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ARTICLE 1

ADOPTION OF ORDINANCE

1.1 Name.

This Ordinance of Troup County, Georgia shall be known as the Troup County Zoning Ordinance and shall regulate the location, height, bulk and size of buildings and other structures; the use of buildings, and land for business, industry, residence, public activities and other purposes; and for dividing the unincorporated area into districts for such purposes and establishing boundaries; providing for a Board of Zoning Appeals/Planning Commission, defining its power and duties; the method of administration, amendment and enforcement; prescribing penalties for the violation of its provisions; and repealing conflicting resolutions.

ARTICLE 2

PURPOSE

2.1 Purpose.

The purpose of this Ordinance is to establish minimum standards for the use of land and improvements in Troup County, Georgia. The zoning regulations and districts herein established are designed to:

- Lessen congestion in the roads and streets;
- Provide safety from fire, panic, and other dangers to the public well-being;
- Promote health and general welfare;
- Provide adequate water, light and air;
- Avoid undue concentration of the population while still encouraging smart growth practices;
- Provide for safe and efficient transportation, water, sewerage, schools, parks and other public services and requirements for adequate levels of service;
- Conserve and promote economic prosperity;
- Encourage the most appropriate use of land and structures;
- Promote quality of life for all citizens; and
- Provide consistency with the approved and adopted Comprehensive Plan for Troup County.

2.2 Policy Guide.

The requirements of these regulations are minimum permissible standards; and it is expected that developers and the decision making authorities for developments will normally strive for quality developments that will exceed these minimum requirements. The comprehensive plan adopted by resolution of the Troup County Board of Commissioners is established as a policy guide for the county. The unincorporated areas of the county are divided into land use categories consistent with the character area map and future development map of the comprehensive plan. The comprehensive plan does not alter or affect the existing zoning districts in the county, does not amend the official zoning maps, and does not by itself permit or prohibit any existing land uses. The Troup County Planning Commission shall examine the character area map and future development map and approved zoning changes on an annual basis to assure consistency between the two maps and may recommend changes as needed to maintain consistency.

2.3 Comprehensive Plan Review.

The comprehensive plan shall be reviewed on an annual basis and updated if conditions have changed to such a degree that the existing comprehensive plan and zoning are no longer consistent with each other. The update shall be used to identify current uses of land, emerging growth patterns and any significant change in land use policy. The update shall also be used as policy guide in the county's consideration of

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proposed amendments to the zoning map or text of the zoning ordinance. All amendments to the Troup County Comprehensive Plan shall be in accordance with the minimum planning standards and procedures of the Georgia Planning Act.

ARTICLE 3
DEFINITIONS

3.1 Terms.

For the purposes of this ordinance, certain terms and words are hereby defined. Words used in the present tense include the future, the singular number includes the plural and the plural the singular, the word may is permissive and the word shall is mandatory. Words and phrases not defined in this section, but defined in other sections of the ordinance, shall be given the meaning set forth in that section. All other words and phrases shall be given the meaning as defined in section 1-4, chapter 1, the Code of Troup County, Georgia.

Abutting. Having a common border with another lot or parcel. Rights-of-way or easements do not negate common borders.

Accessory Building or Structure. A building customarily incidental and subordinate to the main building on a single lot or parcel. See also "Storage Building."

Accessory Use. A use customarily incidental, appropriate and subordinate to the principal use of land located upon the same lot or parcel.

Alteration of Building. Any change in the supporting members of a building (such as bearing walls or partitions, beams, columns, girders, etc.). Alteration may also include any addition to or reduction of a building or moving a building from one location to another.

Animated Sign. Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

Apartment. See "Dwelling, Multi-Family."

Appraiser. A data collector or certified mass appraisal officer in the Troup County Property Appraisal Office.

Appraiser Parcel Number (APN). Also called assessor parcel number, an identification number assigned to a parcel by the Troup County Property Appraisal Office.

Area of Special Flood Hazard. The land located inside a floodplain subject to one percent or greater chance of flooding in any given year.

Assembly Site or Hall. A site, building or portion of a building in which facilities are provided for civic, educational, political, religious, or social purposes.

Banner. Any sign of lightweight fabric or similar flexible material that is securely mounted by rope or string to a pole or a building. Flags as defined herein shall not be considered banners.

Barn. An agricultural building used for storage and as a covered workplace. It may sometimes be used to house animals or to store farming vehicles and equipment. Barns are most commonly found on a farm or former farm. See also "Accessory Structure" or "Storage Building."

Basement. The area below grade level of a building and having not more than one-half of its height above grade.

Beacon. Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same parcel or lot as the light source; or any light with one or more beams that rotate or move in any direction.

Bed and Breakfast Home. A residential structure occupied as principal residence by the owner(s) of record wherein lodging or lodging and breakfast only is provided to guests for compensation.

Bed and Breakfast Inn. A bed and breakfast inn is a building or dwelling unit, not necessarily owner-occupied, that offers transient lodging accommodations and breakfast for four or more guest rooms for compensation provided.

Berm. An earthen mound designed to provide visual interest, screening, noise reduction or fulfill other such uses.

Billboard. "Outdoor advertising" or "billboard sign" means any outdoor sign, light, display, device, figure, painting, drawing, message, placard, poster, billboard, or other thing which is designed, intended, or used to advertise or inform, any part of the advertising or information contents of which are visible from any place on the main traveled way of the interstate, primary highway, and road systems.

Boarding House. A residential structure where, for compensation, and by prearrangement, meals and/or lodging are provided for three or more guests, not to exceed ten guests.

Board of Zoning Appeals/Planning Commission. This is a legally established body by Troup County that hears variances, and reviews subdivisions and the Troup County Comprehensive Plan. This body also makes recommendations to the Troup County Board of Commissioners on zoning changes and special uses.

Buffer Area or Buffer Strip (1) Screen. A landscaped open area unoccupied by structures and facilities except as permitted by this ordinance and/or in some instances specified, a screen of shrubs, trees or similar plants at least eight feet in height and dense enough to establish interrupted vision from one side to the other as may be required by this ordinance. Both are established to separate different and possibly incompatible land uses. (2) A buffer area or strip in a river or stream corridor or floodplains is any area along the course of any river, stream or floodplain maintained in a vegetative, undisturbed and natural condition.

Building Height. The vertical distance of a building measured from the average elevation of the finished lot grade to the highest point of a building.

Building Line. The line that represents distance a building or structure shall be set back from a lot boundary line or a street right-of-way line or street centerline according to the terms set forth in this ordinance.

Building, Principal. A building in which the primary use on any particular lot is conducted. Example: In a residential district a dwelling unit is considered to be the principal building on that lot of land.

Cabin. A small one-story structure designed for temporary, intermittent use or lodging for vacation, recreation or as a base for hunting or fishing.

Canopy Sign. Any signs that are part of or attached to an awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window or outdoor service area. A marquee is not a canopy.

Certification or Certified. A determination made by a certifying agent that a profession, service, production or handling operation is in compliance with the governing law or act and the regulations in this part.

Changeable Copy Sign. A sign or portion thereof with characters, letters or illustrations that can be changed or rearranged without altering the face or the surface of a sign. A

sign where the message changes more than eight times per day shall be considered an animated sign for the purposes of these regulations.

Child Care. A service offered at any place operated by a person, society, agency, corporation, institution, or group wherein are received for pay for group care for less than 24 hours per day, without transfer of legal custody, under 18 years of age. This term shall not include a private school which provides kindergarten through grade 12 education, meets the requirements of Georgia Code section 20-2-690, and is accredited by one or more of the entities listed in subparagraph (A) of paragraph (6) of Code section 20-3-519 and which provides care before, after, or both before and after the customary school day to its students as an auxiliary service to such students during the regular school year only.

Child Care, Day-Care Center. A place operated and received for pay for group care for less than 24 hours per day, without transfer of legal custody, 19 or more children under 18 years of age.

Child Care, Family Day-Care Home. A private residence operated by any person who receives therein for pay for supervision and care fewer than 24 hours per day, without transfer of legal custody, at least three but not more than six children under 18 years of age who are not related to such person and whose parents or guardians are not residents in the same private residence. All definitions reflect current State of Georgia definitions.

Child Care, Group Day-Care Home. Any place operated by any person or group wherein are received for pay not less than seven nor more than 18 children under 18 years of age for care and supervision for less than 24 hours per day.

Church. A building where persons regularly assemble for religious worship intended primarily for purposes connected with such worship.

Clinic. A facility where medical, mental health and dental patients, not normally lodged overnight, are admitted for examination and treatment by one or a group of licensed professionals.

Club or Lodge. Building(s) and facilities owned or operated by a corporation, association or other legally established groups of persons for social, fraternal, civic, cultural, literary, political, educational or recreational purposes operated for the benefit of its members and not open to the general public. This includes not for profit and for profit organizations.

Commercial Recreational Vehicle Park. Any lot or parcel of land upon which two or more recreational vehicle sites are located, established or maintained for occupancy by the general public as temporary living quarters.

Community Water System. Any system approved by the Troup County Health Department and the Georgia Department of Natural Resources that provides a central water supply to a number of housing units.

Comprehensive Plan. A long range plan intended to guide the growth and development of a community or region that typically includes inventory and analytic sections leading to recommendations for the community's future economic development, housing, recreation, transportation, community facilities and land use, all related to the community's goals and objectives for these elements.

Concept Plan. A generalized plan indicating the boundaries of a tract or tracts of land and identifying proposed land use, use intensity, and thoroughfare alignment.

Conditional Use. A use for a particular lot or parcel that may be allowed by the Board of Zoning Appeals/Planning Commission when specifically listed in and provided for by this ordinance. Conditional uses are uses that may be allowed under circumstances where it meets the standards as defined in article 16 of this ordinance and pose no significant adverse impacts to the surrounding neighborhood.

Conditional Zoning. The imposition of conditions in the granting of a zoning change application that are in addition to or different from the regulations set forth in this zoning ordinance and that (1) relate to the mitigation of negative impacts of the zoning change on surrounding property, and (2) relate to the promotion of the public health, safety, morality or general welfare.

Condominium. A multiple attached or detached unit or development containing individually owned units and jointly owned and shared areas and facilities.

Convenience Store with Self-Service Fuel Sales. Any retail establishment offering for sale automotive and heating fuels, pre-packaged or on site produced food products, beverages, household items and any other goods commonly associated with convenience stores. See also "Service Station."

Day Nursery. See "Child Care" and "Personal Care" definitions.

Deck. A roofless accessory attached or detached platform without exterior walls generally constructed of wood and adjoins a principal building. Rails or safety features shall not be deemed to be exterior walls.

Deed Restrictions/Private Covenants. Private stipulations running with the land, usually pertaining to residential or commercial subdivisions that govern such matters as lot size, minimum floor area, uses permitted and architectural design. Generally, these are stricter than the minimum standards set forth in zoning district in which the subdivision is located. Troup County assumes and shall have no responsibility to enforce deed restrictions/private covenants.

Density. This term refers to the intensity of land use for a total project. When referring to residential area, density is defined as the number of housing units per acre as allowed by the district in which the property is located or as authorized in development standards of this ordinance. Unless otherwise stated, density figures are to be in terms of net acres, or the land devoted to residential use exclusive of streets or unbuildable acreage that includes but is not limited to wetlands, floodplains or steep slopes.

Density Bonus. This term refers to an increase in the total number of lots in a residential development. For the purposes of this ordinance the increase in lots is expressed in a percentage.

Development of Regional Impact (DRI). Private and some public developments that, because of location, scale use type or public service demand or any combination of the same, could affect the growth, development or quality of life of the region. This is a state regulated process and no zoning changes or issuance of permits may proceed until this process is completed per state guidelines.

Developer. Any person, corporation or other legal entity that acts in his/her/its own behalf or as an agent of any owner of property and engages in alteration of land or vegetation in preparation of construction activity on a parcel of land.

Dock. A structure built or floating upon water and used as a landing for boats or other marine craft, fishing, swimming and other recreational uses.

Dormitory. A building intended or used principally for sleeping accommodations where such building is related to educational, facilities, public or private, and religious facilities.

Drainage. A general term applied to the removal of surface or subsurface water from a given area either by gravity or pumping.

Drive-in. A retail or service enterprise wherein service is provided to the consumer on the outside of the principal building by means of driving to a window and through a designated route.

Duplex. A residential structure designed for two separate occupants with each occupant in a separate dwelling unit where the building is designed, constructed, altered or used as two dwelling units. The building is joined by a common wall and common floor.

Dwelling. A building, or portion thereof, designed or used for permanent residential purposes, not including recreation vehicles, hotels, motels, or mobile homes.

Dwelling, Single-Family. Detached dwelling, containing not more than one dwelling unit that is designed as a single-family household.

Dwelling, Multi-Family. A building designed, constructed, altered or used for three or more adjoining dwelling units, where the occupants of the each individual unit are living independently of each other, with each dwelling unit having a party wall and/or party floor connecting it to at least one other dwelling unit in the same building. Multi-family dwelling may also be townhomes provided they meet all International Code requirements.

Dwelling Unit. A dwelling unit or portion thereof, provides complete living quarters including kitchen, bathroom and living space with all plumbing indoors for one or more persons living in a single housekeeping environment.

Erosion and Sedimentation Control Plan. This term shall refer to a plan for soil erosion and sedimentation control that result from land disturbing activity.

Existing Grade. This term shall refer to the vertical location of the ground surface prior to cutting or filling.

Fabricating. The process of assembling a finished product using standardized parts.

Family. A family is a group of individuals not necessarily related by blood, marriage, adoption or guardianship living together in a dwelling unit as a single housekeeping unit. For the purposes of this ordinance, "family" does not include any society, club, fraternity, sorority, association, lodge, federation, or like organizations; or any group of individuals who are in a group living arrangement as a result criminal offenses or drug and alcohol rehabilitation.

Family Personal Care Home. See "Personal Care Home, Family."

Fence. (1) A freestanding structure designed to restrict or prevent movement across or to establish a boundary. (2) A barrier constructed of any uniform, rigid material or similar materials including chain link (black, green or aluminum) or normal, customary agricultural material for containing farm animals and delineating property lines. (3) A solid barrier for the purpose of providing a screen from public view stored materials, business operations. This solid barrier shall not be constructed with any material that is considered cloth. Plastic material that is flexible is also not considered a solid barrier material.

