space, recreational facilities, community center, etc.), and non site-built residential uses; to permit compatible accessory uses which normally complement a balanced and attractive residential area; to foster shared amenities; to ensure ample provision of open space and access to light air; to establish a transitional area to buffer low and medium density residential areas from non-residential areas; and to protect high density residential areas from encroachment of non-residential uses.

(f) ***Multi-Family High Density Residential District (R8)***
To provide for areas of very high density, attached single-family uses with the allowance of a mixture of two-family dwellings and multi-family residential dwellings; to allow more dense residential development designed to take advantage of the economy and convenience afforded by condensed development patterns through the reduction of lot size and the congregation of site amenities (open space, recreational facilities, community center, etc.); to reinforce the traditional residential development pattern characteristic of the city's modern neighborhoods and subdivisions; to permit compatible accessory uses which normally complement a balanced and attractive residential area; to encourage and protect quality multi-family development and provide an alternative to detached single-family development; to ensure ample provision of open space and access to light and air; to establish a transitional area to buffer low and medium density residential areas from non-residential areas; and to protect high density residential areas from encroachment of non-residential uses.

610.3 Residential Land Use Regulations (R, R1, R2, R4, R6, R8)

The residential zoning districts referenced below correspond to the districts listed in Section 610 and intent statements as found in Section 610.2 above. In ***Table 6 - Residential Zoning District Land Use Regulations***, the letter "P" designates use classifications permitted in residential zoning districts. The letter "C" designates use classifications allowed by approval of a conditional use permit, see Section 1125. The letter "X" designates use classifications prohibited. References listed under "See Section" reference additional regulations located elsewhere in this Ordinance or the code. For further definition of the listed uses, see Article II. For the chart of dimensional requirements and exceptions, see Article VII.

Section 610.3 Table 6 – Residential Zoning District Land Use Regulations
[P] = permitted; [X] = prohibited; C = conditional use permit required

LAND USE CATEGORY							
Principal Use* (unless noted as an accessory use)	***R***	***R1***	***R2***	***R4***	***R6***	***R8***	***See Section or Note***
Accessory building and uses							see **RESIDENTIAL**
accessory dwelling units							§ 800.8
bed and breakfasts	P	C	C	X	X	X	Code § 22: 91-140
home occupations							§ 800.3
home office	P	P	P	P	P	P	
residential business	C	C	C	X	X	X	
home swimming pools	P	P	P	P	P	P	Section 800.4
structures – general	P	P	P	P	P	P	Note (1)& § 800.1
temporary structures	P	P	P	P	P	P	Note (1) & § 800.9
uses – general	P	P	P	P	P	P	§ 800.2
AGRICULTURAL:							
animals – horses and stables	P	C	C	X	X	X	Note (2)
animals – household pets	P	P	P	P	P	P	
animals – cows, sheep, goats, chickens	P	C	C	X	X	X	Note (3)
farming, general practice	P	X	X	X	X	X	Note (4)
greenhouses and plant nursery, wholesale	C	X	X	X	X	X	Note (5)
game preserves and/or sanctuaries	C	X	X	X	X	X	
nut/fruit tree harvesting	P	X	X	X	X	X	
produce stands	C	X	X	X	X	X	
Amusements and Entertainment							
adult entertainment establishment	X	X	X	X	X	X	
archery range or firing range	X	X	X	X	X	X	
game center	X	X	X	X	X	X	
miniature golf, outdoor	X	X	X	X	X	X	
play centers, skating rink, bowling alley	X	X	X	X	X	X	
theaters	X	X	X	X	X	X	
theaters, outdoor	X	X	X	X	X	X	
Animal facilities and services							
pet cemeteries	C	X	X	X	X	X	
[AMENDMENT – 14-5.12_Child & Personal Care]							
Child-care facilities							
child-care, family	C	C	C	C	X	X	See § 800.34
child-care, home group	C	X	X	X	X	X	See § 800.34
child-care center	X	X	X	X	X	X	
Church							
administrative offices	X	X	C	X	X	X	
community church	P	P	P	X	X	X	
megachurch	C	X	X	X	X	X	
neighborhood church	P	P	P	X	X	X	
Educational facilities							
schools – public, private, parochial	C	C	C	X	X	X	
school programs - day-, pre-, post-	C	C	C	X	C	C	
Funeral and interment establishments							
cemeteries and memorial cemeteries	C	X	X	X	X	X	
[AMENDMENT – 14-5.12_Child & Personal Care]							
Healthcare facilities							
personal care homes	C	C	X	X	C	C	

LAND USE CATEGORY							
Principal Use* (unless noted as an accessory use)	***R***	***R1***	***R2***	***R4***	***R6***	***R8***	***See Section or Note***
Parks and Recreation							
campgrounds	C	X	X	X	X	X	Note(8)
health/fitness center	X	X	X	X	X	X	
gymnasium	X	X	X	X	X	X	
neighborhood activity center – accessory use	C	C	C	C	C	C	Note(8)
parks, active	C	C	C	C	C	C	Note(8)
parks, passive	P	P	P	P	P	P	
Public and semi-public buildings							
community center	C	C	C	C	C	C	
RESIDENTIAL:							
accessory dwelling	P	P	C	X	X	X	See § 800.8
apartment buildings	X	X	X	X	P	P	
apartment houses	X	X	X	C	P	P	
single-family dwellings	P	P	P	P	X	X	
tenant dwellings	P	X	X	X	X	X	Note (6)
two-family dwellings/duplexes	X	X	X	C	P	P	
manufactured home, parks	X	X	X	X	C	X	
manufactured home, individual	X	X	X	C	C	X	See § 840
townhouses	X	X	X	X	P	P	
[AMENDMENT – 13-11.11_Historic Site and Museum]							
Tourism Attractions							
historic sites and museums	C	C	X	X	X	X	See § 834.1
Utility structures and substations	P	P	P	P	P	P	Note (7)

(*) Unless otherwise specifically noted (for example, **RESIDENTIAL:**), all of the following uses are considered to be non-residential, which for the purposes of this section encompasses professional, office and/or institutional uses.

(1) Service and auxiliary buildings located and specifically designed to service only the residents of one (1) manufactured home park, as specified herein, not to include repair facilities of any type. Permitted buildings shall be limited to the following uses: (a) manufactured home park management office, (b) storage for maintenance tools, equipment, and supplies, (c) residence for a park watchman, caretaker, owner or manager, (d) recreation, community and laundry facilities for the exclusive use of the manufactured home park community.

(2) As an accessory use, one (1) horse per acre of fenced area on the same lot as the principal dwelling, not to exceed a maximum of four (4) horses per lot; one (1) stable having no more than four (4) stalls, with no stall exceeding two hundred (200) square feet in area. Stables are considered accessory buildings and shall meet Section 800.1 standards.

(3) As an accessory use, non-commercial keeping of these animals provided that the lot must be a minimum of four (4) acres with no more than: one (1) cow per four (4) acres, one (1) sheep or goat per acre, and three (3) chickens per acre.

(4) Includes crop production on the premises, excludes commercial livestock/poultry farms, fur farms, and kennels/cattery.

(5) Selling only products grown or produced on site.

(6) As an accessory use for farm laborers and their families, when located on the same lot or tract as the principal dwelling, on the basis of one (1) tenant dwelling per five (5) acres in addition to the minimum lot area required for the principal dwelling, and subject to all the yard requirements of the R District.

(7) Unmanned utility structures and substations, excluding towers, provided that such structures are screened in accordance with Section 550. No on-site storage of equipment is permitted except in the R District.

(8) As an accessory use only, snack counters and/or sales of food and non-alcoholic beverages are also included provided that said accessory use shall be operated in compliance with all applicable health regulations of the Morgan County Health Department and in compliance with the City of Madison Code of Ordinances, Chapter 22, Article VII-IX, vending regulations.

Section 620 Commercial Districts: P-1, P-2, C-1, C-2, C-3, C-4.
The commercial zoning districts include: Professional / Office / Institutional District (P-1), Professional / Limited Commercial District (P-2), Downtown Commercial District (C-1), Neighborhood Commercial District (C-2), General Commercial District (C-3), and Interstate Commercial District (C-4).

620.1 General Provisions.
In these commercial zoning districts, no building shall be erected, remodeled, extended, constructed, reconstructed, moved, or structurally altered, nor shall any building or land be used for any purpose except as hereinafter specifically provided and allowed by this chapter.

620.2 Specific Intent and Purpose.

(1) In addition to the general purposes listed in Section 110, the specific purposes of these zoning districts are to:
- (a) provide appropriately located areas for a full range of professional, office, institutional, service, and retail business needed by residents of, and visitors to, the city and region;
- (b) strengthen the city's economic base, protect small businesses that serve city residents, and promote the sustained stability of commercial areas;
- (c) create suitable environments for various types of business and compatible residential uses, and protect them from the adverse effects of inharmonious uses;
- (d) minimize the impact of commercial development on adjacent residential districts;
- (e) minimize the impact of industrial development on adjacent commercial districts;
- (f) ensure that the appearance and effects of commercial buildings and uses are harmonious with the character of the area in which they are located;
- (g) ensure the provision of adequate off-street parking, loading, and storage facilities, the minimization of lot coverage and impervious surfaces, the provision of adequate screening, buffering, and landscaping, and the provision of adequate illumination for commercial buildings and uses; and,
- (i) provide sites for compatible public uses which complement commercial development; and,
- (j) prohibit uses that are noxious or offensive by reason of the emission or creation of odor, dust, fumes, smoke, gas, noise, vibration, or similar substances or conditions which in the opinion of the City would be detrimental to the community interest.

(2) The unique specific purposes of each commercial zoning district are as follows:

(a) ***Professional / Office / Institutional District (P-1).***
To provide areas for various types of professional, office, and institutional uses and businesses incidental thereto; to establish areas for institutional facilities, offices, and professional businesses to develop in proximity to each other without the threat of encroachment of more intense retail or general commercial uses; to encourage such uses to remain in proximity to developed residential areas and general commercial areas; to encourage non-linear development with shared parking, amenities, and access; and to establish a transitional area to buffer surrounding residential neighborhoods from general commercial and industrial uses.

(b) ***Professional / Limited Commercial District (P-2).***
To provide for areas where certain professional, office, and service commercial uses can coexist with compatible residential uses without the threat of encroachment of more intense retail or general commercial uses; to encourage such uses to remain in proximity to the business and activity center thus reinforcing the highly pedestrian character of the historic areas of the city; to encourage development (and redevelopment of non-conforming buildings and sites) which contributes to the small town architecture; and to establish a transitional area to buffer surrounding residential neighborhoods from the highly active downtown center.

(c) ***Downtown Commercial District (C-1).***
To recognize and protect the historic and current vital core of the city; to foster its continued existence as a commercial center for business, government, and service enterprises for the whole community; to encourage development of this district as a shopping, dining, and activity center for residents, tourists, and the surrounding region; and to reinforce its small town architecture, character, and feel, and its pedestrian atmosphere, scale and movement by grouping specialized uses which benefit from close proximity to each other and by fostering full utilization of existing structures and infrastructure by allowing mixed land uses, contiguous construction, and shared parking facilities.

(d) ***Neighborhood Commercial District (C-2).***

To provide for limited commercial uses in proximity to surrounding neighborhoods; to foster the retailing of goods and furnishing of selected services while protecting nearby residential properties from possible adverse effects; to encourage development and redevelopment of these areas as neighborhood convenience centers, thus not encompassing a full range of business activities but rather those which serve the needs of the immediate neighborhood; and establish a transitional area as a buffer between residential, pedestrian areas and areas of higher vehicle traffic and more intense commercial development.

(e) ***General Commercial District (C-3).***

To provide for a range of commercial uses that supply commodities or services for both the community and regional market; to collect and consolidate such uses primarily on arterial streets and at major intersections; to minimize strip development along streets and roadways; and to provide adequate locations buffered by lighter commercial areas for those commercial activities which are frequently incompatible in close proximity to residential areas due to services, operations, or processes that are objectionable by reason of odor, dust, bright lights, smoke, noise, vibration, traffic volume and/or congestion, and exterior activities, storage, or displays.

(f) ***Interstate Commercial District (C-4).***

To provide an area for commercial establishments that normally depend on the traveling or commuting public for business and that generally offer extended hours of service; to allow the development of uses that usually involve larger vehicles transporting goods and servicing both commercial and industrial areas, the sales of motor vehicles and heavy equipment, and warehouse and commercial storage uses; to collect and consolidate such uses primarily on state and federal highway intersections; and to minimize strip development along streets and roadways; and to provide adequate areas for those commercial activities that generally offer extended business hours beyond the typical 8 a.m. - 6 p.m. work schedule and that frequently experience periods of higher traffic volume.

(g) ***Heavy Commercial District (C-5).***

To protect and promote a suitable environment for heavy commercial uses and light industrial uses compatible therewith; to allow for the development of such uses in low visibility locations not having frontage on arterial roadways; and to minimize the negative impacts often associated with such uses typically characterized by one or more of the following:

1) warehouse storage of wholesale goods and bulk product,
2) outdoor storage of vehicles, heavy equipment, and large goods/bulk product,
3) operations oriented toward the working or adult portions of the population,
4) operations requiring additional performance standards to avoid objectionable environmental conditions,
5) operations utilizing the location as a base for services provided throughout the community,
6) operations involving repair, fabrication, assembly, or packaging.

Further, the district is specifically intended to serve as an alternative location to avoid incompatible intrusions into areas promoted for industrial development or high-traffic, retail-oriented commercial activity.

620.3 Commercial Land Use Regulations (P-1, P-2, C-1, C-2, C-3, C-4)

The commercial zoning districts referenced below correspond to the districts listed in Section 620 and intent statements in Section 620.2. In ***Table 7 - Commercial Zoning District Land Use Regulations***, the letter "P" designates use classifications permitted in commercial zoning districts. The letter "C" designates use classifications allowed by approval of a conditional use permit, see Section 1125. The letter "X" designates use classifications prohibited. References listed under "see section" reference additional regulations located elsewhere in the zoning ordinance or the code. For further definition of the listed uses, see Article II. For the chart of dimensional requirements and exceptions, see Article VII.

Section 620.3 Table 7 – Commercial Zoning District Land Use Regulations
[P] = permitted; [X] = prohibited; C = conditional use permit required

LAND USE CATEGORY	DISTRICT							REFERENCE
Principal Use* (unless noted as an accessory use)	***P-1***	***P-2***	***C-1***	***C-2***	***C-3***	***C-4***	***C-5***	***See Section or Note***
Accessory building and uses								
accessory apartments								See **RESIDENTIAL**
accessory dwelling units								See **RESIDENTIAL**
bed and breakfasts	X	P	X	X	X	X	X	Code § 22: 91-140
fuel dispensary, pump, island and/or canopy	X	P	X	P	P	P	X	Note (1)
home occupations								See § 800.3
home office	P	P	X	P	X	X	X	
residential business	P	P	X	X	X	X	X	
outdoor storage and/or display	X	P	X	X	P	X	P	See § 800.5
Accessory building and uses (continued)								
sidewalk amenities	X	C	C	X	X	X	X	See § 800.6
structures – general	P	P	P	P	P	P	P	See § 800.1
temporary structures	P	P	P	P	P	P	P	See § 800.9
uses – general	P	P	P	P	P	P	P	See § 800.2
Administrative and information service facilities								
administrative offices/processing center	X	X	X	X	X	X	P	
call/telecommunications center	X	X	X	X	X	X	P	
data processing/programming facilities	X	X	X	X	X	X	P	
Agricultural uses								
timber harvesting	X	X	X	X	C	C	X	
Alcohol and beverage stores, retail								
beer and wine	X	X	P	P	P	P	X	
liquor	X	X	X	C	C	C	X	
Amusements and Entertainment								
adult entertainment establishment	X	X	X	X	X	X	C	Note (23)
archery range or firing range	X	X	X	X	X	X	C	See § 832
game center	X	X	X	C	P	P	X	Note(20)
miniature golf, outdoor	X	X	X	X	C	C	X	Note(20)
play centers, skating rink, bowling alley	X	X	X	X	P	P	X	Note(20)
theaters	X	X	C	X	P	P	X	Note(20)
theaters, outdoor	X	X	X	X	X	C	X	Note(20)
Animal facilities and services								
clinics and specialty services	X	X	X	P	P	X	P	
hospitals, lodging, and shelters	X	X	X	X	P	X	P	Note (4)
animal/pet supply stores, retail (excluding pet sales)	X	X	P	P	P	X	X	
animal/pet supply stores (including pets sales)	X	X	X	X	X	P	X	
Antique, curio, and/or collectible shops	X	P	P	X	P	X	X	
Apparel stores – clothing and accessories, retail								
bridal, vintage, consignment, and rental	X	P	P	X	P	X	X	
new	X	X	P	X	P	X	X	
secondhand and/or thrift	X	X	P	P	P	X	X	
shoe repair, service	X	X	P	P	P	X	X	
tailoring and/or dressmaking, service	X	P	P	P	P	X	X	
Arts, Crafts, and Hobbies								
Art, craft and/ or hobby supply stores, retail	X	X	P	P	P	X	X	
Art gallery or shop, retail	P	P	P	X	X	X	X	
Art studios	X	X	P	X	X	X	X	
Craftsman studios	X	X	P	X	X	X	X	

Audio/video/computer equipment								
supply stores, rental and/or repairs	X	X	X	P	P	P	X	
supply stores, retail	X	X	P	P	P	X	X	
Beauty shops, service								
barber, hairdresser, and/or stylist shops	P	X	P	P	P	X	X	
	P	X	P	P	P	X	X	
beauty supply, retail	X	P	P	P	P	X	X	
beauty/health spas	P	X	P	P	P	X	X	
manicure establishment	P	X	P	P	P	X	X	
tanning centers								
Book, news, magazine stores, retail	X	P	P	P	P	X	X	
Building, construction and special trade facilities								Note (5)
contractor and developer offices	X	X	X	X	P	P	P	
contractor/developer offices with facilities	X	X	X	X	P	P	P	Note (6)
contractor/developer office center	X	X	X	X	X	X	P	
landscape/irrigation service	X	X	X	X	X	P	P	Note (10)
timber harvesting service	X	X	X	X	P	P	P	
tree surgery service	X	X	X	X	P	P	P	
building supply store, wholesale	X	X	X	X	X	X	P	
Catering establishments, retail and rental	X	P	P	X	P	X	X	
[AMENDMENT – 14-5.12_Child & Personal Care]								
Child-care facilities								
child-care home, family	X	C	X	X	X	X	X	See § 800.34
child-care home, group	X	C	X	X	X	X	X	See § 800.34
child-care center	P	X	X	P	P	X	X	
Churches								
community	X	C	X	X	X	X	X	
megachurch	C	X	X	X	P	P	X	
neighborhood	P	C	X	C	P	P	X	
Collection agency	P	P	P	P	P	X	X	
Community associations/clubs – civic and private	P	P	X	P	P	X	X	
Confectionery and dessert shops, retail	X	X	P	P	P	P	X	
Copy and blueprint shops	X	X	P	P	P	X	X	
Department/discount department stores, retail	X	X	P	P	P	X	X	
Detective agency	P	P	P	P	P	X	X	
Distribution and storage facilities								
warehouse, self-service (mini)	X	X	X	X	P	X	P	
warehouse	X	X	X	X	P	X	P	
Drug stores, retail	P	P	P	P	P	X	X	
Educational facilities								
schools - private, public, parochial	C	C	C	X	X	X	X	
school programs – day-, pre-, post-	C	C	C	C	X	C	C	
small scale instruction	X	P	X	P	P	X	X	
studios for work or teaching of fine arts, photography, music, drama, dance, martial arts	X	X	X	P	P	X	X	
Fabric and notion shops, retail	X	X	P	P	P	X	P	
Financial institutions – banks, savings/loans								
with/without drive-thru window	X	P	P	P	P	X	X	
automatic teller machine only	P	X	P	P	P	P	X	
Florist and plant shops, retail	X	X	P	P	P	P	X	
Funeral and interment establishments								
cemeteries and memorial cemeteries	X	X	X	X	C	X	X	See § 820
gravestone and burial vault, sales and storage	X	X	X	X	P	X	X	Note (10)
undertaking, mortuary, and/or funeral home	X	X	X	C	P	X	X	

Gift, card, and stationary shops, retail	X	P	P	P	P	X	X	
Principal Use* (unless noted as an accessory use)	***P-1***	***P-2***	***C-1***	***C-2***	***C-3***	***C-4***	***C-5***	***See Section or Note***
Principal Use* (unless noted as an accessory use)	***P-1***	***P-2***	***C-1***	***C-2***	***C-3***	***C-4***	***C-5***	***See Section or Note***
Grocers, retail								
convenience food stores	X	P	X	P	P	P	X	Note (12); See § 830
delicatessens, bakery, specialty grocers	X	X	P	P	P	X	X	Note (12)
farmers market	X	X	P	X	X	X	X	Note (7)
grocery markets	X	X	X	X	P	X	X	Note (12)
health food stores	X	X	P	P	P	X	X	Note (12)
[AMENDMENT – 14-5.12_Child & Personal Care]								
Healthcare, service - dental, medical, optometry, psychiatric, chiropractic								
clinics (day services only)	P	P	P	P	P	X	X	
hospitals and laboratories	P	X	X	X	P	X	X	
nursing home/facility	P	X	X	P	P	X	X	
personal care homes	C	X	X	X	X	X	X	See § 800.35
personal care establishments	P	C	X	C	X	X	X	
private offices	P	P	P	X	P	X	X	
sanitariums and mental institutions	X	X	X	X	P	X	X	
Interior design and decorating establishments								
china, clock, frame, and/or rug shops, retail	X	P	P	P	P	X	X	
floor covering, retail and service	X	P	X	P	P	X	X	
furniture and furnishings stores, retail	X	P	P	P	P	X	X	
hardware and paint stores, retail	X	P	P	P	P	X	X	
kitchen supply stores, retail	X	P	P	P	P	X	X	
kitchen supply stores, rental	X	X	X	X	P	X	X	
linen and drapery, retail and service	X	P	P	P	P	X	X	
wallpaper, retail and service	X	P	P	P	P	X	X	
Jewelry stores, retail	X	P	P	X	P	X	X	
Laundry and/or dry cleaning establishments								
drop and pick up stations	X	X	P	P	P	X	X	
full-service	X	X	X	P	P	X	P	
self-service, public	X	X	X	P	P	P	X	
Lawn and garden establishments								
supply and equipment, retail and rental	X	X	X	P	P	X	X	Note (10)
greenhouse and plant nursery, retail	X	X	X	C	P	P	X	See § 800.5
Lodging								
bed and breakfast inns	X	C	X	X	X	X	X	
hotels	X	X	C	X	X	P	X	
inns	X	C	P	X	X	X	X	Note (18)
motels	X	X	X	X	X	P	X	
Mercantile and dry good stores, retail	X	P	P	P	P	X	X	
Media facilities, print and electronic								
film and internet production offices	X	P	P	X	P	X	X	
newspapers offices	X	X	P	X	P	X	X	
publishing and printing establishments	X	X	X	X	P	X	X	
[AMENDMENT – 14-10.13_Used Car Sales]								
Motor vehicles and equipment								
> passenger vehicles and small engine equipment								
body repair and painting	X	X	X	X	P	P	P	Note (14)
car wash, service or self-service	X	X	X	P	P	P	X	Note (8)
fuel sales	X	C	X	P	P	P	X	
general service/installation of parts/accessories	X	C	X	P	P	P	P	Note (16)
new or used, sales and rental	X	X	X	C	P	P	X	
light duty trailer sales, new – accessory use	X	X	X	X	C	X	X	Note (8)
parts/accessories, sales	X	X	P	P	P	P	X	Notes (10) & (22)

tires, sales	X	X	X	X	P	P	X	Note (13)
vehicle storage yard	X	X	X	X	P	P	P	
welding and fabrication	X	X	X	X	X	P	P	Note (10)
wrecker and/or towing, service	X	X	X	X	P	P	P	Note (8)
> heavy trucks, RVs and other heavy equipment								
body repair and painting	X	X	X	X	X	P	P	Note (8)
fueling station	X	X	X	X	X	X	X	Note (15)
general service/installation of parts and accessories	X	X	X	X	X	P	P	Note (8)
new or used, sales and rental	X	X	X	X	X	P	P	Note (16)
parts/accessories/tires, sales	X	X	X	X	P	P	X	Note (8)
truck wash, service or self-service	X	X	X	X	P	P	C	Note (13)
terminal, motor freight	X	X	X	X	X	X	C	
truck stop/travel plaza	X	X	X	X	X	X	C	
Musical instrument shop, retail	X	X	P	X	P	X	X	
Office Parks								See § 833
medical office parks	P	X	X	X	P	X	X	
professional office parks	P	X	X	X	P	X	X	
Office supply stores, retail	X	P	P	P	P	X	X	
Optical supply stores, retail	P	P	P	X	P	X	X	
Parking, commercial – primary use								
garages	X	C	C	X	P	P	X	Note (10)
lots	X	C	X	X	P	P	X	See § 520
Parks and Recreation								
campgrounds	X	X	X	X	X	X	X	
health/fitness center	X	C	X	P	P	P	X	Note(20), Note(21)
gymnasium	X	X	X	X	P	P	X	Note(20)
neighborhood activity center – accessory use	X	X	X	X	X	X	X	
parks, active	X	X	X	X	P	P	X	
parks, passive	P	P	P	P	P	P	P	
Photography								
supply and processing stores, sales/service	X	X	P	P	P	X	X	
portrait studio	X	P	P	X	P	X	X	
Professional offices	P	P	P	X	P	X	X	Note (9)
Public buildings								
government offices, libraries, museums	X	P	P	P	X	X	X	
convention hall, community center	X	C	C	X	X	X	X	
Recreational equipment stores, repair and Rental	X	X	X	X	P	P	X	Note (10)
Recreational equipment/supply stores, retail	X	X	P	P	P	P	X	Notes (10) (13)
[AMENDMENT – 14-8.11_Live/Work Units]								
RESIDENTIAL:								
accessory apartments	P	P	P	X	X	X	X	See:§ 800.8
accessory dwellings	P	P	X	X	X	X	X	See:§ 800.8
apartment buildings	X	X	X	P	P	X	X	
apartment houses	X	P	X	X	X	X	X	
live/work units	X	P	X	X	X	X	X	See:§ 800.8
lofts	X	X	P	P	P	X	X	
single-family dwellings	P	P	X	X	X	X	X	
two-family dwelling/duplex	X	P	X	X	X	X	X	
townhouses	P	X	X	X	X	X	X	
Restaurant								Note (11)
restaurant/cafe, grill, lunch counter	X	C	P	P	P	P	X	
with drive-in or drive-through service	X	X	X	X	C	P	X	Note (17)
with walk-up or walk-away service	X	X	C	C	X	X	X	
Sales and Service Facilities								
appliance stores (small and large), retail,								

rental, and/or repairs	X	X	X	P	P	P	P	Note (2), (3)&(6)
building supply, retail	X	X	X	P	P	P	P	
equipment (small and large), service and	X	X	X	P	P	P	P	
rental	X	X	X	P	P	P	P	Note (2)
equipment (office), service and rental	X	X	X	X	P	X	P	Note (19)
fuel sales – liquid, wholesale and sale								
funeral and interment establishments, wholesale and storage	X	X	P	P	P	P	P	
janitorial cleaning services	X	X	X	X	X	X	P	
janitorial/cleaning supply store, wholesale	X	X	X	X	P	P	P	
lawn and garden supply, wholesale	X	X	X	X	X	X	P	
locksmith shop, service	X	X	X	X	P	P	P	Note (13)
manufactured home sale lots	X	X	X	X	X	P	P	
pawn shop and pawnbrokers	X	X	X	P	P	P	P	
pest control services	X	X	X	X	P	P	P	
print and publication shops	X	X	X	X	X	P	P	
scrap hauling service	X	X	X	X	P	P	P	
sewer and septic tank service	X	X	X	X	X	X	P	
vending supply and service	X	X	X	X	X	X	P	
Shipping, packaging, and delivery establishments								
non-freight business	X	X	X	X	P	X	X	
Shopping Centers	X	X	X	C	P	P	X	See § 833
Telecommunications facilities								
mobile telephones/paging, retail and service	X	X	P	P	P	P	X	
satellite dishes, retail	X	X	X	P	P	P	X	
Temporary buildings	P	P	P	P	P	P	P	See:§ 800.9
[AMENDMENT – 13-11.11_Historic Site and Museum]								
Tourism Attractions								
historic sites and musuems	X	C	X	X	X	X	X	See: § 834.1
tour service offices	X	P	P	X	P	X	X	
Toy, variety, novelty, and dime stores, retail	X	X	P	P	P	X	X	
Transportation facilities								
airport	X	X	X	X	X	X	X	
administrative offices/dispatches	X	X	X	X	P	X	P	
commuter lot	X	X	X	X	X	X	X	
stations or terminals	X	X	X	C	P	P	P	
Travel agencies	P	P	P	X	P	X	X	
Utility and area service provider facilities								
emergency management services – fire, police, ambulance	X	X	P	P	P	P	P	
garbage and recycling collection services	X	X	X	X	X	P	P	
landfills, incinerators, and dumps	X	X	X	X	X	X	X	
recycling center	X	X	X	X	X	X	C	
telecommunications facility, radio and television stations	X	X	P	P	P	P	P	
telecommunications facility, tower/antenna	X	X	X	X	X	P	P	
utility administrative office	X	X	P	X	P	P	P	
utility transformers, substations, and towers	P	P	P	P	P	P	P	See Article IX
Vending								See § 22: 221-363
food and beverage, temporary sales	P	P	P	P	P	P	X	
general merchandise, temporary sales	P	P	P	P	P	P	X	
parking, temporary event	X	P	P	X	X	X	X	
outdoor sales, temporary sales	X	X	X	P	X	X	X	

Notes for Table 7, Section 620.3:

(*) Unless otherwise specifically noted (for example, **RESIDENTIAL:**), all of the following uses are considered to be non-

residential, which for the purposes of this section encompasses commercial, professional, office and/or institutional uses. For commercial retail uses, incidental manufacturing of products sold by the retail establishment on the premises is included provided that the manufacturing area does not occupy more than twenty (20) percent of the total floor area and does not employ more than five (5) persons.