Flag. Any fabric, banner or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

Floor Area. This term shall refer to the total number of heated square feet in a building determined by horizontal measurements between the interior faces of walls of the various floors of a structure. In addition, for commercial uses, the gross leasable measurement of square feet for any business or industry is based on interior measurements.

Floor Area Ratio. The floor area ratio (FAR) is a ratio of the floor area of a building divided by the lot size. It is a measure of the bulkiness of the building.

Freestanding Sign. Any sign supported by structures or supports that are placed on or anchored in the ground and are independent from any building or other structure.

Frontage. That dimension of a lot measured along the front public street line. If said front street line is curved, then the dimension along the chord of the arc.

Garage, Mechanical/Repair. Building(s) and premises designed or used for the purpose of providing services of maintenance, minor repair, washing, adjusting, equipping and/or major commercial repair of motor vehicles provided the body work and painting shall be conducted within fully enclosed buildings and provided further that the storage of junk, wrecked vehicles, dismantled parts or supplies shall not be visible from any public street or adjoining property. A mechanical garage that provides for the storage of vehicles for the purpose of salvaging parts for sale, repair or recycling shall be classified as a junk yard.

Garage, Private. An accessory building or portion of a principal building used only for private storage of permitted motor vehicles.

Greenspace. Open and/or undeveloped space designated for parks, passive recreation, trails, natural and planted gardens, and habitat or geological restoration and preservation.

Greywater. Wastewater obtained from domestic sinks and tubs, but excluding plumbing wastes streams containing bio-wastes such as toilets.

Gross Floor Area (GFA). The sum (in square feet) of the area of each floor level in the building, including cellars, basements, mezzanines, penthouses, corridors, lobbies, stores and offices, that are within the principal outside faces of exterior walls, not including architectural setbacks or projections. Included are all areas that have floor surfaces with clear standing head room (six feet, six inches minimum) regardless of their use. If a ground-level area, or part thereof, within the principal outside faces of the exterior walls is not enclosed, this GFA is considered part of the overall square footage of the building. However, unroofed areas and unenclosed roofed-over spaces, except those contained within the principle outside faces of exterior walls, should be excluded from the area calculations. For purposes of trip generation and parking generation calculations, the GFA of any parking garages within the building should not be included within the GFA of the entire building. The unit of measurement for office buildings is currently GFA; however, it may be desirable to also obtain data related to gross rentable area and net rentable area. With the exception of buildings containing enclosed malls or atriums, gross floor area is equal to gross leasable area and gross rentable area.

Group Personal Care Home. See "Personal Care Home, Group."

Halfway House. A center for formerly institutionalized individuals, such as mental patients, drug addicts or the alcohol dependent persons, designed to facilitate readjustment to private life.

Hardship Variance. A condition that shall be considered to exist only when one of the following applies to a particular lot or parcel of land. (1) The owner/applicant cannot comply with one provision of the ordinance without violation of another provision of this ordinance; (2) The topography of the land or shape of the lot or parcel precludes compliance with requirements of this ordinance. In order to be a hardship, the condition alleged to be a hardship must not have been created by the owner/applicant's own acts and must consist of more than an alleged economic burden in the use and/or development of a particular lot or parcel of land. See also "Special Exception Variance."

Heavy Manufacturing. Modern manufacturing includes all intermediate processes required for the production and integration of a product's components. Some industries, such as semiconductor and steel manufacturers, use the term fabrication instead. As used herein, heavy manufacturing is the use of tools and labor to make things for use or sale. The term may refer to a vast range of human activity, from handicraft to high tech, but is most commonly applied to industrial production, in which raw materials are transformed into finished goods on a large scale.

Home Occupation. An occupation or profession for gain or support conducted entirely within a dwelling and carried on solely by a resident or residents of the premises, unless otherwise provided for in this Ordinance, and that is clearly incidental and secondary to the principal use of the dwelling for residential purposes.

Homesite. That portion of any lot or parcel of land covered by any structure, including but not limited to septic systems and reserve area, wells, buildings, pools, driveways and parking.

Hospital. Any institutions receiving in-patients or public institutions that receives out patients that are authorized under Georgia State Law to render medical, surgical and/or obstetrical care. The term hospital shall include a sanitarium for the treatment and care of the mentally disturbed, drug addicts, epileptic seizures, chronically ill and physically handicapped, but shall not include office facilities for the private practice of medicine, psychology, psychiatry, or dentistry.

Hostel. Lodging that provides budget-oriented accomodation where guests can rent a bed, sometimes a bunkbed in a dormitory and share a common bathroom, lounge and sometimes a kitchen. Hostels are usually operated for young adult travelers and are generally cheaper for both the operator and the occupants; many hostels employ their long-term residents as desk clerks or housekeeping staff in exchange for free accommodation.

Hotel. A building where overnight accommodations are provided for ten or more individuals of the general public for compensation and where provisions for cooking are made in a central kitchen and not in individual rooms or suites and where ingress and egress to all rooms are made through an inside lobby or office.

Houseboat. A floating structure which extends beyond the ordinary high-water mark of a navigable water way and is retained in place either by rope or cables to the shoreline or by anchors or spudpoles attached to the bed of the waterway that is used or intended for human habitation either temporarily or permanently.

Household. An individual or family living together in a single dwelling unit, with common access to and common use of all living and eating areas and all areas and facilities for the preparation and serving of food within the dwelling unit.

Improvement. Any manmade, immovable item which becomes part of, is placed upon, or is affixed to the land.

Industrial Park. A tract of land subdivided and developed according to a development plan in a manner that provides a park-like setting for industrial uses.

Industrialized Building. A term used in Georgia, "industrialized building" replaces the now obsolete term "Factory-Built Housing" and describes certain manufactured housing regulated by the Georgia Department of Community Affairs. Georgia law defines industrialized buildings as "any structure or component thereof which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation or assembly on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof." Industrialized buildings are constructed and regulated in accordance with the "Industrialized Building Act," Georgia Law 1982 (O.C.G.A., Title 8, Chapter 2, Article 2, Part 1). An industrialized building shall meet all requirements of the zoning district in which it is located. The term shall also include modular home and systems built home or unit..

Institution. Premises occupied by a non-profit corporation or non-profit establishment for public use.

Intermediate Regional Flood (IRF). A 100-year frequency flood, as defined on the flood hazard maps, and that has a probability of occurring once every 100 years or having a one percent chance of occurring each year.

Junk. Any scrap, waste, reclaimable material or debris including, but not limited to, junk vehicles, junk vehicle parts, discarded appliances, and other mechanicals, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, recycled, salvaged, stored, baled, disposed or otherwise used.

Junk Vehicles. Any vehicle that cannot be moved under its own power and that (1) does not have a current license plate, or (2) is not covered by a policy of liability insurance as required under Georgia Law for the operation of such vehicle upon the public roads, streets and rights-of-way.

Junk Yard. An uncovered lot or part thereof, whether enclosed or not, used for: (1) the collection, storage, keeping, sale, abandonment, or resale of junk including scrap metal, rags, paper or other scrap material, used lumber, salvage house wrecking and structural steel material and equipment; (2) the dismantling, demolition or abandonment of three or more disabled automobiles, not bearing current tags/decals, mobile or manufactured homes or other machinery, appliances or parts thereof.

Kennel. Facility for the overnight boarding of domestic animals, usually limited to dogs and cats. Breeding and training of dogs and cats and the sale to the public of puppies and kittens are classified as a kennel activity.

Land Use Plan. This term shall refer to a professionally prepared and formally adopted document and map depicting the desirable existing and future location of residential, commercial, public and industrial land uses and thoroughfares. Also, narrative text describing present and future land use needs of the local government for which it is prepared.

Light Manufacturing Structure or Use. An establishment or use for production, processing, assembly, manufacturing, compounding, preparation, cleaning, servicing, testing or repair of materials, goods or products that does not produce or emit offensive

or environmentally unsafe noise, odor, fumes, or smoke and does not require flammable materials for resale or storage. Examples of light manufacturing include, but are not limited to, warehouses, distribution centers, manufacturing and assembly of clothing, electric appliances, etc.

Livestock. Any cattle, sheep, goat, swine, poultry, or equine animals used for food or in the production of food, fiber, feed, or other agricultural-based consumer products; wild or domesticated game; or other non-plant life, except such term shall not include aquatic animals or bees for the production of food, fiber, feed, or other agricultural-based consumer products, or domesticated animals traditionally kept as pets.

Lot. A parcel or portion of land of varying size and shape, described as a single unit of property and held in single ownership by one person or in common ownership by more than one person or corporation.

Lot, Corner. This term shall refer to a lot having frontage on two or more public roads or streets. The front of a corner lot shall be the lot line where the principal building shall orient the primary entrance.

Lot, Line. (1) Front lot line: the forward most line of any lot separating it from the frontage street right-of-way and across which the primary access to the property passes. The front lot line shall be used to identify the street address of the property; (2) The rear lot line is generally opposite the front lot line and that intersects with the side lot lines. If the rear lot line is less than ten feet in length or if the side lot lines come to a point then the rear lot line shall be considered to be the point parallel to the same point in the front lot line; (3) Side lot line: Any property line not opposite the front lot line.

Lot of Record. An area designated as a separate and distinct lot or parcel of land that have all necessary approvals from the Troup County Board of Commissioners and has been lawfully recorded in the Office of the Clerk of the Superior Court of Troup County, Georgia by subdivision plat or deed. See also "Parcel."

Manufactured Home or Office. A new or used 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, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. Such term shall also include any structure which meets all the requirements of this paragraph except size requirements 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 Manufacturing Housing Construction and Safety Standards Act of 1974 as amended, 42 U.S.C. 5401, et seq. Manufactured homes shall meet all requirements of article 10, section 10.2 of this ordinance.

Manufactured Home Community (a.k.a. Mobile Home Park). This term shall refer to a lot or parcel of land where three or more manufactured homes are parked for residential purposes and where space is delineated and offered for rent to place a manufactured home. Lots shall be served by appropriate and adequate community services, recreational facilities, utilities, streets and sidewalks provided by the owner of the park property and shall be in compliance with the standards as set forth in these regulations.

Manufactured Portable Office. See "Manufactured Home or Office."

Marquee. Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building that is generally designed and constructed to provide protection from the weather.

Marquee Sign. This term shall refer to any sign that is in any manner attached to a marquee or made part of a marquee.

Mini-Warehouses or Storage. A building or portion thereof used for storage, mainly of excess personal property of an individual or family and also for small amounts of goods or merchandise for businesses. Mini-warehouses or storage units shall not include retail sale on the premises, commercial repair or other services, manufacturing or any other commercial use other than the storage of articles as defined herein.

Mobile Home. A structure, transportable in one or more sections, which, in traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 320 or more square feet 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 built prior to June 15, 1976.

Modular (Systems Built) Home or Building. Factory fabricated dwelling which is constructed in one or more sections and is manufactured in accordance with the Georgia Industrialized Building Act and the rules of the commissioner of the Georgia Department of Community Affairs. Each modular home shall meet the standards of an industrialized building and shall bear the seal of approval as issued by the Commissioner of the Georgia Department of Community Affairs. Modular homes are transported to the site and installed onto a permanent foundation, never having an axle or a tongue (hitch).

Motel. A building or group of buildings containing guest rooms, offered to the general public for compensation, having separate entrances for each room or suite of rooms, and for which automobile parking is provided for each room or suite of rooms.

Nonconforming Sign. Any sign that does not meet the requirements of for signs as set forth in this ordinance.

Nonconforming Use. Any building, structure or land use that lawfully exists at the time of the adoption of these regulations or subsequent amendment thereto that does not conform, after passage of these regulations and/or amendments to the regulations of the district in which it is located.

Nursing Home. An orphanage, rest home, care home, convalescent home, boarding home for the aged, or similar use established to render domiciliary care, but not including facilities for the care of mental patients, alcoholics, drug addicts, and not including day nurseries.

Official Zoning Map. A map adopted by the governing body of a political jurisdiction that illustrates the various zoning districts of the jurisdiction.

Open Space. The required portion of a lot at ground level that is available for use by all residents of the property or members of an established and working homeowners association, and where no accessory uses are constructed. This space shall not be used to construct driveways or off-street parking. The space shall be used for passive recreation, nature trails, or remain in its natural state.

Overall Density. This term refers to no increase in the number of lots allowed in a development, but allows for smaller than lots to allow for open space.

Owner. This term shall refer to the record title holder of fee simple interest in property, or a vendee under contract or purchase agreement. The owner if a sole proprietorship; the proprietor, if a partnership; all partners (general and limited); if a corporation, all officers, directors or persons holding at least ten percent of the outstanding shares; and any agent who has been legally authorized in writing to act for the owner.

Parcel. A piece of real property described in legal terms, uniquely numbered for appraiser's uses. See also "Lot of Record."

Pennant. Any lightweight plastic, fabric or other material, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

Person. Any individual, firm, trust, partnership or cooperation, or any other legal entity capable by law of ownership.

Personal Care Home. This term refers to a residence providing the protective care of adults who do not require chronic or convalescent medical or nursing care. Personal care involves responsibility for safety of the resident while inside the building and may include daily awareness by the management of the resident's functioning and whereabouts, making and reminding a resident of appointments, the ability and readiness for intervention in the event of a resident experiencing a crisis, supervision in the areas of nutrition and medication, and the actual provision of transient medical care. See also, "Group and Personal Care Home," "Congregate and Personal Care Home, Family."

Personal Care Home, Congregate. This term refers to a personal care home for adults in a single-family residence or other type building, non-institutional in character and appearance, offering care to 16 or more persons.

Personal Care Home, Group. A personal care home for adults in a single-family residence or other type building, non-institutional in character and appearance, offering care to seven through 15 persons.

Personal Care Home, Family. This term refers to a personal care home for adults in a single-family residence non-institutional in character and appearance offering care to two through six persons.

Plat, Final. A complete and exact drawing of a parcel of land or a subdivision located in whole or in part in Troup County that is prepared to record in the office of the clerk of the Superior Court of Troup County, Georgia, and that meets the requirements of O.C.G.A. § 15-6-67, as amended, and all other laws governing the preparation and recording of maps or plats of real property of the State of Georgia.

Plat, Preliminary. See "Subdivision Regulations."

Playground. An area developed for active play and recreation that may contain courts such as for tennis or basketball, etc. or fields, such as for baseball, soccer, etc.

Porch. A roofed open area, that may be screened usually attached to or part of and with direct access to or from a building or structure.

Portable Building. A structure often purchased pre-built or as a kit in pre-fabricated sections. It is not designed to be served by heat, electricity or plumbing and does not required placement on a permanent foundation. These structures are accessory structures for storage only and are not allowed as principal buildings.

Portable Concession Vending Structure. A portable non-permanent structure for the distribution, merchandising or selling from a non-permanent location.

Portable Office Trailer. See "Manufactured Home or Office."

Portable Sign. A sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, but not including trailer signs (as defined herein); signs converted to A or T frames; balloons used as signs; umbrellas and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in normal day-to-day operations of a business.

Principal Use. This term refers to the primary use and main purpose of a lot or structure.

Private Deed Restrictions or Covenants. Regulations and/or requirements imposed on land by the private landowners in a subdivision or other type of housing, commercial or industrial development. These regulations/requirements are binding on present and subsequent owners of the property. The regulations/requirements are enforced by through a homeowners association, private persons or other private entities and not by the County or other public agency.

Professional Office. Structure wherein services are performed involving predominately administrative, professional or clerical operations.

Projecting Sign. Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.

Property Line. Property line describes the legal boundary of a parcel of land.

Property Record Card (PRC). A record maintained by the Troup County Property Appraisal Office (formerly tax assessors office) which contains a wealth of information regarding a specific parcel of land such as unique identifying numbers, ownership, acreage, improvements, conservation covenants if any, square feet of improvements, and more.

Racetrack. (1) A track designed for the racing of vehicles, motorcycles, bikes, ATV's, go carts, horses, dogs or other animals and may include drag strips or demolition tracks; (2) A facility consisting of a paved or unpaved roadway used primarily for the sport of automobile racing. A racetrack may include seating, concession areas, bathrooms, parking facilities, vendor areas, and sponsor areas but does not include residences or offices other than the office for the racetrack..

Recreational Vehicle. A vehicle or portable structure transportable on a mobile chassis, designed to be a temporary dwelling not hooked to any permanent utilities such as electricity, water or sewerage. It includes travel trailers, motorized dwellings, pop-up campers, pickup campers, coaches and other similar recreational equipment.

Remodeling. This term refers to constructing an addition or altering the design or layout of a building or making substantial repairs or alterations so that a change or modification of the entrance facilities, toilet facilities or vertical access facilities is achieved.

Replacement Manufactured Home Unit. A manufactured home or office unit that is substituted for another manufactured home unit that is existing on the lot.

Restaurant. An establishment however designed where food is sold or distributed for consumption on and/or off the premises. However, a snack bar, or refreshment stand at a public or non-profit community swimming pool, playground or park operated solely for the convenience of patrons of the facility shall not be deemed a restaurant.

Right-of-Way. A.k.a. ROW. A strip of land that is granted, through a deed, statute or platting process or other mechanism, for transportation purposes, such as for a rail line or highway or pedestrian or biking trail. A right-of-way is reserved along the transport infrastructure for the purposes of maintenance or expansion of existing services with the right-of-way. Utilities and communications lines typically are located on the ROW.

Roof Sign. Any sign erected or constructed as an integral or essentially integral part of a common roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof by a space of more than six inches. Any roof sign that extends vertically beyond the framing of the roof shall not be considered a roof sign and is not permitted.

ROW. An acronym for right-of-way, or plural rights-of-way.

Salvage Operation/Salvage Yard. For the purposes of this ordinance, a salvage operation or yard is a business where the principal activity is buying, selling, exchanging, storing, sorting, packing or dismantling of waste, used or secondhand material or three or more inoperable and/or unlicensed vehicles.

School. A facility where persons regularly assemble for the purpose of instruction or education, including any playgrounds, stadiums or other structures and grounds used in conjunction therewith. This shall include, but not limited to, public and private schools used for primary, secondary or post secondary education.

Secondary Detached Residence. A subordinate building on the same lot with the main building that is used designed or intended for dwelling purposes. Examples of secondary detached residences include guest houses and employee quarters. Dwellings on the premises that are rented, leased or occupied by anyone other than the occupant of the main building or his guests or employees are not permitted.

Service Station. Any building or land used primarily for the dispensing, servicing or offering for retail sale of any automobile fuels, oils, grease, batteries, tires, or general automotive servicing as distinguished from automobile repairs, but where no part of the premises is used for the storage or dismantling of wrecked or junked vehicles.

Setback Line. The minimum required distance from the street right-of-way line or any other property line that the principal building shall observe. See "Building Line" as defined in this section.

Setback Line, Front. A required open space on a lot or parcel of land where no building or structure is located except as permitted by the ordinance. The front setback area (or front yard) shall be the shortest distance measured by a perpendicular line from the lot or building line or centerline of the fronting street, highway or road to the nearest load bearing wall of the principal building or structures on a lot. Load bearing walls do not include cornices, steps, open terraces, or open entrance hoods. These appurtenances should not project more than six feet from the closest load-bearing wall.

Setback Line, Rear. The interior boundary of the rear setback area (or rear yard) being a line equidistant from the rear property line to and extending from the side property lines at the minimum depth specified by the appropriate zoning district requirements.

Setback Line, Side. The interior boundary of a side setback area (or side yard), being a line equidistant from the side property line(s) and extending from the front setback line to the rear setback line at a minimum depth as specified by the appropriate zoning district requirements.

Sewage, Individual Disposal System. A septic tank and seepage tile sewerage disposal system or any other sewerage treatment device for one lot as authorized by this ordinance and approved by the Troup County Health Department.

Sewerage System, Central. This term shall refer to a community sewerage system including widespread collection and treatment facilities serving more than one lot in a

subdivision. These types of systems are usually owned and operated by a local government.

Sewerage System, Decentralized. A community sewerage system with a localized collection and treatment system serving more than one lot in a subdivision owned and operated by a local governmental or public authority. This type of system is intended to provide sewer facilities for a localized area and will connect to a central system when lines are available to the area.

Sexually Oriented Business. Sexually oriented business means any business enterprise that:

- (1) Has as a regular and substantial business purpose the sale, display or rental of goods that are designed for use in connection with "specified sexual activities," or that emphasize matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," or
- (2) Has one of the following as a regular and substantial business purposes: the providing of entertainment where the emphasis is on performances, live or otherwise, that depict, portray, exhibit or display "specified anatomical areas" or "specified sexual activities;" or the providing of services that provide "specified sexual activities" or "specified anatomical areas" ancillary to other pursuits, or allow participation in "specified sexual activities" ancillary to other pursuits.

Shopping Center. Two or more commercial establishments planned and constructed with off-street parking and loading facilities provided on site.

Sign. Any attached or free-standing outdoor display of a size, height and building material as regulated elsewhere in this ordinance that is in view of the general public.

Sign Setback Line. The minimum distance a sign shall be placed from the right-of-way line of a public arterial, collector or local street or private driveway as specified in this ordinance.

Site Built Home. A dwelling constructed on a lot or parcel from materials delivered to the site and that is constructed in accordance with all requirements of the International Building Code as adopted by Troup County. Also called "stick-built home."

Site Plan. A drawing, to scale, showing uses and structures proposed for a parcel or parcels of land and structures on the land as required by the regulations. Includes lot lines, streets, buildings, reserved undisturbed, open or recreational space, existing and proposed buildings, natural and manmade landscape features, and possibly, depending on specific uses, utility lines, topographic lines, sidewalks or trails.

Special Exception Variance. A variance that is not based on hardship but rather on the existence of conditions that are not viable for the applicant.

Special Use. A use for a particular lot or parcel that may be allowed by the Troup County Commissioners when specifically listed in and provided for by this ordinance.

Special uses are uses that sometimes pose adverse impacts to the surrounding neighborhood or change significantly the use of the parcel, but are considered appropriate uses for the zoning district under certain conditions and circumstances. These uses are subject to such restrictive requirements as may be deemed necessary by the Troup County Commissioners to insure the use is not detrimental to the surrounding property owners or neighborhood.

Storage Building. A subordinate building on the same lot with the main building that is used designed or intended for the storage of inert materials and is not used for residential purposes. See also accessory building or structure.

Streamer. See "Pennant."

Street. A public right-of-way whether designed as an avenue, boulevard, road, highway, expressway, lane or other way that is dedicated or devoted to public vehicular use and that is a means of getting from one place to another and may afford a principal access to abutting property. Troup County roads are defined in the functional classification map of Troup County and located in the offices of planning and zoning.

1. **Arterial**--These streets are intended to provide higher travel speeds between or within communities or to and from collectors and expressways.
2. **Collectors**--Are major and minor roads that connect local roads and streets with arterials. Collectors provide less mobility than arterials at lower speeds and for shorter distances. They balance mobility with land access.
3. **Local Roads**--Local roads provide limited mobility and are the primary access to residential areas, businesses, farms, and other local areas.

Structure. Anything constructed or erected that requires a fixed location on or in the ground or is attached to something having a fixed location on the ground.

Subdivision. A subdivision shall be defined as all divisions of a tract or parcel of land under common ownership into two or more lots, building sites or other divisions for the purpose, immediate or future, of sale, legacy, or building development.

Subdivision, Major. A major subdivision shall be defined as all divisions of a tract or parcel of land under common ownership into more than four lots.

Subdivision, Minor. A subdivision shall be defined as all divisions of a tract or parcel of land under common ownership into more than two and less than five lots where no new streets are constructed.

Suspended Sign. This term shall refer to a sign that is suspended from the underside of a horizontal plane surface and is supported by that surface.

Temporary Emergency Structure. A residence which may be a manufactured unit that is (i) located on the same lot made uninhabitable by fire, flood or other natural disaster and occupied by persons displaced by such disaster (ii) located on the same lot as a residence that is under construction or undergoing substantial repairs or reconstruction and occupied by the persons intending to live in such permanent residence when complete (iii) located on a non-residential construction site and occupied by persons having construction or security responsibilities over such construction site.

Through Lot. This term shall refer to a lot, other than a corner lot, having frontage on two public streets or highways.

Trailer Sign. Any sign designed to be transported by means of wheels, includes two sides, and is either painted or poster panel, or any variation thereof.

Trailer, Travel. This term shall refer to a vehicular portable, temporary dwelling for travel, recreation and vacation uses and is considered a recreational vehicle.

Travel Trailer Park. See definition of a "Recreational vehicle park."

Undisturbed Natural Buffer. A tract of land in its natural state as required around state waters where no vegetation can be removed or planted without approval. No herbicides, pesticides, or other chemicals, either natural or manmade may be used in this buffer.

Urban Area Boundary; (a.k.a. Urban Growth Boundary). A line drawn between urban and rural lands defining the limits to which the urban area is expected to grow. See "Troup County Functional Classification Map."

Use, Permitted. Those uses specifically listed in this ordinance as "uses permitted inherently" not to include uses herein defined as nonconforming.

Use, Principal. The predominate purpose for which a lot or the main building or structure on a lot is designed, arranged, intended, occupied or maintained.

Use, Special or Conditional. Those uses that are permitted in a particular zoning district only under certain specified conditions.

Variance. See "Hardship" or "Special Exception Variance."

Vending. Any activity by any person involving the display, sale, offering for sale, offering to give a way or giving away anything of value including any food, beverage, goods, wares, merchandise, or services.

Wall Sign. Any sign attached parallel to, but within six inches of a wall; painted on the wall surface of any building or structure that is supported by such wall.

Water System, Individual. A potable water supply (i.e., a well) serving a single building, residence or other facility designed and used for drinking.

Water System, Public. A potable water system with distribution lines other than individual water systems owned and operated by Troup County or any municipality or public authority within the political boundaries of Troup County.

Wildlife Habitat. Living and nonliving components which interact forming a complete environmental unit.

Window Sign. Any picture, symbol or combination thereof placed on or upon a window pane or glass door that is visible from the exterior of the building or structure.

Yard Sale. A one-day or two-day sale of common household items from a residential lot or lots. This definition includes garage sale, carport sale or rummage sale.

Yard. A space on the same lot with a principal building or structure, open, unoccupied, and unobstructed by buildings or structures, except where encroachments and accessory buildings are expressly permitted. Yards shall be delineated by the setback or setback lines of front, side, and rear yard.

Zoning. This term refers to the delineation of districts and establishment of regulations regarding the use, placement, spacing, bulk and height of land and buildings in unincorporated Troup County.

Zoning Map. The legally adopted "Official Troup County Zoning Map" that is made part of this document by reference.

ARTICLE 4
GENERAL PROVISIONS

4.1. Use of Land.

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

4.2. Use of Buildings.

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

4.2-1. Location of Buildings. Every building hereafter erected, converted, enlarged, reconstructed, moved or structurally altered shall be located on lots as herein defined except as approved by the Board of Zoning Appeals/Planning Commission in the form of a variance.

4.2-2. Height of Buildings. No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered to exceed the height limit herein established for the district in which it is located except for the following:

Public and semi-public service buildings, hospitals, institutions and schools, may be erected to a height not to exceed 100 feet and churches and temples may be erected to a height not exceeding 75 feet, provided the required side yard and rear yards shall be increased by at least three feet for each one-foot of additional building height above the height regulations for the district in which the building is located.

4.2-3. Dimensional Regulations. No building or use shall be erected, converted, enlarged, moved or structurally altered except in conformity with the minimum space requirements (i.e., the lot area, floor area, building height, etc.) for the district in which such building is located.

4.3. Interpretation and Application.

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

4.4. Zoning Affects all Land and Buildings.

No buildings, structures or land shall be used or occupied, and no building, structure or part thereof shall be erected, constructed, reconstructed, moved, enlarged or structurally altered, unless in conformity with the regulations of this ordinance.

4.5. Principal Building and Use Per Lot.

Unless provided for elsewhere in this ordinance, there shall be no more than one principal building, structure or use upon any lot in any zoning district.