(1) Provided that fuel dispensary, pump and/or canopy is not located in the front yard.
(2) Small appliances means radio, television, computer, kitchen counter appliances, stereo, fax, computer printer, VCR/DVD players, and other appliances of similar size.
(3) Large appliances means refrigerator, washer, dryer, dishwasher, stove, freezer, office copier, sewing machine, vending machine and other appliances of similar size.
(4) Outdoor kennels, runs, or open areas are permitted as accessory uses provided that such are located in the rear yard, enclosed by a fence not less than seven (7) foot high, and screened from the public right-of-way and from adjoining properties in accordance with Section 550.
(5) Special trades means goods and services integral to building and construction, specifically roofing, sheet metal, electrical, plumbing, heating/air conditioning systems, cabinetry, carpentry, flooring, drapery, upholstery, lumber and building materials, hardware and paint, rug and carpet care, sign making, glass and mirror cutting, and antique repair and restoration.
(6) Provided that such is not located within one hundred (100) feet of any residential district; provided that all operations are conducted in a building which shall not have any openings (other than a stationary window and pedestrian doors) facing the street frontage; and provided that no parts or waste materials shall be stored in the principal building.
(7) Provided that temporary produce stands are located within the designated area within the C-1 District and operated only during the established month/day/time set annually by the Mayor and Council.
(8) Motor vehicle storage which is secondary and clearly incidental is permitted provided that such is located in the rear yard, enclosed by a fence not less than seven (7) foot high, and screened from the public right-of-way and from adjoining properties in accordance with Section 550.
(9) Professional offices means the following recognized professional services/professionals: accountant, actuary, appraisal, architect, billing/bookkeeping, brokerage, computer science, decorator, designer, editor, engineer, insurance, investment, landscape architect, lawyer, real estate, researcher, surveyor, translator, and web design. See section 210 for the definition.
(10) Provided that such is screened in accordance with Section 550.
(11) For licensing requirements regarding pouring of alcoholic beverages, see Code of Ordinances, Chapter 6.
(12) The sell of produce from vehicles or from temporary stands outside of the building is prohibited.
(13) Outdoor display and storage of manufactured home (retail) and motor vehicle and heavy equipment (retail and rental) is permitted in accordance with Section 800, but any repair of such must be conducted entirely within a building which shall not have any openings (other than a stationary window and pedestrian doors) facing the street frontage, shall have no parts or waste materials stored outside, and all motor vehicles placed on the display lot shall be in operating condition at all times.
(14) Small equipment means lawn mowers (pushing), hand tillers, and other equipment of similar size whether engine operated or not.
(15) Heavy equipment means farm machinery and implements, construction equipment, lawn mowers (riding and trailing), motorcycles, all-terrain vehicles (ATV), off-road vehicles (ORV), recreational vehicles (RV), boats, travel trailers and other equipment of similar size whether engine operated or not.
(16) In the C-4 district, the fuel canopy may be considered the primary building regardless of other buildings located upon the same lot.
(17) Provided subject to the following conditions: a) such location shall be situated on U.S. Hwy 441 south of its intersection with Lions Club Road and the U.S. Hwy 441 Bypass, b) such property shall have frontage along U.S. Hwy 441 and all entrances and exits to the property shall be located on U.S. Hwy 441, c) such use shall have indoor seating for at least fifty (50) people, and d) all provisions of Section 642 have been met.
(18) Provided that the maximum allowable height of any portion of a building shall not exceed 60 feet from the grade of the street on which the property fronts.
(19) Excludes fuels intended for vehicle use.
(20) As an accessory use only, snack counters and/or sales of food and non-alcoholic beverages are also included provided that said accessory use shall be operated in compliance with all applicable health regulations of the Morgan County Health Department and in compliance with the City of Madison Code of Ordinances, Chapter 22, Article VII-IX, vending regulations.
(21) As an accessory use only, non-commercial nursery or child-care areas are also included provided that said accessory use shall be available only for patrons while the patrons are on the premise.
(22) See Section 800.6 for additional requirements.

(23) In compliance with the City of Madison Code of Ordinances, Chapter 10, Article II, Adult Entertainment.

Section 630 Industrial Districts: I-1 and I-2.
The industrial zoning districts include: Light Industrial / Limited Commercial District (I-1) and Light Industrial / Manufacturing District (I-2).

630.1 General Provisions.
In these industrial zoning districts, no building shall be erected, remodeled, extended, constructed, reconstructed, moved, or structurally altered, nor shall any building or land be used for any purpose except as hereinafter specifically provided and allowed by this chapter.

630.2 Specific Intent and Purpose.

(1) In addition to the general purposes listed in Section 110, the specific purposes of these zoning districts are to:
- (a) provide appropriately located areas for a range of light industrial uses, and limited commercial uses that are compatible therewith, for the employment of residents of the city and region;
- (b) strengthen the city's economic base, protect industrial investments, and promote the sustained stability of existing industrial areas;
- (c) encourage an orderly and coordinated industrial growth pattern to ensure adequate and efficient provision of public services;
- (d) create suitable environments for various types of light industrial, manufacturing, and compatible commercial uses, and protect them from the adverse effects of inharmonious uses;
- (e) minimize the impact of industrial development on residential districts, small town architecture, and the quality of life of the community;
- (f) ensure that the appearance and effects of industrial buildings and uses are harmonious with the character of the area in which they are located;
- (g) ensure the provision of adequate off-street parking, loading, and storage facilities, the minimization of lot coverage and impervious surfaces, and the provision of adequate screening, buffering, and landscaping, and the provision of adequate illumination for commercial and industrial buildings and uses;
- (h) provide sites for public and semi-public uses needed to complement industrial development or compatible with a industrial environment; and
- (i) prohibit uses that are noxious or offensive by reason of the emission or creation of odor, dust, fumes, smoke, gas, noise, vibration, or similar substances or conditions which in the opinion of the City would be detrimental to the community interest.

(2) The additional purposes of each industrial zoning district are as follows:

(a) ***Light Industrial / Limited Commercial District (I-1)***

To protect and promote a suitable environment for light industrial uses and LIMITED commercial uses compatible therewith; to provide accessibility to major transportation facilities as well as availability of adequate utilities and other public services; to discourage uses incompatible with light industrial development; and to minimize the negative impacts often associated with such uses typically characterized by one or more of the following:

1) warehouse storage of wholesale goods and bulk product,
2) outdoor storage of vehicles, heavy equipment, and large goods/bulk product,
3) operations oriented toward the working or adult portions of the population,
4) operations requiring additional performance standards to avoid objectionable environmental conditions,
5) operations requiring large acreage for heavy vehicle circulation and loading/unloading.

Further, the district is specifically intended to serve as a location buffered from conflicting land uses such as those found in areas promoted for residential development or high-traffic, retail-oriented commercial activity.

(b) ***Light Industrial / Manufacturing District (I-2)***

The District is intended to promote suitable areas for light industrial uses, including manufacturing, assembling, research and development, processing, wholesaling, and storage, by providing access to major streets and adequate public utilities, by discouraging uses incompatible with light industry and manufacturing, and by minimizing negative impacts often associated with heavy industrial uses on residential and commercial districts. Uses in this district not conducted within a building must be screened pursuant to Section 550. No new residential uses shall be permitted in this district.

630.3 Industrial Land Use Regulations (I-1, I-2)

The industrial zoning districts referenced below correspond to the districts listed in Section 630 and intent statements as found in Section 630.2 above. In ***Table 8 – Industrial Zoning District Land Use Regulations***, the letter "P" designates use classifications permitted in industrial zoning districts. The letter "C" designates use classifications permitted by approval of a conditional use permit, see Section 1125. The letter "X" designates use classifications prohibited. References listed under "see section" reference additional regulations located elsewhere in the zoning ordinance or the code. For further definition of the listed uses, see Article II. For the chart of dimensional requirements and exceptions, see Article VII.

Section 630.3 Table 8 – Industrial Zoning District Land Use Regulations
[P] = permitted; [X] = prohibited; C = conditional use permit required

LAND USE CATEGORY	DISTRICT		REFERENCE
Principal Use* (unless noted as an accessory use)	***I-1***	***I-2***	***See Section or Note***
Accessory building and uses			
structures – general	P	P	See §800.1
temporary buildings	P	P	See §800.9
uses – general	P	P	See §800.2
Administrative and information service facilities			
administrative offices/processing center	P	X	
call/telecommunications center	P	X	
data processing/programming facilities	P	X	
data processing/programming facilities with product production	P	P	
Amusements and Entertainment			
adult entertainment establishment	C	X	Note (5)
archery range or firing range	C	X	See § 832
game center	X	X	
miniature golf, outdoor	X	X	
play centers, skating rink, bowling alley	X	X	
theaters	X	X	
theaters, outdoor	X	X	
Animal facilities and services			
clinics and specialty services	X	X	
hospitals, lodging, and shelters	X	X	
Building, construction and special trade facilities			
contractor and developer offices	X	X	
contractor/developer offices with facilities	X	X	
contractor/developer office center	C	X	
landscape/irrigation service	X	X	
timber harvesting service	P	X	
tree surgery service	X	X	
building supply store, wholesale	C	X	
INDUSTRIAL:			
Industry, heavy - manufacturing, repair, assembly, or processing			
abattoir	X	X	
acid manufacturing	X	X	Note (1)
asphalt, cement, clay, gypsum, lime, or plaster manufacturing or processing	X	X	
bone distillation	X	X	
chlorine or similar noxious gases production	X	X	
drop forge industries using power hammers	X	X	
explosives, manufacturing or storage	X	X	
fats or oils, rendering or refining	X	X	
fertilizer production	C	C	
garbage, offal, or dead animals – dumping, storage, disposal, or landfilling of such	X	X	

glue manufacturing	X	X	
petroleum, refining or above-ground product storage	X	X	
sauerkraut, vinegar or yeast processing	X	X	
Industry, light - manufacturing, repair, assembly, or processing			
apparel, clothing and/or garment manufacturing	P	P	
aquarium chemical processing	P	P	
bakery or confectionery, wholesale	C	X	
business machines manufacturing	P	P	
concrete batch plant	C	C	
electrical appliances manufacturing	P	P	
electronic and scientific equipment manufacturing	P	P	
camera and photographic equipment manufacturing	P	P	
ceramic products manufacturing	P	P	
cosmetics and toiletries manufacturing	P	P	
fiberglass product manufacturing	P	P	
frozen dessert and milk processing	C	X	
glass fabrication	P	P	
grain processing	P	P	
laboratories for testing materials, chemical analysis and/or photographic processing	P	P	
medical appliance manufacturing	P	P	
medical device sterilization	P	P	
metal stamping	P	P	
musical instruments and parts manufacturing	P	P	
paper product manufacturing	X	P	Note (2)
pharmaceuticals or optical goods manufacturing	P	P	
plastic product manufacturing	P	P	Note (3)
souvenirs and novelties manufacturing	P	P	
tools or hardware manufacturing	P	P	
toys, sporting and athletic goods manufacturing	P	P	
wood, paper, and plastic assembly	P	P	
Parks and Recreation			
campgrounds	X	X	
health/fitness center	X	X	
gymnasium	X	X	
neighborhood activity center – accessory use	X	X	
parks, active	X	X	
parks, passive	P	P	
RESIDENTIAL	X	X	
Sales and service facilities			
appliance stores (small and large), retail, rental, and/or repairs	X	X	
building supply, retail	X	X	
equipment (small and large), service and rental	X	X	
equipment (office), service and rental	X	X	
fuel sales – liquid, wholesale and retail	P	X	Note (4)
funeral and interment establishments, wholesale and storage	X	X	
janitorial cleaning services	X	X	
janitorial/cleaning supply store, wholesale	C	X	
laundry and/or dry cleaning establishments, full service	X	X	
lawn and garden supply, wholesale	C	X	
locksmith shop, service	X	X	
manufactured home sale lots	X	X	
pawn shop and pawnbrokers	X	X	
pest control services	X	X	
print and publication shops	X	X	
scrap hauling service	X	X	
sewer and septic tank service	X	X	

vending supply and service	X	X	
Transportation facilities			
airport	X	P	
administrative offices/dispatches	X	X	
commuter lot	C	C	
stations or terminals	C	X	
Utility and area service provider facilities			
emergency management services – fire, police, ambulance	C	C	
garbage and recycling collection services	C	X	
landfills, incinerators, and dumps	X	X	
recycling center	C	X	
telecommunications facility, radio and television stations	P	P	
telecommunications facility towers and antenna	P	P	See Article IX
utility administrative office	P	X	
utility transformers, substations, and towers	P	P	
Distribution and storage facilities			
warehouse, self-service (mini)	X	X	
warehouse	P	X	
distribution warehouse facility	C	C	
Motor vehicles and equipment			
> passenger vehicles and small engine equipment			
body repair and painting	X	X	
car wash, service or self-service	X	X	
fuel sales	X	X	
general service/installation of parts/accessories	X	X	
new or used, sales and rental	X	X	
parts/accessories, sales	X	X	
tires, sales	X	X	
vehicle storage yard	X	X	
welding and fabrication	X	X	
wrecker and/or towing, service	X	X	
> heavy trucks, RVs and other heavy equipment			
body repair and painting	X	X	
fueling station	X	X	
general service/installation of parts and accessories	X	X	
new or used, sales and rental	X	X	
parts/accessories/tires, sales	X	X	
truck wash, service or self-service	X	X	
terminal, motor freight	X	X	
truck stop/travel plaza	X	X	

Notes for Table 8, Section 630.3:

(*) Unless otherwise specifically noted (for example, **INDUSTRIAL:**), all of the following uses are considered to be non-residential and commercial. For commercial retail uses, incidental manufacturing of products sold by the retail establishment on the premises is included provided that the manufacturing area does not occupy more than twenty (20) percent of the total floor area and does not employ more than five (5) persons.

(1) Acid manufacturing includes without limitation the manufacturing of hydrochloric, nitric, picric, sulfuric acid or other similar acids.

(2) Excluding the manufacturing of paper from pulp wood.

(3) Excluding the processing of raw materials.

(4) Excludes fuels intended for vehicle use.

(5) In compliance with the City of Madison Code of Ordinances, Chapter 10, Article II, Adult Entertainment.

Section 640 - Overlay Districts: HPO, CDO, WPO

The overlay zoning districts include: Historic Preservation Overlay District (HPO), Corridor Design Overlay District (CDO) and the Water Protection Overlay District (WPO). Overlay districts are superimposed over existing zoning districts. The special requirements of the overlay districts shall apply in addition to the requirements of the zoning district within which a specific property is located. Uses permitted within the overlay districts are those permitted in the underlying zoning district. If there is any conflict between this Section and another part of this Ordinance, the more stringent requirement shall govern.

Section 641 - Historic Preservation Overlay District (HPO)

641.1 Intent and Purpose. The Madison Historic District, designated pursuant to O.C.G.A Chapter 44-10, shall also be known as the Historic Preservation Overlay District. The boundaries of the district are delineated pursuant to the Madison Historic Preservation Ordinance, see Chapter 42 of the ***Code of Ordinances, as amended***.

641.2 Overlay District. The Historic Preservation Overlay District is superimposed over existing zoning districts. The special requirements of this district shall apply in addition to the requirements of the zoning district within which a specific property is located. Uses permitted within the Historic Preservation Overlay District are those permitted in the underlying zoning district. If there is any conflict between the requirements of the Chapter 42 and the historic preservation design manual, guidelines, and/or criteria and another part of this Ordinance, the more stringent requirement shall govern.

Section 642 Corridor Design Overlay District (CDO).

642.1 Intent and Purpose. The Corridor Design Overlay District serves to protect and enhance the significant scenic, natural, and visual assets of community gateways and corridors. These entry areas have a direct impact on places, districts, sites, buildings, structures, and works of art with special historic, cultural, or aesthetic interests or values. The development along such corridors affects Madison's small town character, its traditional development pattern, and its cultural heritage and tourism economy.

Suburban sprawl and roadside commercial developments, when set into a traditional, historic community such as Madison, produce a devastating effect on town character and quality of life. Often conventional development patterns produce linear development, asphalt wastelands, harsh and glaring light levels, and a proliferation of billboards and other distracting signage and visual clutter. Inadequately planned and regulated strip development has also spawned traffic congestion, competing signage and incompatible architecture. In order to preserve Madison's rural ambiance and historic nature, guidance is necessary to prevent the emergence and expansion of continuous strips of incompatible development in these corridors.

The primary goal is to protect and improve the character of these gateways and corridors while directing future development in harmony with the unique status of Madison. Careful planning, particularly along heavily traveled and developed corridors, can allow new developments to successfully complement the existing town without compromising its unique character. The purpose of this district is to utilize appropriate, innovative regulations and planning techniques to protect Madison's gateways and corridors.

The objectives also include the safe and efficient use of the roadway and roadway frontage, the use of cooperative planning measures and shared amenities to integrate and connect adjoining development, and the encouragement of quality, sensible development in harmony with the historic character of Madison. A further purpose is the visual reclamation of existing linear shopping centers and the extensive asphalt parking lots associated therewith. The City also seeks to enhance open space conservation.

This district emphasizes the compatibility of building form, scale, massing and materials such that new structures will conform to neighboring community features and the traditional development pattern, and more closely respect the historic character of the town. New uses and structures should be reflective of and harmonious with existing traditional buildings in Madison and its rural surroundings. The construction of new, smaller scale traditional buildings along the roadside frontage and its viewshed can integrate with and contribute to the community in a positive manner.

642.2 Definitions for Section 642. For further definitions, the first reference source shall be the ***Madison Historic Preservation Manual.***

(1) APPURTENANCE: In general, appurtenances include without limitation appendages to the original structure such as: additions, mechanical systems, covered walkways, satellite dishes and antennae, storage buildings, attached parking decks, etc. In site planning, the term appurtenance may be applied to access roads and parking areas as well.
(2) BUFFER: Landscape area which forms a linear stretch abutting a property line, pavement or structures.
(3) BUILD LINE: The line indicating structural improvement on the property (building, parking, etc) closest to the property line. The Build line shall be drawn parallel to the property line.
(4) CERTIFICATE OF APPROPRIATENESS (COA): A document, required prior to a building permit, approving an application to make an alteration or a material change in the appearance of a property or of a structure, site, or work of art located in the Corridor Design Overlay District (CDO).
(5) COMMISSION: Means the Madison Corridor Design Commission (CDC).
(6) CORRIDOR: The area abutting the right-of-way along streets, roads, highways or interstates with the depth of that area being established by a boundary line on the zoning map. The area generally consists of the viewshed, meaning that area visible from the road.
(7) EXTERIOR ARCHITECTURAL FEATURE: The architectural style, general design, and general arrangement of the exterior of a structure, including, but not limited to, the texture of the building material, the type and style of all windows, doors, and signs, and other related architectural fixtures, features, details, or elements.
(8) FENESTRATION: The spatial definition of the walls of a building. The facade of a building establishes a wall surface or plane. The degree to which that plane is visually segmented by bays and punctured by entrances and windows is fenestration. For example, historic commercial buildings have a high degree of fenestration and large, modern "big-box" sprawl stores have an extremely low degree of fenestration. Madison's architectural history is one of moderate to high fenestration.
(9) GATEWAY: Distinct corners, formed by the intersections of major streets, arteries, and highways, which mark the established edge of the community and distinguish the route entering the heart of the community. See Section 642.85, corner landscaping.
(10) INTERIOR: Landscaping areas within or partially within pavement areas for breaking up large expanses of pavement. Interior landscape areas include islands, peninsulas, or combinations thereof.
(11) ISLAND: An interior landscaping area surrounded by pavement or structures.
(12) LANDSCAPE, FRONTAGE: Landscape areas between the front of the principal building(s) and adjacent street(s).
(13) LANDSCAPE, PERIMETER: Landscape area located between the side(s) and rear of the primary building(s) and adjacent property line(s).
(14) MATERIAL CHANGE IN APPEARANCE: The construction of a new structure, or a change that will affect the exterior architectural features of any structure, site, or work of art within the CDO district. Ordinary maintenance or repair of any exterior architectural feature in or on a structure that does not involve a change in design not a “material change in appearance.” Material change in appearance includes without limitation any one or more of the following:
    (a) a reconstruction or alteration of the size, shape, or facade of a structure, including without limitation relocation of any doors or windows, or removal or alteration of any architectural features, details, or elements;
    (b) demolition of a structure;
    (c) relocation of a structure within the CDO district or from a location outside the CDO district to a location within the CDO district;
    (d) commencement of excavation;
    (e) a change in the location of advertising visible from the public way on the property; or
    (f) the erection, alteration, restoration, or removal of any structure within the CDO district, including walls, fences, steps, and pavements, or other related features.
(15) ORNAMENTATION: Decorative elements applied to a structure.
(16) ORIENTATION: The direction a building's primary elevation (also known as façade) faces.
(17) OUTPARCELS: A lot within a planned center or portion of a larger parcel that is reserved during development for sale and/or future development. In commercial areas, these lots are generally reserved along the frontage road for smaller business development.
(18) SETBACK: The distance from the property line to the building (this includes roof overhangs, porches, foundations, etc.). The front setback may encompass landscape areas, paved areas, building appurtenances, etc.
(19) SPACING: The distance between buildings located on adjoining parcels (thus including both side setbacks).

642.3 Overlay District. The Corridor Design Overlay District is superimposed over existing zoning districts. The special requirements of this district shall apply in addition to the requirements of the zoning district within which a specific property is located. Uses permitted within the Corridor Design Overlay District are those permitted in the underlying zoning district. If there is any conflict between Section 642 and another part of this Ordinance, the more stringent requirement shall govern.

642.4 Certificate of Appropriateness. Within the CDO district, no material change in appearance shall be made and no building permit shall be issued unless a Certificate of Appropriateness (COA) has been approved by the Commission. Such material changes shall conform to all the requirements specified in the Commission's Management Plan and Design Criteria. All construction shall conform to the COA. An approved COA shall become void unless construction is commenced within six (6) months of date of issuance. A COA shall be valid for eighteen (18) months, at which time it shall expire. A new application must be submitted and a new COA issued by the Commission prior to any construction or modification after expiration of a COA. Work not in compliance with a COA is prohibited.

642.5 Corridor Design Commission (CDC).

(1) Commission Members. The Commission shall be a part of the planning and zoning functions of the City. Members shall be appointed by the Council and will oversee all material changes in appearance within the CDO district. The Commission shall consist of seven (7) members who have demonstrated special interest, experience, or education in history, architecture, and/or the preservation of small town resources. Members shall serve staggered two (2) year terms. Members shall not receive compensation.

(2) Commission Powers. The Commission shall have the following powers and duties:

(a) prepare and maintain an inventory of all property within the CDO district;

(b) recommend to the Council specific actions to preserve and improve the integrity, aesthetics and safety within the CDO district;

(c) review applications for and issue or deny Certificates of Appropriateness in accordance with the provisions of this ordinance for projects that have a “material change in appearance;”

(d) make such investigations and studies of matters relating to corridor planning as the Council may, from time to time, deem necessary or appropriate for the purpose of maximizing the appropriate use and utility of the CDO district;

(e) seek out state and federal funds and make recommendations to the Council concerning the most appropriate uses of any funds acquired;

(f) receive donations, grants, funds, or gifts of property on behalf of the City, provided that the Commission does not bind or obligate the City without prior written approval by the Council; and,

(g) the Commission may, where such action is authorized by the Council, and is reasonably necessary or appropriate for the preservation of a unique property, enter into negotiations with the owner for the acquisition by gift, purchase, exchange, or otherwise, of the property or any interest in such property by the City.

(3) Application Process.

(a) An application for a COA, for either preliminary review or final review, shall be accompanied by such drawings, photographs, or plans as required by the Commission and shall be submitted to the Zoning & Planning Official at least thirty (30) days prior to the Commission’s regularly scheduled meeting.

(b) For new developments and/or new buildings and significant changes to existing development and/or buildings, both preliminary review and final review are required. The Commission shall review the application and preliminary plans no less than thirty (30) days prior to final review and may suggest revisions that enable the preliminary plan to conform to the Commission’s Management Plan and Design Criteria.

(c) For minor changes to existing development and/or buildings, only one review is required and applications for such minor changes shall be submitted to the Zoning & Planning Official not less than fifteen (15) days prior to the Commission’s regularly scheduled meeting. The Zoning & Planning Official, after consultation with the Commission Chairman, shall determine whether changes to existing development and/or buildings constitute either a minor or significant change. Minor changes are: changes in type of roofing material, installation of awnings or signs, removal of non-conforming signs or structures and installation of irrigation, and alterations involving less than $5000.00 to existing elevations or site plans.

(4) Notice. A Public Notice shall be published in the official legal organ of Morgan County, Georgia or in a newspaper of general circulation in Madison at least fifteen (15) days and not more than forty-five (45) days prior to the scheduled meeting of the Commission, stating that the Commission will hold a hearing and stating the purpose, time, date, and location of the hearing, the location of the property, the present use, and a brief description of the nature of the material change in appearance proposed. Upon the filing of an application for COA, the applicant shall at his expense cause to be erected in a conspicuous place on the subject property, no less than fifteen (15) days prior to the scheduled hearing, one (1) or more sign(s) furnished by the City, each of which shall not be less than nine (9) square feet in area, and each of which shall contain the same information

required in the newspaper advertisement. No such public hearing shall take place until said sign(s) has been posted for at least fifteen (15) days.

(5) Public Hearing.

(a) The public hearings shall be conducted by the Commission and shall be governed by this Section. Minutes of the meeting will be taken by the Zoning & Planning Official. A tape recording of a public hearing may be requested and will be available at the expense of the party making the request. Copies of any findings, decisions and COA shall be available upon request to interested members of the public. The public hearing shall be called to order by the presiding officer, who shall summarize the requirements as to speakers' conduct and time limits.

(b) The Zoning & Planning Official shall report on the application, including the following: (i) the location of the property, the present use, and a description of the proposed material change in appearance; (ii) any report, investigation, or recommendation of the Zoning & Planning Official; and (iii) any additional information considered by the Zoning & Planning Official to be relevant.

(c) Each speaker shall speak only to the merits of the pending application and shall address his remarks only to the members of the Commission. Each speaker shall refrain from personal attacks on any other speaker or any discussion irrelevant to the pending application. Speakers shall not duplicate previous comments, as repetition deprives other speakers of valuable time to provide new information. The Commission Chairman or his/her designee shall refuse a speaker the right to continue if the speaker, after once being cautioned, continues to violate any section of this Ordinance.

(d) The applicant or applicant's representative shall present and explain his application after being recognized by the chairperson. The applicant will be allowed not less than ten (10) minutes combined total to make his initial presentation and subsequent rebuttal, but the applicant and all supporters shall have a combined time limit of no more than fifteen (15) minutes.

(e) After the applicant's presentation, interested persons who support the application, after being permitted to speak by the presiding officer, may address the proposed application by standing and stating their name, address, and interest and any comments on the pending application. Persons other than the applicant who support the application are allowed to speak in support of the pending application, subject to the fifteen (15) minute combined total time limit.

(f) Persons opposing an application are allowed not less than ten (10) minutes total as a group (and in no event less than the combined time used by the applicant and other supporters), to address their opposition to the application. The opponents shall have a combined total time limit of no more than fifteen (15) minutes. It is suggested that the supporters, and opponents, each obtain one (1) spokesperson to present their views. No individual except the applicant, a group representative, or an attorney shall speak more than one (1) time on an application.

(g) The applicant shall have an opportunity for brief summary remarks using any reserved time from his initial presentation, after which time the presiding officer shall close the public hearing. The Commission shall then deliberate and take action on the application. Deliberation may include questions to applicants, supporters and/or opponents. Actions shall be by majority vote. The Chairman may vote only in the event of a tie.

(6) Disclosures. Any applicant, or opponent who has contacted the City or any City official to express opposition or who wishes to speak at a public hearing or submit written opposition to a COA application, shall comply with the requirements of Section 1150, with the understanding that the term City Official includes members of the Corridor Design Commission.

(7) Conflicts of Interest. In addition to the Mayor, Council members and the Planning Commission members, a Corridor Design Commission member shall be considered City Official and shall therefore comply with the requirements of Section 1160.

642.6 Design Review - Decisions on Applications for Certificate of Appropriateness.

(1) Standards for Decision. At the conclusion of the public hearing the Commission shall issue a COA if it finds the proposed change(s) in appearance would not have a substantial adverse affect on the CDO district. The Commission shall consider, in addition to any other pertinent factors, the extent to which the proposed project complies with the Commission's Management Plan and Design Criteria in terms of the proposed architectural style, general design arrangement, texture and color (non-painted surfaces), material of the architectural features, parking, pavement, and other site features, and the extent to which the proposal is compatible with other structures in the area. The Commission shall not consider interior arrangement, or use having no effect on exterior architectural features, safety or utility.

(2) Denial. The Commission shall deny a COA if it finds the material change in appearance would have a substantial adverse effect on the CDO district. The Commission shall set forth in writing reasons for the denial, which it shall transmit to the applicant. The Commission may suggest modifications or alternatives to the proposed alteration or new construction. The applicant may make modifications to the plans and resubmit a new or revised application for consideration by the Commission. The denial by the Commission shall be binding upon the Building & Code Official and no building permit shall be issued.

(3) Time Limit for Approval or Denial. The Commission shall approve or deny an application for a COA within sixty (60) days after a fully completed application is filed with the Zoning & Planning Official. Failure of the Commission to act within said sixty (60) days shall be deemed approval of the application and no other evidence of approval by the Commission shall be needed.

642.7 Appeals. Any person dissatisfied with a decision of the Commission may appeal in writing to the Council. The appeal must clearly set forth all alleged errors, and must be filed with the City Clerk's office within thirty (30) days after the Commission's decision is rendered. After a public hearing by the Council pursuant to Section 642.5 (5), the Council may approve the decision, or modify or reject the decision, if it finds that the Commission abused its discretion by acting arbitrarily and/or in violation of constitutional rights in reaching its decision. Appeals from decisions of the Council may be taken to the Superior Court of Morgan County, Georgia, and must be filed within thirty (30) days of the Council's decision.

642.8 Standards for Applications for Certificate of Appropriateness Decisions.

(1) The ***Madison Historic Preservation Manual*** and ***Design Criteria*** are to be utilized as a reference and resource for information regarding Madison's traditional development pattern and architectural history.

(2) The ***Madison Corridor Management Plan*** and ***Design Criteria*** are to be utilized as the applicable standards for development in the CDO district. New construction should complement Madison's historic character in terms of building forms, scale, massing, and materials. Conformance with neighboring community features and standards is to be analyzed.

(3) Within the CDO District each roadway area has been evaluated and identified as a corridor "character areas," which is to follow a particular set of area specific criteria. General criteria apply to all character areas, unless specifically noted. Area specific criteria apply to properties located within specifically noted character areas.

(4) Identified character areas are as follows:

(a) Commercial Corridor / Character Areas:
1) U.S. Hwy 441 (city limits north to HPO District);
2) U.S. Hwy 278 (city limits north to HPO District);
3) Ward Road (U.S. Hwy Spur 24) (between U.S. Hwys 441 & 278); and,
4) Fairgrounds Road (between U.S. Hwy 441 & Lions Club Road);

(b) Industrial Corridor / Character Areas:
1) State Hwy 83 (city limits north to U.S. Hwy 278 Commercial Corridor); and
2) Industrial Park Road (State Hwy 83 east to U.S. Hwy 441 Commercial Corridor);

(c) Corridor Character Areas Pending Evaluation:
1) U.S. Hwy 441 Bypass (within the city limits);
2) Lions Club Road (U.S. Highway 441 Bypass west to State Hwy 83);
3) State Hwy 83 (HPO District west to city limits - toward Bostwick); and
4) Hwy 441 (HP Overlay District north to city limits- toward Athens).

642.82 Site Planning.

A. General Criteria for Conceptual Planning.

(1) Creative site planning alternatives, such as cluster development, reclamation, mixed-use enterprises, planned centers and open space zoning, should be utilized to offer alternatives to linear strip development.

(2) Significant cultural, historic, natural, and scenic features should be identified for preservation during the site planning process.

(3) Architectural design should not be developed independent of context. Buildings should be integrated with, not isolated from, their surroundings. All design elements, including without limitation buildings and appurtenances, landscape design and vegetation, parking, driveways, walkways, signage and lighting, should be coordinated to create a continuous and harmonious streetscape. Where possible, building appurtenances should be shared.

(4) Landscape design shall be an integral component. Retention of existing vegetation is encouraged. Adequate provision of new landscaping areas at the frontage, along the property perimeters, and within pavement areas

is essential. Landscape plans should utilize preferred plant materials, establish planting sizes, and include irrigation and screened utilities.

B. Area Specific Criteria.

(1) Commercial corridors shall have an integrated streetscape of a scale and character consistent with Madison's traditional development pattern. Architectural design should be heavily influenced by Madison's historic commercial, industrial, and institutional properties. Landscape design shall accommodate pedestrian areas, with canopy street trees and ornamental plantings, limited frontage parking with adequate shade, reduced signage, and walkways connecting buildings with the public sidewalk network.

(2) Industrial corridors shall have an interconnected "corporate campus" appearance so roadways, while serving a functional and vital industrial community, remain attractive travel corridors for residents and visitors. Architectural design is less important than landscape design in these areas. However, facades should have some degree of ornamentation consistent with Madison's traditional structures. Landscape design should retain some of Madison's rural heritage through the conservation of greenspace frontage and perimeters, minimal frontage parking, limited signage, and adequate screening of loading/docking, storage, and refuse areas.

642.83 Architecture.

A. General Criteria for Conceptual Planning.

(1) Architecture should reflect Madison's traditional and/or historic built environment, specifically in terms of scale, mass, form, materials, fenestration, and ornamentation (see definitions).

(2) Appropriate building orientation and setback are integral aspects of site planning, and should also be incorporated during architectural design.

(3) In areas where new structures are adjacent to and visible from roadways, architecture shall adhere to the standards set forth below and, to the extent deemed applicable by the Corridor Commission, to the ***Madison Historic Preservation Manual***.

(a) General. In general, new structures shall be designed consistent with traditional and historic features associated with the building type.

(b) Orientation. Most Madison buildings face the street. New construction should reflect this pattern. In instances of the use of an access road, the Commission may consider alternative orientation proposals for buildings not visible from the public right-of-way.

(c) Setback. Historic commercial and institutional properties have very defined setbacks, and few properties deviate from this established facade line. Properties that deviate detract from the streetscape. New construction and redevelopment shall closely adhere to the established facade line. Although the setback may not be the same as in historic areas, similar setbacks create the desired harmonious streetscape such as that found in the historic district.

(d) Scale. One-story buildings are typical in most corridor areas, and these are preferred. The scale of the structure should be proportional to setback.

(e) Mass. A building's proportions will be compared with other buildings in the vicinity, and with the size of the lot. If a proposed building is over 10,000 sq. ft., or has a facade greater than one hundred (100) feet in length, then setbacks, fenestration, and other techniques shall be used to minimize the visual impact of the building.

(f) Form. New structures should be rectilinear forms generally. Post-modern, mall-like towers are inappropriate. Parapet roof forms are preferred, as large expanses of flat roofs should not be visible, and coverage of large expanses of roof with gable or hip forms makes the roof too prominent.

(g) Materials. Brick and wood siding are the most common traditional building materials in the Madison area. Brick is the preferred exterior material. Materials having a wood siding appearance, such as hardiboard and hardiplank, are compatible substitutions provided that the proposed reveal is similar to that of existing historic examples. Aluminum and vinyl siding are not permitted. Stucco, not including E.I.F.S., is acceptable in limited areas (e.g. parapets) or as full exterior surface for architectural styles and forms reflecting Madison's historic architecture that traditionally utilized stucco (e.g. religious architecture, Art Moderne and Art Deco buildings).

(h) Fenestration. The spacing and placement of architectural bays and openings, and the solid-to-void ratio (wall-to-window), should conform to the general proportions characteristic of traditional buildings. Facades greater than one hundred (100) feet in length must incorporate wall plane projections or recesses thereby creating bays, said bays forming a different plane by at least one (1) foot. No uninterrupted length of facade shall exceed one hundred (100) feet. The facade of a main building facing

a public street shall feature at least one (1) public entrance. Where a main building faces more than two (2) public streets, an entrance for each side may be proposed.
To avoid box-like buildings, windows and other features are important to obtain the traditional solid to void ratio. Facades that face public streets shall have arcades, display windows, entry areas, awnings, or other similar features along no less than sixty percent (60%) of their length. The ground floor facade must be transparent between the height of three (3) feet and eight (8) feet above the walkway grade for no less than sixty percent (60%) of the horizontal length of the building facade. Where additional establishments will be located within or adjacent to the principal building, the solid to void criteria set forth above apply to each individual facade. All windows shall be recessed and shall include visually prominent framing features.

(i) Ornamentation. Detailing found upon local buildings should serve as a model for new design elements, including but not limited to decorative masonry work, accent masonry, brackets, knee braces, etc. Limited use of glass block, alternative masonry blocks, stucco, and synthetic stucco may be considered for the creation of building details. Building facades should include a repeating pattern that shall include no less than three (3) of the following elements: 1) color change, 2) texture change, 3) material module change (shape), or 4) expression of architectural or structural bay through a change in plane no less than one (1) foot in width, such as an offset, reveal, or projecting rib. At least one (1) of these elements shall repeat horizontally. All elements should repeat at intervals of not more than thirty (30) feet, either horizontally or vertically. Recessed panels (also referred to as traditional signboard areas) should be incorporated into the fenestration and ornamentation if attached wall signs are proposed.

B. Area Specific Criteria.

(1) Commercial Corridor. Properties less than three (3) acres shall follow a frontage setback of seventy-five (75) feet. Properties greater than three (3) acres should reserve two (2) or more outparcels for future development to insert buildings closer to the roadway. Where additional stores will be located within the main building, each such store shall have a least one exterior public entrance.

(2) Industrial Corridor. Properties less than three (3) acres shall have a frontage setback of eighty (80) feet. Properties greater than three (3) acres shall have a frontage setback of at least one hundred and twenty (120) feet. Buildings in this area may propose alternative building forms provided that all landscaping requirements are fully met. Alternative materials for elevations not visible from public areas may be presented. Only one public entrance is required, specifically on the elevation facing the primary road. Transparency of sixty percent (60%) of the horizontal length of the facade and recessed windows is imperative.

642.84 Pavement.

A. General Criteria.

(1) A large area of asphalt parking without landscaping, adjacent to the roadway, is not permitted. The required alternative is side or rear parking and interspersed landscaping amid front parking spaces.

(2) Shared parking areas utilized by more than one (1) building or business are encouraged, to minimize large areas of pavement.

(3) In addition to Section 520, the following standards apply: (a) Frontage pavement is to be limited, and screened by evergreen frontage vegetation. (b) Developments along pedestrian corridors are required to construct public sidewalk, to be connected to any existing sidewalk.

B. Area Specific Criteria.

(1) Commercial Corridors. Properties are limited to forty-two (42) feet of pavement, permitting one (1) row of parking spaces and a passing lane, between the frontage landscape strip and the primary structure. Parking in the front yard shall not extend more than two spaces beyond either wall of the primary structure Additional frontage parking for planned centers may be considered if the center has a front setback of at least two hundred (200) feet, all landscaping criteria are met, and the center features two (2) or more frontage outparcels. A five (5) foot sidewalk must be installed six (6) inches from the property line along the public road and along other sides of the lot that abut public streets.

(2) Industrial Corridors. Properties less than three (3) acres are limited to forty-two (42) feet of pavement, permitting one (1) row of parking spaces and a passing lane, between the frontage landscaping strip and the primary structure. Properties greater than three (3) acres are limited to sixty (60) feet of pavement between the frontage landscaping strip and the primary structure. Parking in the front yard shall not extend more than two spaces beyond either wall of the primary structure. Parking and loading areas for trucks and heavy equipment do not require interior landscaping if located entirely behind the primary structure and screened from the public road by an evergreen buffer at least twelve (12) feet in height at maturity.

642.85 Landscape.

A. General Criteria.

(1) Landscape planning shall be integrated with the overall planning concept for any project. Therefore, the Commission shall evaluate landscape plans as to relationship to the existing landscape. The Commission shall also consider landscapes on adjacent properties and public rights-of-way, and the existing and proposed building(s).

(2) Outparcels must meet all landscaping requirements in addition to those met by the larger development.

(3) In addition to the other regulations in this Ordinance, see Section 550, and the Tree Regulation Ordinance, the following standards apply.

(a) Existing Landscape. Existing tree cover and natural vegetation shall be preserved, whenever possible, or replaced with suitable vegetation. All existing, healthy deciduous and hardwood trees with a caliper of five (5) or more inches at a point three (3) feet above ground shall be retained, whenever feasible. If not feasible the tree shall be replaced with the same or similar type of tree, unless otherwise approved by the Commission.

(b) Required Screening, Buffering, and Landscaping. Landscaping shall divide and break up the expanse of paving. Screening and buffering of objectionable views or nuisances, such as service areas, refuse containers, air conditioning units, transformers, etc, is required. Seventy-five percent (75%) of frontage landscaping must be evergreen or perennial plant materials. Frontage strips adjacent to pavement deeper than forty-two (42) feet must be screened by one hundred percent (100%) evergreen shrubbery and the use of berms, where appropriate.

(c) Irrigation. Irrigation shall be installed and maintained as per approved irrigation plan. In industrial corridors, waiver of irrigation requirements may be considered by the Commission for existing enterprises and developments located on parcels over three (3) acres provided that a bond in accordance with Section 550.5 is secured.

(d) Vegetation and Coverage. All vegetation shall be proposed, installed, and maintained in accordance with Section 550. The minimum landscape buffer coverage is the sum of the areas required to meet all landscaping buffer requirements set forth below. In addition to landscape buffer coverage, the minimum quantity of trees must meet the established final site density factor (SDF) of twenty-five (25) units per acre (see Tree Ordinance: Determination of Site Density Factor).

(i) Frontage. A landscape buffer is required along all public rights-of-way, permitting only the encroachment of driveways necessary to serve the property. Trees within the frontage area must be a minimum of three (3) inches caliper, a minimum of one per twenty-five (25) feet of linear frontage (or one per 625 sq. ft. in area on properties greater than three (3) acres), and overstory, deciduous and/or hardwood trees. Trees may be grouped or established in a jagged line.

(ii) Perimeter. A landscape buffer is required along side and rear abutting property that is not public right-of-way.

(iii) Interior. Interior landscape buffer areas are required for all parking lots with six (6) or more spaces. Not less than ten percent (10%) of the interior of the parking lot must be landscaped. Islands should be a minimum of 150 sq. ft. and include at least one (1) tree. No portion of an island less than three (3) feet in width may be counted in the area. Landscape areas should be at least five (5) feet deep and at least twenty (20) feet long and include at least one (1) tree for every thirty (30) linear feet in length. Back-to-back parking bays, separated by landscape areas, are encouraged. One (1) in four (4) parking rows should be divided by a landscape area at least fifteen (15) feet in width. At least seventy-five percent (75%) of the trees located within interior landscape areas must be overstory, deciduous and/or hardwood trees.

(iv) Corner. Corner landscape areas are required for those properties located on the corners formed by the intersections of Bypass Route 441 and major arteries into the City of Madison, specifically Eatonton Road/US 441, E. Washington Street, Buckhead Road, and N. Main Street/US 441, Hwy. 83, and Hwy. 278. The intersection of Lions Club Road and the Monticello Highway is also included because it is another similarly situated property. These corners form unique entries

or "gateways" leading to the heart of the City. Owners of said properties shall install and maintain the corner landscape areas utilizing the established gateway requirements, or the City may accept a planting and maintenance easement provided that the owner extends and maintains the irrigation system. The easement shall be within the established setback. In consideration for said easement, the Commission may offer mitigation of site plan and landscape planning for said corner properties, provided that the corner landscape areas meet the gateway requirements.

B. Specific Criteria.
   (1) Commercial Corridors. *Frontage* landscape buffers must be at least twenty (20) feet in depth. The other *perimeter* landscape buffers must be at least ten (10) feet in depth. Sod is required for front yard grass areas of all properties.
   (2) Industrial Corridors. For properties less than three (3) acres, *frontage* landscape buffers must be at least twenty–five (25) feet in depth; *perimeter* landscape buffers must be at least twelve and one-half (12.5) feet in depth. Sod is required for front yard grass areas of all properties. For properties greater than three (3) acres, *frontage* landscape buffers must be at least one hundred (100) feet in depth; *perimeter* landscape buffers must be at least fifty (50) feet in depth. Sod is not required for properties above three (3) acres, provided that primary areas are sprigged or seeded.

642.86 Signs.

A. General Criteria. Since the corridors serve as entry gateways to Madison's historic district, signage should be compatible with the area's visual character. Restraint in sign design can limit the clutter, confusion and potential hazard associated with sign competition, while protecting the quality of the landscape. In addition to the regulations set forth in Article X, the following standards apply:
   (1) Placement. Attached signs shall be in scale with and proportional to the host building, never cover architectural features or details, and be aligned as much as possible with signs of adjacent properties. Freestanding signs shall be oriented perpendicular to traffic flow. Corner lots may choose which traffic flow to address.
   (2) Materials. Signs shall be wood or metal, which may be painted or relief. Box cabinets, whether plastic, vinyl, lexan, or metal, are not permissible.
   (3) Design. Sign design may be simple or reference Madison's architectural heritage. Colonial motif signs, as specifically noted in the ***Madison Historic Preservation Manual***, are not allowed.
   (4) Dimensions. Ground signs are permitted provided that the sign area is no larger than six (6) feet in height by twelve (12) feet in width.

B. Area Specific Criteria.
   (1) Commercial Corridors. Attached signs may have direct illumination if the front setback is at least two hundred (200) feet and individual letters are either channeled or reverse-channeled.
   (2) Industrial Corridors. Ground signs may be perpendicular or parallel to roads.

642.87 Illumination.

A. General Criteria.
   (1) Control. Lighting must be controlled in height, direction, and intensity for traffic safety and to maintain Madison's rural character.
   (2) Awnings. No illumination of awnings is permitted.
   (3) Height. Signs shall not exceed twenty (20) feet in height for single tenant developments or thirty-five (35) feet in height for multiple tenant developments.
   (4) Direction. Luminaries shall be shielded to prevent glare onto adjacent property.
   (5) Intensity. A maximum light level of PL = 0.2 foot candles measured at ground level is permitted. Entrances to developments may be lighted exceeding 0.2 foot candles for traffic safety only. High intensity sodium vapor lights are prohibited.

Section 643 - Water Protection Overlay District (WPO)

643.1 Intent and Purpose. The Water Protection Overlay District is an overlay area composed of the municipality's vital water-related natural resources – groundwaters, watersheds and wetlands. The district serves to protect

these resources from alterations that will significantly affect or reduce the primary functions for water quality, floodplain and erosion control, groundwater recharge, aesthetic nature and wildlife habitat. The boundaries of the district are delineated by the composition of three sources – Groundwater Recharge Area District(s), Water Supply Watershed District(s) and Wetland Protection District(s) – as delineated pursuant to the ***Code of Ordinances, Chapter 38, as amended***. Said ordinance sets forth procedures for the designation of said districts and for the administration and enforcement of protective measures regarding these natural resources.

643.2 Overlay District. The Water Protection Overlay District is superimposed over existing zoning districts. The special requirements of this district shall apply in addition to the requirements of the zoning district within which a specific property is located. Uses permitted within the Water Protection Overlay District are those permitted in the underlying zoning district. If there is any conflict between the requirements of ***Code of Ordinances, Chapter 38, as amended*** and another part of this Ordinance, the more stringent requirement shall govern.

[AMENDMENT – 12-5.14_PDD, PRD Acreage, PRD No C in HPO]
[AMENDMENT – 12-7.23_PRD Buffers]
[AMENDMENT – 13-1.14_PRD R Uses in HPO]

Section 650 - Planned Development Districts: PRD, PPD, PCD, PID

The four (4) types of planned development districts are as follows: Planned Residential District (PRD), Planned Professional District (PPD), Planned Commercial District (PCD), and Planned Industrial District (PID).

650.1 Intent and Purpose. A planned development is a flexible zoning technique under which the text of this Ordinance provides general guidelines for development, but the districts are mapped only upon approval of a developer's application for a specific planned development project. The approval process for a planned development involves rezoning the property to the particular type of planned development district sought by the applicant. The planned development districts are established for the following purposes:

(1) to encourage *larger scale planned development,* producing a logically organized and compatible set of land uses and resulting in a higher overall quality of community development than if accomplished in incremental unplanned stages;

(2) to encourage *a mixture and/or combination of land uses* not otherwise allowed in an established zoning district by careful site planning in which the appropriate site improvements are incorporated into the plan such that compatible relationships between uses within the site and uses adjacent to the site are established; and

(3) to encourage *creative site design* to a) preserve open space and unique environmental features, b) to conserve energy through efficient building design and clustering, c) to use the land efficiently, and d) to increase the efficiency of public service delivery.

650.2 General Conditions and Standards.

(1) General Conditions. An area may be considered for rezoning to planned development district if one or more of the following development types is proposed:

(a) as an *coordinated development* – where if limited to individual site specific plans and site specific uses submitted, would be permitted by right in the existing zoning in accordance with the ***Official Zoning Map*** and would be compatible in accordance with the ***Madison Future Land Use Map***;

(b) as a *mixed use development* – where separate land uses, not otherwise permitted within the same zoning district unless on individual sites in accordance with Section 435, are proposed for land under single ownership; or

(c) as an *alternative standards development* – where exceptions or variances from the size, setback, frontage, density, uses, or other standards required in the existing zoning district are proposed as a part of a planned development.

(2) Evaluation Chart. During consideration of whether flexible zoning may be appropriate for a site, the applicant is highly encouraged to create an evaluative chart to demonstrate the development's ability to execute the purposes for this type of zoning (see Section 650.1). This is particularly important where density and lot coverage increases are being considered.

Shared Benefits of Approving Flexible Zoning		
Purpose	Benefit to the Developer	Benefit to the Community
1	The proposed larger scale development allows: *ex. – cost reduction by creating congregate parking and stormwater facilities*	The proposed larger scale development allows: *ex. - coordinated and shared curbcuts, thereby improving traffic flow and safety*
2	The proposed mixed use development allows: *ex. – residential units above commercial storefronts, thus more sq.ft. on the site*	The proposed mixed use development allows: *ex. – offers "live, work, play" option that community does not currently have much of*
3 a-d	The proposed alternative standards allow: *ex. – the road standards are proposed for a sidewalk only on one side of the road* *– the original 24 units to be grouped on 1/3 of the acreage, adding 8 units in density* *– there is a mixture of single-family and two-unit homes in the same area* *– instead of 8-unit buildings, two 12-unit buildings are proposed with a connector* *– the lot is narrow, so a 10' setback is proposed*	The proposed alternative standards allow: *ex. – a trail is proposed along the creek and connects to the public sidewalk system* *– hardwoods area will be protected with a conservation easement* *– the mixture of housing allows for multiple levels of income in the same area* *– the development introduces a new form of senior housing to the community* *– the 10' setback area will have a landscape*

	for the side and rear	*buffer, including trees, shrubs, and irrigation*

(3) Standards for Review. In addition to the standards of Section 1121.8, the Planning Commission and the Council shall consider the following standards when reviewing flexible zoning applications:

(a) whether the zoning proposal demonstrates a clear and balanced benefit to the community as well as to the applicant that warrants the use of flexible zoning in lieu of the existing standards;

(b) whether the zoning proposal will result in a higher overall quality of community development than if developed utilizing the existing zoning classification;

(c) whether the applicant proposes a compatible mixture of uses on the same property and even in the same buildings; and,

(d) whether the proposed exceptions and variances from existing development standards will achieve the itemized creative design goals and can be offset as necessary by mitigating conditions or amenities.

650.3 Uses Within a Planned Development. Any use allowable in a conventional zoning district may be proposed for inclusion in a Planned Development. Each proposed use must meet all requirements of the zoning districts in which it is allowed. Only the specific uses approved shall be allowed in the Planned Development.
Any addition of uses, change of plans, or increase in size or density shall require a separate application for amendment to the original approved Planned Development and shall follow the same process as any other zoning ordinance amendment. Initial approval of a Planned Development does not grant a vested right to subsequently proposed amendments. Unless otherwise stated in this section, approved development standards and land uses shall become the standards for the subject property and, as such, shall become a part of these zoning regulations.

650.4 Special Site Requirements. The area of a site proposed for Planned Development District classification must:

(1) include between ten (10) and twenty-four (24) acres for Planned Residential Districts ***[AMENDMENT CORRECTION – 12-5.14]***,

(2) include between twenty-four (24) and sixty (60) acres for Planned Commercial or Planned Professional districts,

(3) include between twenty-four (24) acres for Planned Industrial Districts,

(4) abut a public street other than Interstate 20 or Highway 441 Bypass for a continuous distance of at least two hundred (200) feet, except as otherwise provided below, and

(5) connect to city sewer and water through existing lines or proposed lines.

(6) Exceptions:

(a) A smaller area may be considered by the Planning Commission and approved by the Council due to special and unusual circumstances related to the topography of the site provided that the application includes no request for additional density. In no case shall such site be less than ten (10) acres or fail to meet 650.4 (4) and (5).

(b) Because of the special and unique circumstances of both maximum density and unique mixture of land uses within the Downtown Development Area (comprised of C1 – Downtown Commercial and P2 – Professional/Limited Commercial districts), proposals for Planned Development District classification in the Downtown Development Area must contain a minimum of one and three quarter (1-3/4) acres and abut a public street for a distance of at least one hundred (100) feet.

(c) Because of noted slum and blight conditions document in the Downtown Urban Redevelopment Area, proposals for Planned Development District classification in the Downtown Urban Redevelopment Area must contain a minimum of five (5) acres and abut a public street for a distance of at least one hundred (100) feet.

650.5 Required Report and Plans.

(1) Written Report. This shall describe the land uses proposed and the type, nature, size, intent, and characteristics of the proposed development. This report shall include:

(a) a description of the proposal including proposed uses and location;
(b) the proposed standards for development, including restrictions on use of the property, density, setback requirements, and any proposed restrictive covenants;
(c) an explanation of why the proposed development standards are necessary, if the proposed standards vary from existing standards in this ordinance;
(d) plans for utilities, including water, sewer, and drainage;
(e) traffic report, unless a more extensive traffic study is requested by the Planning Department;(f) plans for protection of abutting properties, including buffers, screening, and landscaping;
(g) data stating the total number of acres (or square feet) for every proposed use;
(h) proposed development timetable;
(i) for any planned development or portion thereof within an overlay district, a Certificate of Appropriateness or a letter of support from the design review board (i.e. Historic Preservation Commission, Corridor Design Commission) for the district; and,
(j) additional data required by the Zoning & Planning Official.

(2) Required Detailed Site Plans. These shall be prepared by a registered engineer, architect, land surveyor, or landscape architect. The site plan shall bear the official registration seal of the professional(s) who prepared the plan, and shall include at a minimum:

(a) survey of the property, indicating all property dimensions, property size, adjoining owners, scale, north arrow, and tie-in point to a known location (road intersection, land lot corner, etc.),
(b) proposed platting (subdivision), streets, setbacks, building sites, type of use for each building site, access to the site, internal access and circulation, off-street parking areas, proposed public facilities and open areas, name of the development, and any special drainage features, and
(c) If the proposal includes the subdivision of land for any purpose or for the provision of new public or private streets, any additional information required under the city ***Subdivision Regulations***. The rezoning request and the proposed subdivision of the property shall be processed simultaneously. Any requested variance from the ***Subdivision Regulations*** shall be listed on the site plan and explained in the written report.

(3) Required Development Agreement. A draft of the development agreement between the applicant and the City of Madison shall be submitted with the Written Report and Detailed Site Plans. The draft development agreement shall be in a form acceptable to the City Attorney and shall contain at a minimum the Written Report, Site Plans, and an itemized list of variances and mitigating conditions. The development agreement shall be finalized to include all special conditions and requirements as approved through zoning action and signed by both parties prior to the submittal of plans for plat, subdivision, or civil review; no land disturbance nor building permits shall be issued prior to the development agreement. This agreement must be recorded in the Morgan County Clerk of Courts.

(4) An applicant for any Planned Development District request shall provide proof that the land is held in common/unified ownership.

650.6 Classification of Planned Development Districts. Planned development districts shall be classified by the principal use proposed for the subject property. If a mixture of uses is proposed and no principal use is clearly identified, the Planned Development can be made up of a combination of types of Planned Developments. Plat approval, permit issuance and development within any Planned Development District requires rezoning, and subdivision approval in accordance with the ***Subdivision Regulations***.

650.7 Expiration and Extensions of Planned Development Districts. The agreement will be null and void and the prior zoning will take effect if:

(1) the agreement is not signed by all parties within 45 days of approval,
(2) there is not at least one (1) occupied primary use within 18 month of the agreement,
(3) any required construction is not initiated within 12 months of the agreement by securing a land disturbance or construction permit.

If the developer needs more time to meet the aforementioned standards, the Council may grant an extension for good cause provided that the request does not alter any aspect of the approved zoning. A public hearing must occur regarding the extension request. A request for an administrative hearing shall be to the Council who shall consider said request at a public hearing.

Section 651 - Planned Residential District (PRD).

Planned Residential District is intended to allow greater flexibility in the placement, arrangement, and orientation of residential structures, the subdivision of land, and the grouping of open space and accessory facilities, such as garages and parking. Such development may also provide for a mixture of housing types (single-family, two-family, and multi-family) according to a carefully drawn plan. The proposed development should make maximum use of natural features and, through proper site planning measures, should conform to the existing character and development pattern of the surrounding area. The development shall protect any existing residential uses from adverse impacts.

Limited commercial uses may be included within the Planned Residential Districts, if the site abuts or is adjacent to an existing commercial or professional zoning district. However, these uses shall be only of a neighborhood convenience retail nature intended to serve the routine, day-to-day needs of the residents of the development. The retail uses shall be specified as part of the proposal and shall be limited to a total of 250 square feet of gross floor area per acre of the development or 10,000 square feet of gross floor area – whichever is less. Such uses may be proposed only on developments of ten (10) acres or more or as approved by Council pursuant to Section 650.4 (6)(a). There will be no commercial component in any residential zoning district which lies in the Historic Preservation Overlay District ***[AMENDMENT CORRECTION – 12-5.14]***. Additionally, any proposed Planned Residential District (PRD) that lies wholly or partially within any residential district within the Historic Preservation Overlay District shall be limited to single-family (detached) units, thereby precluding nay new two-family or multi-family units in the Planned Residential District ***[AMENDMENT CORRECTION – 13-1.14]***.

In addition to the requirements of Section 650.5 above, the written report and site plans shall also include information that addresses the following:

(1) The proposed size, location, number of units, and number of bedrooms of all residential structures shall be noted.

(2) Any streets and common open spaces not proposed for dedication to the City of Madison shall have the proposed maintenance and ownership agreements explained in detail.

(3) The architectural style and proposed site of all residential structures shall be indicated.

(4) The development controls for the subject property shall be shown (lot coverage, setbacks, building heights, lot sizes, and all other dimensions). If standards are not specifically proposed, then the applicable standards in the R1 District (Large Lot Residential District) shall apply.

(5) Proposed buffer of at least twenty-five (25) feet with landscape plan for one-story dwelling units, and at least fifty (50) feet with landscape plan for two-story dwelling units, on sites abutting single-family zoning (R, R1, R2, R4) ***[AMENDMENT CORRECTION – 12-7.23]***.

(6) Construction of non-residential structures must occur concurrently with residential construction and at no time shall there be more non-residential structure square footage than residential structure square footage. Construction of non-residential structures and facilities must occur with the construction, the timing to be specified in the Planned Development Agreement.

Section 652 Planned Professional District (PPD).

(1) Intent. A Planned Professional District must provide orderly, well-designed, office and institutional development in a manner that results in minimum impact upon the surrounding area. The site plans and building designs must maximize efficient utilization of space, maintain a low-intensity office character, be protected from more intensive commercial and industrial development, and buffer any nearby residential uses. Such a development may also include a limited amount of retail commercial and residential uses.

(2) Additional Data Required. In addition to the information required by Section 650.5, the following is required:

(a) The site plan shall indicate the proposed size, location, number of stories, and estimated number of employees in each office building.

(b) The development controls for the district shall be listed (lot coverage, setbacks, building heights, lot sizes, and all other dimensions). If specific standards are not proposed, the applicable standards in the Professional District (P1) shall apply.

(c) If residential or commercial uses are proposed in conjunction with the Planned Office Development, then the applicable information required for Planned Residential Districts or Planned Commercial Districts shall be provided.

Section 653 - Planned Commercial District (PCD).

(1) Intent. A Planned Commercial District emphasizes commercial usage of property while employing quality site planning and development controls to ensure protection of surrounding residential uses, traffic safety, minimum traffic congestion, and consistency with the long range land use plan. A limited number of residential uses may be proposed for a Planned Commercial Development.

(2) Additional Data Required. In addition to the information required by Section 650.5, the written report and site plans shall also meet the following requirements:

(a) The site plan shall indicate the proposed size, location and number of stories of each commercial structure.

(b) All curb cuts, the number and location of all parking spaces, and all loading and no parking areas shall be shown in detail.

(c) The proposed location and type of all buffers shall be shown and described.

(d) The location, number, size and height of all proposed exterior lighting, signs, or identification graphics shall be indicated.

(e) The type and number of all uses proposed for the Planned Commercial District shall be indicated.

(f) The development controls for the district shall be listed (lot coverage, setbacks, building heights, lot sizes, and all other dimensions). If standards are not specifically proposed, then the applicable standards in the General Commercial (C-3) District shall apply.

(g) If residential uses are proposed in conjunction with the Planned Commercial Development, the applicable information required for Planned Residential Districts shall be provided.