4.6. Required Open Space May Not be Used by Another Building.

No part of any yard, other open space, or off-street parking or loading space required in connection with any building, structure, or use by this ordinance shall be considered to be part of a required yard, other open space or off-street parking or loading space for any other building or structure.

4.7. Reduction of Yards or Lot Areas.

Unless otherwise provided in this ordinance, no lot existing at the time of passage of this ordinance shall be reduced, divided or changed so as to produce a tract of land which does not comply with the minimum dimension or area requirements of this ordinance for the district in which it is located unless said reduction or division is necessary to provide land that is needed and accepted for public use.

ARTICLE 5

SUPPLEMENTAL REGULATIONS

5.1. Lots of Record.

Any lot of record which is legal prior to the date of adoption of this ordinance may be used subject to the following:

5.1-1. Use of Substandard Lots. Provided the owner has the approval in writing of Troup County Building Inspection, Zoning and Planning Department, the owner of a lot at the time of the adoption or amendment of this ordinance may use such lot as a building site for a structure or use permitted in the zone where it is located even though such lot is of insufficient area, shape or size to enable him to conform to the dimensional requirements of this ordinance.

5.1-2. Residential Use of Substandard Lots. In addition to section 5.1-1, any lot of record in any residential district existing at the time of adoption or amendment of this ordinance that has a width or area less than that required by this ordinance may be used as a building site for permitted use in residential districts. In the case of such a lot, when it is not possible to provide the required side yards and at the same time build a minimum width single-family dwelling the Board of Zoning Appeals/Planning Commission is empowered to hear the request for a side yard variance provided there is at least a ten-foot side yard. If a minimum ten-foot side yard is not possible then a variance from minimum width requirement for single-family dwelling may also be requested.

5.1-3. Lot frontage and Width. Each lot containing a principal building shall have frontage of at least 100 feet on a publicly owned or maintained right-of-way except where otherwise specified. In special cases, such as a lot on a cul-de-sac, provided the lot width at the minimum building line is maintained, lot frontage may be reduced to not less than 45 feet.

5.2. Area, Yard and Height Regulations.

5.2-1. Lot Area. Except when a portion of a lot is acquired for a public purpose or family homestead as provided in section 5.16, no lot shall be reduced in size in violation of the lot width, size of yards or lot area per requirements of this ordinance.

5.2-2. Yards and Open Space.

1. Whenever a lot abuts upon a public alley, one-half of the alley width may be considered as a portion of the required yard.
2. Every part of a required yard shall be open to the sky so that projections such as sills, window air conditioning units, chimneys, cornices and ornamental features may not extend into a required yard.
3. Other provisions of this ordinance notwithstanding, fences, walls, hedges, driveways and buffer areas may be permitted in any required yard or along the edge of any yard provided that no fence, wall or hedge along the street sides of corner lots shall violate the corner visibility provisions of this ordinance.

4. Where a lot or parcel abuts U.S. Army Corps of Engineers property yard requirements do not apply on that portion of the parcel.

5.2-3 Front Yards.

5.2-3 (a) Where an official line has been established for the future widening or opening of a street or major thoroughfare upon which a lot abuts (the right-of-way line), the depth of a front or side yard shall be measured from such official line to the nearest line of the building.

5.2-3 (b) On through lots, the required front yard shall be provided on each street.

5.2-3 (c) Corner lots shall meet the minimum front yard requirements on the side adjacent to both streets and the remaining yards shall be considered side yard requirements.

5.2-3 (d) Open, unenclosed porches, platforms or paved terraces, which are not covered by a roof or canopy and do not extend above the level of the first floor of the building, may extend or project into the required setback area six feet or less.

5.2-3 (e) Within the same block and zoning district, when 25 percent or more of the existing buildings that are located within 200 feet on each side of a lot have less than the minimum required setback, the required front setback of such lot should not exceed the average of the existing front setbacks.

5.2-4. Rear Yards. Where a structure is erected abutting U.S. Army Corps of Engineer's property the rear yard may be considered that part of the parcel that faces the public street and the front yard may be considered that part of the parcel that faces the U.S. Army Corps of Engineer's property.

5.2-5 Side Yards.

5.2-5(a) For the purposes of the side yard regulations, a group of commercial buildings separated by common or party walls shall be considered as one building occupying one lot.

5.2-5(b) The minimum width of side yards for schools, libraries, churches and other public or semi-public buildings in residential districts shall be 25 feet. Where a side yard is adjacent to a business or commercial district, then the width of that yard shall be as required for the district in which the building is located.

5.2-6 Fences and Walls. No fence or freestanding wall in a required yard other than a retaining wall shall be more than eight feet in height in rear and side yard and no more than six feet in the front yard. No fence shall have more than one sign every 20 linear feet of a size not to exceed four square feet. Fences may have one decoration or group of decorations besides allowed signs for every 20 linear feet that shall not exceed nine square feet.

5.3 Corner Visibility.

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

5.4 Accessory Uses and Structures.

Placement of all accessory structures in excess of 150 square feet on a parcel shall require a building permit and submittal of a site plan to the Building Permits and Inspections Office of Troup County.

5.4-1 No mobile home or manufactured unit may be converted to use as an accessory or storage building.

5.4-2 An accessory structure shall not be permitted in any required front yard except for well houses.

5.4-3 No accessory building or structure shall be erected beyond a required front building setback line along any street.

5.4-4 Residential accessory uses such as garages, greenhouses or workshops, shall not be rented, used or occupied for commercial purposes. Accessory structures shall not be used for living quarters for any person.

5.4-5 All accessory buildings must be located at least ten feet from the property line and principal building.

5.4-6 Areas in which the accessory storage of a boat, boat trailer or travel trailer is permitted shall not include the required front yard.

5.4-7 Gasoline station pumps and pump islands where permitted may occupy the required yards, provided that they shall not be less than 15 feet from street lines; canopies, whether attached or detached from the principal building must be at least 14 feet in height and the outermost edge shall be at least five feet from any property line.

5.4-8 All non-residential accessory buildings shall only be used by the owners, employees, lessee or tenants of the premises, and shall meet the setback requirements of the principal building.

5.4-9 Accessory structures are limited to no more than three per parcels including detached garages.

5.4-10 Any accessory structure exceeding 150 square feet shall require approval from the Building Official and Zoning Administrator.

5.4-11 Accessory structures intended for use housing livestock whether commercially or personal use, such as a barn, or commercially housing pets, such as a kennel, shall be 200 feet from any property line.

5.4-12 Tractor trailers may be used as storage units only if located on a parcel two acres or greater, not visible from any public street and does not exceed the accessory structure limit as defined in 5.4-8. If the trailer exceeds 150 square feet it shall meet the requirements in 5.4 of this section.

5.5 Home Occupations.

Home occupations may be permitted in residentially zoned districts according to standards for the zoning district of the business activity's proposed location. Each residentially zoned district shall have home occupations permitted as listed in the following subsections. Any home occupation not listed in the following subsections must be approved by the Troup County Board of Commissioners after an application for home occupation is received and the fees paid as posted in the Troup County Building and Inspections, Department. The application shall be presented to the Board of Zoning

Appeals/Planning Commission for recommendation to the Board of Commissioners for final approval.

- (a) Home occupations may not be approved on lots or parcels that do not have a home existing on the lot or parcel at the time of application for a home occupation. Home occupations do not run with the land and are dependent on the applicant. When a home occupation is discontinued for more than six months, and an approved homeowner with an approved home occupation does not renew the required business license or the property changes owners a new application and approval is required to continue any home occupation.
- (b) A change in residence requires an approved home occupation application for each new location.
- (c) Home Occupation certificates will be evaluated at each business license renewal to ensure conditions such as number of employees, acreage, square feet, equipment or inventory storage have not changed.
- (d) Home Occupations involving sales must provide a current Georgia Sales Tax certificate prior to business license being issued.
- (e) Home Occupations conducted in residential units in non-residential zoning districts shall comply with the regulations applicable to that district.
- (f) Home occupations that require storage of equipment, where permitted shall be in an enclosed structure not visible from the public or private street.
- (g) No home occupation certificate shall be issued in a CRVP.
- (h) Upon finding extenuating circumstance regarding a home occupation certificate application, the Zoning Administrator may require board of commission consideration. In such cases the application date shall be considered the date of the Zoning Administrator's review as so dated on the application.

5.5-1 Residential Home Occupations.

The conduct of business in single-family medium density, lakeside residential (LR), multi-family (MFR), unrestricted subdivision (USD) and mobile home parks (MHP) zoned districts. Also in Agricultural/Residential District (AGR), Rural Residential (RR) or Lakeside Rural Residential (LRR), and in Agricultural (AG). When subject parcels are under two acres the provisions of this section shall apply regardless of zoning district. It is the intent of this section to ensure the following:

- 1. The compatibility of home occupations with other uses permitted in residential zoning districts;
- 2. The maintenance and preservation of the character of residential neighborhoods and the preservation of peace, quiet and domestic tranquility within all residential neighborhoods.

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

5.5-2 A home occupation is subordinate to the use of a dwelling unit for residential purposes. No more than 25 percent of the total square feet as recorded on the property record card of the dwelling unit may be used in connection with a home occupation or for storage purposes in connection with a home occupation.

5.5-3 No more than two home occupations shall be permitted within a single dwelling unit.

5.5-4 The residential home occupation is limited to employment of residents of the property.

5.5-5 A home occupation shall produce no noise or obnoxious odors, vibrations, glare, fumes, or electrical interference detectable to normal sensory perceptions outside the principal structure.

5.5-6 No traffic shall be generated by such home occupations in greater volume than would normally be expected in a residential neighborhood. No more than one parcel delivery per day shall be permitted.

5.5-7 There shall be no exterior indication of the home occupation or variation from the residential character of the principal use.

5.5-8 One home occupation related vehicle shall be permitted provided overnight parking of any commercially-equipped vehicle is within an enclosed area. A home occupation related vehicle is a passenger motor vehicle or light duty truck less than 10,000 pounds gross vehicle weight as registered by the Georgia Department of Motor Vehicles. No home occupation related vehicle shall include any of the following: contractor's equipment or other heavy equipment regardless of weight, a garbage truck, trailer, tractor or trailer of a tractor-trailer truck, dump truck, tow truck, passenger bus, cement truck, and step vans or any vehicle used to carry hazardous materials.

5.5-9 A residential home occupation shall be carried on wholly within the principal dwelling. No residential home occupation shall store goods, materials, or products connected with a home occupation in accessory buildings or garage that are attached or detached.

5.5-10 Permitted residential home occupations:

- Design services;
- Art studio (where no more than one model at a time);
- Consulting services;
- Off-site sales (pharmaceutical, etc.);
- Direct sale product distribution (Amway, Avon, Mary Kay, Tupperware etc.) provided there is no production on premises;
- Drafting and graphic services;
- Dressmaking, sewing, tailoring, contract sewing (one machine);
- Engineering office;
- Home office only for occupations otherwise not permitted in the district, and for services including, but not limited to the following:
 - Bookkeeping;
 - Accounting;
 - Medical billing;
 - Process rebates;
 - Collections, telemarketing.
- Realtor or real estate appraiser office as allowed by the State of Georgia;
- Writing, editing, resume services, computer programming;
- Photography studio (no more than one client at a time for on-site models);
- Tutoring;
- Any occupation conducted solely via telecommunications technology;

- Any other similar occupations not listed here that may be approved by the Zoning Administrator upon the finding of no adverse impacts to the surrounding neighborhood.

5.5-11 Prohibited residential home occupations

include, but are not limited to:

- Ambulance service;
- Restaurants, food preparation for catering or distribution;
- Veterinary services (including care, grooming and boarding);
- Automobile repair, parts sales, upholstery, or detailing, washing services.

5.6 Rural Home Occupations.

Rural home occupations in the Agricultural/Residential District (AGR), Rural Residential (RR) or Lakeside Rural Residential (LRR), and in Agricultural (AG) when subject parcel is under two acres shall be permitted under the provisions of this section. It is the intent of the section to ensure the compatibility of rural home occupations with other uses permitted in lower density residential districts; maintain and preserve the rural character of the area and not create a nuisance for residents in the area through excessive traffic, smoke, or noise or through the creation of a fire hazard. Any rural home occupation applied for but not specifically stated in section 5.6-10 shall be required to obtain approval from the Troup County Board of Commissioners with a recommendation from the Troup County Board of Zoning Appeals/Planning Board.

The purpose of rural home occupations is to provide a means for residents in the larger lot rural residential district to participate in the type of businesses permitted in residential districts, be able to conduct the home occupation in an accessory building where necessary, and to park, on-site, vehicles required for home occupations. Rural home occupations, where permitted, must meet the following special requirements:

5.6-1 The subject parcel minimum lot size is two acres. Acreages of multiple parcels may not be calculated together to achieve minimum. For lots less than two acres, home occupations must comply with the requirements of section 5.5.

5.6-2 The rural home occupation shall be clearly subordinate to the principal use of the parcel and shall not change the residential character of the area. No more than 25 percent of the heated square feet of record on the property record card in the property appraisal office of the principal dwelling shall be used in connection with the home occupation or storage purposes.

5.6-3 The rural home occupation shall be conducted within a dwelling or within an accessory building provided all structures are harmonious in appearance with the district in which it is located.

5.6-4 One accessory building not exceeding 1,000 square feet may be used in connection with the rural home occupation.

5.6-5 The business of selling stocks of merchandise, supplies or products shall not be conducted on premises except under the following circumstances:

- a. Orders previously made by telephone or at sales parties may be filled on premises; and Internet sales, off-site trade-show sales, mail order, etc.

b. Incidental retail sales as may be necessary or in connection with the permitted home occupation that can be stored inside the residence or accessory building.

5.6-6 The existence of the rural home occupation shall not be apparent outside the dwelling or accessory building where the rural home occupation is conducted, except that one un-lighted sign limited to nine square feet of sign area shall be permitted. The sign added to all other signs on the parcel shall not exceed the maximum signage allowed in the district. No sign shall obstruct the view of roadway traffic. All signs must be at least 20 feet from any property line and ten feet from any right of way line.