Section 654 Planned Industrial District (PID).

(1) Intent. A Planned Industrial District is a planned, organized and controlled industrial use or multiple, but compatible, industrial uses in a planned industrial park. The standards encourage the formation and continuance of a compatible environment for the planned industrial uses and the surrounding land uses. Carefully planned office and commercial uses may be incorporated as part of a Planned Industrial Development.

(2) Additional Data Required. In addition to the information required by Section 650.5 above, the written report and site plans shall also meet the following requirements:

(a) The site plan shall indicate the proposed site preparation and grading; streets and rail facilities; outdoor storage areas; and size, location, and number of stories of each commercial structure.

(b) All curb cuts, the number and location of all parking spaces, and all loading and no parking areas shall be shown in detail.

(c) The proposed location and type of all buffers shall be shown and described.

(d) The location, number, size and height of all proposed exterior lighting, signs, or identification graphics shall be depicted.

(e) The type and number of all uses proposed for the Planned Industrial District shall be indicated, including disclosure as to whether any of the proposed industries use large quantities of hazardous materials or produce hazardous wastes in quantities that would require regulation by the Georgia Department of Natural Resources.

(f) The development controls for the district shall be listed (lot coverage, setbacks, building heights, lot sizes, and all other dimensions). If standards are not specifically proposed, then the applicable standards in Light Industrial / Limited Commercial District (I-1) shall apply.

(g) If office or commercial uses are proposed in conjunction with the Planned Industrial District, the applicable information required for Planned Office Development or Planned Commercial District shall be provided.

Section 660 Interpretation of Uses.

660.1 Interpretation of Use Categories Enumerated in the Zoning Ordinance.

The Building & Zoning Administrator shall narrowly interpret this Ordinance to determine whether a proposed use falls within a land use category that is named as a permitted or conditional use in the district in which the use is proposed. Undefined words shall have their normal dictionary meanings. An aggrieved party may appeal the Building & Zoning Administrator's interpretation made in accordance with this Section to the Council pursuant to Section 1100.3.

660.2 Un-named Uses. Un-named uses may only be allowed upon approval of an application for a Zoning Ordinance Text Amendment in accordance with Section 1120.

Tables 9 & 10 – Reserved.

ARTICLE VII: DIMENSIONAL REQUIRMENTS AND EXCEPTIONS

Section 700 - Charts of Dimensional Requirements

This Article is established to show the lot, yard, and building dimensional requirements for land uses within each district. For dimensional requirements and exceptions for Planned Development Districts, see Sections 650 – 655.

700.1 R, R1, R2, R4, R6, R8 Dimensional Requirements (also see buffer requirements):

The following chart delineates dimensional requirements for the specified residential zoning districts. For the chart of use provisions by district, see Article VI. For supplementary standards for specific uses, see Article VIII.

Section 700.1: Table 11 – Residential Zoning District Dimensional Requirements

	R	R1	R2	R4	R6	R8
LOT					*See note (2)*	
Lot area, min *See note (1)*	65,340 sf 1.5 acres	32,670 sf .75 acres See note (7)	21,780 sf .50 acres See note (8)	10,890 sf .25 acres See note (9)	87,120 sf 2 acres .25 acre per unit See note (12)	174,240 sf 4 acres .25 acre per unit See note (12)
Lot density, maximum	.67 upa	1.3 upa	2.0 upa	4.0 upa	6.0 upa	8.0 upa
Lot coverage, max	30%	40%	40%	40%	40%	40%
Lot width, min	100 ft.	100 ft.	100 ft.	75 ft.	75 ft.	75 ft.
Lot frontage, min	100 ft.	75 ft.	50 ft.	50 ft.	75 ft.	75 ft.
YARD						
Setback, front yard (min) *highways and arterials* *See note (11)*	80 ft. See note (3)	60 ft. min. See note (3)	60 ft. min. See note (3)	30 ft. min. See note (3)	60 ft. See note (3)	60 ft. See note (3)
Setback, front yard (min) *collectors and other streets* *See note (11)*	60 ft. See note (3)	30 ft. min. See note (3)	30 ft. min. See note (3)	20 ft. min. See note (3)	30 ft.	30 ft.
Setback, side yard (min) *See note (10)*	15 ft. min	15 ft. min	15 ft. min	10 ft.	20 ft. See note (4)	20 ft. See note (4)
Setback, rear yard (min)	30 ft. min	30 ft. min	30 ft. min	25 ft.	25 ft.	25 ft.
BUILDING						
Building height, max *See note (5)*	60 ft.	35 ft.	35 ft.	35 ft.	See 850.4 (2)(c)	See 850.4 (2)(c)
Building ground floor area, min *See note (6)*	1,200 sf	1,200 sf	1,200 sf	800 sf	See 850.4 (2)(d)	See 850.4 (2)(d)
Building width, min	24 ft.	24 ft.	24 ft.	24 ft.	16 ft.	16 ft.

Notes for Table 11, Section 700.1

(1) Encompasses area for accessory buildings and uses, including parking, loading and unloading space, storage and parking, screening, lighting, and stormwater management measures. The minimum lot area cited in this Article shall be increased in all situations where the Morgan County Health Department requires a larger lot for proper septic tank operation.

(2) Area requirements for manufactured home parks and individual manufactured home spaces within parks are set forth in Article VIII, Section 845.

(3) Front building line shall conform to the mean building line established by existing buildings along a developed block. For properties located with overlay districts (HPO and CDO), the frontage setbacks are established by the

designated design review board to maintain the most compatible building line along a historic block or design corridor. For moderate and large scale attached dwelling developments, front yard minimum setback may be required by the City to be an additional fifteen (15) feet .
(4) Attached dwelling unit buildings must also have a twenty (20) foot setback between buildings on the property; for townhouses the twenty (20) foot setback is applied between buildings and not between individual dwelling units.
(5) Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennae, and radio aerials are exempt.
(6) 1 bedroom – 800 sq. ft.; 2 bedrooms – 1,000 sq. ft.; 3 bedrooms – 1,200 sq. ft.
(7) For major subdivisions, minimum lot size reduced to .50 acres provided the following lot size diversity of acreage is followed: 35% - .50 to .74; 50% - .75 to .99; and 15% - 1.0 and greater.
(8) For major subdivisions, minimum lot size reduced to .34 acres provided the following lot size diversity of acreage is followed: 35% - .34 to .49; 50% - .50 to .99; and 15% - 1.0 and greater.
(9) For major subdivisions, minimum lot size reduced to .18 acres provided the following lot size diversity of acreage is followed: 35% - .18 to .24; 50% - .25 to .49; and 15% - .50 and greater.
(10) See §710.3 for more information regarding corner lots. Accessory buildings for attached dwelling unit developments shall meet all yard setbacks.
(11) See §710.1 for more information regarding the front setback for new construction in developed areas. Accessory buildings for attached dwelling unit developments shall meet all yard setbacks.
(12) Or .25 acres per attached dwelling unit, whichever is the greater, as set forth in Article VIII, Section 850.

700.2 P-1, P-2, C-1, C-2, C-3, and C-4 Dimensional Requirements (also see buffer requirements):
The following matrix delineates dimensional requirements for the specified commercial zoning districts. For the matrix of use provisions by district, see Article VI. For supplementary standards for specific uses, see Article VIII.

Section 700.2: Table 12 – Commercial Zoning District Dimensional Requirements

	P-1 (2)	P-2 (2)	C-1	C-2	C-3	C-4
LOT						
Lot area, min (1)	10,000 sq.ft.	10,000 sq.ft. (9)	none	7,000 sq.ft.(9)	1 acre (9)	1 acre
Lot area, max (1)	20,000 sq.ft.	20,000 sq.ft.	20,000 sq.ft.	10,000 sq.ft.	10 acre	10 acre
Lot coverage, max	60%	60%	100%	60%	60 %	60%
Lot width, min	60 ft.	60 ft.	30 ft.	60 ft.	60 ft.	60 ft.
Lot width, max	200 ft.	200 ft.	200 ft.	100 ft.	500 ft.	300 ft.
Lot frontage, min	60 ft.	60 ft.	30 ft.	60 ft.	60 ft.	60 ft.
YARD						
Setback, front yard (3)	20 ft.	20 ft.	0 ft.	75 ft.	75 ft.	75 ft. min
Setback, side yard, min (4)	10 ft.	10 ft.	0 ft.	15 ft. (5)	15 ft. (6)	15 ft.
Setback, rear yard, min	20 ft.	20 ft.	none	30 ft. (5)	15 ft. (6)	15 ft.
BUILDING						
Building height, max (7)	35 ft.	35 ft.	35 ft.	25 ft.	35 ft.	35 ft.
Building floor area, min (8)	1,000 sq.ft.	1,000 sq.ft. (10)	500 sq. ft.	1,000 sq.ft. (11)	3,500 sq.ft.(11)	1,000 sq.ft.
Building floor area, max (8)	10,000 sq.ft.	10,000 sq.ft.	8,000 sq.ft.	8,000 sq.ft.	65,000 sq.ft.	65,000 sq.ft.
Building width, max	80 ft.	80 ft.	60 ft.	100 ft.	150 ft.	230 ft.

(1) Encompasses area for accessory buildings and uses, including parking, loading and unloading space, storage and parking, screening, lighting, and stormwater management measures. The minimum lot area cited in this Article shall be increased in all situations where county sanitation requires a larger lot for proper septic tank operation.
(2) Single-family dwellings shall comply with the lot requirements set forth for the R2 District.
(3) For properties within the HPO or CDO zoning districts, the setback is established by the designated design review board to maintain the established building line along a historic block or design corridor.
(4) On corner lots that abut a residential district or use, there shall be a side yard equal in depth to the required front yard of the residential district.
(5) A ten (10) foot landscaped and fenced opaque buffer strip is required if lot abuts residential district or use.
(6) A twenty (20) foot landscaped and fenced opaque buffer strip is required if lot abuts residential district or use.
(7) Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennae, and radio aerials are exempt.
(8) This measurement specifically is meant to apply to the ground floor area.
(9) For attached dwelling units, there must be a minimum of 0.25 acres per unit. Refer to section 850 for details.
(10) For attached dwelling units, the minimum is 1600 sq feet.
(11) For attached dwelling units, the minimum is 2400 sq feet.

700.3 I-1 and I-2 Dimensional Requirements (also see buffer requirements):
The following matrix delineates the dimensional requirements for the specified industrial zoning districts. For the matrix of use provisions by district, see Article VI. For supplementary standards for specific uses, see Article VIII.

[AMENDMENT – 14-1.27_Industrial Dimension Table]
Section 700.3: Table 13 – Industrial Zoning Districts and Heavy Commercial Zoning District Dimensional Requirements

	C-5	I-1	I-2
LOT			
Lot area, min (1)	1 acre	1 acre	3 acres
Lot area, max (1)	10 acre	10 acre	none
Lot coverage, max	60%	60%	60%
Lot width, min	60 ft.	100 ft.	100 ft.
Lot width, max	250 ft.	none	none
Lot frontage, min	60 ft.	100 ft.	100 ft.
YARD (A)			
Setback, front yard (2)	75 ft. min	75 ft. min	125 ft. min
Setback, side yard (3)(4)	15 ft. min	15 ft. min	50 ft. min
Setback, rear yard (3)(4)	15 ft. min	15 ft. min	50 ft. min
BUILDING			
Building height, max (5)	35 ft.	50 ft. (6)	50 ft. (6)
Building floor area, min (7)	1,000 sq.ft.	5,000 sq.ft.	20,000 sq.ft.
Building floor area, max (7)	65,000 sq.ft.	65,000 sq.ft.	none
Building width, max	150 ft.	300 ft.	none

(1) Encompasses area for accessory buildings and uses, including parking, loading and unloading space, storage and parking, screening, lighting, and stormwater management measures. The minimum lot area cited in this Article shall be increased in all situations where county sanitation requires a larger lot for proper septic tank operation.
(2) For properties within the CDO zoning district, the setback is established by the designated design review board to maintain the established building line along a design corridor.
(3) On corner lots which abut a residential or commercial district or use, there shall be a side yard equal in depth to the required front yard of the abutting residential or commercial district.
(4) A twenty (20) foot landscaped and fenced opaque buffer strip required if lot abuts commercial district or use. For the C-5 district only, a twenty (20) foot landscaped and fenced opaque buffer strip is required if lot abuts any property not zoned C-5.
(5) Structural elements or structures such as church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennae, and radio aerials are exempt. In such instances, the setback in closest proximity shall be at a minimum equal to or greater than the height of said structural element or structure so that in the event of structural failure the structural element or structure could do so on the property on which it is constructed.
(6) Beyond the building midpoint, the building height may be extended to a maximum of seventy-five (75) feet to accommodate upper floor space not used for human occupancy (i.e. offices, etc.). For any height exemption herein , the setback in the closest proximity to the building extension shall be at a minimum equal to or greater than the highest point of the building extension.
(7) This measurement specifically is meant to apply to the ground floor area.

Section 710 - Exceptions and Modifications

710.1 Front Yard Setback for Dwellings. The front yard setback requirements of this Ordinance for dwellings shall not apply to a lot if: the average setback of existing buildings located wholly or in part within one hundred (100) feet on each side of such lot, within the same block and zoning district, and fronting on the same side of the street, is less than the minimum required setbacks of that district. In such case, the front yard setback may be less than the required setback, but not less than the average of the existing setbacks on the abutting developed lots.

710.2 Height Limits. The height limits listed in this Article shall not apply to structures not intended for human occupancy such as church spires, flagpoles, chimneys, monuments, radio or television towers or aerials, water towers, or similar structures. However, the height limits shall apply to signs. The heights of telecommunications towers and antennas are governed by Article IX.

710.3 Corner Lots. The side yard setback requirements for corner lots shall be the same as the front yard requirement for adjoining lots on the same street.

710.4 Front Yards on a Double Frontage. At each end of a double frontage lot, there shall be a front yard of the depth required by this Ordinance, for the zone in which each street frontage is located. If a double frontage lot also has frontage on a third street, the non street frontage yard must be declared the rear yard, and any main building or accessory structures shall comply with the rear yard setback line.

710.5 Adjoining and Vacant Lots of Record. If two (2) or more adjoining and vacant lots with continuous frontage are in a single ownership at any time after the adoption of this Ordinance, and those lots do not meet the width requirements of the district in which they are located, such adjoining lots shall be combined as a single lot or several lots of the minimum permitted size. This Section shall not apply when a portion of a lot is acquired for public use, or when a lot is divided between adjacent lots so the divided lot becomes part of the adjacent permitted size lots.

ARTICLE VIII: SUPPLEMENTARY STANDARDS FOR SPECIFIC USES

Section 800 Accessory Structures and Uses.

800.1 Accessory Structures – General. Accessory structures shall include all detached (meaning freestanding and independent) structures, regardless of use. Structures attached to the principal building in a substantial manner by an adjoining roof, wall or foundation are considered additions and must meet requirements applicable to the principal building. Accessory structures shall be permitted provided that:

(1) No accessory building shall be constructed on a lot prior to the time of the construction of the principal building to which it is an accessory.
(2) Accessory buildings are permitted in the side or rear yards only.
(3) Accessory buildings shall not exceed twenty-five (25) feet in height and shall not exceed fifty percent (50%) of the ground floor area of the principal structure.
(4) Accessory buildings shall have a setback of at least five (5) feet from any lot line and shall maintain a minimum distance of at least fifteen (15) feet from the principal building.
(5) Agricultural and industrial-related structures shall not have to meet the size requirements and limitations of this section, but are covered by the setback requirements.
(6) Any number of accessory buildings may be placed on a parcel, except that the aggregate square footage of accessory buildings shall not exceed that allowed in Subsection (3) above.

800.2 Accessory Uses – General. An accessory use shall be permitted provided that:

(1) No accessory use may be started where the principal use of a property is non-conforming.
(2) Accessory uses that are commonly, habitually, and by long practice recognized or reasonably associated with a principal use are permitted.
(3) Uses classified as permitted uses within the same zoning district as the principal use of property, may be permitted as accessory uses.
(4) Any property owner seeking to establish an accessory use shall apply to register with the Zoning & Planning Official pursuant to Section 800.10. At the recommendation of the Zoning & Planning Official, the Council may impose any reasonable conditions deemed necessary to ensure the orderly operation of the accessory use, and compatibility with surrounding properties.

800.3 Home Occupations.

This Section establishes five (5) accessory use categories where the principal use of an single-family dwelling unit is complemented with an accessory use for a home-based enterprise subject to very limited conditions in order to protect single-family neighborhoods and residential character.

A home occupation may be permitted provided that:

(1) Any property owner seeking to establish a home occupation shall apply to register the home occupation with the Zoning & Planning Official pursuant to Section 800.10. In addition to the requirements outlined below, the Council may place any reasonable conditions on the application deemed necessary to ensure the orderly operation of the proposed home occupation and compatibility with surrounding properties.
(2) Home occupations shall be conducted on residentially zoned property entirely within a totally enclosed building.
(3) Home occupations shall not include the repair and/or maintenance of engines, motor vehicles, equipment, or large appliances on the premises; any use that creates noise, dust, vibration, odor, smoke, glare or electrical interference that would be detectable beyond the dwelling unit; nor any use that may endanger the health, safety, or welfare of the neighborhood.
(4) Home occupations shall not include any outside storage or services (Section 800.5), display (Section 800.6), or signs (Article X) unless outlined therein. Nor shall there be any other exterior evidence of a business being conducted on the premises.
(5) Home occupations shall be limited to only one (1) commercial vehicle used exclusively by the resident for business purposes, that is either a passenger automobile or light truck. All parking areas shall be in compliance with Section 520, with the location to be approved by the Zoning & Planning Official.
(6) Home occupations shall be limited to two (2) pickups/deliveries per day to the site by light or medium truck delivery vehicles. Heavy truck deliveries are prohibited. All loading/unloading areas shall be in compliance with Section 530, with the location to be approved by the Zoning & Planning Official.
(7) Home occupations shall be limited to one per dwelling unit. For the purposes of this section, accessory uses shall not be allowed to have accessory home occupations.
(8) Home occupations (Residential Business) shall pay and remain current on the annual occupation tax for the accessory use – move to 800.32.

800.31 Additional Minimum Requirements – Home Office. A home office:

(a) shall include: i) routine accounting or clerical procedures or ii) bookkeeping area for a business fully conducted away from the premises, so long as all other standards of this section are met;
(b) shall not include: i) the sale, manufacture, or repair of merchandise; ii) the storage of inventory, raw materials or other materials; iii) the parking of commercial vehicles in front yards; iv) nor the repair of small appliances on the premises;
(c) shall be valid for a tenant of the property if the property owner provides written approval for a home occupation;
(d) shall not include any access for business by the public;
(e) shall be limited to no more than twenty-five percent (25%) of the heated living area of the ground floor area of the principal structure or five hundred (500) square feet, whichever is smaller; and,
(f) shall have no employees other than family members who reside in the dwelling unit.
(g) shall also be allowed for multi-family units, provided that there is no usage of a either commercial vehicle or delivery vehicles.

800.32 Additional Minimum Requirements – Residential Business. A residential business:

(a) shall include: small-scale office or service uses, limited to: (i) beauty/barber shops, tailor / seamstress shops, instruction of less than three pupils a session; (ii) professional offices, excluding human and animal healthcare professionals; and (iii) small appliance and audio/video/computer equipment repair shops;
(b) shall be valid as long as the dwelling unit is owner-occupied;
(c) shall maintain a city license, subject to annual renewal in accordance with the minimum operational standards set forth in the Code of Ordinances, Section 22;
(d) shall not include any business involving group instruction, except as noted above, on the premises;
(e) shall be limited to no more than thirty-five percent (35%) of the heated living area of the ground floor area of the principal structure or seven hundred (700) square feet, whichever is smaller; and,
(f) shall have no more than one (1) employee in additional to family members who reside in the dwelling unit.

800.33 Additional Minimum Requirements – Bed & Breakfast Operation. A bed and breakfast operation shall be allowed only under these prescribed conditions:

(a) shall not include: i) pets of guests; ii) meal service other than breakfast or cooking by guests; iv) sale of alcoholic beverages, beer and/or wine on the premises;
(b) shall be valid as long as the dwelling unit is owner-occupied and lived in by the owner(s) described in Section 200 (10) while in operation;
(c) shall maintain a city license, subject to annual renewal in accordance with the minimum operational standards set forth in the Code of Ordinances, Section 22;
(d) shall be limited detached single-family dwellings containing at least 2,500 sq.ft. and a minimum lot acreage of .75 acres for one (1) guest room, and an additional .125 acres for every additional guest room;
(e) shall be located on premises not nearer than 2,000 feet from an existing principal residence with an accessory bed and breakfast, as measured from property line premises to property line;
(f) shall have no more than four (4) bedrooms used for guest room purposes;
(g) shall have two (2) parking spaces for residents and one (1) space per guest room; such parking shall be of pervious construction and mitigated by landscaping; and, no off-street parking or parking in the front yard shall be permitted at any time;
(h) shall have no more than one (1) employee in addition to family members who reside in the dwelling unit;
(i) Conditional Use – Standards for Consideration:
In addition to the standards for conditional use application decisions as set forth in Section 1125.5, public hearings shall specifically take into consideration in making a decision the extent to which:
  i) construction plans for additions or alterations are compatible in appearance, scale and footprint to other single-family dwellings along same block;
  ii) parking is mitigated by existing and proposed landscaping and easily reversible at the cessation of this accessory use;
  iii) the proposed accessory use is secondary to the principal use, is reversible in nature, and operates in harmony with the principal single-family use and surrounding residential area; and,
  iv) any other considerations necessary to protect the health, safety, and welfare of an established single-family zoning district.

[AMENDMENT – 14-5.12_Child & Personal Care]

800.34 Additional Minimum Requirements – Child-Care Home, Family and Group. Said homes shall be allowed only under these prescribed conditions:

(a) shall be valid as long as the dwelling unit is owner-occupied and lived in by the owner(s) described in Section 200 (10) while in operation;
(b) shall maintain a state license, and a city license, subject to annual renewal in accordance with any additional minimum operational standards set forth in the Code of Ordinances, Section 22;
(c) shall be limited to detached single-family dwellings containing at least 1,600 sq.ft., and property meeting the minimum lot area based on the current residential zoning district and no less than .25 acres for all other properties;
(d) shall be located on premises:
(i) for a family child-care home, not nearer than 2,500 feet from an existing principal residence with family child-care home, as measured from property line premises to property line;
(ii) for a group child-care home, not nearer than 5,000 feet from an existing principal residence with family or a group child-care home, as measured from property line premises to property line;
(e) shall have no more than one (1) employee in addition to family members who reside in the dwelling unit;
(f) shall limit outdoor play areas to rear yards,
(i) which shall have a minimum of a four (4) foot fence fully enclosing said play area; and,
(ii) for a group child-care home, shall also have a minimum of a 10' opaque vegetative buffer for side and rear yards abutting any residential land use;
(g) shall limit loading/unloading and parking of vehicles to private property;
(h) shall cease with the transfer of ownership of the property.
(i) Conditional Use – Standards for Consideration:
In addition to the standards for conditional use application decisions as set forth in Section 1125.5, public hearings shall specifically take into consideration in making a decision the extent to which:
  i) construction plans for additions or alterations are compatible in appearance, scale and footprint to other single-family dwellings along same block;

ii) the proposed accessory use is secondary to the principal use, is reversible in nature, and operates in harmony with the principal single-family use and surrounding residential area; and,
iii) any other considerations necessary to protect the health, safety, and welfare of an established single-family zoning district.

800.35 Additional Minimum Requirements – Personal Care Home. Personal Care Homes shall be allowed only under these prescribed conditions:

(a) shall be valid as long as the dwelling unit is owner-occupied and lived in by the owner(s) described in Section 200 (10) while in operation;
(b) shall maintain a state license, and a city license, subject to annual renewal in accordance with any additional minimum operational standards set forth in the Code of Ordinances, Section 22;
(c) shall be limited to detached single-family dwellings containing at least 1,600 sq.ft., and property meeting the minimum lot area based on the current residential zoning district and no less than .25 acres for all other properties;
(d) shall be located on premises not nearer than 5,000 feet from an existing principal residence with personal care home, as measured from property line premises to property line;
(e) shall have no more than one (1) employee in addition to family members who reside in the dwelling unit;
(f) shall limit outdoor areas used by residents to rear yards,
(i) which shall have a minimum of a four (4) foot fence fully enclosing said area; and,
(ii) shall also have a minimum of a 10' opaque vegetative buffer for side and rear yards abutting any residential land use;
(g) shall cease with the transfer of ownership of the property.
(h) Conditional Use – Standards for Consideration:
In addition to the standards for conditional use application decisions as set forth in Section 1125.5, public hearings shall specifically take into consideration in making a decision the extent to which:
i) construction plans for additions or alterations are compatible in appearance, scale and footprint to other single-family dwellings along same block;
ii) the proposed accessory use is secondary to the principal use, is reversible in nature, and operates in harmony with the principal single-family use and surrounding residential area; and,
iii) any other considerations necessary to protect the health, safety, and welfare of an established single-family zoning district.

800.4 Home Recreation – Swimming Pools and Tennis Courts.

(1) Such accessory structures shall not be located closer than twenty feet (20) from any property line.
(2) Swimming pools shall be enclosed by a wall or fence at least four (4) feet in height prior to the pool being placed into service.
(3) Swimming pools require prior approval from the Morgan County Health Department.

[AMENDMENT – 13-8.12_Tennis Court Lighting]

(4) Tennis courts in residential districts may not be illuminated unless they meet the following requirements and criteria and are granted a conditional use permit:
(a) Tennis court lighting shall only be erected on properties containing 3 or more acres.
(b) No tennis structure that contains more than two courts may be illuminated.
(c) Light poles or fixtures shall not exceed 22 feet in height ***[AMENDMENT CORRECTION – 14-7.14]***. Lights shall be shielded so as to prevent glare onto neighboring property and lights must shine directly onto the tennis court only. Light poles and fixtures shall be black or dark colored;
(d) No tennis court lighting may be utilized at a private residence after ten o'clock pm.
(e) Any lighting structure must be at least fifty (50) feet from any property line.
(5) Tennis courts shall be enclosed.

800.5 Outdoor/Outside Storage or Services. Except as exempted herein or otherwise provided for in this Ordinance, all businesses, servicing, storage, or processing shall be conducted within a completely enclosed building with the exception of where the nature of the activity makes it impossible (e.g. product delivery). Outside storage of inoperable vehicles and inoperable appliances is specifically prohibited. The following are exempt provided that such are not located in the front yard and are screened from the public right-of-way in accordance with Section 550:

(1) Animal kennels or pens for commercial enterprises within the I-1 district, provided that fencing is not less than seven (7) feet in height;

(2) Equipment (small and heavy) and material storage yards, including but not limited to construction materials, plant materials, lawn and garden products and equipment, rental equipment, and farm implements;
(3) Recreational areas, buildings, and equipment for non-residential uses;
(4) Refuse areas and containers, see also ***Construction and Design Standard Details*** and municipal department requirements; and,
(5) Vending machines, provided that they are located beneath an overhang and not in front of a building. Such vending machines are also exempt from the above screening requirements provided that they are not visible from the public right-of-way.

800.6 Outdoor/Outside Display of Products.

Except as exempted herein or otherwise provided for in this Ordinance, there shall be no outside display of products, meaning goods, wares, or merchandise, for sales purposes or advertisement purposes. This shall include without limitation seasonal produce, garden and yard ornaments, outbuildings, recreational equipment sales yards, and vending machines. Exemptions are limited to the following:

(1) motor vehicle sales yards, including but not limited to passenger vehicles (automobiles and light trucks), recreational vehicles, all terrain or off-road vehicles, boats, motorcycles, provided that all landscaping ordinances are met;
   (a) The sale of light duty trailers in conjunction with passenger vehicle sales in the C-3 zone, provided that all landscaping ordinances are met, is a conditional use with the following stipulations acting as the minimum limitation. Additional requirements set during the conditional use hearing may override these requirements if set conditions are stricter:
      i. only new light duty trailers may be sold on the property,
      ii. no trailer designed for temporary or permanent human or animal occupation or transport may be sold on the property,
      iii. light duty trailers to be displayed and/or sold on the property are to be less than 9 feet wide (at the widest point) by 20 feet long (length of entire trailer) by 10 feet high (measured from the ground) with a maximum of two axles designed to be pulled by passenger vehicles with a bumper hitch,
      iv. there must be at least 4 passenger vehicles on display for every 1 trailer on the display lot,
      v. light duty trailers displayed on the lot shall not be closer than 125 feet from the centerline of the display lot's fronting road or within the 75 foot front setback,
      vi. the inventory of light duty trailers, may be kept on the property if screened with an opaque buffer that meets or exceeds the requirements of Section 550 and is at least 1' foot taller that the tallest single or stacked trailer on the premises. Trailers on display may be kept in the display area,
      vii. all repair work must be completely enclosed inside a building, and storage of all materials related to repair work must be kept in a completely enclosed building.
(2) manufactured homes sales yards, provided that all landscaping ordinances are met;
(3) heavy equipment sales yards, provided that all landscaping ordinances are met;
(4) temporary uses, operated entirely beneath a temporary structure in accordance with Section 800.9;
(5) special events (e.g. Madison Fest, farmer's market) in the Downtown Madison Special Tax District, during the designated date and time periods established by the Mayor and Council; and,
(6) upon the public right-of-way in the Downtown Madison Special Tax District at the permission of the Mayor and Council, provided that the public safety is preserved at all times.

800.7 Onsite Fuel Pump

(1) Location – An onsite fuel station that been granted as an accessory shall meet the following conditions unless otherwise specified by the Council as a part of a zoning action.
   (a) Any pump shall be located on at least a 2 acre parcel.
   (b) Any pump shall be located at least 75 feet for any road centerline.
   (c) Any pump must be located at least 25 feet from any property line and primary structure.
(2) Other Requirements
   (a) Only vehicles belonging to the business operating out of the primary structure may use the pump(s).
   (b) Conditions set forth include the number of pumps and type(s) of fuel.
   (c) The pump must be run in compliance with all appropriate State, Federal, and local laws.

800.8 Residential - Accessory Apartments and Accessory Dwellings

(1) Accessory Apartments. An accessory apartment is permitted provided that:

(a) Any property owner seeking to establish an accessory apartment shall apply to register the apartment with the Zoning & Planning Official pursuant to Section 800.10.
(b) The accessory apartment shall have the same ownership as the principal building.
(c) One or more accessory apartments may be located in a single principal building, provided that no ground level floor is used for residential purposes.
(d) Each accessory apartment shall be limited to between three and eight (300–800) hundred square feet of heated living area; the Building & Code Official may allow increased size in order to efficiently use all of the existing floor area, so long as all other standards of this section are met.
(e) Accessory apartments may share an exterior access door and common areas, limited to private self-service laundry and storage facilities.
(f) Each accessory apartment shall have one (1) off-street parking space either on the same lot, in a commercial parking lot, or in a commercial parking garage.

(2) Accessory Dwelling Unit. An accessory dwelling unit is permitted provided that:
(a) Any property owner seeking to establish an accessory dwelling unit shall apply to register the unit with the Zoning & Planning Official pursuant to Section 800.10.
(b) The accessory dwelling unit shall have the same ownership as the single-family dwelling.
(c) Either the single-family dwelling or the accessory dwelling unit must be occupied by an owner of the property, who resides therein at least six (6) months of the year, claims said location as his/her residence, and does not rent out the owner-occupied dwelling unit.
(d) The total number of unrelated occupants in both the single-family residence and the accessory dwelling unit combined shall not exceed four.
(e) No lot shall have more than one (1) accessory dwelling unit. An accessory dwelling unit precludes a residential business or a bed and breakfast establishment.
(f) The accessory dwelling unit shall be limited to between three and eight (300–800) square feet of heated living area. If the accessory unit is located within an existing accessory building, the Building & Code Official may allow increased size in order to efficiently use all of the existing floor area, so long as all other standards of this section are met.
(g) Accessory dwelling units located in accessory buildings shall also meet the requirements of Section 800.1.

[AMENDMENT – 14-8.11_Live/Work Units]

(3) Live/Work Dwelling Unit. The purpose of the following provisions is to allow live/work units in some non-residential districts to augment residential options without compromising the districts' vibrant commercial environment.
(a) Use: This type of dwelling unit shall be considered a primary use and be the only use permitted on the lot;
(b) Live: The square footage for the residential use shall be for the use of one (1) family and shall not include ground-level square footage, except for separate access if desired, as to reserve such limited square footage for the benefit of the non-residential district and its finite space.
(c) Work: The square footage for the non-residential use shall be for the use of the residential occupant's work activity, may be separated from or interconnected to the other space, shall be limited to Professional Offices as defined herein, and shall maintain an occupational tax certificate subject to annual renewal;
(d) Parking: The parking requirement for such unit shall be cumulative, meaning that the number of spaces required for the non-residential use shall be in addition to those required for a single-family residence.

800.9 Temporary Buildings.

(1) Construction Sites. Temporary buildings, used only in conjunction with construction or land subdivision development, may be permitted in any district but shall be removed immediately upon completion of construction. Temporary buildings require the written approval of the Building & Code Official, and a temporary building permit is valid for a period of six (6) months.
(2) Residential Sites. Under no circumstances shall a temporary building be used for residential purposes.
(3) Temporary Structures. Tents and similar structures may be authorized for temporary use not to exceed thirty (30) days, for special purposes related to the principal use of the main building or lot. The written approval of the Building & Code Official shall be required, unless the temporary structure is used for a funeral. The Building & Code Official shall not issue more than two (2) temporary permits for such structures during a calendar year for any lot, unless authorization is granted by the City Council to allow an additional permit(s).

(4) Temporary Structures in Parking Lots. If such structure would prevent adequate parking or pose a traffic hazard, the Building & Code Official may deny a permit.

800.10 Accessory Uses - Inspection and Registration. The purpose of inspection and registration is to prevent the spread of non-conforming accessory uses.

(a) Registration. Any property owner seeking to establish an accessory use shall apply to register the use with the Zoning & Planning Official. The property owner shall file a completed application form fully describing the proposed accessory use.

(b) Inspection. After receipt of a complete application form, prior to approval and registration of any accessory use, the City shall inspect the property to confirm all applicable requirements of this Ordinance are met.

(c) Report to the City Council. The Zoning & Planning Official shall report annually to the Council on accessory use registration, number of uses and distribution throughout the city, average size of accessory buildings, and number and type of complaint and enforcement related actions.

(d) Cancellation of Registration. Cancellation of the accessory use's registration may be accomplished by the property owner filing a certificate with the Zoning & Planning Official, or may occur as a result of enforcement action. A cancellation letter due to enforcement action will confirm that the use is not a customary and incidental accessory use.

Section 810 Reserved.

Section 820 Cemeteries.

(1) Cemeteries, where permitted, are conditional uses requiring a public hearing prior to approval.

(2) The site shall not interfere with development of collector or larger streets in the vicinity of such site, and the site shall have direct access to a public street.

(3) Any new cemetery shall contain not less than twenty (20) acres.

(4) All structures shall be set back no less than thirty-five (35) feet from any property line.

(5) All graves or burial lots shall be set back not less than thirty-five (35) feet from any minor street right-of-way lines and not less than fifty (50) feet from any collector, arterial or highway right-of-way line.

(6) The entire cemetery shall be landscaped and maintained in accordance with Section 550.

Section 830 Grocer: Convenience Stores.

830.1 Building Requirements. Convenience stores shall be limited to a gross square footage not to exceed 2400 sq.ft. for P-2 and C-2 districts nor 3500 sq.ft. for C-3 and C-4 districts.

830.2 Site Requirements. There shall be a minimum frontage on the primary street of 120 feet and a minimum lot area of 12,000 square feet (0.28 acre). All buildings shall be set back at least seventy-five (75) feet from all property lines, and all fuel pump canopies shall be set back at least fifteen (15) feet from all property lines.

830.3 Curb Cut Requirements. No more than two (2) curb cuts for the first one hundred and twenty (120) feet of street frontage or fraction thereof. Curb cuts shall be no wider than forty (40) feet, measured at the widest point, parallel to the street; no closer than twenty (20) feet to a street intersection or ten (10) feet to adjoining lots; nor less than twenty (20) feet apart.

830.4 Accessory Use Limitations.

(1) Fuel Sales - Fuel Pump and Fuel Pump Islands. Accessory fuel sales shall be limited to sites located on designated arterial and collector roadways. In the P-2 and C-2 districts, convenience stores shall be limited to one (1) canopy sheltering up to two (2) accessory fuel pump islands with no more than two (2) pumps per island. All fuel pumps and fuel pump islands shall be set back at least twenty (20) feet from the property line, or where a future widening line has been established, the setback line shall be measured from such line. The pumps shall be at least seventy-five (75) feet from the centerline of an

arterial street, fifty-five (55) feet from the centerline of a collector street, and forty-five (45) feet from the centerline of other streets.
(2) Beer and Wine Sales. Accessory retail beer and wine sales shall not occur within three hundred (300) feet of any school building, school grounds, college campus, or alcoholic treatment center.
(3) Prepared Food Sales. Accessory food sales shall not constitute a separate occupancy, tenant, nor business license issued for the property and shall be subject to regular health inspections by the appropriate governmental agency.
(4) Accessory uses and appurtenances not permitted shall include but are not limited to: fuel sales for non-passenger vehicles, showers and sleeping facilities, overnight parking, laundry and lounges facilities, automotive repair facilities, vehicle and equipment rental, and intercity mass transit.

830.5 Other Requirements.
(1) A raised curb of at least six (6) inches in height along the street property lines.
(2) A solid fence or wall six (6) feet in height along all property lines abutting any residential district or use but setback at least ten (10) feet from any public right-of-way.
(3) Exterior lighting shall be limited to night-sky protective fixtures, shall be deflected away from property lines, and shall be the minimum necessary to provide safety but not such to pollute the surrounding environment, particularly neighborhoods.
(4) All drives, parking, storage, and service areas shall be paved. The lot shall have a perimeter landscape of no less than ten (10) feet of vegetation of a combination of trees, shrubs and grass, which shall be subject to approval by the Zoning & Planning Officer if the site is not located in the Corridor Design Overlay District .

Section 831 Grocer: Retail Packaged Liquor Stores.

831.1 General
Liquor stores shall be a minimum of 2,000 gross square feet. Liquor stores shall not be located within five hundred yards (1,500 feet) measured by the most direct route of travel on the ground from the premises of the liquor store to the nearest property line of another liquor store. Liquor stores shall not be located within two hundred yards (600 feet) measured by the most direct route of travel on the ground from the premises of the liquor store to the nearest property line of any lot containing a college campus, educational building, school grounds, or school building. Liquor stores shall not be located within two hundred yards (600 feet) measured by the most direct route of travel on the ground from the premises of the liquor store to the nearest property line of any lot containing a public park, a public library, jail, courthouse, or government administrative building. Liquor stores shall not be located within one hundred yards (300 feet) measured by the most direct route of travel on the ground from the premises of the liquor store to the nearest property line of any property zoned R1, R2, R4, R6, or R8. Liquor stores shall not be located within one hundred yards (300 feet) measured by the most direct route of travel on the ground from the premises of the liquor store to the nearest property line of any lot containing a church, day care center, hospital, or playground.

831.2 Signage
Signage shall not exceed the limits as established by the State of Georgia in OCGA §3-4-3 et seq.

Section 832 Archery Range or Firing Range.

(1) The most recent edition of the National Rifle Association Range Source Book shall serve as a guide for development purposes. The Mayor and Council may place additional restrictions on this use at the time of zoning action.
(2) Retail sale of firearms, ammunition, accessories, and similar items and/or bows, arrows, accessories, and similar items is permitted provided that the indoor range allows their use.

Section 833 Office Parks and Shopping Centers.

833.1 Standard Dimensional and Building Requirements
(1) Except as provided below, an office park or a shopping center shall meet all other dimensional requirements of the zoning district in which it is located as set forth in Section 700.2 Table 12 and the footnotes thereto:
(a) Lot area, min (footnote 1): 3 acres;

(b) Lot frontage, min: 100 feet;
(c) Building floor area, min – single building (footnote 8): 3,000 sq.ft.
(d) Building floor area, min – all buildings (footnote 8): 10,000 sq.ft;
(e) Building floor area, max – all buildings (footnote 8): 65,000 sq.ft.;
(f) No single occupancy shall be less than 1,000 sq.ft. (footnote 8).

(2) The building floor area of all buildings in the office park or shopping center is also referred to as total square footage.

(3) All buildings, units, and accessory structures must be developed concurrently following a unified architectural concept.

(4) Individual lots of record shall not be permitted without a conditional use permit and unless all common areas are maintained by a single owner or an owner's association.

833.2 Office Parks – Land Use Regulations

Two types of office parks are permitted by right as set forth in Section 620.3 Table 7:

(1) Professional Office Parks – wherein all uses on site are professionals and where medical professionals are not permitted without a conditional use permit.

(2) Medical Office Parks – wherein the majority of uses on the site are medical professionals and where other professionals may be present and are permitted to occupy up to 40% occupancy of the total square footage.

833.3 Shopping Center – Land Use Regulations

Shopping centers are permitted by right as set forth in Section 620.3 Table 7, subject to the following:

(1) No single occupancy may occupy an entire building;

(2) Retail uses, as specifically itemized on Section 620.3 Table 7, are permitted

(3) Professional uses, as defined in Section 210, are permitted up to 40% occupancy of the total square footage.

(4) Uses as follows, herein determined to be compatible with retail uses because of the manner, character, and frequency of interaction with the shopping public, are also permitted by right:

(a) Copy and blueprint shops;
(b) Portrait studios;
(c) Shipping/packaging/delivery establishments, for non-freight business;
(d) Barber, hairdresser, and/or stylist shops;
(e) Manicure establishments and/or tanning centers;
(f) Financial institutions – banks, savings/loans;
(g) Travel agencies.

(5) Uses as follows, herein determined to be compatible with retail uses because of the manner, character, and frequency of interaction with the shopping public but acknowledging that such uses introduce different parking, waste management, and/or traffic circulation requirements and therefore require additional consideration, may be allowed by condition use permit:

(a) Game centers and play centers;
(b) Theaters, bowling alleys, and skating rinks;
(c) Health fitness center;
(d) Studios for teaching of fine arts;
(e) Restaurants;
(f) Catering establishments;
(g) Any grocer that involves onsite food preparation such as butchering and similar handling of animal products or use of an onsite kitchen to prepare food for consumption;
(h) Medical professionals;
(i) Animal/pet supply stores, with pet sales;
(j) Laundry and/or dry cleaning establishments;
(k) Photography supply and processing stores;
(l) Any use that has a drive-through operation or window.

833.4 Exception

Uses as listed in Section 833.3 (4) and (5) that were established prior to the effective date of this ordinance shall be considered a lawful use and do not need to secure a conditional use permit provided that such use is occupying a space formerly utilized by the same use.

[AMENDMENT – 13-11.11_Historic Site and Museum]
834 Historic Site and Museum.

(1) Property shall be first designated by local ordinance, Code of Ordinances Section 42: 56-58, as historic, worthy of preservation, and of public significance as an individual resource.
(2) The incidental sale of goods to the public as gifts or for their own use shall be permitted as an accessory use.
(3) Property shall be no less than 1000 feet from any other historic site or museum in a residential district.
(4) In any residential zone, said property shall have ample on-site parking and provide adequate buffers and screening as to mitigate parking and any other such non-residential characteristic of use of the property.
(5) A historic site and museum shall be owned and operated by a nonprofit organization under the U.S. Internal Revenue Code with a board of trustees or directors to oversee its operation and management to ensure that the institution is true to its purpose.

[AMENDMENT – 13-4.8_Individual Manufactured Homes]
Section 840 Individual Manufactured Homes.

Individual mobile or manufactured homes not meeting the definition of Dwelling, Single-Family, detached, shall comply with the following and other applicable sections of this ordinance. For purposes of this section, all rules governing manufactured homes shall apply to mobile homes.

Section 840.1 Definitions. Terms used herein are defined below.

1) APPLICANT: Means any person seeking to install a new or pre-owned manufactured home in Madison.

2) BUILDING INSPECTOR/DIRECTOR: Means the Building Inspector or his/her designated representative, who is vested with the duty of administrating land use regulations within the unincorporated areas of Morgan County.

3) GUARANTEE OF CONDITION BOND. Means a surety bond to guarantee that the affidavit and photographs required by Section 840.6 of this ordinance reasonably portray or represents the existing condition of the pre-owned manufactured home proposed for relocation. In lieu of the bond, a cash deposit may be deposited with the Madison.

(4) INSTALL. Means to construct a foundation system and to place or erect a manufactured home on such foundation system. Such term includes, without limitation, supporting, blocking, leveling, securing, or anchoring such manufactured home and connecting multiple or expandable sections of such manufactured home.

(5) MANUFACTURED HOME, MULTI-SECTION: Means a dwelling unit meeting the definition of "Manufactured Home" and consisting of multiple manufactured units that are assembled to form a single dwelling unit.

(6) MANUFACTURED HOME, SINGLE-SECTION: Means a dwelling unit meeting the definition of "Manufactured Home" and consisting of one section that contains the entire dwelling unit.

(7) MANUFACTURED HOME SPACE: Means land within a manufactured home park which is reserved or leased for the placement of an individual manufactured home, accessory structures and the exclusive use of its occupants.

(8) PRE-OWNED MANUFACTURED HOME: Means a dwelling unit meeting the definition of "Manufactured Home" that has been previously used as a residential dwelling and has been titled.

Section 840.2 General Requirements. Manufactured housing shall be comply with the following requirements:

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

2) No manufactured home shall be allowed to be moved to or occupied in Madison, Georgia, if it contains aluminum wiring.

3) No manufactured home shall be allowed to be occupied in Madison, Georgia, unless it bears a label certifying it was constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, *et seq.* (the HUD Code) and shall be installed in accordance with O.C.G.A. § 8-2-160, *et seq*. The Building Inspector, shall verify that the manufactured or mobile home is in compliance with all building codes, mechanical codes, plumbing codes, gas codes, electrical codes, fire prevention codes and all ordinances of Madison, Georgia.

Section 840.3 Building Permit. A building permit issued by the Building Inspector or his/her authorized agent is required for any manufactured home moved to or within Madison, Georgia. A building permit is required for any addition or structural alteration to a manufactured home within incorporated Madison. Prior to issuing a building permit, it is unlawful to move, locate, relocate, erect or make utility connections of any kind to a manufactured home in incorporated Madison.

Section 840.4 Certificate of Occupancy Requirements. Prior to the issuance of a Certificate of Occupancy, by the Building Inspector, all manufactured homes shall:

1) Be registered with the Morgan County Tax Commissioner and the Tax Decal be installed on the manufactured home.

2) Receive approval of the septic system by the Morgan County Health Department or be connected to the Madison waste water system.

3) Receive approval for all zoning, construction and setup requirements for the installation of the manufactured home.

Section 840.5 Application Requirements for Building Permit. An application for a building permit for location and

occupancy of a manufactured home is required to be filed by the owner or the owner's agent with the Building and Code Official. All materials required for the application will be included in a request for a building permit. It shall include the following:

1) The completed application;

2) The name, address and phone numbers of the property owner(s). If there is no address for the property, an address must be obtained from Madison prior to accepting an application;

3) The name, address and phone numbers of the applicant, if not the property owner;

4) The year and model of the manufactured home;

5) A description of exterior of the manufactured home and roofing materials;

6) The zoning district where the manufactured home will be located;

7) The tax map and parcel number of the planned location of the manufactured home;

8) Tap fee receipt or indication that there is a preexisting tap available. The source of water supply and type of waste disposal system;

9) The intended use of the manufactured home;

10) A recorded plat of the property in which the manufactured home will be located;

11) A floor plan with the size and dimensions of the manufactured home;

12) A location sheet (Tax Map and Parcel) from the Morgan County Tax Assessors office;

13) A septic tank permit or letter from the Morgan County Health Department. This applies if sewer service is not available; and

14) Other information as deemed necessary by the Building Inspector or Zoning and Planning Officer.

Section 840.6 Pre-Owned Manufactured Homes. If the manufactured home is pre-owned and is to be relocated within or to Madison, Georgia, the following additional items will need to be submitted in addition to the application requirements set forth in Section 840.5:

1) An affidavit signed by the applicant that the pre-owned manufactured home meets health and safety standards required by Section 840.7;

2) Photographs of the interior and exterior of the pre-owned manufactured home providing evidence that home meets the minimum health and safety standards of Section 840.7 of this ordinance;

3) A refundable guarantee of condition bond or a refundable cash deposit, equal to the delivery and setup fees charged by the Manufactured Home company or carrier, plus $1000.00 to be paid to Building Inspector;

In lieu of the guarantee of condition bond or cash deposit, the Applicant may request the Building Inspector, at his or her discretion, to inspect the pre-owned manufactured home prior to its being relocated.

If the home is located at another site outside Morgan County, a pre-inspection fee would be charged. This fee will be set by the Mayor and Council of the City of Madison.

Section 840.7 Minimum Health and Safety Standards for Pre-Owned Manufactured Homes. All pre-owned manufactured homes shall comply with the following before being issued a Certificate of Occupancy by the building inspector:

1) HUD Code. Every pre-owned manufactured home located in the jurisdiction shall be in compliance with the Federal Manufactured Housing Construction and Safety Standards Act, 42 U.S.C. 5401-5445 (the HUD Code) and shall not have been altered in such a way that the home no longer meets the HUD Code.

2) Interior Condition. Every floor, interior wall, and ceiling of a pre-owned manufactured home shall be in sound condition. Doors and windows shall be operable, watertight and in good working condition. The floor system shall be in sound condition and free of warping, holes, water damage, or deterioration.

3) Exterior Condition. The exterior of all pre-owned manufactured homes shall be free of loose or rotting boards or timbers and any other conditions that might admit rain or moisture to the interior portions of the walls or to occupied spaces. The exterior siding shall be free of rot and deterioration. Roofs shall be structurally sound and have no obvious defects that might admit rain or cause moisture to collect on the interior portion of the home.

4) Sanitary Facilities. Every plumbing fixture, water, and waste pipe of a pre-owned manufactured home shall be in a sanitary working condition when properly connected, and shall be free from leaks and obstructions. Each home shall contain a kitchen sink. Each bathroom shall contain a lavatory and water closet. At least one bathroom shall contain a tub and/or shower facilities. Each of these fixtures shall be checked upon being connected to ensure they are in good working condition.

5) Heating Systems. Heating shall be safe and in working condition. Un-vented heaters shall be prohibited.

6) Electrical Systems. Electrical systems (switches, receptacles, fixtures, etc.) shall be properly installed and wired and shall be in working condition. Distribution panels shall be in compliance with the approved listing, complete with required breakers, with all unused openings covered with solid covers approved and listed for that purpose. The home shall be subject to an electrical continuity test to assure that all metallic parts are properly bonded. No home may contain aluminum branch circuit wiring.

7) Hot Water Supply. Each home shall contain a water heater in safe and working condition.

8) Windows. Each bedroom of a manufactured home shall have at least one operable window of sufficient size to allow egress if necessary. All windows and screens must be in good and operable condition.

9) Ventilation. The kitchen in the home shall have at least one operating window or other ventilation device.

10) Smoke Detectors. Each pre-owned manufactured home shall contain one operable battery-powered smoke detector in each bedroom and in the kitchen, which must be installed in accordance with the manufacturer's recommendations.

Section 840.8 Requirements for all Manufactured Homes. All Manufactured Homes shall:

1) Comply with all requirements of O.C.G.A §45-5-490, §45-5-491, §45-5-492, §45-5-493, and §45-5-494, and all decals required there under shall be located in a window facing the road.

2) Meet the requirements of the Manufactured Housing Construction and Safety Standards Act, 42 U.S.C. 5401-5445 (the HUD Code), the Georgia Fire Safety Commissioner and the manufacturer's specifications prescribed for the set-up of such dwelling units. These include but are not limited to:

a) footing;

b) piers;

c) tie downs, and

d) anchors.

3) Meet the requirements of the National Electrical Code (NEC) and the electric utility company providing electrical service.

4) Be connected to water and sewerage in compliance with all applicable ordinances of Madison.

5) Meet the adopted building, gas, plumbing, electric, and other codes and ordinances of Madison, Georgia.

6) Be located on a permanent foundation.

7) Multi-section manufactured homes outside of a Manufactured Home Park shall have a shall have a skirt wall consisting of one of the following: brick, block, or poured concrete. Block and poured concrete must have a stucco finish. If the multi-section is located within a Manufactured Home Park then the home must have a skirt wall consisting of one of the following: vinyl, block, or brick. Block must have a stucco finish. Single-section manufactured homes must have a skirt wall consisting of one of the following: vinyl, block, or brick. Block must have a stucco finish.

8) Have minimum poured footings of no less than 24" long by 24" wide by 6" deep.

9) Have original vinyl, wood or wood-type siding. Metallic siding is not permitted.

10) Roof structures on a Manufactured home must have a gabled roof with a minimum slope of 2/12. Domed or flat roofs are prohibited. Roof materials may consist of shingles, corrugated metal or standing seam. Sheet metal and rolled roofing are not permitted.

11) Be provided with permanent landing and stairs, constructed of pressure treated lumber, masonry or other rot and decay resistant materials, sufficient to provide safe ingress and egress from all exits of the unit. Individual landings shall be a minimum four (4) feet by four (4) feet. Landings and stairs require guard rails and hand rails that meet the International Building Code.

12) Meet all other applicable state and county statutes, regulations and ordinances.

13) All manufactured homes produced, assembled, constructed, or built in Georgia must conform to the Act and the Rules and Regulations promulgated thereunder by the Secretary of U.S. Department of Housing and Urban Development as the construction standard for manufactured homes, found in the Title 24 C.F.R. Part 3280, adopted May 11, 1976, as amended.

14) Each section of each manufactured home shall have a metal label issued by the In-Plant Primary Inspection Agency (IPIA), indicating that the manufacturer has certified to the best of the manufacturer's knowledge and belief that the home meets the applicable construction standards of the Act. The label shall be affixed in a permanent manner, generally at the rear of each section of the home.

Section 840.9 Orientation of Manufactured Homes. All manufactured homes are subject to the following conditions:

1) No manufactured home shall be located within thirty (30) feet of any other building excepting its own garage or carport.

2) The manufactured home shall be oriented with its long axis generally parallel to the street on which the lot fronts. Manufactured or Mobile Homes located in a Manufactured Home Park may be placed perpendicular to the street on which it fronts. Any tongue must be removed prior to the final inspection by the Building Inspector.

Section 840.10 Manufactured Home Installation. All manufactured homes, located to or moved within Madison, Georgia, at or after the adoption of this ordinance shall be installed by a licensed installer as required by O.C.G.A. §8-2-164, and in accordance with the applicable manufacturer's installation instructions, specifically including, without limitation, correctly installed tie-downs and anchors. In the absence of such instructions, installations shall be performed in accordance with the applicable rules and regulations adopted by the Georgia Fire Safety Commissioner. See O.C.G.A. §120-3-7 et seq.

Section 840.11 Temporary Use. See Section 800.9 (2).

Section 840.12 Non-Conformance. Any manufactured home which does not meet the requirements in this ordinance shall be removed after receipt of notice of its non-conformance from the Building Inspector.

Section 840.13 Enforcement and Penalties.

1) No Manufactured or Mobile Home may be occupied or used otherwise prior to issuing a Certificate of Occupancy. Permanent connection to utilities shall not be approved until the building inspector has approved the installation of the Manufactured Home.

2) Owners of pre-owned manufactured homes that are not in compliance upon a third inspection shall have their permit revoked and shall be required to remove the home from the jurisdiction at their own expense. The guarantee of condition bond or cash deposit will be forfeited after 90 days from the date of inspection, unless all conditions and standards are met prior to the end of the 90 days or an extension has been issued in writing by the building inspector. Failure by the owner of a manufactured home to obtain and utilize tie downs and anchors for his manufactured home placed in Madison, Georgia, after the effective date of this ordinance shall constitute a misdemeanor, punishable by Section 1-12 of the City of Madison Code of Ordinances.

Section 845 Manufactured Home Parks.

In addition to the requirements in Section 840 above, manufactured home parks and manufactured homes within such parks are subject to the requirements of this subsection.

845.1 Permit requirements.

(1) Park Construction Permit Required. The applicant shall submit to the Building & Code Official a site plan of the park meeting all conditions of this section. No person shall create or alter a manufactured home park until an application for the construction of such park has been reviewed by the Building & Code Official, and a construction permit ("park construction permit") has been issued. The application requires the following:
   - (a) the name and address of the applicant;
   - (b) the location and legal description of the proposed park property;
   - (c) a complete plan of the proposed park at a scale of not more than one hundred (100) feet to one (1) inch showing the shape, area, and size of the site, street and driveway layout, including distance notations, the location and grouping of manufactured home spaces and accessory buildings, the placement and sizes of utilities, all manufactured home space boundaries, and other data pertinent to the requirements of this Ordinance;
   - (d) plans and specifications of all buildings, improvements, and facilities; and,
   - (e) such further information as requested by the Building Official to help determine whether the proposed park will comply with all legal requirements. The application and all accompanying plans and specifications shall be filed in triplicate.

(2) Permit Expiration. If no substantial construction progress has been made within six (6) months of issuance of the permit, it becomes invalid and must be renewed. For the purpose of this section, "substantial construction" requires final site grading, the installation of utilities, and at least forty percent (40%) completion (by a cost analysis) of total site improvements.

(3) Building Permit Required. No person shall park a manufactured home on a manufactured home space until a building permit has been issued.

(4) Certificate of Occupancy Required. A Certificate of Occupancy is required in advance of the use or occupancy of manufactured homes. No Certificate of Occupancy shall be issued without full compliance with this Ordinance. A record of all Certificates of Occupancy shall be kept on file in the office of the Building & Code Official. A copy shall be furnished, on request, to any person having a property or tenancy interest in the building or land.

845.2 General Requirements.

(1) Compliance with Laws. No manufactured home shall be allowed unless it meets all requirements of any applicable laws and regulations.

(2) Minimum Rental Period. No space shall be rented for less than thirty (30) days.

(3) Initial Occupancy. At least twenty(20) spaces must be ready for occupancy before the first occupancy is permitted.

(4) Site Requirements. The park shall be located on a properly graded well-drained site, free from stagnant pools of water. The site shall not be exposed to objectionable smoke, noise, odors, the possibility of insect or rodent infestation, or other adverse impacts.

(5) Recreational Space. Not less than eight percent (8%) of the gross site area of the park shall be set aside and properly maintained for recreational use.

(6) Water Supply. An adequate supply of pure, potable water for drinking and domestic purposes shall be supplied by pipes to all buildings and manufactured home spaces. Each space shall be provided with an approved cold water connection and a tap (hydrant), constructed in accordance with City plumbing standards.

(7) Sanitation Requirements.

(a) Refuse Collection Station. One (1) refuse collection station shall be provided for each twenty (20) spaces or fraction thereof, not more than two hundred (200) feet from any home served, and shall be conveniently located for collection. If individual refuse containers are used, they must be submerged with only the top portion extending above the ground level. In lieu of a submerged unit, inconspicuous stands may be provided to hold the cans and to screen them from view.

(b) Environmental Control. The area around and underneath each manufactured home shall be kept clean and free from refuse, rubbish, glass bottles, or other unsightly material.

(c) Sewage Disposal. Each manufactured home space shall be provided with a sanitary sewer at least four (4) inches in diameter, connected to receive all waste from the home. The sewer shall discharge the waste into a sewer system which meets all legal requirements.

(d) Sewage Drain Connections. Manufactured home drain connections shall be of approved semi-rigid, non-collapsible hose, having smooth interior surfaces and no less than three (3) inches outside diameter, nor less in size than the manufactured home outlet. Drain connections shall be equipped with a standard screw- or clamp-type fitting. While a manufactured home space is unoccupied, the sewer opening shall be closed with an approved closure or cap.

(8) Fire Protection. Every park shall have an adequate fire protection system with water pressure and fire hydrants of such type, size, number, and location as to satisfy all applicable regulations. No open fires or burning of trash, leaves, or other refuse shall be permitted without a permit from the Madison Fire Department.

845.3 Park Service Facilities

Stores, laundry and dry cleaning establishments, pick-up laundry and dry cleaning agencies, and beauty shops and barber shops may be permitted after written City approval, if such establishments and the parking areas primarily related to their operations meet the following requirements:

(1) they shall not together occupy more than a total of ten percent (10%) of the area of the park;
(2) they shall be subordinate to the residential use and character of the park;
(3) they shall be located and designed to serve needs of park residents in the park; and,
(4) they shall present no visible evidence of their commercial character from any residential area outside the park.

845.4 Buffers and Landscaping. A buffer strip densely planted with fast growing evergreen shrubs at least twenty-five (25) feet wide shall be located adjacent to all property lines of the park. Such buffer strip shall not be included within any manufactured home space. This buffer strip shall be increased to a width of fifty (50) feet if the park is adjacent to a property with a permanent dwelling or a property zoned for single-family residences. Each park shall be landscaped with shade trees and exterior screen planting of at least twenty-five (25) trees per acre and fifty (50) plants per acre. Instead of a planted buffer strip, an eight (8) foot fence approved by the City in writing may be substituted.