5.6-7 No out of doors storage of materials, products, equipment or vehicles used in the conduct of the rural home occupation, other than trade vehicles, is permitted unless an accessory building is used to house the equipment, materials or vehicles. A rural home occupation related vehicle is a passenger motor vehicle or light duty truck less than 10,000 pounds gross vehicle weight as registered by the Georgia Department of Motor Vehicles. Rural home occupation related vehicle include any of the following: contractor's equipment or other heavy equipment regardless of weight, a garbage truck, trailer, tractor or trailer of a tractor-trailer truck, dump truck, tow truck, passenger bus, cement truck, and step vans.

5.6-8 The rural home occupation is limited to residents of the property and not more than two additional persons.

5.6-9 No additional points of access to any road or street shall be permitted.

5.6-10 Permitted rural home occupations are as follows:

- All occupations permitted in section 5.5-10;
- Appliance repair (as long as an accessory building is capable of storage of all equipment and appliances);
- Barber shops/beauty shops (limited to two stations) provided there is sufficient room on the lot for parking of client vehicles (one space for each station, plus one handicapped space);
- Cabinet making;
- Ceramics;
- Contracting, masonry, plumbing or painting, electrical, general;
- Upholstery;
- Photography studio;
- Pet grooming;
- Any other business as may be approved by the Zoning Administrator upon finding that the proposed rural home occupation does not pose adverse impacts to the surrounding neighborhood.

5.7 Farm Based Business.

All farm based businesses shall be approved by the Troup County Board of Commissioners prior to receiving any business license. No structure shall be built prior to receiving a business license or building permit. Farm based businesses shall be located in the agricultural zoning district.

5.7-1 The uses permitted under this section apply to the Agricultural district. Farm occupations may involve any one of a wide range of uses, so long as the use is

compatible with the primary agricultural use of the land. The applicant shall demonstrate to the Troup County Board of Commissioners that the farm-based business is compatible with the rural setting and shall not create nuisances for nearby residents. Farm based businesses are not allowed on lots or parcels less than five acres in size. A farm based business on any lot smaller than five acres shall comply with either section 5.6 or section 5.5 of this article and is dependent on the size of the lot or parcel.

5.7-2 No more than 1,500 square feet of gross floor area in any one building shall be occupied by the farm-based business. This does not include barns.

5.7-3 No more than one acre shall be devoted to the farm-based business including the structure, parking, storage, and driveway (if separate from the primary residence driveway).

5.7-4 Where practical, farm-based businesses shall be conducted within an existing building located on the farm parcel. However, any building constructed for use by the farm-based business shall be located behind a residence or be setback a minimum of 150 feet from any public street right-of-way.

5.7-5 Any building constructed for the use of the farm-based business shall be of such a nature that it can be converted to agricultural use if the business is discontinued. The structure shall blend with surrounding agricultural setting.

5.7-6 A site development sketch, drawn to scale with north arrow, shall be submitted to the building and inspections and/or planning and zoning offices for approval by the Board of Commissioners. The sketch shall show the location and size of any building, distance from property lines, parking and location of signage.

5.7-7 No farm-based business shall be located within 100 feet of any adjoining side or rear property line, nor within 100 feet of any adjacent residential zoning district. Such distances shall be measured as a straight line between the closest points of any structure or any other physical improvement of the farm-based business and the adjoining property line. Livestock or structures holding livestock shall not be within 200 feet of any property line.

5.7-8 One, freestanding sign is permitted for the farm-based business not to exceed 16 square feet.

5.7-9 The Troup County Board of Commissioners may also require such other reasonable conditions as deemed appropriate to mitigate any adverse impacts to surrounding property owners.

5.7-10 Permitted farm based businesses:

- All uses listed in 5.5-10 and 5.6-10

5.7-11 The following may be approved as farm based businesses upon approval of the Board of Commissioners:

- Farm equipment sales and service;
- Greenhouse or nursery sales;
- Produce stand for products grown on site;
- Other similar uses may be brought to the Board of Commissioners for approval provided that the Zoning Administrator finds the use compatible with the primary agricultural use of the property.

5.8 Bed and Breakfast Home.

This use is allowed as a special use in residential districts as provided for in this section.

5.8-1 Rooms for rent shall be located in single-family dwelling units.

5.8-2 The bed and breakfast must be occupied by the owner as his/her principle residence.

5.8-3 The same rental occupants shall not reside at the bed and breakfast for more than seven consecutive days.

5.8-4 Breakfast shall be the only meal served and only to registered overnight guests.

5.8-5 No person who is not a resident shall be employed at the bed and breakfast.

5.8-6 The exterior appearance of the dwelling unit shall not be altered from its residential character except for safety purposes.

5.8-7 The freestanding sign shall be no larger than 16 square feet and not internally lighted.

5.9 Bed and Breakfast Inn.

This use, when the requirements of this section are met, is allowed as a special use in residential districts (including Agriculture) and is a use of right in the NHC zoned district.

5.9-1 A bed and breakfast inn is a building or dwelling unit, not necessarily owner-occupied, that offers transient lodging accommodations and breakfast for four or more guest rooms for compensation provided:

- a. There is compliance with the same licensing, inspection and taxation requirements as hotels, motels and restaurants.
- b. If within a residential district, the dwelling or building shall maintain and conform to the residential character of the neighborhood.
- c. Breakfast is the only meal served and only to overnight guests.
- d. The owners may have employees other than owner and owner's family.
- e. One off-street parking space shall be provided for each employee.
- f. One off-street parking space shall be provided for each rental room.
- g. In residential zoned districts signage shall be limited to one sign no more than 16 square feet.

5.10 Family Personal Care Homes or Group Personal Care Homes.

Family personal care homes and group personal care homes, as defined in article III, may be established in residential districts as a special use as listed in the table 7.3. The following requirements shall apply, in addition to the entire applicable zoning district requirements in which such uses are located:

1. The facility must be approved by the appropriate state licensing agency for personal care homes.
2. All new construction or exterior alterations of existing buildings shall be in harmony with the scale and design of surrounding buildings.
3. A floor plan to scale, health department approval, and Fire Marshal's approval shall be submitted with application/permit request to the

building/zoning/planning office. The floor plan shall show the basic layout including, but not limited to, bedrooms, kitchen, living area, and bathrooms.

4. Smoke detectors shall be installed on each floor level and in all sleeping areas.
5. There shall be two exits per floor level at least one of which per floor level must be handicapped accessible. All exit doors will be able to be opened from the inside. Deadbolt locks rather than key lock systems shall be used on all exit doors.
6. Emergency lighting with battery backup shall be installed in all facilities.
7. Fire extinguishers shall be included, type and size to be determined by the Fire Marshal.
8. Exit lights shall be placed in appropriate areas and will be hard wired with battery backup.
9. All personal care facilities will meet occupancy load requirements as per Building Official and Fire Marshal requirements.

5.11 Racetracks.

Racetracks are allowed as a use of right in the Heavy Commercial District. The standards for a racetrack are as follows:

- a. Racetracks shall be no less than 20 acres.
- b. All racetracks shall be at least 500 feet from the nearest residence.
- c. Racetrack owners will be responsible for mitigating any disturbance to the surrounding community including, but not limited to:
 1. Installing noise barriers.
 2. On race days, track owners shall provide for proper traffic control by having public safety personnel on site to assist with parking related issues.
 3. Installing perimeter buffers as required in Article 9.

5.12 Churches.

Churches are a special use and the decision of the Board of Commissioners will consider the following as to any regulation placed on churches as per the Religious Land Use and Institutionalized Person Act subject to the following:

1. Whether the regulation imposes a substantial burden on the exercise of religion;
2. Whether the regulation serves a compelling government interest; and
3. Whether the regulation is the least restrictive means to serve that interest; or
4. Whether the request can be granted without harming that interest.

5.13 Cemeteries.

No cemeteries, whether public, private or in conjunction with a religious or non-profit institution, shall be located in a floodplain area as delineated by FIRM maps for Troup County. Cemeteries shall be set back not less than 50 feet from any right-of-way line. Cemeteries shall comply with all applicable state laws. Minimum lot size one acre.

5.14 Property Maintenance.

To prevent the creation of public nuisances and to ensure the health, safety and welfare of the citizens of Troup County the following regulations shall be established for the maintenance of property in the County:

5.14-1 Non-functioning appliances shall be stored in an enclosed accessory or principal building. Any non-functioning appliances such as refrigerators, freezers, stoves, etc., shall have doors removed prior to storage.

5.14-2 Any major auto repairs such as building motors, transmissions or heavy body work shall be done in an enclosed accessory building or on a section of property not visible from any public street.

5.14-3 Non-licensed and/or inoperable vehicles shall be stored in an enclosed accessory building.

5.14-4 Yard sales at the same location shall last for no more than two consecutive days twice annually. There shall not be any continuous yard sales in Troup County. Storing of yard sale items shall be in an enclosed accessory or principal building and shall not be on display in any yard except during the hours of the yard sale.

5.14-5 No abandoned mobile or manufactured homes shall be used as a storage or accessory building. Abandoned mobile/manufactured homes shall be removed from property at owner's expense. Upon determination by the code enforcement officer that the said mobile/manufactured home is abandoned and is a health and/or safety hazard to surrounding property owners, the owner shall be notified to remove such mobile/manufactured home from the property within 30 days. Failure to remove such mobile/manufactured home shall be in violation of this section and ordinance and subject to the penalties set forth in chapter 1, section 1-19 of the Troup County Code of Ordinances.

5.15 Junkyards, Junk Business or Salvage Operation.

To prevent the creation of public nuisances and ensure the safety, health and welfare of the citizens of Troup County, all junkyards, junk businesses and salvage operation/salvage yards in unincorporated Troup County shall be no less than ten acres in area and shall be screened and buffered from view in accordance with article 9, table 9.1.

5.16 Special Density Lots for Homesteads.

In order to encourage and preserve the homestead in rural areas, each parcel in single ownership may be subdivided for use solely as a homestead by an individual who is grandparent, parent, stepparent, sibling, child, stepchild, adopted child or grandchild of the owner of the original parcel to be subdivided at a density not to exceed one unit per acre; provided, however, that an adequate water and septic system shall be located on each one acre. The Troup County Health Department shall set the final lot size to be adequate for such water and septic systems. This provision supersedes other land use district density requirements except that it may not be used within an otherwise platted and approved subdivision. In order to qualify as a homestead the following criteria must be met:

- The property being transferred shall be used as a primary residence of the eligible grantee only.
- The deed for transferred property shall state the relationship of the grantee to the grantor. A plat designating the property as a family homestead shall be recorded at the clerk of court and the deed shall reference the plat book and number.
- Transferred property may be either designated or deeded in the heirs (grantee) name or jointly deeded in the grantor/grantee names. The transferred property may not be deeded solely in the grantor's name.
- This special density provision shall be utilized on only one occasion per eligible individual grantee. The grantor may exercise this special density provision for other eligible individual grantees so long as the maximum density for the parcel is not exceeded.

Required road frontage for this special density is 100 feet on a public or private road. All roads constructed as a result of this provision shall meet the Troup County standards for rural residential district roads.

5.17 Livestock raising for personal pleasure.

Where chickens are kept as pets structure for housing those chickens shall not be more than 150 square feet in size and at least 50 feet from the property line.

5.18 Occupancy Standards.

The number of people allowed to live in one single-family household shall not exceed public health standards as defined by the Troup County Health Department.

ARTICLE 6

ZONING DISTRICTS AND BOUNDARIES

6.1 Establishment of Districts.

In order to carry out the intent and purpose of this ordinance, unincorporated Troup County is hereby divided into the following districts:

- AG - Agricultural District (AG-5)
- AGR - Agricultural/Residential (AGR-2)
- RR - Rural Residential (RR)
- LR - Lakeside Residential District (LR-2)
- LRR- Lakeside Rural Residential District (LRR-3)
- SFMD - Single-Family--Medium Density (R-3)
- MFR - Multi-Family Residential District (MFR-1)
- MHP - Manufactured Home Park District (R-500)
- USD - Unrestricted Subdivision (R-300)
- CRVP - Commercial Recreational Vehicle Park District (CRVP)
- CA - Commercial Adult (CA100)
- GC - General Commercial (GC-100)
- HC - Heavy Commercial (HC-100)
- LC - Limited Commercial (LC-200)
- NHC - Neighborhood Commercial District (NHC 300)
- GI - General Industrial District (GI-100)
- LI - Light Industrial District (LI-200)
- FH - Flood Hazard Overlay (FH)
- HA - Historic Area Overlay (HA)
- PUD - Planned Unit Development District (PUD)
- SC - Scenic Corridor Overlay District (SC)

6.1-1 Agricultural District (General Farming) (AG-5). The purpose of this district is to maintain the integrity of agricultural activities predominate in the rural area of Troup County. The regulations are to discourage the subdivision of land for urban development and to encourage the maintenance of the general rural characteristics of openness, low density single-family residential use, appropriate agri-business and extensive agricultural and livestock production.

6.1-2 Agricultural/Residential (AGR-2). The purpose of this district is to allow for less intense agricultural uses and low density single-family residential use. This district is intended to assist in preserving the rural character of Troup County and the district has no availability of infrastructure for high or medium density uses.

6.1-3 Rural Residential (RR). This district is intended to be utilized by existing lots or parcels for low density single-family residential purposes. The primary purpose of this district is to allow legal lots or parcels that exist without adequate public road frontage or have been subdivided prior to these regulations without constructing adequate roads.

This district may also be used to subdivide property and provide lower density developments on well and septic tanks.

6.1-4 Lakeside Residential District (LR-2). The purpose of this district is to provide a medium density single-family residential area where overall densities are allowed with decentralized sewer systems and community or public water systems. This district is in close proximity to West Point Lake.

6.1-5 Lakeside Rural Residential District (LRR-3). The purpose of this district is to provide a low density single-family residential district in close proximity to West Point Lake and where individual wells and septic systems are utilized due to lack of infrastructure that allows for higher densities.

6.1-6 Single-Family--Medium Density District (R-4). The purpose of this district is to provide for medium density single-family residential growth with densities that adhere to smart growth principles and allow for decentralized sewer or public sewer and community or public water systems for major subdivisions.

6.1-7 Multi-Family Residential District (MFR). This district is designed to provide high density multi-family residential areas with decentralized sewer or public sewer and community or public water systems. This district is in close proximity to urban areas.