845.5 Sidewalks. Parks with service facilities shall provide sidewalks at least four (4) feet in width along one (1) side of all internal streets to facilitate safe pedestrian access to all service facilities.

845.6 Street Requirements. The system of streets in manufactured home parks shall extend uninterrupted from the existing improved street system providing access to the site. This system shall provide good vehicular access to all manufactured home spaces, fire hydrants, refuse collection, and service facilities, good connections to existing or future streets at the boundaries of the property, and convenient, safe circulation for vehicles. All streets shall meet the same standards as streets in other residential developments, as described in the ***Subdivision Regulations***. All interior streets shall be shown by name, width of easement or right of way, and type of surfacing on the development plan or plat. Street minimum pavement widths are twenty (20) feet for streets providing two-way traffic, or fourteen (14) feet for one-way traffic. There shall be at least two (2) access streets connecting any park with adjoining public streets.

845.7 Parking Space Requirements. Parking spaces shall not interfere with normal movement of traffic. There shall be at least one (1) parking space for each manufactured home space, plus an additional parking space for every four (4) manufactured home spaces. One (1) parking space must be located on each manufactured home space, and the additional parking spaces located in adjacent parking bays. Parking spaces shall be at least 9' x 20'.

845.8 Area Regulations for Manufactured Home Parks.

(1) Minimum park acreage - 5 acres
(2) Maximum park acreage - 25 acres
(3) Minimum lot width at park entrance and exit - 50 ft.
(4) Setbacks: No manufactured home shall be less than 20 feet from any street within the park, nor less than 40 feet from the park property line.

845.9 Area Regulations for Manufactured Home Space.

(1) Minimum size: 6,000 sq. ft. (.14 acre)
(2) Minimum frontage: 40 ft
(3) Minimum width: 50 ft.
(4) Minimum side yard: 10 ft.
(5) Minimum front yard: 30 ft. for arterial and collector, 25 ft. for other streets.
(6) Minimum rear yard: 25 ft.

845.10 Density for Manufactured Home Park. The total acreage of a manufactured home park shall be a minimum of .25 acres per residential unit.

Section 850 Attached Dwellings.

All types of attached dwellings are subject to the requirements of this subsection.

850.1 Purpose and Intent.

Having grown at 1% or less per year since the 1930s, the City of Madison has prospered in part due to a distinct, measured, and sustainable growth pattern. In 2005, zoning regulations were updated following a city-wide study of all single-family developments to insure that future growth for detached dwellings followed the community's existing pattern of development. In 2009, a city-wide study of all attached dwellings was completed to insure a similar, informed update to the zoning regulations regarding attached dwellings. Utilizing this information, the purpose for the following requirements is to:

(1) Follow the community's existing development pattern which has produced attached dwelling developments, interspersed among single-family developments, which are valued by the community for:
  (a) providing alternatives in life-style and economic choices to detached dwelling developments;
  (b) providing developments that are attractive, safe, and well-maintained; and,
  (c) developing in a scale (acreage, density, and height) which contribute to the community character and are a complement to detached dwellings developments.
(2) Avoid the adverse conditions promulgated by:
  (a) developing in a scale (acreage, density, and height) not reflective of the local community and therefore disruptive to the community character and quality of life;
  (b) developing abutting or in too close proximity to other attached dwelling developments, congregating service needs in one area instead of spreading out service needs and providing alterative housing options throughout the community;
  (c) developing without proximity to public infrastructure and commerce, transportation, and recreation facilities;
  (d) developing without minimum acreage and streetscape improvements now required for all developments, including detached developments, commercial developments, etc.

850.2 Definitions.

All attached dwelling developments shall meet the following:

(1) ARTERIAL ROADWAY: Means a roadway classified in the Madison Major Thoroughfare Plan as an arterial or a designated state highway. This excludes limited access roads and state highways.
(2) ATTACHED DWELLING DEVELOPMENTS: Means a single property encompassing one (1) or more attached dwelling units.
(3) ATTACHED DWELLING UNIT: Means a single building designed as a duplex, multi-family, or townhouse dwelling.
(4) NEIGHBORHOOD CENTER: Means an area containing neighborhood commerce (e.g., convenience store, laundry and dry-cleaning establishments, diner, etc.) and zoned as Neighborhood Commercial District (C-2).
(5) NEIGHBORHOOD PARK: Means a park inside of the City of Madison of at least four (4) acres with activity areas for passive enjoyment, unorganized play, courts, playgrounds or some combination thereof.

(6) USABLE OPEN SPACE: Means an open area, including courts, gardens, grill/dining locations, for outdoor recreation and specifically does not include streets, parking, rights-of-way, utility easements, and household service facilities.

850.3 Minimum Site Requirements.

All attached dwelling developments shall meet the following:

(1) Utilities. All such developments shall be connected to and utilize public water and wastewater systems. No proposals for such developments shall be considered where said public infrastructure is not extant.

(2) Stormwater Management. All such developments shall contain a storm drainage system that will adequately collect, detain, and dispose of all projected surface water run-off within the development area in accordance with Section 590.

(3) Driveways and Walkways Requirements. Private streets are not permitted nor maintained by the City of Madison. Internal driveways shall not be used to meet lot frontage requirements of Section 700.1. Internal driveways shall meet the Typical Roadway Design Standard, R01.02 for Alleys and Drives and Commercial Driveway Standard, R14 as illustrated in the Madison Construction and Design Standard Details Manual. Internal walkways of five (5) feet in width shall establish connectivity between buildings within the development and connectivity from the development to the nearest public sidewalk.

(4) Parking Requirements. The minimum parking spaces shall be provided: duplexes (1 space per dwelling unit of 1,000 sq. ft. or less and 2 spaces per dwelling unit of 1,000 sq. ft. or more) and multi-family and townhouse units (1.5 spaces per dwelling unit). All parking shall meet the site requirements established in Section 520.4. In so far as practical, parking shall be grouped in banks of seven (7) spaces or less, either adjacent to driveways or in small lots. Surface parking or sheltered parking behind buildings is encouraged. No parking shall be more than one hundred (100) feet from door of the dwelling unit it is intended to serve. With the exception of Section 540.1(b), storage and parking of vehicles and equipment other than passenger vehicles shall be in enclosed accessory building.

(5) Landscape Requirements. In additional to the minimum tree requirements established by the Code of Ordinances, the site shall meet the Screening, Buffering, and Landscape requirements of Section 550 and specifically include overstory trees along all driveways using the minimum calculation of one (1) tree per fifty (50) linear feet.

(6) Illumination and Site Amenity Requirements. On-site illumination is required for parking areas and all areas intended for occupant use. Light poles shall be limited to 20' in height, be designed of black metal, and shall have night-sky protection fixtures. Congregate site amenities such as transit shelter, mail receptacles, community notice boards, etc., shall be located in convenient but inconspicuous locations and shall be set back at least ten (10') from the public right-of-way.

(7) Subdivision and Division of Ownership. If sale of land within such developments is intended, the developer shall comply with all procedures and requirements of the Madison Subdivision Regulations. No building permit or certificate of occupancy shall be issued for a condominium until proof of compliance within the Georgia Condominium Act has been presented to and approved in writing by the City Attorney.

(8) Plan Review. All such development shall require site plan review and approval by the City, including, without limitation, placement of buildings on the lot. A preliminary site plan shall be prepared illustrating the complete development of the entire property owned by the applicant, identifying the section for which the formal plat approval will be initially requested, and including a landscape plan.

850.4 Scale Requirements.

(1) Attached Dwelling Development.

(a) Classifications. Such developments are hereby classified as follows:
Small – 2 to 4 units; Moderate – 5 to 16 units; and Large – 17 to 32 units

(b) Lot Area. Every development - whether attached or detached – shall have minimum area of .25 acre per dwelling unit. Whereas detached dwelling developments allot acreage per single-family dwelling, attached dwelling developments shall congregate the same acreage per unit allowing for the efficiency and economy in terms of infrastructure, openspace, building materials, labor, etc.

(c) Single Type of Dwelling Unit. Each development shall be limited to a single type of attached dwelling unit per development.

(2) Attached Dwelling Unit Buildings.

(a) Units Per Building. There shall be no more than four (4) attached dwelling units in a townhouse building and no fewer than four (4) and no more than eight (8) attached dwelling units in a multi-family building.
(b) Setback Between Buildings. For developments having more than a single building, said buildings shall be separated by a minimum of twenty (20) feet of landscape openspace from any other building on the property containing an attached dwelling unit.
(c) Maximum Height of Buildings. No building shall exceed a maximum of two-stories (or height of 35' including a pitched roof). Attached dwelling unit buildings shall not have flat roofs or parapet roofs in residential zoning districts.
(d) Minimum Unit Size. Each dwelling unit shall have a minimum heated floor area: 1 bedroom – 800 sq. ft.; 2 bedrooms – 1,000 sq. ft.; 3 bedrooms – 1,200 sq. ft.

850.5 Lot Coverage and Openspace Requirements.

(1) Lot Coverage. The maximum for impervious surface for all attached dwelling developments shall be 40% of gross acreage.

(2) Openspace. For all attached dwelling developments with more than eight (8) units:

(a) The minimum for dedicated openspace shall be 20% of gross acreage;
(b) For openspace, no floodplains, wetlands, buffers – landscape and/or riparian, sensitive slopes, stormwater facilities or parking islands may be included.
(c) Usable Openspace. At least one-half of the openspace requirement shall be improved for open-air recreational use (e.g., playgrounds, playfield, courts) and other usable openspace to serve occupants of the development. Said improvements shall be effectively separated from automobile traffic and parking and shall be readily accessible to the occupants.
(d) Lot Coverage & Openspace Alternatives. The following options are available to large scale attached dwelling developments or to moderate scale development on less than 3 acres:

i. Off-site Mitigation for Lot Coverage. Contribution to a local "greenspace protection" fund for the purpose of greenspace protection and acquisition, protection against soil erosion and sedimentation, protection of the watershed and the groundwater recharge areas, or similar measures protective of the natural environment, provided that no more than half of the 40% of gross acreage may be addressed by this method. The calculation for the contribution shall be as follows: purchase price (or fair market value if higher) divided by gross acreage x % for Section 850.1 (1) not reserved on site (up to 20% of gross acreage). The fee shall be paid prior to issuance of any permits pertaining to the project.
ii. Off-site Location for Usable Openspace. Within 1500 feet of the development, an off-site location may be proposed for development of usable openspace to serve the development in lieu of on-site requirement. Off-site provision may be held privately or publicly. If private, ownership of the openspace shall be the same as that of land of the attached dwelling development, and plan review documents shall include a maintenance plan which shall stipulate the party responsible for maintenance of the subject area. Approval of off-site location shall not be deemed to constitute public acceptance nor assurance of public maintenance of said openspace.
iii. Off-site Improvements. If an existing neighborhood park is within 1500 of the development, off-site improvements may be proposed for the neighborhood park in lieu of on-site requirement for open-air recreational uses. Proposal of off-site improvements shall not be deemed to constitute public acceptance.

(e) A combination of the above measures may be utilized.

(3) Exceptions. C-1 District. Finding that the C-1 district serves to reinforce a highly pedestrian environment, to encourage greater density, and to accommodate a mixture of land uses both within the district and within buildings, lot coverage and openspace requirements are not applicable.

850.6 Proximity Requirements.

Proximity measurements shall be measured nearest property line of the attached dwelling development. For proximity measurements for townhouse developments, the congregated acreage of all units platted at the same time shall be used as a perimeter boundary and served for proximity measurements.

(1) Distance from Other Attached Dwelling Developments.

(a) Small Scale. Attached dwelling developments of this scale shall not be located within 500 feet of any other small scale attached dwelling development.
(b) Moderate Scale. Attached dwelling developments of this scale shall not be located within 1000 feet of any other moderate attached dwelling development nor within 500 feet of any attached dwelling development of small scale.
(c) Large Scale. Attached dwelling developments of this scale shall not be located within 1500 feet of any attached dwelling development of moderate or large scale nor within 500 feet of any attached dwelling development of small scale.

(2) Distance from Other Land Uses/Service Facilities.
(a) Small Scale. No additional requirement.
(b) Moderate and Large Scale. Attached dwelling developments including duplexes, multi-family, and townhouse dwellings shall be located within 2000 feet of a neighborhood center; within 1500 feet of a neighborhood park; and within 1500 feet of an arterial roadway or designated state highway.

(3) Exceptions.
(a) C-1 District. Finding that the C-1 district serves to reinforce a highly pedestrian environment, to encourage greater density, and to accommodate a mixture of land uses both within the district and within buildings, proximity requirements are not applicable for accessory apartment and lofts given the secondary locations not on ground level.
(b) P-2 District. Finding that the P-2 district serves to transition from a highly pedestrian environment to a single-family surrounding area, to allow for moderate density, and to accommodate a mixture of land uses within the district but not within buildings, proximity requirements are not applicable for duplexes and apartment houses given the diminished number of units and historically compatible scale.

850.7 On-Site Management.
On-site management is required for moderate and large scale attached dwelling developments. For moderate scale developments, on-site management shall be a manager on-premise 8 hours a day/6 days a week. For large scale developments, on-site management shall be either a manager, resident-manager, security guard, or some combination thereof on-premise for 24 hours a day /7 days a week. An assistant manager may serve in lieu of the manager when the manager cannot be on premise.

850.8 Historic Preservation Overlay District.
The only types of attached dwellings allowed in the Historic Preservation Overlay District are as follows: in the C-1 District – accessory apartments and lofts; and in the P-2 District - duplexes and apartment houses.

850.9 Administration and Enforcement.
(1) Zoning Map Amendments – Standards for Consideration.
In addition to the standards for conditional use application decisions as set forth in Section 1121.8, public hearings shall specifically take into consideration in making a decision the extent to which:

a) whether the rezoning requested is for property located in an appropriate area, as identified by the community:
i) on the Comprehensive Plan Future Land Use Map as Mixed-Use Residential/Commercial;
ii) on the Comprehensive Plan Future Land Use Map as Traditional Neighborhood Residential and current quantity and acreage of vacant parcels on the Official Zoning Map as medium or high density multi-family districts (R6 & R8), which are reserved for the sole use of attached dwelling units; or,
iii) on the Comprehensive Plan Future Land Use Map as Traditional Neighborhood Residential and on the Official Zoning Map as high density single-family districts (R4), which incorporate both high density detached dwelling units and moderate density attached dwelling units (e.g., apartment houses and duplexes).

b) whether the rezoning requested for property avoids inappropriate areas, as identified by the community:
i) on the Comprehensive Plan Existing Land Use Map as Single-Family Residential;
ii) on the Comprehensive Plan Future Land Use Map as Traditional Neighborhood Residential and on the Official Zoning Map as very low, low, and moderate density districts (R, R1& R2), which are reserved for the sole use of detached dwelling units; or,

c) any other considerations necessary to protect the health, safety, and welfare of existing single-family zoning districts.

(2) Conditional Use – Standards for Consideration.

In addition to the standards for conditional use application decisions as set forth in Section 1125.5, public hearings shall specifically take into consideration in making a decision the extent to which:

a) construction plans for additions or alterations are compatible in appearance, scale and footprint to other residentially-scaled buildings along the same block;

b) parking is mitigated by existing and proposed landscaping and easily reversible at the cessation of the conditional use;

c) presence and compatible operation of other attached dwelling units in the immediate proximity;

d) direct connectivity to the public sidewalk system and current traffic on the public roadway; and,

e) any other considerations necessary to maintain the delicate balance of land uses in the district which serves to transition from a highly pedestrian environment to a single-family surrounding area, to allow for moderate density, and to accommodate a mixture of land uses within the district but not within buildings and to protect the health, safety, and welfare.

(3) Ordinance Conflicts.

In the event of conflict between these requirements and other sections of this ordinance, this section shall be considered the more restrictive and shall govern.

ARTICLE IX: TELECOMMUNICATION TOWERS & ANTENNAS

Section 900 Intent and Purpose.
The purpose of this Article is to permit towers and antennas that will not endanger public safety; to promote the location of towers and antennas in non-residential areas and minimize the total number in the community; to strongly promote the joint use of tower and antenna sites; to permit towers and antennas in areas where the adverse impact on the community is minimal; to promote towers and antennas configured to minimize adverse visual impact; and to allow telecommunications services to be provided quickly, effectively, and efficiently. The regulations set forth below shall apply to all zoning districts in the City.

Section 910 Applicability.

910.1 District Height Limitations. This Article shall govern telecommunication towers and antennas that exceed the height limitations for each zoning district. The height limitations applicable to buildings and structures shall not apply to telecommunication towers and antennas.

910.2 Public Property. Towers or antennas located on property owned, leased, or otherwise controlled by the City are exempt from this Article, if such tower or antenna has been approved in writing by the City.

910.3 Amateur and Receive-Only. Towers or antennas under seventy (70) feet, owned and operated by federally-licensed amateur radio operators, and receive-only antennas, are exempt.

910.4 Pre-Existing Towers or Antennae. Any tower or antenna for which a permit has been properly issued prior to this Ordinance need not meet the requirements of this Article, other than Sections 930.6 and 930.7. Such towers and antennas shall be referred to as "pre-existing".

Section 920 Permitting Requirements.
920.1 Permit Required.

(1) Application Contents. Each applicant requesting an administrative approval or a conditional use permit shall submit a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, topography, radio frequency coverage, tower height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed by the Building & Code Official to be necessary to assess compliance with this Ordinance. Any information of an engineering nature shall be certified by a licensed professional engineer.

(2) Inventory of Existing Sites. Each applicant for a tower and/or antenna shall also provide to the Building & Code Official an inventory of its existing towers that are either within the City or one-quarter (1/4) mile thereof, including specific information about the location, height, and design of each tower. The Building & Code Official may share such information with other applicants applying for land use approvals and permits under this Ordinance or other organizations seeking to locate antennas within the City. However, the Building & Code Official is not, by sharing such information, representing or warranting that such sites are available or suitable.

(3) Standard for Administrative Approval. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the City that no existing tower or structure can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate such may consist of any of the following:
   - (a) no existing towers or structures are located within the geographic 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) the applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers, or structures would cause interference with the applicant's proposed antenna,

(e) the fees, costs, or contractual provisions required of the owner to share an existing tower or structure or to adapt an existing tower or structure are unreasonable. Costs exceeding new tower development are presumed to be unreasonable, and
(f) the applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

920.2 Standards for Conditional Use Decisions. The Planning Commission and Council shall consider the following factors in determining whether to issue a Conditional Use Permit for a telecommunication facility:

(1) height of the proposed tower.
(2) proximity of the tower to residential structures and residential district boundaries.
(3) type of uses on adjacent and nearby properties.
(4) surrounding topography.
(5) design of the tower, particularly as to visual obtrusiveness.
(6) proposed ingress and egress.
(7) availability of suitable existing towers and other structures as discussed in Section 920.1 (3) above, and
(8) whether the tower is designed to accommodate additional antennas.

Section 930 General Tower and Antenna Regulations.

930.1 Principal or Accessory Use. Towers and antennas are either principal or accessory uses. A different existing use or existing structure on the same lot shall not preclude the installation of an antenna or tower. In determining whether a tower or antenna complies with all district dimensional regulations, the dimensions of the entire lot shall control, even if towers or antennas are on leased parcels within such lots. Towers and antennas complying with this Article shall not be deemed to constitute the expansion of a non-conforming use.

930.2 Setbacks and Separation Requirements for New Towers and Antennas. Towers must be set back a distance equal to the height of the tower from any off-site residence. Towers, guys, and accessory facilities must satisfy the minimum zoning district setback requirement. Towers over ninety (90) feet in height shall not be located within one-quarter (1/4) mile from any existing tower over ninety (90) feet.

930.3 Security Fencing. Towers shall have an appropriate anti-climbing device, and towers, equipment buildings and support equipment together described as the “tower compound” shall be enclosed by security fencing not less than six (6) feet in height.

930.4 Screening and Landscaping Requirements. The tower compound shall be surrounded by a tight evergreen vegetative screen not less than six (6) feet in height and shall consist of evergreen trees and/or shrubs that will normally obtain a height of eight (8) feet within five (5) years. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible.

930.5 Aesthetic and Lighting Requirements. Towers shall have a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color, to reduce visual obtrusiveness. The tower compound shall, to the extent possible, have materials, colors, textures, screening, and landscaping that will blend it with the surrounding environment. 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, identical or similar to the supporting structure, to make the antenna and related equipment as visually unobtrusive as possible. Towers shall not be illuminated, unless required by the FAA or other applicable authority. Any required lighting shall be designed to cause the least possible visual impact.

930.6 Federal Requirements. All towers must meet current standards and regulations of the FAA, the FCC, and any other applicable agency. If such standards and regulations are changed, the towers and antennas shall comply within six (6) months of the change.

930.7 Building Codes - Safety Standards. To ensure structural integrity, towers and antennas shall be maintained in compliance with the City Building Code and the current applicable standards published by the Electronic Industries Association. If the Building & Code Official concludes that a tower or antenna fails to comply and/or constitutes a danger to persons or property, then upon notice to the owner, the owner shall have thirty (30) days to bring such tower or antenna

into compliance. If the owner fails to do so, the City may remove such tower or antenna at the owner's expense. Any such removal shall be in the manner provided in O.C.G.A. Sections 41-2-8 through 41-2-17.

930.8 Removal of Abandoned Towers and Antennas. Any tower or antenna not operated for a continuous period of twelve (12) months shall be considered abandoned. The structure shall be removed within ninety (90) days of receipt of notice from the City of such abandonment. If not timely removed, the City may, in the manner provided by law, remove such tower or antenna at the owner's expense.

Section 940 Towers and Antennas Permitted.

The following telecommunication facilities are permitted uses in the C-4, C-5, I-1 and I-2 districts:

(1) installation of an antenna on an existing non-residential structure other than a tower (such as a building, sign, light pole, water tower, or other free-standing non-residential structure) fifty (50) feet in height or greater, if said antenna adds no more than twenty (20) feet in height; and,

(2) installation of an antenna on any existing (but not pre-existing) tower of any height, so long as the addition of said antenna adds no more than twenty (20) feet in height. This specific permitted use prohibits new buildings or other supporting equipment used in connection with said antenna.

Section 950 Towers and Antennas Which Require Administrative Approval.

950.1 Uses Covered. The following are permitted in the C-4, C-5, I-1 and I-2 districts upon receipt of written approval by the Building & Code Official after an administrative review:

(1) installation of an antenna on an existing non-residential structure other than a tower (such as a building, sign, light pole, water tower, or other freestanding nonresidential structure) less than fifty (50) feet in height, if such addition does not add more than twenty (20) feet in height; and

(2) installation of an antenna on any pre-existing or existing tower of any height that requires additional buildings or other supporting equipment used in connection with said antenna, if said antenna adds no more than twenty (20) feet in height.

950.2 Administrative Approval Process. Each applicant shall provide the information in Sections 920.1 (1) and (2) below. The Building & Code Official shall attempt to respond to the application within thirty (30) days of receipt by approval or denial.

Section 960 Towers and Antennas Which Require a Conditional Use Permit.

The following uses require a conditional use permit under Section 1125:

(1) location of a tower compound in the C-4, C-5, I-1 and I-2 districts. The tower shall be set back from any existing off-site residence a distance greater than the height of the tower. Towers are prohibited in districts other than C-4, C-5, I-1 and I-2 districts;

(2) location of any alternative tower structure in a C-4, C-5, I-1 and I-2 district. Alternative tower structures are prohibited in districts other than C-4, C-5, I-1 and I-2; and,

(3) in any zone other than the C-4, C-5, I-1 and I-2 districts, installing an antenna on an existing non-residential structure other than a tower (such as a building, sign, light pole, water tower, or other free-standing non-residential structure), regardless of height. Said antenna may add no more than twenty (20) feet in height.

ARTICLE X: SIGNS

Section 1000 Intent and Purpose.

The purpose of this Article is to permit signs that will not endanger public safety, confuse, mislead, or obstruct vision, or otherwise adversely impact the public health, safety, morality or welfare of the community; to regulate signs to protect and enhance the significant scenic, natural and visual assets of the community and its gateways and corridors; to create orderly and uncluttered zoning districts and corridors; and to otherwise support and complement the objectives in this Ordinance. The regulations set forth below shall apply to all zoning districts in the City.

Section 1010 Definitions.

(1) BANNER: A sign of paper, cloth, plastic or vinyl with no other substantial backing, not permanently affixed to any building or structure.
(2) BOX CABINET: A box cabinet is a sign designed so that the display surface and its sides create depth, generally so that the display surface may be lighted by bulbs or channeling inside of the cabinet. Signs formed by independent letters, designed so that each letter constitutes an individual cabinet that may be individually lighted by interior channeling, are not included.
(3) DISPLAY AREA: The area of the sign used for the purpose of displaying its message and content, excluding the base or support. Also referred to as the sign face or display surface.
(4) NUDITY: See definition at O.C.G.A. Section 32-6-75 (b) (1).
(5) OBSOLETE: A sign is obsolete when the message or content references a business, lessor, owner, product, service, or activity that is no longer located on the premises, or when it is no longer maintained and is in a dilapidated condition.
(6) OBSCENE: See definition at O.C.G.A. Section 16-12-80 (b).
(7) PLAQUE: A small sign attached near a building entrance approximately at eye level.
(8) SIGN: Any device, including but not limited to message or content of letters, words, numerals, figures, emblems, pictures, or any part of combination, used for visual communication intended to attract the attention of the public or to publicize the subject thereof. A sign encompasses both the display area and the structure.
(9) SIGN AREA: See Section 1060.1.
(10) SIGN HEIGHT: See Section 1060.2.
(11) SIGN, BUSINESS IDENTIFICATION: A sign that directs attention to an establishment on the premises where such sign is located.
(12) SIGN, CHANGEABLE COPY: A sign whose message or content that can be changed without permanently altering the sign face, excluding professional or institutional directories. Also referred to as readerboards, stringerboards or posterboards.
(13) SIGN, CONSTRUCTION SITE IDENTIFICATION: A temporary sign whose message and content is limited to the project name, identification of architects, engineers, contractors, and other individuals or firms involved with the construction, the name of the building, the intended purpose of the building, and the expected completion date.
(14) SIGN, DIRECTIONAL: A sign whose message and content is solely intended to direct pedestrian or vehicular traffic and not for advertising businesses, products, or services.
(15) SIGN, DOUBLE-FACED: A sign with two (2) identical display areas back to back or with an interior angle between the signs of sixty (60) degrees or less where each sign is designed to be seen from a different direction.
(16) SIGN, EVENT: A temporary sign for special exhibits, shows, promotions, occasions, business openings/closings or other such events. See Section 1040.
(17) SIGN, FREESTANDING: Any sign attached to a structure whose primary purpose is to support the sign and which is not itself an integral part of a building or other structure, includes ground signs.
(18) SIGN, GROUND: A freestanding sign with a permanently affixed structural base or planter box, which base or box shall be of the same width as, or greater width than, the display area of the sign; the term excludes freestanding signs supported by poles. Also referred to as a monument sign.
(19) SIGN, ILLUMINATED – DIRECT: A sign which emits light. Also referred to as internal.
(20) SIGN, ILLUMINATED – INDIRECT: A sign lighted by an external light source. Also referred to as external.
(21) SIGN, NONCOMMERCIAL: A sign whose message or content is not commercial in nature, but is instead political, personal, religious, or otherwise constitutes non-commercial speech protected by the First Amendment of the United States Constitution.
(22) SIGN, OFFICIAL: A sign of a non-commercial nature erected in the public interest by or on the order of a government, including safety signs, traffic and street signs, commemorative signs and official or legal notices issued by any court, public agency or officer.
(23) SIGN, OFF-PREMISES: A sign whose message or content directs attention to a business, commodity, service, or entertainment not exclusively related to the premises on which said sign is located or affixed.
(24) SIGN, ON-PREMISES: A sign whose message or content directs attention to business, commodity, service, or entertainment located on the same lot on which said sign is located.
(25) SIGN, PORTABLE: Any sign that is not permanently affixed or a sign designed to be transported periodically from place to place, including but not limited to signs mounted or painted on vehicles that are parked to serve as an advertising device.
(26) SIGN, POLITICAL ELECTION: A temporary sign pertaining to an election whose message or content express voter support for a particular issue, political party, or candidate for public office.
(27) SIGN, PROJECTING: A sign attached and extending out from a building. Also referred to as a hanging sign.
(28) SIGN, REAL ESTATE: A temporary sign whose message and content is limited to the advertising of the real property upon which the sign is located.
(29) SIGN, ROOF: A sign projecting over or attached to the roof or its structural components.

(30) SIGN, TEMPORARY: A sign not intended or designed for permanent display, such as banner, construction, event, political, and real estate signs. See Section 1040.

(31) SIGN, WALL: A sign attached to or affixed on a wall or building with the display surface parallel to the wall. Wall signs also include painted signs and signs on canopies and awnings.

ILLUSTRATIONS

Figure 10.1 Sign Types. *Created by Ken Kocher*

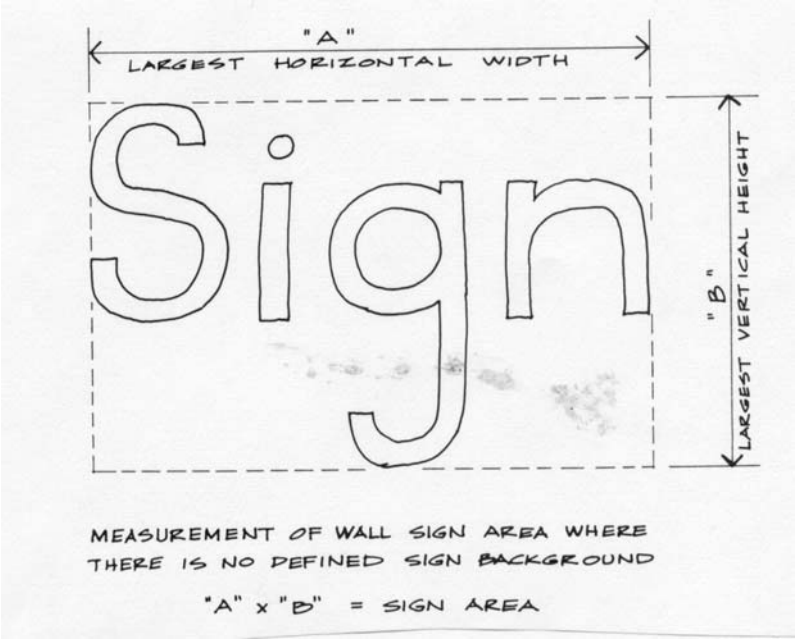

Figure 10.2

Signs consisting of letters placed directly on a wall are measured as shown. Sign area is calculated by drawing a rectangle along the boundary of the letters and multiplying the height by the width. (A x B)

Section 1020 Permitting Requirements.

1020.1 Sign Review Required. Except as specifically excluded from the provisions of this Article, sign review shall be required prior to building or altering any sign. The sign application, with the established non-refundable application fee, shall be submitted to the Zoning & Planning Official.

(1) Application Contents.
- (a) an itemized list and a keyed site plan at a suitable scale showing the location of all existing signs and sign structures currently on the lot;
- (b) an itemized list and a keyed site plan at a suitable scale showing the location of all proposed signs to be located on the lot;
- (c) a scaled drawing with dimensions and specifications, specifying materials, illumination, character sizes, colors, and support systems for each proposed sign;
- (d) an estimated cost of construction for each proposed sign;
- (e) an agreement wherein the applicant shall indemnify the City against all damages, demands or expenses of any kind caused by the sign or sign structure; and,
- (e) any other information as may be reasonably required by Building & Zoning Administrator, Planning Commission or Council.

(2) Standards for Sign Application Decisions. If the application fully complies with this Ordinance and all other applicable laws, regulations, standards, and criteria approval shall be granted and a permit issued by the Zoning & Planning Official.

1020.2 Sign Permit Required. Except as specifically excluded from the provisions of this Article, a sign permit shall be required prior to building or altering any sign. Any sign which requires illumination or connection of electric power shall be inspected by the Building & Code Official and may require an additional fee.

(1) Standards for Sign Permit Decisions. If the application fully complies with the City Building Code and all other applicable laws, regulations, and ordinances, the sign permit shall be issued by the Zoning & Planning Official. If the sign requires inspection by the Building Inspector, the sign permit shall not be issued until inspection and approval have been received from the Building & Code Official and upon payment of any additional required fee. Every sign for which a permit is required shall have the number of the permit affixed on the framework of the sign in the lower right hand area so that it is easily seen. Double faced signs shall post the permit number on one face only.

(2) Expiration of Sign Permit for Uncompleted Construction. A sign permit shall expire if the sign for which the permit was issued has not been completed within six (6) months of issuance.

Section 1030 Signs Which Require No Permit or Certificate of Appropriateness.

The signs enumerated in this Section are exempt from sign permit requirements under this Article if such signs comply with Section 1060. However, all signs using electrical wiring and connections shall require an electrical permit. No signs shall be permitted on the public right-of-way, with the exception of official signs.

(1) Official Signs. Official signs erected by or at the direction of a government or legal and/or official notices issued by any court, public agency, or officer.

(2) Quasi-Public. On-premises school, hospital, or other quasi-public entity signs provided that such signs are not illuminated and do not exceed a five (5) square foot display area.

(3) Public Notice. On-premises no trespassing, no hunting, and similar public notice type signs not exceeding a five (5) square foot sign face.

(4) Construction Site Identification. One (1) on-premises, non-illuminated sign per construction site. Said sign shall not exceed five (5) square feet per display area. Said sign shall not be erected prior to the issuance of a building permit and shall be removed within seven (7) days of the issuance of a certificate of occupancy.

(5) Political Election. One (1) non-illuminated sign per road frontage, per candidate, on any one (1) premises. Said sign shall not exceed five (5) square feet per display area and shall be removed within ten (10) days after the final election, including runoffs. Before any political sign is erected, the permission of the property owner or the owner's agent shall be obtained.

(6) Real Estate. One (1) on-premises, non-illuminated sign per lot frontage. Said sign shall not exceed five (5) square feet per display area. Such signs shall be removed within ten (10) days after the subject lot or building is leased or sold. For real estate signs in excess of these dimensions, see Section 1070.

(7) Non-Profit. On-premises civic, philanthropic, educational or religious entity signs for private and/or special occasions provided that the signs are not illuminated and do not exceed five (5) square feet per sign face. For events involving the general public or operated for profit purposes, see Section 1040.

(8) Yard/Garage Sales. One (1) on-premises sign announcing residential yard or garage sales. Said sign shall not exceed a five (5) square foot sign.

(9) Noncommercial. One (1) on-premises sign for noncommercial sign purposes per road frontage. Said sign shall not to exceed five (5) square feet per sign face.

Section 1035 Signs Which Require No Permit but Require a Certificate of Appropriateness.

The signs listed below are exempt from sign permit requirements under this Article, provided that such signs: a) comply with Section 1060 and b) obtain a Certificate of Appropriateness (COA) as required by Section 641 or Section 642 prior to any alteration or display of a sign within any Overlay District. No signs listed below are allowed on the public right-of-way.

(1) Commemorative. One (1) on-premises, non-illuminated sign per lot of no more than four (4) square feet of sign face of a commemorative nature, such as memorial plaques, signs of historical interest, tablets, cornerstones, and incised names and building dates of structures.

(2) Property Identification. Two (2) on-premises, non-illuminated signs per lot, not to exceed two (2) square feet per sign face, bearing only property identification numbers and names, post office box numbers, names of occupants or other non-commercial identification of premises.

(3) Residential Business. One (1) on-premises, non-illuminated sign per approved residential business, not to exceed one (1) square foot per sign face. Wall signs shall not exceed the height of the lintel of the primary entrance of the residence. Freestanding signs must be set back at least ten (10) feet from side property line and shall not exceed four (4) feet in height.

(4) Plaque. One (1) on-premises plaque per façade entrance, not to exceed two (2) square feet per display surface and to be affixed near the entrance at a height not to exceed six (6) feet.

(5) Open Sign. One (1) on-premises, non-illuminated per business not exceeding two (2) square feet per display surface, either wall or freestanding, stating that a business establishment other than a home occupation is open during business hours. In the C-1 District, the use of said sign precludes the use of the sidewalk sign defined in Subsection (6) below.

(6) Sidewalk Sign. In the C-1 District only, one (1) on-premises, non-illuminated sign per business (either A-frame or easel structure) placed on the sidewalk during business hours. Said sign shall be located in immediate proximity to the entrance of the business and shall not exceed six (6) feet in height nor six (6) square feet per sign face. The use of said sign precludes the use of the open sign defined in Subsection (5) above.

Section 1040 Temporary Sign Permits.

A temporary sign permit for a period of not more than two (2) weeks may be issued for the permitted uses set forth below. A sign application shall be filed with the Zoning & Planning Official. Prior to issuance of a temporary sign permit, the applicant shall file a bond with the Zoning & Planning Official in the amount of one hundred dollars ($100.00). Said bond will be remitted upon removal of all temporary signs permitted under this section. No more than four (4) temporary permits may be issued per calendar year per business. Such temporary signs are permitted in addition to any other signs otherwise permitted under the provisions of this article.

(1) Event Signs – General. One (1) on-premises sign per lot of no more than four (4) square feet placed along streets or attached to a building that gives direction to or promotes temporary exhibits, shows, or events.

(2) Event Signs – Banner. In the C-2, C-3 and C-4 districts only, one (1) on-premises banner per lot that promotes special exhibits, shows, promotions or events. Said banner shall not exceed thirty-two (32) square feet.

(3) Event Signs - Initial Opening or Final Closing of Businesses. In C-1, C-2, C-3 and C-4 districts only, two (2) on-premises signs advertising the initial opening or final closing of an establishment. Each sign shall not exceed thirty-two (32) square feet.

Section 1050 Prohibited Signs.

(1) Signs Imitating Warning Signal. No sign shall display intermittent lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance, or rescue vehicles, nor shall any sign use the words "stop," "danger," or other message or content in a manner than might mislead or confuse a driver.

(2) Private Signs on Public Property. No sign, except as provided herein, is permitted within any street or highway right-of-way or on public property. No sign shall be placed so it will cause danger, either by obscuring a view, or otherwise.

(3) Flashing Signs. No signs that flash, blink, rotate, revolve, have moving parts or visible bulbs, or changing electronic, digital or visual messages shall be permitted. No signs containing reflective elements that sparkle in the sunlight or that contain luminous paint that glows in the dark shall be permitted in any district. Signs utilizing LED lighting are not permitted. Signs indicating the current time and/or temperature are permitted, provided they meet all other provisions of this Article.

(4) Obstructions. No sign shall obstruct any fire escape, window, door or opening usable for fire prevention or suppression, or prevent free passage from one part of a roof to any other part thereof. No sign shall extend above a parapet wall, be affixed to a fire escape, or interfere with any opening required for ventilation.

(5) Attached and Painted Signs. Signs shall not be painted on or attached to trees, fence posts, utility poles, or rocks or other natural features.

(6) Obscene Signs. Obscene signs shall not be permitted.

(7) Portable Signs. Portable signs shall not be permitted, with the exception of on-premises real estate signs.

(8) Signs on the Property of Another. No sign shall be posted or placed on any property belonging to another without the written consent of the owner thereof.

(9) Fluttering Signs. Fluttering ribbons, streamers, pennants, flags, buntings or other similar devices shall not be permitted in any district, with the exception of flags displayed to commemorate national holidays. Inflatable objects are specifically prohibited. Banners are prohibited with the exception of municipal-sponsored program events, on municipal poles with the permission of the Zoning & Planning Official, and as specifically provided for in Section 1040. In residential areas, one (1) on-premises sign of a purely seasonal and decorative nature is permitted if attached to a building.

(10) Signs Near Intersections. No red, green, or yellow illuminated sign shall be permitted within three hundred (300) feet of any traffic light.

(11) Roof Signs. Roof signs, including signs painted or adhered on roofs, shall not be permitted.

(12) Display of Nudity. Signs displaying nudity shall not be permitted.

Section 1060 General Sign Regulations.

1060.1 Sign Area. Sign area shall be limited to the display area and shall not include the area of the structure including base, posts, or other means of support. Refer to Figure 10.3. Sign area shall be computed using the largest dimension of sign width and height. The display area shall include message and content, together with any background, open or enclosed, which is part of the display itself, and shall be computed as follows for wall and double-faced signs:

(1) Freestanding Signs. Freestanding signs shall have no more than two (2) display surfaces, with the exception of the planned center interstate interchange sign as defined in Section 1080.

(2) Double-Faced Signs. In computing display area of a double-faced sign, if both faces are identical, only one (1) side shall be considered. For "V" type sign structures, if the interior angle exceeds sixty (60) degrees, both sign faces shall be added in calculating display area.

(3) Wall Signs. The display area shall be the smallest rectangle that encompasses all of the message and content.

1060.2 Sign Height. The height shall be measured from the average ground level beneath the sign to the highest point of the sign structure. The ground level shall be the lower of the ground level existing at the time of construction or the ground level existing prior to construction and any earth disturbance at the site. This prior ground level shall be established by a reliable source, including without limitation, existing topographic maps, aerial photographs, photographs of the site, or affidavits of people who are personally familiar with the site. No person shall artificially increase the maximum height of a sign by altering the grade at the base of the sign.

1060.3 Construction and Maintenance. Construction of signs shall be in accordance with the building code. Signs and all their supports, braces, guys, and anchors shall be constructed of durable materials and kept in good repair. Unless constructed of galvanized or non-corroding metal, exposed materials shall be given a protective coating as reasonably necessary. The area immediately surrounding all freestanding signs shall be maintained free of high weeds and debris.

1060.4 Sign Illumination Standards.

(1) Traffic Control. No sign illumination device shall resemble an official traffic control or warning sign, nor shall it hide from view or distract from any traffic or street sign or signal.

(2) Hazards. Illumination devices shall be placed, filtered, and shielded so direct rays will not be cast into the eyes of drivers or pedestrians.

(3) Light Pollution. Sign illumination shall not light adjacent properties and roadways. No illuminated signs are allowed within fifty (50) feet of any residential district or dwelling.

(4) Neon Tubes. No sign that has exposed neon tubes or other exposed tubes containing luminescent gas shall be used outside a building.

(5) Exposed Wires. No sign may have exposed electrical wires.

(6) Strings of Bulbs. Strings of bulbs are not permitted, except as part of a holiday celebration.

(7) Hours of Illumination. No sign shall be illuminated between 11 p.m. and 6 a.m. unless the premises on which it is located is open for business.

(8) Types of illumination.

(a) Indirect Illumination. Indirect illumination of signs is permitted in any district provided that such signs shall have concealed wiring and controls and shall have shielded and screened external light sources.

(b) Direct Illumination. Direct illumination of signs is limited to the C-3 and C-4 districts. Box cabinets are not permitted. Internally channeled or reverse-channeled letters are permitted only in instances of wall signs affixed to buildings with a front setback of more than two hundred and fifty (250) feet.

1060.5 Removal of Obsolete Signs. Any obsolete sign or sign structure shall be removed by the owner within thirty (30) days after receipt of written notice from the Zoning & Planning Official.

Section 1070 Signs Permitted in Specific Zoning Districts.

Except as otherwise provided for under this Article, any sign not specifically permitted in a zoning district hereunder shall be prohibited in that district. The following charts delineate types of signs allowed upon issuance of a sign permit in accordance with Sections 1020 or 1040 above.

Table 14 – Signs Permitted in Specific Zoning Districts delineates the signs allowed therein upon issuance of a sign permit.
Table 15 – Signs Permitted in Planned Development Districts delineates the signs allowed therein upon issuance of a sign permit.
For additional signs permitted in specific zoning districts and for permitted signs for planned centers, see Section 1075 and Section 1080 respectively.

Section 1070: Table 14 – Signs Permitted in Specific Zoning Districts

TYPE OF SIGN	SIGNS ALLOWED	DISPLAY AREA maximum	SIGN HEIGHT maximum	SIGN SETBACK
R, R1, R2, R4, R6, R8				
home occupation AND noncommercial	1 ground per lot AND 3 wall per building	5 sq. ft. Note (6)	5 ft. -	5 ft. -
real estate (2)	1 freestanding per lot frontage	16 sq. ft.	6 ft.	10 ft.
event (3)	1 freestanding per intersection	2 sq. ft.	4 ft.	10 ft.
produce signs (4)	1 freestanding per lot	18 sq. ft.	6 ft.	10 ft.
P-1 – Professional/Office				
business identification (5) AND noncommercial	1 freestanding per lot AND 3 wall per building	48 sq. ft. Note (6)	10 ft. -	5 ft. -
real estate (2)	1 freestanding per lot	20 sq. ft.	6 ft.	5 ft.
event (3)	1 freestanding per building **OR** 1 banner per building	20 sq. ft. 32 sq. ft.	6 ft. 10 ft.	5 ft. -
P-2 – Professional/Limited Commercial				
business identification (5) AND noncommercial	1 freestanding per lot AND 3 wall per building	24 sq. ft. Note (6)	10 ft. -	5 ft. -
real estate (2)	1 freestanding per lot	20 sq. ft.	6 ft.	5 ft.
event (3)	1 freestanding per building **OR** 1 banner per building	20 sq. ft. 32 sq. ft.	6 ft. 10 ft.	5 ft. -
C-1 – Downtown Commercial				
business identification (5) AND noncommercial	1 projecting per façade entrance (7) **AND** 3 wall per building	9sq. ft. Note (6)	18 ft. -	- -
real estate (2)	1 wall per building	20 sq. ft.	6 ft.	-
Event (3)	1 banner per building	32 sq. ft.	10 ft.	-
C-2 – Neighborhood Commercial				
business identification (5) AND noncommercial	1 ground sign **AND** 3 wall per building	24 sq. ft Note (6)	6 ft -	10 ft -
real estate (2)	1 freestanding per lot **OR** 1 wall per building (6)	20 sq. ft. 20 sq. ft.	6 ft. 6 ft.	5 ft. -
Event (3)	1 banner per building	32 sq. ft.	10 ft.	-
C-3 – General Commercial				
business identification (5) AND noncommercial	1 ground per lot **AND** 5 wall per building	48 sq. ft. Note (6)	10 ft. -	10 ft. -
real estate (2)	1 freestanding per lot	20 sq. ft.	6 ft.	10 ft.
Event (3)	1 freestanding per lot **OR** 1 banner per building	20 sq. ft. 32 sq. ft.	6 ft. 10 ft.	10 ft. -

off-premises advertising (8)	1 freestanding	48 sq. ft.	10 ft.	10 ft.

See Notes on the following Section 1070 Table 15.

Section 1070: Table 15 – Signs Permitted in Specific and Planned Development Districts

TYPE OF SIGN	SIGNS ALLOWED	DISPLAY AREA maximum	SIGN HEIGHT maximum	SIGN SETBACK
C-4 – Interstate Commercial				
business identification (5) AND noncommercial	1 ground per lot **AND** 5 wall per building	48 sq. ft. Note (6)	10 ft. -	10 ft. -
real estate (2) event (3) off-premises advertising (8)	1 freestanding per lot 1 freestanding per lot **OR** 1 banner per building 1 freestanding	20 sq. ft. 20 sq. ft. 32 sq. ft. 48 sq. ft.	6 ft. 6 ft. 10 ft. 10 ft.	10 ft. 10 ft. - 10 ft.
C-5, I-1, I-2				
business identification (5) AND noncommercial real estate (2) event (3) off-premises advertising	1 ground per lot **AND** 3 wall per building 1 freestanding per driveway entrance, maximum of two per lot 1 freestanding per lot **OR** 1 banner per building 1 freestanding (8)	48 sq. ft. Note (6) 20 sq. ft. 20 sq. ft. 32 sq. ft. 48 sq. ft.	10 ft. - 6 ft. 6 ft. 10 ft. 10 ft.	10 ft. - 10 ft. 10 ft. - 10 ft.
PRD				
Development identification (1)	1 ground per site entrance	20 sq. ft.	6 ft.	10 ft. (5)
business identification (3)(4) AND noncommercial	1 freestanding per lot **OR** 1 wall per building	16 sq. ft. Note (6)	6 ft. -	10 ft. -
real estate (2)	1 freestanding per development **OR** 1 freestanding per lot	16 sq. ft. 6 sq. ft.	6 ft. 4 ft.	10 ft. 5 ft.
Event	1 freestanding per intersection	2 sq. ft.	4 ft.	10 ft.
PPD, PCD				
Development identification (1)	1 ground per site entrance	48 sq. ft.	10 ft.	10 ft. (5)
business identification (4) AND noncommercial	1 ground per lot 1 wall per building for building name only 1 wall per business	48 sq. ft. Note (6) 15 sq. ft.	10 ft. - -	5 ft. - -
real estate (2)	1 freestanding per development **OR** 1 freestanding per lot **OR** 1 wall per building	20 sq. ft. 16 sq. ft. 16 sq. ft.	6 ft. 6 ft. 6 ft.	10 ft. 5 ft. -
Event	1 banner per building	32 sq. ft.	10 ft.	-
PID				
Development identification (1)	1 ground per site entrance	48 sq. ft.	10 ft.	10 ft.
business identification (4) AND noncommercial	1 ground per lot 3 wall per building	48 sq. ft. Note (6)	10 ft. -	10 ft. -
real estate (2)	1 freestanding per development **OR** 1 freestanding per lot **OR** 1 wall per building	20 sq. ft. 16 sq. ft. 16 sq. ft.	6 ft. 6 ft. 6 ft.	10 ft. 10 ft. -
Event	1 freestanding per lot **OR** 1 banner per building	20 sq. ft. 32 sq. ft.	6 ft. 10 ft.	10 ft. -

Notes for Table 15, Section 1070

(1) On-premises; for non-residential principal uses.

(2) On-premises; see also Section 1030 (6). Such signs shall be removed within ten (10) days after the subject lot or building is leased or sold.

(3) On-premises; see also Section 1030 (7) (8) and Section 1040.

(4) On-premises; sign limited to identification of farm products and sold on the premises in the R District.
(5) On-premises; sign limited to the name(s), trademark(s), and service marks(s) of the establishment(s).
(6) The total display area for allowed wall signs shall not exceed five percent (5%) of the area of the wall to which it is affixed; wall signs shall not project more than six (6) inches from the wall.
(7) A façade entrance must lead to a separate business establishment, which must have a current business license and independent floor space within the building; projecting signs must not extend more than five (5)(feet from the wall.
(8) Off-premises advertising is allowed only on U.S. or State Routes provided that there are no more than four (4) signs per mile with a minimum of five hundred (500) feet between signs.

Section 1075 Additional Signs Permitted in Specific Districts.

The following signs are permitted in addition to those otherwise permitted under Article X.

(1) Informational – Directory. In the C-3, C-4, I-1, I-2 and planned development districts, one (1) on-premises, non-illuminated sign per business, either wall or freestanding, shall be permitted where a lot contains two (2) or more principal buildings and/or a building containing multiple businesses. Such signs shall not exceed five (5) feet in height and twenty-four (24) square feet per display area. This subsection is subject to the limitations in subsection (2) below.

(2) Informational – Wall. In the C-3, C-4, I-1 and I-2 districts, two (2) signs may be affixed to an exterior wall of a business. The combined display area of such signs shall not exceed the lesser of either forty-eight (48) square feet or one percent (1%) of the total wall area to which they are affixed.

(3) Directional – Pedestrian and Passenger Vehicular Traffic. In the C-3, C-4, I-1, I-2 and planned development districts, four (4) on-premises, directional signs per business designed to establish safe and convenient ingress, egress and internal circulation for traffic and parking. Such signs shall not exceed three (3) feet in height and four (4) square feet per sign face. Direct illumination of such signs is permitted only in the C-4 District.

(4) Directional – Vehicular Traffic. In the C-4, I-1, and I-2 districts only, on-premises signs per establishment to provide safe and convenient access and internal circulation for traffic and parking for establishments whose primary patrons include trucks, recreational vehicles, and heavy equipment. Such establishments shall be allowed no more than four (4) signs which shall meet the specifications set forth in Subsection (3) above and shall be allowed two (2) additional signs which shall not exceed six (6) feet in height and twelve (12) square feet per sign face. The additional signs must be utilized in areas where the traffic is principally trucks, not passenger vehicles. Direct illumination of the additional signs is permitted only in the C-4 District.

(5) Special Purpose – Drive-Thru. In the C-4 District only, one (1) on-premises sign per business for a drive-in or drive-thru restaurant business for directional or informational purposes. Said sign shall not exceed seven (7) feet in height nor fifty (50) square feet per display area.

(6) Special Purpose – Interstate Interchange. One (1) on-premises sign per business where the business property is located within five hundred (500) feet from the right-of-way of a) the intersection of Interstate 20 and Georgia Highway 441 or b) the intersection of Interstate 20 and Georgia Highway 83. Said sign shall not exceed a display surface of one hundred and fifty (150) square feet and shall not exceed one hundred (100) feet in height.

(7) Special Purpose – Interstate Business Identification.
Business identification signs are those which exhibit commercial information limited to the name of the business or center and/or name(s), trademark(s) and service mark(s) of on-premises establishment(s) and/or any noncommercial message. Any sign permitted under this section must comply with the lighting restrictions noted in Section 1060.4(7). The following signs are permitted conforming with the standards of this section provided all limitations of this section are met:

(a) Interchange Pylon. One (1) on-premises sign per business where the business property is located within five hundred (500) feet from the right-of-way of a) the intersection of Interstate 20 and Georgia Highway 441 or b) the intersection of Interstate 20 and Georgia Highway 83. Said sign shall not exceed a display surface of one hundred and fifty (150) square feet and shall not exceed one hundred (100) feet in height.

(b) Shared Pylon. One (1) on-premises sign per business for any retail or service business, which caters to the general public, located within the interstate buffer required within Section 550.3(4). The qualify for a shared pylon sign a property shall meet the following minimum requirements:

(i) Land located within said buffer shall be subdivided in such a manner that the location for the pylon is shared by such adjoining parcels. It shall be the subdivider's responsibility to reserve appropriate easements for the shared pylon.

(ii) Each parcel shall have no less than two hundred and fifty (250) feet of frontage on its street of access. A shared pylon shall utilize and integrate its sign system having one display surface each such business mounted to a single support. Said sign shall not exceed eighty-five (85) feet in height and have not more than two (2) display surfaces of no greater than seventy-five (75) square feet each. In no instance may the square footage for the multiple display surfaces be combined to create a larger display surface. A sign permitted under this provision precludes the use the signs provided under Section 1075(7)(a) or (c).

(8) Special Purpose – Scales. In the C-4, I-1, and I-2 districts only, one (1) on-premises, non-illuminated sign for a business whose primary function includes weighing trucks of any type, for the purpose of giving directions to weight scales on the property. Said sign not be located forward of the rear wall of the principal building. Said sign shall not exceed a display surface of four (4) feet by sixteen (16) feet, and the structure supporting said sign shall not exceed twenty (20) feet in height nor width.

[AMENDMENT – 14-5.12_Fuel Sale Signs]

(9) Special Purpose – Fuel Sales. In the C-4 districts where internal illumination is permitted, one (1) on-premises, shall be allowed to utilize light-emitting diode (LED) technology for internal illumination for a business whose primary function includes fuel sales. This shall not be an additional sign but shall be included as part of the sign area of a freestanding sign, either a monument or Section 1075(6) or (7). Provided that the content of the sign does not change more than twice daily, the sign shall not be deemed a Section 1050(3), Prohibited Signs, Flashing Signs.

Section 1090 - Non-Conforming Signs

1090.1 Intent. It is the intent of these regulations to allow the continuance of signs that exist as of the effective date of this Ordinance which do not conform to this Article, but not to encourage their survival. Any sign or portion thereof that exists at the time of the enactment of this Ordinance but does not conform to the requirements of this Article may not be enlarged or expanded. See Section 500.6.

1090.2 Unsafe signs. Any sign or portion thereof that is declared to be unsafe or dangerous by the Building & Zoning Administrator may be restored to a safe condition, provided that the requirements of this Article are met.

1090.3 Changes to Non-Conforming Signs. Any change in a non-conforming sign or portion thereof is subject to the following regulations:

(1) Improvements and Repair. No non-conforming sign or portion thereof can be improved or repaired in an amount exceeding fifty percent (50%) of the replacement cost of the structure. Replacement cost is the cost to build an identical non-conforming sign or portion thereof.

(2) Abandonment. A non-conforming sign or portion thereof that becomes such due to the adoption of this Ordinance, and which is unused for a continuous period of one (1) year, shall not be re-established. Any future use shall be in conformity with this Article.

ARTICLE XI: ADMINISTRATION & ENFORCEMENT

Section 1100 Enforcement.

1100.1 Building & Zoning Administrator. This Ordinance shall be administered by the Building & Zoning Administrator, having full authority, review, and oversight for the various departments and his/her designees responsible for implementation and enforcement of this Ordinance and other codes, standards, regulations, and criteria related to building and zoning in the City of Madison.

1100.2 Powers and Duties. The Building & Zoning Administrator's authority, or his/her designee's authority, to administer, implement, and enforce this Ordinance includes without limitation the following powers and duties:

(1) receive and review applications and plans;
(2) inspect premises as necessary;
(3) issue authorized permits (grading, building, sign, etc.), and certificates (verification, compliance, appropriateness, occupancy, etc.);
(4) interpret this Ordinance, except as otherwise expressly provided;
(5) keep records of all issued permits and approved applications and plans;
(6) keep current the Official Zoning Map and the approved Future Land Use Map;
(7) keep records of all violations of this Ordinance and enforcement actions; and,
(8) issue citation for violations of this Ordinance, to be heard in the Municipal Court.

The Building & Zoning Administrator shall not take final action on amendments, variances, conditional use permits, or other land use approvals reserved for the Planning Commission and/or the Council.

1100.3 Appeals of Building and Zoning Administrator.

(1) Staff Review. Any person aggrieved by any action by the Building & Code Official, Zoning & Planning Official, or other designee of the Building & Zoning Administrator shall make a written appeal to the Building & Zoning Administrator within fourteen (14) days of the action. The Building & Zoning Administrator shall review such action and inform the aggrieved party of the decision within fourteen (14) days of the appeal.
(2) Appeal. Any person aggrieved by any action by the Building & Zoning Administrator may appeal to the Council within thirty (30) days of the action. Appeals shall be filed in writing with the Building & Zoning Administrator and shall enumerate specific grounds for the appeal. The Building & Zoning Administrator shall compile and safeguard all documents that constitute the record upon which the action appealed from was based.
(3) Stay of Proceedings Pending Appeal. An appeal stays all activity permitted by the action appealed from, unless the Building & Zoning Administrator opines in writing to the Council that based on specific facts, a stay would cause imminent peril to life or property. Alternatively, activity may be stayed by an order issued by the Council, or by a restraining order or injunction issued by a court of competent jurisdiction.

1100.4 Violations.

(1) Complaints. If the Building & Zoning Administrator receives a written, signed complaint alleging a violation of this Ordinance, he shall investigate, take appropriate action and inform the complainant of such action.
(2) Remedies. Any violation of this Ordinance authorizes the Building & Zoning Administrator to petition for any appropriate legal remedy. The Building & Zoning Administrator may also suspend or invalidate permits, order that all unauthorized or improper work be stopped, direct correction of deficiencies, issue summons to any court of competent jurisdiction, or take any other legal or administrative action deemed appropriate to the severity of the violation and degree of threat to the public health, safety, morality, or welfare.
(3) Emergency Measures. Notwithstanding any other provisions of this Ordinance, if the Building & Zoning Administrator determines a violation poses an imminent peril to life or property, he or she may institute, without notice or hearing, any necessary actions or proceedings to address the perilous condition.
(4) Penalties. Upon conviction of a violation of this Ordinance, the violator shall be deemed guilty of a misdemeanor. Any violator of this Ordinance shall be fined up to five hundred dollars ($500.00) for each violation. Every day such violation continues shall be a separate offense.

Section 1105 Permitting Requirements.

1105.1 Development Review Required. Development review is required prior to (1) use or occupancy of any change in use of any lot, (2) any new construction, reconstruction or alteration to a structure or parcel, and (3) any subdivision of land or property. It shall be unlawful to initiate the actions listed above prior to submitting all proposals, applications, plans, or other supporting materials required for development review. Development review shall include review of the zoning, plan, design, sign, and subdivision requirements as provided for in this Ordinance and other codes, standards, regulations, and criteria related to land use in the City of Madison. A development review packet, outlining relevant submission requirements, deadlines, and review policies, as well as applications and a schedule of fees shall be available upon request from the Planning Department. The Zoning & Planning Official shall keep a record of all development review applications and issuance of related letters and certificates.

1105.2 Building Permit Required. It shall be unlawful to start any work exceeding a cost of five hundred dollars ($500.00) for construction, alteration or removal of any structure unless a building permit has been issued in compliance with this Ordinance and other codes, standards, regulations, and criteria related to building and zoning in the City of Madison.

(1) Building Permit Issuance and Posting. Upon confirmation after development review that the proposed construction, reconstruction or alteration fully complies with this Ordinance and all other applicable laws, regulations, and ordinances, a building permit shall be issued by the Building & Code Official upon payment of the required fee set forth by the latest edition of the ***Southern Standard Building Code***, which is incorporated herein by reference. A building permit shall be issued according to the type of work proposed (e.g. grading, construction, electrical, demolition, etc.). Each required permit shall be conspicuously displayed by the applicant on the permitted premises until project completion and removed within 14 days of the issuance of the Certificate of Occupancy.