6.1-8 Manufactured Home Park District (MHP). This district is designed for the development of manufactured home parks and related facilities within a well planned environment.

6.1-9 Unrestricted Subdivision (USD R-300). This district is designed to allow single-family manufactured homes as a permitted use along with single-family site built homes in platted subdivisions.

6.1-10 Commercial Adult (CA). This zoning district allows for sexually oriented businesses.

6.1-11 Commercial Recreational Vehicle Park, Campgrounds and Cabins (CRVP). This district is designed to provide for areas where recreational vehicle parks, campgrounds and cabins may be developed in a well planned environment and in accordance with adopted development standards.

6.1-12 Heavy Commercial (HC-100). This district is designed to provide for intense commercial uses and include amusement parks, racetracks and other uses that may create large numbers of attendees.

6.1-13 Neighborhood Commercial (NHC-200). This district is established to provide a location for commercial growth in neighborhoods creating commercial nodes that are the least intense commercial uses providing limited service to rural areas. These districts are usually located in and around intersections of local roads and serve established neighborhoods.

6.1-14 General Commercial (GC-100). The purpose of this district is to provide areas for more intense commercial uses. Usually located along major arterials and used primarily as a gateway into municipalities.

6.1-15 Limited Commercial (LC-300). The purpose of this district is to provide for slightly more intense commercial districts usually located at major intersections.

6.1-16 General Industrial (GI-100). This district is established to provide appropriate locations for industrial operations.

6.1-17 Limited Industrial (LI-100). This district is established to provide areas for less intense industrial uses.

6.1-18 Planned Unit Development (PUD). This district is designed to allow mixed or multiple uses and greater density for a mix of residential and commercial development. This district shall allow for conservation subdivisions, developments containing apartments or town houses in conjunction with single-family residential use, and commercial and industrial uses in a design that enhances the surrounding areas. This district allows for flexibility of design to enhance and protect natural features of the property.

6.1-19 Flood Hazard District (FH). The limits of the flood hazard district are hereby determined to be areas subject to frequent periodic flooding and areas of delineated alluvial soils. These areas are also defined by the floodplain management department of the department of natural resources and delineated by the flood insurance rate map as part of the National Flood Insurance Program.

6.1-20 Historic Area Overlay (HAO). This is an overlay district is designed to preserve, protect and promote historic areas in the county and provide guidelines for rehabilitation of these areas.

6.1-21 Scenic Corridor (SC). This district is designed to protect the viewshed of corridors in Troup County that have historical, cultural and natural resources.

6.1-22 Watershed Protection District. The purpose of the watershed protection district is to establish measures to protect the quality of the present and future water supply for Troup County; to minimize the transport of pollutants and sediment to a water supply; and to maintain the yield of the water supply watershed. This ordinance shall apply to the portions of the watersheds which occur within the jurisdiction of Troup County and are herein identified as water supply watersheds of West Point and Hogansville.

6.1-23 Chattahoochee River Corridor Protection District. The purpose of the Chattahoochee River Corridor Protection District is to establish measures to guide future growth and development in the areas adjacent to the Chattahoochee River.

6.1-24 Wetlands Protection District. The purpose of this district is to promote the wise use of wetlands and protect them from alterations that will significantly affect or reduce the primary functions for water quality, floodplain and erosion control, ground water recharge, aesthetic natural areas and wildlife habitat areas

6.1-25 Groundwater Recharge Area Protection District. The purpose of the Groundwater Recharge Area Protection District is to establish measures to protect Troup County's identified recharge areas from potential sources of contamination by spills, discharges, leaks, impoundment's, application of chemicals, injections and other development pressures.

6.2 Zoning District Map.

The boundaries of zoning districts are shown upon the map designated as the official zoning district map of unincorporated Troup County. The zoning map and all notations, references and other information shown thereon are a part of this ordinance and have the same force and effect as if the zoning district map and all the notations references and other information shown thereon were fully set forth and described herein, which zoning district map is properly attested and is on file with the Troup County Zoning Administrator and available for public review.

6.3 District Boundaries.

The district boundaries shown on the zoning district map are generally intended to follow streets, alleys or lot lines; where the districts designated on said map are bounded by such streets, alleys or lot lines, the centerline of the street, alley or lot line shall be the boundary of the district unless such boundary is otherwise indicated on the map. In all other cases, the district boundary line shall be determined by use of the scale appearing on the official zoning map.

6.3-1 When the boundary line of a district divides a lot or tract held in single ownership at the time of adoption of this ordinance, the boundary line may be allowed to extend a distance of not more than 100 feet to the least restrictive zoned district.

ARTICLE 7

ZONING DISTRICT STANDARDS AND PERMITTED USES

7.1 District, Lot and Height Standards.

The requirements regarding lot size, building size, and building placement on the lot for each zoning district shall be met as indicated in Article 5 General provisions and table 7.1: Zoning District Area, Yard and Height Requirements. Please note the districts not listed in this table have standards in separate articles of this ordinance. This table is provided for quick reference and such standards are set forth in greater detail in Article 25 Development Standards. For front yard setbacks please refer to functional classification map for road designations. For all non-residential zoning districts, refer to the quality development corridor overlay for enhanced development standards along designated roads.

Table 7.1: District Area, Yard and Height Requirements

Zoning District	Minimum Lot Area	*Minimum Lot Width at Setback Line (ft.)	** Front Yard (ft) from Arterial and Collector/Local Street (Fed/State, County, Subdivision)	Side Yard for Single Lot	Rear Yard for Single Lot	Max. Bldg Height (ft.)
Agricultural District	5 acres	220'	145' Arterial	50'	50'	40'
			125' Collector			
			100' Local			
Agricultural/ Residential District	2 acres	150'	125' Arterial	30'	40'	40'
			100' Collector			
			90' Local			
SFMD--Medium Density District	See Article XXV for development standards					
Lakeside Residential District	See Article XXV for development standards					
Lakeside Rural District. See Article XXV for development standards	3 acres - No overall density	175'	130' Arterial	50'	50' if abutting corps property no rear	40'
			120' Collector			
			100' Local			

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Zoning District	Minimum Lot Area	*Minimum Lot Width at Setback Line (ft.)	** Front Yard (ft) from Arterial and Collector/Local Street (Fed/State, County, Subdivision)	Side Yard for Single Lot	Rear Yard for Single Lot	Max. Bldg Height (ft.)
					setback	
Heavy Commercial	1 acre	See Quality Development Corridor Ordinance and Article XXV for development standards for Heavy Commercial zoning districts.				
General Commercial	1 acre	See Quality Development Corridor Ordinance and Article XXV for development standards and General Commercial zoning districts.				
Limited Commercial	1 acre or as required by the Troup County Health Department. See Quality Development Corridor and Article XXV for development standards.					
NHC-- Neighborhood Commercial	1 acre minimum lot size or as required by the Troup County Health Department. Property may be developed with decentralized sewer pending approval of EPD and Troup County. See Article XXV for additional standards.					
Planned Unit Development	Minimum size for development 100 acres. See Planned Unit Development Standards Article XVIII.					
General Industrial	See Quality Development Corridor for development standards and Article II--minimum lot size 1 acre or as required by the Troup County Health Department. Developments may be development using decentralized sewer upon approval of EPD and Troup County the development shall be served by a public or community water system.					
Light Industrial	See Quality Development Corridor for development standards and Article XXV--minimum lot size 1 acre or as required by the Troup County Health Department. Developments may use decentralized sewer upon approval of EPD and Troup County Public Facilities and shall be served by a public water system.					
MHP	See development standards in Article XI.					
CRVP	See development standards in Article XII.					
MFR	See development standards in Article XXV.					
CA	See development standards in Article XXV and refer to county ordinance Chapter 10 Article II.					

Notes * Public Road Frontage Requirements.

** This measurement is from the centerline of the road.

7.2 Appearance Standards.

Appearance standards shall apply to all single-family detached dwellings including site-built housing, industrialized (systems-built) housing, and manufactured houses. Building permits shall be granted upon finding that such development shall meet or exceed the

appearance standards as shown on table 7.2: Appearance Standards for Single-Family Detached Dwellings.

Table 7.2: Appearance Standards for Single-Family Detached Dwellings

	Type I	Type II MHP Only
Min. Dwelling Width	24'	12'
Min. Roof Pitch	5/12	3/12
Min. Heated Floor Area	1,000 HSF	720 HSF
Roof Materials	(1)	N/A
External Siding Materials	(2)	N/A
Permanent Foundation	(3)	(4)
Utility Meter	Mounted on Structure only	Mounted on Pole or structure
Landing Area	(5)	(5)
Towing Devices	(6)	(6 & 7)

Notes:

1. The roof shall have a surface of wood shakes, asphalt composition, wood shingles, concrete, fiberglass tiles, metal tiles, slate, built up gravel materials or other materials approved by the Offices [of] Building and Inspections and Planning and Zoning of Troup County.
2. The exterior siding materials shall consist of wood, masonry, concrete lap, stucco, masonite, metal lap, vinyl lap, or other materials of like appearance approved by the Offices of Planning and Zoning and Building and Inspections of Troup County.
3. Permanent foundations shall meet the requirements of standard building code.
4. For manufactured homes, a masonry curtain wall solid except for the required ventilation and access must be installed so that it encloses the area under the manufactured home to the ground level.
5. For all homes, a landing area is required and its width and length must be greater than or equal to the width of the entrance doorway and shall have a roof on the landing in the same material as on the roof of the dwelling.
6. Manufactured homes are required to remove all towing devices.
7. Manufactured homes in manufactured home parks that cannot remove towing devices shall be screened by plantings and the structure shall be skirted.

7.3 Permitted Uses.

No principal building, structure or land use shall be permitted except in the zoning districts indicated and for the purposes permitted in tables 7.3 and

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7.4. Each use is mutually exclusive and does not encompass other uses listed in the table. The letter "P" indicates a permitted use in that zoning district. A principal use denoted by the letter "S" is permitted only if a special use permit is granted by the Troup County Commission. Special use permits are subject to standards for special uses stated in Article XV. Uses denoted with a "C" are conditional uses that are approved by the Board of Zoning Appeals/Planning Commission. Conditional uses are subject to the standards for conditional uses as stated in Article XV. Uses not permitted are indicated by "NP" in that zoning district. "N/A" means not applicable. For uses not included on this list where the Zoning Administrator is unable to determine clear placement, application shall be made to the Troup County Board of Commissioners for an amendment to the text of this table under provisions of this Ordinance for text amendments to the zoning ordinance and in accordance with the Zoning Procedures Act as set forth in O.C.G.A. § 36-66-1 et seq.

Table 7.3 Permitted, Not Permitted, Special and Conditional Uses for Residential Districts									
USES	RESIDENTIAL ZONING DISTRICTS								
	AG	AGR	SFMD	LR	LRR	RR	MFR	MHP	USD
Accessory uses and buildings-- Subject to requirements in Article V.	P	P	P	P	P	P	P	P	P
Agriculture equipment sales, supply and repair. For home occupation see Article V (Farm-based business).	S	S	NP	NP	NP	S	NP	NP	NP
Animal care facility--Provided animal hospital, clinic or shelter shall be located at least 200 ft. from any property line.	S	S	NP	NP	S	S	NP	NP	NP
Barber shop for home occupation-- See Article V.	C	C	NP	NP	C	C	NP	NP	NP
Beauty shop for home occupation-- See Article V.	C	C	NP	NP	C	C	NP	NP	NP
Bed and breakfast home--See Article V.	S	S	S	S	S	NP	NP	NP	NP
Cemetery, private--Any plot of ground, building, mausoleum or other enclosure used for the burial of persons of one collateral line of descent. Private cemeteries shall not be located in floodplains.	S	S	NP	NP	S	S	NP	NP	NP

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Table 7.3 Permitted, Not Permitted, Special and Conditional Uses for Residential Districts									
USES	RESIDENTIAL ZONING DISTRICTS								
	AG	AGR	SFMD	LR	LRR	RR	MFR	MHP	USD
Cemetery, religious institution--A plot of ground, building, mausoleum or other enclosure owned by or adjacent to a religious institution and used for the burial of persons who are generally members of that religious institution. Cemetery shall not be located in a floodplain.	S	S	S	S	S	S	NP	NP	NP
Cemetery, public--A plot of ground, building, mausoleum or other enclosure not located on property owned by or adjacent to a religious institution and used for the burial of persons. Cemetery shall not be located in a floodplain.	S	S	S	S	S	S	NP	NP	NP
Child care, day-care center.	NP	NP	NP	NP	NP	NP	NP	NP	NP
Child care, family day-care home--See Article V.	S	S	S	S	S	S	S	S	S
Child care, group day-care home.	S	S	NP	NP	S	S	NP	NP	S
Churches--All requests for churches shall be in compliance with the requirements of RLUIP--See Article V.	S	S	S	S	S	S	S	NP	NP
Club or lodges.	S	S	S	S	S	S	S	NP	NP
College, university, junior college or technical school.	S	S	S	S	NP	NP	NP	NP	NP
Commercial timber production.	P	P	NP	NP	P	P	NP	NP	NP
Dwelling--Multi-family.	NP	NP	NP	NP	NP	NP	P	NP	NP
Dwelling--HSF Detached Type I (see table 7.2).	P	P	P	P	P	P	P	P	P
Dwelling--SF Detached Type IV (see table 7.2).	NP	NP	NP	NP	NP	NP	NP	P	NP
Farming--Hay production, livestock raising, crop production.	P	P	NP	NP	P	P	NP	NP	NP
Farming, horticulture for personal use (garden).	P	P	P	P	P	P	NP	NP	P