(2) Inspections Required. A schedule of required inspections shall be available and shall be followed during all phases of work; scheduling inspections is the responsibility of the property owner or agent.

(3) Expiration of Building Permit; Renewal. If the project is less than twenty-five percent (25%) complete (measured by a building cost analysis) after six (6) months from permit issuance, the building permit shall become invalid. The Building & Code Official shall renew the permit one (1) time for an additional six (6) months upon payment of a renewal fee set by the latest edition of the ***Southern Standard Building Code***.

1105.3 Certificate of Occupancy (CO) Required. A certificate of occupancy issued by the Building & Code Official is required prior to the use or occupancy of any change in use of any lot, or any new construction, reconstruction or alteration. No certificate of occupancy shall be issued unless the lot and structure comply with this Ordinance, and all other laws, regulations, and ordinances. The Building & Code Official shall keep a record of all applications for and issuance of all certificates of occupancy.

[AMENDMENT – 14-12.8_Planning Commission]
Section 1110 Planning Commission.

1110.1 Creation, Appointment, Terms. There is, hereby, established a municipal planning commission, the Planning & Zoning Commission (hereinafter "Commission"). The Commission shall be composed of seven (7) members, all of whom shall reside within, and appointed by the Mayor and City Council of the City of Madison. Following initial appointments of members for four (4) 1-year terms and three (3) 2-year terms, thereafter terms of the Commission shall be for three (3) years and any vacancy appointment shall utilize the unexpired term. No Commission member shall receive compensation for public service.

1110.2 Organization, Rules, Staff. From among its members, the Commission shall elect its officers, who shall serve one year with eligibility for re-election. The Commission shall adopt its own rules and procedures, which shall be known as the ***Rules & Procedures of the City of Madison Planning & Zoning Commission*** and shall be available at the municipality's website and its Planning & Development Department. The Commission shall be provided city staff from the Planning & Development Department, which shall be responsible for the Commission's administration, record management, and coordination of any consulting services providing work for the Commission.

1110.3 Functions and Duties.

The Commission is hereby vested with the following powers and duties. The mere authorization to undertake these functions shall not be considered a mandate for the Commission to perform all of these functions, nor shall it prohibit the discretion of the Mayor and City Council, by law or resolution, from assigning one or more of these functions to the Planning & Development Department, or to another agency or board. The mission of the Commission shall be to make such careful and comprehensive surveys and studies of existing conditions and probable future developments and to prepare such plans for the physical, social, and economic growth as will best promote the public health, safety, morals, convenience, prosperity, and/or general welfare, including efficiency and economy in the development of its jurisdiction. In particular, the Commission shall have the power and duty to perform the following:

(1) Cooperate with the Federal, State, and/or Local public or semi-public agencies or private individuals or corporations, and carry out cooperative undertakings with said agencies, individuals, or corporations;
(2) Review and recommend to the Mayor and City Council the adoption of the Comprehensive Plan, or parts thereof, for the development of the local jurisdiction or parts thereof, which shall be subject to the approval of the Mayor and City Council in accordance with the Georgia Planning Act of 1989, as may be applicable, as well as other city planning documents (e.g, Major Thoroughfare Plan, Urban Redevelopment Plan, GreenPrint Plan, etc.);
(3) Review and recommend for adoption by the Mayor and Council a zoning ordinance or resolution, regulations for the subdivision of land, and any other land use regulations appropriate to manage development in the jurisdiction;
(4) Administer zoning and other land use regulations in whatever role is delegated to it by the Mayor and City Council . To this end, the Commission is hereby authorized to review applications, hold public hearings, and make recommendations to the Council on applications for "zoning action," including:

a) zoning ordinance text amendments and map amendments, Section 1120 and 1121;
b) conditional use applications, Section 1125;
c) variance applications, Section 1130; and
d) site plan review of proposed Planned Development Districts, Section 650.

However, the Commission shall not be delegated any legislative authority, such as final approval of these requests for zoning action. Public hearings required for the above listed actions shall comply with Sections 1140 and 1145. After its hearing, the Commission may decide not to make a recommendation, or it may make a recommendation to the Council, including the following: approval, denial, deferral to a specific meeting date for additional information or further investigation, reduction of the land area, take action different than that requested, or imposition of conditions. The Commission's recommendations shall be submitted to the Council prior to the public hearing held by the Council. If the Commission makes no recommendation, then it shall report to the Council that it makes no recommendation. If, however, the Commission fails to submit a recommendation within forty-five (45) days after the Commission's initial hearing, the Commission shall be deemed to have recommended approval.
(5) Review and recommend to the Mayor and City Council the adoption of a plat or plats, corridor map or maps, or such overlay map showing the location of the boundary lines of existing, proposed, extended, widened or narrowed streets and linear open spaces and recreational areas, together with regulations to control the erection of buildings or other structures within such lines, within the local jurisdiction or a specified portion thereof;
(6) Make, publish, and distribute maps, plans, and reports and recommendations relating to the planning and development of the local jurisdiction to public officials and agencies, public utility companies, civic, educational, professional, and other organizations and citizens.
(7) Recommend to the Mayor and Council or its executive programs for capital improvements and the financing thereof; and,
(8) Exercise, in general, such other powers as may be necessary to enable it to perform its functions and promote the planning of its local jurisdiction.

Section 1115 City Council.
The Council retains authority for final decisions in all zoning actions. The Council may uphold, reverse, add to, limit, modify with conditions, or take action different from any recommendation made by the Planning Commission. It may also defer a decision until a specified meeting date.

Section 1120 Zoning Ordinance Text Amendments.

1120.4 Application Procedure.

(1) Pre-application Conference. All applicants must meet with a member of the Planning & Development Staff to discuss the application procedures, the public hearing process, and any other information which may be

pertinent to the proposed request. Applications will not be accepted until a pre-application conference has been held. Conferences may be handled via telephone at the discretion of Staff.

(2) Application Contents. Each application for a zoning text amendment must be submitted to the Zoning & Planning Official at least thirty (30) days before any hearing by the Commission. Unless waived by the Building and Zoning Administrator, each application submitted by a person other than the City shall include all the following information about the subject property:
(a) a statement of intent explaining in detail the requested change, the proposed use, and any special or unusual parts of the request;
(b) a statement explaining why the subject property is not suitable for development under existing zoning as well as an explanation of the hardship which will result if the amendment is not granted;
(c) a draft zoning ordinance text amendment prepared by the applicant's choice of attorney;
in instances that such amendment would receive a positive recommendation from the Madison Planning & Development, the Zoning & Planning Official may elect to prepare the amendment for the applicant; however, under no circumstances shall the staff person assigned to application review prepare a draft amendment;
(d) any other information as may be reasonably required by the Building & Zoning Administrator, Commission or Council.

(3) Filing Fee. All applications for zoning amendment shall be accompanied by payment of a non-refundable fee as established by the ***City of Madison Schedule of Fees***.

(4) Ethics Statement. A written statement shall be filed and signed by the applicant stating that they were informed of the requirements of Section 1150, 1155, and 1160.

(5) Withdrawal of Amendment Application. Any application may be withdrawn at any time at the discretion of the applicant without prejudice, upon written notice to the Zoning & Planning Official, prior to a decision by the Council.

1120.5 Notice Procedure. The requirements of Section 1140 apply.

1120.6 Commission Hearing and Recommendation. The Commission shall consider the standards in Section 1120.8 prior to any recommendation. Hearings shall comply with Section 1145.

1120.7 City Council Hearing and Decision. Before taking action on a zoning ordinance text amendment application, the Council shall hold a hearing in accordance with Section 1145, and shall consider the standards in Section 1120.8. At the conclusion of the public hearing, the Council may approve or deny the application, approve with modifications or conditions, or defer a decision until a specified meeting date.

1120.8 Standards for Zoning Ordinance Text Amendment Application Decisions. The Commission and the Council shall consider the following:
(1) whether the zoning proposal is consistent with the intent and purpose of the Zoning Ordinance (e.g., does a proposed land use comport with the purpose and intent of the zoning district where it is proposed, does the proposal create internal conflicts with this Ordinance, etc.);
(2) whether the zoning proposal is consistent with the Comprehensive Plan, or other city-adopted plans (e.g, Major Thoroughfare Plan, Urban Redevelopment Plan, GreenPrint Plan, etc.).
(3) whether the zoning proposal creates the most narrow change necessary and properly mitigates potential negative impacts for development scenarios accommodated by the zoning proposal; and,
(4) whether the zoning proposal would be more appropriate for a variance, instead of changing zoning parameters for the whole city or whole zoning district.

Section 1121 Zoning Ordinance Map Amendments.

1121.1 Authority. The Council may amend the Official Zoning Map from time to time. Such amendments require a public hearing by the Commission and Council.

1121.2 Initiation of Zoning Ordinance Map Amendments. An application to amend the Official Zoning Map may be initiated by the Council, by the owner of the subject property, or by the owner's designee.

1121.3 Frequency of Applications. After an application for map amendment has been considered, no application pertaining to the same or similar use requested shall be accepted within twelve (12) months from the date of the application. A map amendment may be initiated by the City at any time.

1121.4 Application Procedure for Zoning Ordinance Map Amendments.

(1) Pre-application Conference. All applicants must meet with a member of the Planning & Development Staff to discuss the application procedures, the public hearing process, and any other information which may be pertinent to the proposed request. Applications will not be accepted until a pre-application conference has been held. Conferences may be handled via telephone at the discretion of Staff.

(2) Application Contents. Each application for a rezoning must be submitted to the Zoning & Planning Official at least thirty (30) days before any hearing by the Commission. Unless waived by the Building and Zoning Administrator, each application submitted by a person other than the City shall include all the following information about the subject property:

(a) legal description;
(b) survey plat showing acreage and abutting property owners;
(c) current zoning of the subject property and abutting properties and description of all existing uses of abutting properties;
(d) a statement of intent explaining the requested zoning change, the proposed use, and any special or unusual parts of the rezoning request;
(e) a description of suitability for development under existing and proposed zoning and a description of all existing uses and structures;
(f) the duration of vacancy or non-use if the property is vacant and unused at the time the application is submitted;
(g) a site plan drawn to scale showing the proposed use, including at a minimum information on proposed improvements, including parking and traffic circulation, areas of required landscaping, stormwater, detention structures, amenities, buildings, and buffers;
(h) for any applications for commercial or industrial uses, the site plan shall also identify the maximum gross square footage of structures, the minimum square footage of landscaped area, the maximum height of any structure, the minimum square footage of parking and drive areas, and the proposed number of parking spaces, landscaping and buffers, stormwater retention structures;
(i) for any application for single-family residential uses, the site plan shall also identify the maximum number of residential dwelling units, the maximum height of any structure, the minimum square footage of landscaped areas, the maximum gross square footage of structures, and the proposed number of parking spaces;
(j) for any application for multi-family residential uses, the site plan shall also identify the maximum height of any structure, location of amenities, and buffer areas; and,
(k) any other information as may be reasonably required by the Building & Zoning Administrator, Commission, or Council.

(2) Filing Fee. All applications for zoning amendment shall be accompanied by payment of a non-refundable fee as established by the ***City of Madison Schedule of Fees***.

(3) Ethics Statement. A written statement shall be filed and signed by the applicant stating that they were informed of the requirements of Section 1150, 1155, and 1160.

(4) Withdrawal of Zoning Ordinance Map Amendment Application. Any application may be withdrawn at any time at the discretion of the applicant without prejudice, upon written notice to the Zoning & Planning Official, prior to a decision by the Council.

1121.5 Notice Procedure. The requirements of Section 1140 apply.

1121.6 Commission Hearing and Recommendation. The Commission shall consider the standards in Section 1121.8 prior to any recommendation. Hearings shall comply with Section 1145.

1121.7 City Council Hearing and Decision. Before taking action on a zoning map amendment application, the Council shall hold a hearing in accordance with Section 1145, and shall consider the standards in Section 1121.8. At the conclusion of the

public hearing, the Council may approve or deny the application, approve with modifications or conditions, or defer a decision until a specified meeting date.

1121.8 Standards for Zoning Ordinance Map Amendment Application Decisions. The Commission and the Council shall consider the following:

(1) the location, present use and zoning classification of the subject property, and its suitability and economic viability for use as currently zoned;
(2) the proposed use and zoning classification of the subject property;
(3) the existing land uses and zoning classification of nearby property, whether the zoning proposal seeks a use consistent with the use and development of adjacent and nearby property, and to what extent the zoning proposal will adversely affect adjacent or nearby property;
(4) whether the zoning proposal will result in a use which could adversely affect existing infrastructure including without limitation streets, transportation facilities, utilities, schools, police and fire protection, and municipal personnel;
(5) whether the zoning proposal is consistent with the Comprehensive Plan, or other city-adopted plans (e.g, Major Thoroughfare Plan, Urban Redevelopment Plan, GreenPrint Plan, etc.); and,
(6) whether there are other factors or existing or changing conditions regarding the use and development of the property which give supporting grounds for either approval or denial of the zoning proposal.

Section 1125 Conditional Uses.

Certain uses are not generally allowed in a zoning district, but may be allowed under certain conditions. A conditional use permit does not constitute a permanent change in zoning or use, and may be lost if it does not continue to meet the required conditions. A conditional use must be made compatible with the applicable zoning district by imposition of appropriate conditions. Conditional uses require Council approval after public hearings by the Commission and Council in accordance with this article.

1125.1 Application Procedure.

(1) Application Contents. Each application for a conditional use must be submitted to the Zoning & Planning Official at least thirty (30) days before any hearing by the Commission. Unless waived by the Building and Zoning Administrator, each application shall include all the following information about the subject property:
   (a) name and address of applicant, and name and address of the owner or operator of the proposed structure or use, if different from the applicant;
   (b) nature of the proposed use, including without limitation type of activity proposed, manner of operation, number of occupants and/or employees, hours of operation, number of vehicle trips, water and sewer use, and similar matters;
   (c) vicinity map, location of the proposed use or structure, and its relationship to existing adjacent uses or structures, and use of adjacent property;
   (d) area, dimensions, and details of the proposed structure(s) or use(s), including without limitation, existing and proposed parking, landscaped areas, height and setbacks of any proposed buildings, and location and number of proposed parking/loading spaces and access ways;
   (e) identification and location of all existing or proposed utilities; and,
   (f) any other pertinent information that the Building & Zoning Administrator, Commission, or Council may require, including without limitation, the application contents required by Section 1120.4(1).
(2) Filing Fee. All applications for conditional use shall be accompanied by payment of a non-refundable fee as established by the ***City of Madison Schedule of Fees.***
(3) Ethics Statement. A written statement shall be filed and signed by the applicant stating that they were informed of the requirements of Section 1150, 1155, and 1160.
(4) Withdrawal of Conditional Use Application. Any application may be withdrawn at any time at the discretion of the applicant without prejudice, upon written notice to the Zoning & Planning Official, prior to a decision by the Council.

1125.2 Notice Procedure. The requirements of Section 1140 apply.

1125.3 Commission Hearing and Recommendation. The Commission shall consider the standard in Section 1125.5 prior to making any recommendation. Hearings shall comply with Section 1145.

1125.4 City Council Hearing and Decision. Before taking action on a conditional use application, the Council shall hold a hearing in accordance with Section 1145, and shall consider the standards in Section 1125.5. At the conclusion of the public hearing, the Council may approve or deny the application, delete conditions and/or impose additional conditions, or defer a decision until a specified meeting date.

1125.5 Standards for Conditional Use Application Decisions. A conditional use shall be approved when it is determined based on the evidence presented at the public hearing that the most pertinent of the following conditions have been met:

(1) the proposed use will not be detrimental to adjacent properties or the general neighborhood, the proposed use will not significantly adversely affect public health, safety, morality and welfare, and the proposed use as designed will minimize adverse effects on the surrounding neighborhood;
(2) applicable standards in Article VIII have been met;
(3) whether the zoning proposal is consistent with the Comprehensive Plan, or other city-adopted plans (e.g, Major Thoroughfare Plan, Urban Redevelopment Plan, GreenPrint Plan, etc.); and the conditional use is compatible with the community development pattern;
(4) a rezoning to allow the requested use as a permitted use would not be appropriate;
(5) the proposed use will not be injurious to the natural environment or the other property in the immediate vicinity, or unconstitutionally diminish property values within the surrounding neighborhood;
(6) off-street parking and loading, and access thereto, will be adequate;
(7) public facilities and utilities are capable of adequately serving the proposed use, and the use would not lead to a major negative change in existing levels of public service, or fiscal stability;
(8) the use will not be an extension of a use which will cause a damaging volume of (a) agricultural, (b) commercial, (c) industrial, or (d) higher density residential use into a stable neighborhood of well-maintained single-family homes, nor likely lead to decreasing surrounding property values, neighborhood deterioration, spreading of blight, or additional requests of a similar nature which would expand the problem;
(9) the use would not significantly increase congestion, noise, or traffic hazards;
(10) granting this request would not have a "domino effect," in that it becomes the opening wedge for further rapid growth, urbanization or other land-use change beyond what is indicated in the Comprehensive Plan.

Section 1130 Variances.

The Council may in specific cases approve such variance from the terms of this Ordinance as will not be contrary to the public interest where, due to special circumstances, a literal enforcement of the Ordinance will in an individual case, ~~will~~ result in unnecessary hardship, so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done. A non-conforming use of neighboring land, buildings, or structures in the same district or permitted or non-conforming uses in other districts shall not constitute a reason for the requested variance.

1130.1 Use Variance Prohibited. No variance may be granted that would permit a use not permitted by right or as a conditional use in the district.

1130.2 Application Procedure.

(1) Application Contents. Each application for a variance must be submitted to the Zoning & Planning Official at least thirty (30) days before any hearing by the Commission. Each application shall include all the following information about the subject property:
    (a) name and address of applicant;
    (b) location of structure and/or use for which the variance is sought, as shown on a plat by a licensed surveyor;
    (c) relationship of structure and/or use to existing structures and uses on adjacent lots;
    (d) specific sections of this Ordinance which would cause hardship;
    (e) characteristics of property relating to its size, shape, or topography that prevent compliance with this Ordinance;
    (f) the particular hardship that would result from strict application of this Ordinance;

(g) for any application for an overlay district, a Certificate of Appropriateness or a letter of support from the design review board (i.e. Historic Preservation Commission, Corridor Design Commission) for the district; and,

(h) any other pertinent information that the Building & Zoning Administrator, Commission, or Council may require, including without limitation the application contents required by 1120.4(1).

(2) Filing Fee. All applications for variance shall be accompanied by payment of a non-refundable fee as established by the ***City of Madison Schedule of Fees***.

(3) Ethics Statement. A written statement shall be filed and signed by the applicant stating that they were informed of the requirements of Section 1150, 1155, and 1160.

(4) Withdrawal of Variance Application. Any application may be withdrawn at any time at the discretion of the applicant without prejudice, upon written notice to Zoning & Planning Official, prior to a decision by the Council.

1130.3 Notice Procedure. The requirements of Section 1140 apply.

1130.4 Commission Hearing and Recommendations. The Commission shall consider the standards in Section 1130.6 prior to making any recommendation. Hearings shall comply with Section 1145.

1130.5 Council Hearing and Decision. Before taking action on a variance application, the Council shall hold a hearing in accordance with Section 1145, and shall consider the standards in Section 1130.6. At the conclusion of the public hearing, the Council may approve or deny the application, approve with modifications or conditions, or defer a decision until a specified meeting date.

1130.6 Required Findings for Variance Approval.

(1) there are extraordinary and exceptional conditions pertaining to the property because of size, shape, or topography;

(2) the literal application of this Ordinance would create an unnecessary hardship;

(3) variance would not cause substantial detriment to public good or impair the purposes or intent of this Ordinance;

(4) a variance will not confer upon the property of the applicant any special privilege denied to other properties in the district;

(5) the special circumstances surrounding the request for the variance are not the result of acts by the applicant;

(6) the variance is not a request to permit a use of land, buildings, or structures which is not permitted by right or by conditional use in the district;

(7) the zoning proposal is consistent with the construction and design standards and design criteria adopted by the City of Madison; and,

(8) the variance is the minimum variance that will make possible an economically viable use of the land, building, or structure.

Section 1140 - Notice Provision

Whenever a public hearing is required, posted and published, notice shall be given as provided for in this Section.

1140.1 Published Notice.

(1) Commission Hearing. A public notice shall be published in the official legal organ of Morgan County, Georgia, or in a newspaper of general circulation in Madison at least fifteen (15) days and not more than forty-five (45) days prior to the scheduled meeting of the Planning & Zoning Commission, stating that the Commission will hold a hearing and stating the purpose, time, date, and location of the hearing, the tax parcel number of the property, the present zoning classification, and a brief description of the nature of the zoning action proposed.

(2) Council Hearing. A public notice shall be published in the official legal organ of Morgan County, Georgia, or in a newspaper of general circulation in Madison at least fifteen (15) days and not more than forty-five (45) days prior to the scheduled meeting of the Council, stating that the Council will hold a hearing and stating the purpose, time, date, and location of the hearing, the tax parcel number of the property, the present zoning classification, and a brief description of the nature of the zoning action proposed.

1140.2 Notice Posted on Property. Upon the filing of an application for any zoning action, the applicant shall at his expense cause to be erected in a conspicuous place on the subject property, no less than fifteen (15) days prior to the scheduled hearings, one (1) or more sign(s) furnished by the City, each of which shall contain information as to the proposed change and the date and time of the public hearings before the Council and Commission. No such public hearing shall take place until said signs have been posted for at least fifteen (15) days. The sign shall read more or less as follows:

NOTICE TO PUBLIC

An application has been filed regarding this property requesting (FILL IN THE ZONING ACTION REQUESTED, for example: "a rezoning from [insert present zone] to [insert zone requested]"; or "application for a conditional use to use the property as (insert proposed use)"; or "application for a variance to allow [insert proposed use]", or "application for a text amendment to allow (insert proposed use]"). A public hearing will be held by the Madison Planning & Zoning Commission to review and consider a recommendation to the Madison City Council at [LOCATION] , on [DATE], at [TIME]. The Madison City Council will hold a public hearing and a decision will be made at [LOCATION] on [DATE], at [TIME]. All persons having an interest in this application should be at both of these public hearings to voice their interest. Call 342-1251, x224, for more details.

Such posting of the property is not required when the City enacts a new zoning map or initiates a text amendment. Nor is it necessary for the City to give actual written notice directly to the individual property owner. In such cases of City initiated zoning actions, the notice published pursuant to Section 1140.1 shall make express reference to "adoption of official zoning district map for Madison, Georgia" or "amendment to the text of the City of Madison Zoning Ordinance at section _____", as the case may be. No further detail as to the new zoning district map will be necessary.

Section 1145 - Public Hearing Procedure

1145.1 Public Hearing Compliance with State Law. Whenever a public hearing is required by this Ordinance or by state law to be held by the Commission or Council prior to a proposed zoning action, such hearing, whether conducted by the Commission or the Council, shall be governed by this Section, which is adopted pursuant to O.C.G.A. Section 36-66-5(a).

1145.2 Presiding Officer to Call the Meeting to Order. The public hearing shall be called to order by the presiding officer, who shall summarize the requirements as to speakers' conduct and time limits, and other matters of procedure.

1145.3 Staff Report. The Building & Zoning Administrator, or his/her designee, shall report on the following:

(1) location of the property, present zoning classification, and description of requested zoning action;
(2) any report, investigation, legal comments, and/or recommendations of the Building & Zoning Administrator or his/her designee;
(3) for hearings before the Commission staff assessment of the zoning proposal, including but not limited to findings, conclusions, and recommendations, conditions for approval;
(3) for hearings before the Council, the recommendation of the Commission, any additional information designated by the Commission to be presented to the Council, and an updated staff assessment; and,
(4) any other information as may be reasonably required by Building & Zoning Administrator, Commission, or Council.

1145.4 Speakers' Conduct. All speakers shall speak only from the podium, shall address only the merits of the pending application, and shall address remarks only to the Commission or Council. Each speaker shall refrain from personal attacks on any other speaker, any discussion irrelevant to the pending application, or any other inappropriate behavior. No debate or argument between speakers or with Commission or Council members will be allowed. Speakers shall not repeat previous comments, as repetition deprives other speakers of valuable time to provide new information. The presiding officer or his/her designee shall refuse a speaker the right to continue, if the speaker, after once being cautioned, continues to violate any section of this Ordinance. Speakers should provide supporting documentation prior to the date of the hearing. Speakers shall sign the speaker list prior to the hearing.

1145.5 Applicant's Initial Presentation. The applicant or applicant's representative shall present and explain the application after being permitted to proceed. The applicant will be allowed not less than ten (10) minutes combined total to make an initial presentation and subsequent rebuttal, but the applicant and all supporters shall have a combined time limit of no more than fifteen (15) minutes.

1145.6 Other Interested Parties. After the applicant's presentation, interested persons who support the application, after being permitted to speak by the presiding officer, may address the proposed application by standing and stating their name, address, interest, disclosure of campaign contributions and/or gifts, and any comments on the pending application. Persons other than the applicant who support the application are allowed to speak in support of the pending application for no more than two (2) minutes each, and are also subject to the fifteen (15) minute combined total time limit. Persons opposing an application are allowed at least ten (10) minutes total as a group (and in no event less than the combined time used by the applicant and supporters), to address their opposition to the application. The opponents shall have a combined total time limit of no more than fifteen (15) minutes. It is suggested that supporters and opponents each obtain one (1) spokesperson to present their views. No individual except the applicant, or an attorney, or a designated representative of a group, shall speak longer than two (2) minutes or more than one time.

1145.7 Applicant's Summary. The applicant may make brief summary remarks using any reserved time, after which the presiding officer shall close the public hearing.

1145.8 Deliberation and Action by the Commission or City Council; Appeal. At the close of the public hearing, the Commission or Council shall deliberate and take action. Deliberation may include questions to applicants, supporters, and/or opponents. Actions shall be by majority vote. The Chairman and Mayor may vote only in the event of a tie. Any person aggrieved by a decision of the Council shall have the right of appeal to a court of law if such appeal is filed within thirty (30) days of the decision of the Council.

Section 1150 Disclosure of Campaign Contributions and/or Gifts.

When any applicant for any zoning action, or any supporter or opponent of any zoning action who has contacted the City to express an opinion or who wishes to speak at a public hearing or submit written opinion, has made within two (2) years immediately preceding the filing of that application campaign contributions totaling two hundred and fifty dollars ($250.00) or more to an official of the City of Madison or to a member the Commission, it shall be the duty of said person to file a disclosure report with the City. In the case of the applicant, filing shall be within ten (10) days after the application is made, and in the case of a supporter or opponent, filing shall be at least five (5) days before the first public hearing. Such disclosure report shall include the name and official position of the official to whom the campaign contribution and/or gift was made, and the dollar amount, date, and description of each campaign contribution and/or gift made during the two (2) years immediately preceding the filing of the application.

Section 1155 Ex-Parte Contact.

1155.1 Quasi-Judicial/Administrative Decisions – Conditional Use Applications & Variance Applications. To maintain transparency and to avoid the appearance of impropriety in the decision-making process, there shall be no substantive ex parte (individual) communication with the Commission, Mayor, or City Council members by an applicant or his/her representative(s) or by supporters of or opposition to a conditional use application or variance application.

1155.2 Legislative Decisions – Zoning Ordinance, Text Amendments & Map Amendments. To maintain transparency and to avoid the appearance of impropriety in the decision-making process, there shall be no unsolicited substantive ex parte (individual) communication with the Commission, Mayor, or City Council members by an applicant or his/her representative(s) or by supporters of or opposition to the rezoning, unless the Mayor or Councilmember agrees to such. Unsolicited E-mails, letters, and faxes to the Mayor and Council as a whole, copied to the City Planner and City Clerk, are permissible. They will be made a part of the record. The applicant and his/her representative(s) and supporters and opponents are to limit their unsolicited verbal contacts with City officials and employees to the City Planner, City Manager, and to the City Attorney if the proposed contact is from legal counsel. Mayor and Council members will accept verbal presentations in the advertised public hearings and meetings, and via express solicitation or agreement in other instances. If an individual Mayor or Council member received unsolicited, unwanted substantive verbal communication by an applicant or his/her representative(s) or by supporters or opposition, said Mayor or Council member shall direct that person to the City Planner, City Manager and City Attorney and advise the person of upcoming public hearings, and disclose such to the Mayor and Council at the public hearing.

Section 1160 Conflict of Interest.

Any City Official who has a property interest in any real property affected by a zoning action which the City will consider, or has a financial interest in any business entity which has a property interest in any real property affected by a zoning action which the City will consider, or has a member of the family having any such interest, shall immediately disclose the nature and extent of such interest, in writing, to the Council. Such City Official shall disqualify himself from attending, participating in, or voting on the zoning action. Disclosures made in accordance with this Section shall be public record and available for public inspection during normal business hours. Terms used herein are defined below.

(1) BUSINESS INTEREST: Any corporation, partnership, limited liability company, limited partnership, limited liability partnership, firm, enterprise, franchise, association, or trust.

(2) FINANCIAL INTEREST: All direct ownership interests of total assets or capital stock of a business entity of ten percent (10%) or more.

(3) CITY OFFICIAL. The Mayor, Councilmember, or any member of the Commission.

(4) MEMBER OF THE FAMILY. The spouse, parent, sibling, or child of a City Official.

(5) PROPERTY INTEREST: The direct ownership of real property, including any percentage of ownership.

ARTICLE XII: LEGAL PROVISIONS

Section 1200 Conflict with Other Laws.
When the regulations of this Ordinance impose more restrictive standards than under other laws, this Ordinance shall govern. When the provisions of any other law impose more restrictive standards than this Ordinance, such other law shall govern.

Section 1210 Severability.
If any part of this Ordinance is found invalid, such invalidity shall not affect the validity of the Ordinance as a whole or any part thereof other than the part declared invalid.

Section 1220 Repeal of Conflicting Ordinances.
All ordinances and resolutions and parts thereof in conflict with this Ordinance, and the Zoning Ordinance of June 11, 2007 is hereby repealed.

Section 1230 Effective Date.
This Ordinance shall take effect and be in force from and after its adoption, the public welfare demanding it. Read and approved this 28th day of March, 2011, after public notice and a public hearing this date and before the Morgan County Planning Commission on March 24, 2011.

CITY OF MADISON, GEORGIA
[AFFIX CITY SEAL]

Attest: _____
Mellie A. Thomas, City Clerk

_____
Bruce E. Gilbert, Mayor

_____
Rick Blanton, Council Member

_____
Constance A. Booth, Council Member

_____
Lowry W. Hunt, Jr., Council Member

_____
Michael J. Naples, Council Member

_____
Fred Perriman, Council Member