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Table 7.3 Permitted, Not Permitted, Special and Conditional Uses for Residential Districts									
USES	RESIDENTIAL ZONING DISTRICTS								
	AG	AGR	SFMD	LR	LRR	RR	MFR	MHP	USD
Farming, horticulture for commercial use--Including growing of flowers, shrubs, fruits, tree nuts, and vegetables provided that no such processing of produce is located closer than 100 feet to any property line and processing is part of a farming operation.	P	S	NP	NP	S	P	NP	NP	NP
Golf course and clubhouse, driving range.	NP	S	S	S	NP	NP	NP	NP	NP
Home occupations--See Article V for regulations.	--	--	--	--	--	--	--	--	--
Hunting club with lodge.	P	P	NP	NP	P	P	NP	NP	NP
Kennel, dog or cat (shelter, boarding, grooming and/or training facilities) minimum of five acres and no animal housing facilities are located closer than 200 feet of any property line.	S	S	NP	NP	S	S	NP	NP	NP
Lawn care and maintenance service (see "Home Occupation").	C	C	C	C	C	C	NP	NP	C
Library	S	S	S	S	S	S	S	S	S
Livestock--Commercial operations including grazing, dairies, animal breeding, boarding, hatcheries--Providing that all structures which house animals that produce dust, excessive noise, odor and all animal waste are not located closer than 200 feet to any property line.	P	S	NP	NP	NP	NP	NP	NP	NP
Livestock--Raising/keeping for personal pleasure--Provided that all structures or areas used for housing and feeding livestock shall be no closer than 200 feet from any property line, except for chickens treated as pets as provided in section 5.17.	P	P	C	C	P	P	NP	NP	C
Livestock sales or auction--Provided that no structure for feeding or housing animals shall be closer than 200 feet to any property line and that off street parking is provided and adequate for livestock trailers, recreational vehicles and trailer, etc.	S	NP	NP	NP	NP	NP	NP	NP	NP

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Table 7.3 Permitted, Not Permitted, Special and Conditional Uses for Residential Districts									
USES	RESIDENTIAL ZONING DISTRICTS								
	AG	AGR	SFMD	LR	LRR	RR	MFR	MHP	USD
Nursery, plant--Greenhouse for sale to public--Provided that no structure or equipment storage shall be located closer than 100 feet to any adjoining residential property.	P	C	NP	NP	C	C	NP	NP	NP
Pet and dog grooming business.	P	C	C	C	P	P	NP	NP	C
Personal care home, family.	S	S	S	S	S	S	P	NP	S
Personal care home, group.	S	S	S	S	S	S	P	NP	S
Personal care home, halfway house.	S	S	S	S	S	S	S	NP	S
Produce stand--Provided a minimum of four off-street parking spaces are provided and maintained and produce is grown on premises.	P	C	NP	NP	C	P	NP	NP	NP
Radio, TV and communication tower--Communication tower sites shall be in accordance with Article X.	S	S	S	NP	S	S	S	S	S
Rooming and boardinghouse.	C	C	NP	NP	C	C	P	NP	NP
School, public, private or parochial (elementary and secondary).	S	S	S	S	S	S	S	NP	NP

Table 7.4 Permitted, Not Permitted, Special and Conditional Uses for Non-Residential Districts								
USES	NON-RESIDENTIAL ZONING DISTRICTS							
	GC	HC	LC	NHC	CA	GI	LI	CRVP
Accessory uses and buildings--Subject to requirements in Article V.	P	P	P	P	P	P	P	P
Advertising, display, sales and service	P	NP	P	P	NP	P	P	NP
Agriculture equipment sales, supply and storage and repair	P	NP	P	NP	NP	P	P	NP
Ambulance service	P	NP	S	NP	NP	P	P	NP
Amusement park--To include water slides, amusement rides, outdoor picnic areas for public use and accompanying uses (restrooms, restaurants, vendors, etc.).	NP	P	NP	NP	NP	NP	NP	NP

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Table 7.4 Permitted, Not Permitted, Special and Conditional Uses for Non-Residential Districts								
USES	NON-RESIDENTIAL ZONING DISTRICTS							
	GC	HC	LC	NHC	CA	GI	LI	CRVP
Animal care facility--Provided animal hospital, clinic or shelter shall be located at least 200 feet from any property zoned for residential use.	P	NP	P	P	NP	P	P	NP
Antique shop	P	NP	P	P	NP	P	P	NP
Apparel and accessory shop	P	NP	P	P	NP	P	P	NP
Apparel, clothing sales	P	NP	P	P	P	NP	NP	NP
Appliance sales and service	P	NP	P	P	NP	P	P	NP
Art gallery	P	NP	P	P	NP	P	P	NP
Assembly hall, civic center	P	NP	P	P	NP	P	P	NP
Assembly hall, civic center	P	NP	P	P	NP	P	P	NP
Athletic/health club and facilities	P	NP	P	S	NP	P	P	NP
Auto/motor vehicle race track-- Provided facilities are not located closer than one mile to a residential district. This includes accompanying uses such as vendors, restrooms, restaurants, concessions, parking, etc.	NP	P	NP	NP	NP	NP	NP	NP
Automobile and body shop	P	NP	S	NP	NP	P	P	NP
Automobile and truck sales and repair	P	NP	NP	NP	NP	P	P	NP
Bait shop	P	NP	P	P	NP	P	P	NPS
Bakery/pastry shop	P	NP	P	P	NP	P	P	NP
Bank and auto teller	P	NP	P	P	NP	P	P	NP
Bank or financial institution, full service	P	NP	P	P	NP	P	P	NP
Barber shop	P	NP	P	P	NP	P	P	NP
Baseball batting cage	P	NP	NP	NP	NP	P	P	NP
Beauty shop	P	NP	P	P	NP	P	P	NP
Boat sales, service and repair	P	NP	C	NP	NP	P	P	NP
Boat storage	P	NP	P	P	NP	P	P	NP
Books, cards and stationery store	P	NP	P	P	NP	P	P	NP
Bottling plant	NP	NP	NP	NP	NP	P	P	NP
Bowling alley	P	S	S	NP	NP	P	P	NP
Building materials sales, supplies and storage	P	NP	P	NP	NP	P	P	NP

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Table 7.4 Permitted, Not Permitted, Special and Conditional Uses for Non-Residential Districts								
USES	NON-RESIDENTIAL ZONING DISTRICTS							
	GC	HC	LC	NHC	CA	GI	LI	CRVP
Bus or transit station	P	NP	NP	NP	NP	P	P	NP
Cabinet shop	P	NP	P	P	NP	P	P	NP
Car wash manual and automatic	P	NP	NP	NP	NP	P	P	S
Carpet and rug sales, floor covering and storage	P	NP	P	NP	NP	P	P	NP
Carpet cleaning store	P	NP	P	P	NP	P	P	NP
Cemetery, private--Any plot of ground, building, mausoleum or other enclosure used for the burial of persons of one collateral line of descent. Private cemeteries shall not be located in floodplains and subject to all state laws.	P	NP	P	P	NP	P	P	NP
Cemetery, public--A plot of ground, building, mausoleum or other enclosure not located on property owned by or adjacent to a religious institution and used for the burial of persons. Cemetery shall not be located in a floodplain and subject to all state laws.	P	NP	P	P	NP	P	P	NP
Cemetery, religious institution--A plot of ground, building, mausoleum or other enclosure owned by or adjacent to a religious institution and used for the burial of persons who are generally members of that religious institution. Cemetery shall not be located in a floodplain and subject to all state laws.	P	NP	P	P	NP	P	P	NP
Child care daycare center, group	P	NP	P	P	NP	P	P	NP
Child care facility family daycare home	P	NP	P	P	NP	P	P	S
Child care, group daycare home	P	NP	P	P	NP	P	P	P
Churches	P	NP	P	P	NP	P	P	S
Cinema, movie theater	P	NP	NP	NP	NP	P	P	NP
Clinic, public or private	P	NP	S	S	NP	P	P	NP
Clubhouse or lodges	P	NP	P	P	NP	P	P	S
College, university, junior college or technical school	P	NP	P	S	NP	P	P	NP

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Table 7.4 Permitted, Not Permitted, Special and Conditional Uses for Non-Residential Districts								
USES	NON-RESIDENTIAL ZONING DISTRICTS							
	GC	HC	LC	NHC	CA	GI	LI	CRVP
Commercial timber production	P	NP	P	P	NP	P	P	NP
Concrete/stone cutting and fabrication	NP	NP	NP	NP	NP	P	NP	NP
Contractor equipment--Storage and office	P	NP	P	P	NP	P	P	NP
Convenience store with or without fuel service. All fuel pumps fifteen feet from the ROW and comply with all state environmental laws.	P	NP	P	NP	NP	P	P	P
Curio and souvenir shop	P	NP	P	P	NP	P	P	P
Drug store, pharmacy	P	NP	P	P	NP	P	P	NP
Dwelling, single-family type I (See table 7.2)	C	C	C	C	NP	C	C	NP
Dwelling, single-family type IV (See table 7.2)	NP	NP	NP	NP	NP	NP	NP	NP
Equipment rental	P	NP	P	C	NP	P	P	NP
Equipment supplies--Business or industrial.	P	NP	P	NP	NP	P	P	NP
Farming, horticulture for commercial use--Including growing of flowers, shrubs, fruits, tree nuts, and vegetables provided that no such processing of produce is located closer than 100 feet to any property line and processing is part of a farming operation.	P	NP	P	P	NP	P	P	NP
Farming, horticulture for personal use (garden such as victory garden)	P	NP	P	P	NP	P	P	P
Farming--Hay production, livestock raising, crop production	P	NP	P	P	NP	P	P	NP
Feed, farm supply store	P	P	P	P	NP	S	S	NP
Flea market	P	S	NP	NP	NP	P	P	NP
Florist shop	P	NP	P	P	NP	P	P	NP
Funeral home, mortuary	P	NP	S	NP	NP	P	P	NP
Furniture, home furnishings and appliances	P	NP	P	NP	NP	P	P	NP
Game room/arcade (amusement center--See Troup County Ordinances Chapter 10 Article III).	P	NP	P	S	NP	P	P	S

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Table 7.4 Permitted, Not Permitted, Special and Conditional Uses for Non-Residential Districts								
USES	NON-RESIDENTIAL ZONING DISTRICTS							
	GC	HC	LC	NHC	CA	GI	LI	CRVP
Garden and landscaping supplies	P	NP	P	P	NP	P	P	NP
Gasoline station with auto service--All fuel pumps shall be at least 15 feet from street right of way and comply with all state and federal environmental laws.	P	NP	S	NP	NP	P	P	NP
Golf course and clubhouse, driving range	P	NP	NP	NP	NP	P	P	S
Grocery/general merchandise store	P	NP	P	S	NP	P	P	NP
Hardware, paint and wallpaper store	P	NP	P	P	NP	P	P	NP
Hobby, toy and game store	P	NP	P	P	NP	P	P	N/A
Hospital, health and medical institution	P	NP	P	S	NP	P	P	NP
Jewelry store	P	NP	P	P	NP	P	P	NP
Junk yard, salvage yard	NP	NP	NP	NP	NP	S	NP	NP
Kennel, dog or cat for boarding	P	NP	P	P	NP	P	P	NP
Laundry, coin-operated	P	NP	P	S	NP	P	P	S
Laundry, commercial services	P	NP	NP	NP	NP	P	P	NP
Laundry, pick up and dry cleaning services	P	NP	P	P	NP	P	P	NP
Lawn care and maintenance service	P	NP	P	P	NP	P	P	NP
Library	P	NP	P	P	NP	P	P	NP
Livestock--Commercial operations including grazing, dairies, animal breeding, boarding, hatcheries--Providing that all structures in excess of 200 square feet in size which house animals that produce dust, excessive noise, odor and all animal waste are not located closer than 200 feet to any property line.	P	NP	NP	NP	NP	P	P	NP
Livestock sales or auction--Provided that no structure for feeding or housing animals shall be closer than 200 feet to any property line and that off street parking is provided and adequate for livestock trailers, recreational vehicles and trailer, etc.	NP	NP	NP	NP	NP	P	NP	NP

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Table 7.4 Permitted, Not Permitted, Special and Conditional Uses for Non-Residential Districts								
USES	NON-RESIDENTIAL ZONING DISTRICTS							
	GC	HC	LC	NHC	CA	GI	LI	CRVP
Lodging, bed and breakfast home--See Article V for requirements	P	NP	P	P	NP	P	P	NP
Lodging, bed and breakfast inn--See Article V for requirements	P	NP	P	P	NP	P	P	NP
Lodging, hostel	P	P	P	S	NP	NP	S	S
Lodging, hotel	P	S	NP	NP	NP	P	P	NP
Lodging, motel	P	S	S	NP	NP	P	P	NP
Machine shop, fabrication, welding, sales and service	C	NP	NP	NP	NP	P	P	NP
Machinery sales, service and repair	P	NP	C	NP	NP	P	P	NP
Manufacturing facility involving only the assembly of pre-manufactured component parts.	P	NP	S	S	NP	P	P	NP
Manufacturing facility involving the mechanical or chemical conversion of raw materials into semi or finished products.	NP	NP	NP	NP	NP	P	S	NP
Meat processing--Subject to state regulations and health department approval.	NP	NP	NP	NP	NP	P	NP	NP
Mini-warehouse (self-storage facility)	P	NP	C	NP	NP	P	P	NP
Museum	P	NP	P	C	NP	P	P	NP
Nursery, plant--Greenhouse for retail sales where product is not grown on premises.	P	NP	P	P	NP	P	P	NP
Office supply store	P	NP	P	NP	NP	P	P	NP
Office, professional	P	NP	P	P	NP	P	P	NP
Park and recreational facilities	P	NP	P	P	NP	P	P	S
Parking lot or garage, commercial	P	NP	S	NP	NP	P	P	NP
Personal care home, congregate family	P	NP	P	S	NP	P	P	NP
Personal care home, group	P	NP	P	S	NP	P	P	NP
Personal care home, halfway house	P	NP	P	S	NP	P	P	NP
Pet and dog grooming business	P	NP	P	P	NP	P	P	S
Power generation	S	S	NP	NP	NP	P	P	NP

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Table 7.4 Permitted, Not Permitted, Special and Conditional Uses for Non-Residential Districts								
USES	NON-RESIDENTIAL ZONING DISTRICTS							
	GC	HC	LC	NHC	CA	GI	LI	CRVP
Print shop	P	NP	P	P	NP	P	P	NP
Racetrack, drag strip, go cart track, dirt bike track and any associated commercial uses (concessions, vendors, sponsors, etc.).	NP	P	NP	NP	NP	NP	NP	NP
Radio, TV and communication tower-- Communication tower sites shall be in accordance with Article X zoning ordinance.	S	S	S	S	NP	P	P	S
Recycling center with processing facilities	NP	NP	NP	NP	NP	P	S	NP
Repair service (heavy equipment)	P	NP	NP	NP	NP	P	P	NP
Repair service for general merchandise	P	NP	P	P	NP	P	P	NP
Restaurant--Drive in	P	NP	S	NP	NP	P	P	NP
Restaurant--Non drive in	P	NP	P	S	NP	P	P	NP
Retail stores offering common merchandise	P	NP	P	S	NP	P	P	NP
Rooming and boardinghouse	P	NP	P	S	NP	P	P	NP
Sexually oriented businesses as defined and regulated in the Troup County Code of Ordinances in Chapter 10, Article II.	NP	NP	NP	NP	P	NP	NP	NP
Shopping center	P	NP	P	S	NP	P	P	NP
Storage warehouse	P	NP	S	NP	NP	P	P	NP
Storage yard, equipment	S	NP	NP	NP	NP	P	P	NP
Studio--Art, photography or other similar uses	P	NP	P	P	NP	P	P	NP
Taxidermy	P	NP	P	P	NP	P	P	NP
Tire sales and service	P	NP	P	NP	NP	P	P	NP
Townhomes and condominiums (See also PUD)	P	NP	C	C	NP	C	C	NP
Truck terminal, freight handling	P	NP	NP	NP	NP	P	P	NP
Video sales and rental (see also Sexually Oriented)	P	NP	P	P	NP	P	P	NP

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Table 7.4 Permitted, Not Permitted, Special and Conditional Uses for Non-Residential Districts								
USES	NON-RESIDENTIAL ZONING DISTRICTS							
	GC	HC	LC	NHC	CA	GI	LI	CRVP
Wholesale/warehouse/distribution facilities	NP	NP	NP	NP	NP	P	P	NP
Wrecker services, temporary storage	S	P	NP	NP	NP	P	P	NP

ARTICLE 8

TROUP COUNTY HISTORIC AREA OVERLAY DISTRICT

8.1 Intent.

The purpose of this article is to recognize, help protect and plan for Troup County's historic areas. The county finds that its historic areas and their scenic surroundings are important cultural, recreational and economic assets, critical to the public's long-term interest. Zoning standards and regulations should protect these areas while advancing community development goals and furthering and protecting the public's health, safety and welfare. New construction in these areas should complement rather than interrupt, obscure, or otherwise damage or destroy the historic areas.

8.2 Description of District.

Historic Areas shall be those areas listed and described herein and further delineated on the Official Zoning Map, which is incorporated and made a part of this ordinance.

8.3 Applicability.

Historic areas shall function as overlay districts. They may include, be contiguous with, or later become, local historic districts (adopted in accordance with the Georgia Historic Preservation Act of 1980), designated National Register properties or districts, or portions thereof. The regulations of such underlying districts and of the underlying zoning districts shall be maintained and not affected, except in the event of conflict or discrepancy between the historic area and the underlying district or districts. In that case, the more stringent requirements shall be observed, unless noted otherwise in this article.

8.4 Definitions.

Historic Area means a geographically definable area that possess form, character, and visual qualities derived from arrangements or combinations of topography, vegetation, space, scenic vistas, architecture, appurtenant features, or places of natural or cultural significance, that create an image of stability, comfort, local identity, and livable atmosphere, and which is listed and described within this article, and further delineated on the official zoning map.

8.5 Local Government Policy Directives.

Because Troup County finds that its historic areas are of special interest deemed desirable and necessary to conserve for present and future owners, the county shall:

8.5-1 Incorporate into the Troup County Comprehensive Plan updates and short-term work plans, specific goals for the historic areas relative to land use, housing, community facilities, economic development and natural and historic resources;

8.5-2 As part of such planning, have special regard for and give special attention to the design, construction and maintenance needs of public thoroughfares, pedestrian ways, open spaces, landscape elements (including trees), recreation areas and comparable amenities of the area, and prepare plans, designs, sketches and/or models proposing public improvement of these facilities and areas;

8.5-3 Prepare special and detailed recommendations with respect to improved housing, education, employment, health, protection and other human resource requirements of the historic areas;

8.5-4 Ensure appropriate communication among interested public agencies, and provide for the active participation by residents of the historic areas in the preparation of plan elements and program elements noted above;

8.5-5 Designate a responsible local government official to coordinate these activities;

8.5-6 Recommend to the county Board of Commissioners, by a certain date, ways and means by which the county should improve its maintenance and operating programs within the designated historic areas, if applicable; and

8.5-7 Ensure that no county program of any kind results in adverse impacts on the designated historic areas.

8.6 Visual Compatibility Standards.

8.6-1 Buffer Zones. Any land lot proposed to be subdivided or otherwise developed that is contiguous to a designated historic area shall include a vegetative buffer between the lot to be developed and adjacent historic area. The buffer shall be provided by the owner of the property proposed to be developed.

8.6-2 If the lot proposed to be developed is located within the historic area itself, then the buffer shall be between the lot to be developed and other adjacent lots in the historic area.

8.6-3 If the proposed development and adjacent historic area fall within different zoning districts, then the buffer shall be as specified in Article IX, table 9.1 of this Zoning Ordinance.

8.6-4 If the two lots are both within the same zoning district, then the minimum buffer area of 50 feet shall apply. The county Board of Commissioners may waive this requirement, however, if it is found that:

1. The proposed new construction will be visually compatible with the Historic Area,
2. The historic area already has sufficient buffer area to protect it from visual intrusions, and/or
3. This buffer would adversely affect the character of the historic area, by isolating it from its larger compatible surroundings, for example.

8.6-5 Other Visual Compatibility Standards. In addition to any other provisions of this article, zoning ordinance or other applicable law, anyone who lives in, or owns property within, an existing or proposed historic area may request additional visual compatibility standards for that historic area, relating to new construction within that historic area, landscaping, sign placement, demolition protocols, or other. Any such proposal must originate from a person living in or owning property in the affected historic area.

Such requests shall be submitted to the Troup County Historic Preservation Commission, on forms available at the Troup County Planning and Zoning office. The historic preservation commission will review each request and forward the request (with comments) to the Troup County Planning Commission. The Planning Commission will then review the request, schedule a public hearing before the Troup County Board of Commissioners, and provide a recommendation at that hearing, prior to decision by the Board of Commissioners.

8.7 Administration of this Article.

8.7-1 Provisions of the Overlay District shall be administered by the Troup County Planner and or the Troup County Zoning Administrator or person designated by the Troup County Planner or Zoning Administrator.

8.7-2 Proposals to designate historic rural areas may be submitted by the Troup County Historic Preservation Commission, Troup County Planning Commission, Troup County Board of Commissioners, Troup County residents, or owners of property in Troup County.

8.7-3 Proposals to establish special visual compatibility standards for proposed or designated historic areas may be submitted only by persons living in or owning property within those historic areas, other provisions of this zoning ordinance and other applicable law notwithstanding.

8.7-4 All proposals to designate historic rural areas and/or establish visual compatibility standards for those areas must be submitted to the historic preservation commission on forms available at the Troup County Planning and Zoning office.

8.7-5 Proposals to designate historic rural areas and/or establish visual compatibility standards shall be reviewed by Troup County Historic Preservation Commission and Troup County Planning Commission, and approved or disapproved by the Troup County Board of Commissioners after public hearing per requirements of Article XVI of this ordinance. Notice of the public hearing on the proposed designation of the historic area shall be mailed to all owners of property within the proposed area, as well as to the owners of property adjacent to the proposed area. Originator of proposal to designate historic rural areas shall be responsible for providing a list of all property owners to be notified.

8.7-6 The Troup County Board of Commissioners, after consultation with the Troup County Historic Preservation Commission and Troup County Planning Commission, may revoke the designation of any historic area that subsequently loses its historic character or visual integrity.

8.7-7 Decisions by the Troup County Board of Commissioners may be appealed in the manner described in this zoning ordinance.

ARTICLE 9

BUFFER AND SCREENING REQUIREMENTS

9.1 Purpose.

It is recognized that the adjacent location of certain land uses may create an incompatible situation that can be mitigated by the installation of a planted buffer. An incompatible situation can arise due to the location of commercial or industrial uses adjacent to residentially zoned land or to a lesser extent due to location of multifamily residences adjacent to single-family residential districts.

Therefore, when land is to be developed for a use creating an incompatible situation, or when a use deemed incompatible is modified or expanded, a buffer shall be provided along all side and rear property lines to insulate adjacent properties from adverse impacts. The required buffer shall provide necessary visual privacy for the conduct of residential lifestyles in an undisturbed environment, and shall provide for the protection and preservation of property values in residential districts.

9.2 Land Disturbing.

Prior to issuance of a land disturbance permit it will be determined by the Zoning Administrator if a buffer is required.

9.3 Situations Requiring Buffers.

The following situations constitute creation of incompatibilities and are subject to the buffer requirements of this ordinance:

1. The location of commercial or industrial land use directly adjacent to or abutting residentially used land.
2. The location of manufactured home parks or multifamily developments directly adjacent to or abutting land zoned for single-family residences.
3. The Troup County Board of Commissioners may require a buffer as a condition to zoning approval between other districts or land uses when it is determined that an incompatible situation exists or may occur and result in adverse impact to the surrounding neighborhood.

9.4 General Requirements.

Buffers shall be established and maintained by the owner of the property containing the incompatible land use. The determination of incompatibility shall be based upon the existing character of the area in which the proposed action takes place. For example, proposed development or modification of commercial or industrial land use adjacent to an area developed as residential shall require the owner of the commercial or industrial property to install and maintain the buffer. If however, non-residentially zoned land is rezoned for development of residences and this property is located adjacent to land

developed as, or zoned for, nonresidential use, the owner of the property to be rezoned for residences shall be required to install and maintain the buffer.

9.4-1 The requirements for buffers are as follows:

1. Where commercial or industrial land uses are contiguous, adjacent to land zoned for single-family residential use or across public right-of-way the minimum width shall be as shown in table 9.1.

Table 9.1 Buffers

Single-family Residential--Minimum Width of Buffer (feet) this includes the following zoning districts: SFMD, AGR, AG, LR, LRR, RR, and USD	Adjacent District
30'	CRVP, LC, NHC
50'	GC, LC
100'	LI
200'	GI
500'	HC

2. Where commercial or industrial land uses are contiguous with land zoned for manufactured home parks, or multifamily residences, the minimum width of the required buffer shall be 25 feet.
3. Where manufactured home parks, or multifamily land uses, are contiguous with land zoned for single-family residences, the minimum width of the required buffer shall be 30 feet.
4. The minimum width of the required buffer for sanitary landfills shall be 500 feet. In all other instances, the minimum width of a buffer as required by the Board of Commissioners shall not be less than 30 feet.

9.4-2 Setbacks. All setbacks are measured from the nearest single-family residential zoning district line. The required buffer may be incorporated into the yard setback as specified in the appropriate zoning district. Also, drainfield lines for septic systems are allowed within required buffer areas that are 50 feet or greater in width, provided those drainfield lines are set back as follows:

1. Setback 25 feet when a 50-foot buffer width is required.
2. Setback 35 feet when a 75-foot buffer width is required.
3. Setback 50 feet when a 100-foot or greater buffer width is required.

9.4-3 Existing Vegetation. Where a buffer is required, the Zoning Administrator shall evaluate the existing vegetative and topographic conditions, development, and zoning to make a determination as to whether a natural buffer or planted buffer is to be required. If the Zoning Administrator determines that the existing vegetation in the area where the buffer is required is of sufficient height, density, and width as to accomplish the purpose of the buffer and substantially comply with the buffer specifications stated herein, then the Zoning Administrator may require a natural buffer. However, if the Zoning Administrator determines that the existing or natural vegetation is not sufficient,

then a planted buffer (possibly including a fence, earth berm or similar such barrier) may be required.

9.4-4 Undisturbed Buffer. Once the developer/property owner has staked the natural buffer or, in the case of the planted buffer, installed the buffer and the Zoning Administrator has approved the buffer, then this buffer is to be considered to be an undisturbed buffer. Minor maintenance or development activity (such as a drainage easement, sewer line connection, etc.) may be authorized by the Building Official upon request. No area where a buffer is required by this ordinance shall be disturbed without first obtaining approval from the Building Official.

9.5 Minimum Specifications.

The following are minimum specifications for required buffers. All required buffers shall:

9.5-1 Be depicted in detail (the type and location of natural and planted vegetation are to be illustrated) on each site plan prior to approval for structures in the quality development corridor, and shall be designated as a permanent buffer.

9.5-2 Not be disturbed by grading, property improvements or construction activities except where necessary to prevent a nuisance, or to thin such natural growth, where too dense to permit normal growth, or to remove diseased, misshapen, or dangerous and decayed timbers. Any contemplated disturbance shall first be brought to the attention and approval of the Zoning Administrator prior to initiating activity within required buffer areas.

9.5-3 Utilize existing vegetation in an undisturbed state where it has been determined that existing vegetation is appropriate for inclusion within the buffer strip, or when required be supplemented with approved, additional planting.

9.5-4 Retain the natural topography of the land, except when a portion must be cleared and graded as required by law to prevent soil erosion or sedimentation.

9.5-5 Be completely installed in accordance with the approved plan prior to issuance of the certificate of occupancy.

9.5-6 Not be used for temporary or permanent parking or loading, other than for provision of drainage improvements as mandated by local law, or for a structure other than a fence.

9.5-7 Attain a minimum height of six feet within three years of the planting date for all uses other than landfills. Landfills shall have perimeter buffers attaining a height of ten feet in three years.

9.5-8 Be subject to plan approval by the Building Official prior to installation of a planted buffer.

9.5-9 All planted buffers shall be comprised of a minimum of three genera of approved plant material. If three genera of plant material are to be utilized within the buffer, then each genus shall be provided in as close to equal quantities as possible. If more than three genera of plant material are to be utilized within the buffer, then no genus shall comprise more than 33 percent of the total number of plants within the buffer.

9.6 Buffer Composition.

The following table indicates plant materials which may be used in buffers:

Trees

Carolina Cherry Laurel (Prunus genus)
Magnolias (Magnolia genus)
Eastern Red Cedar (Juniperus genus)
Atlantic White Cedar (Chamaecyparis genus)
Pines (Virginia) (Pinus genus)

Shrubs

Wax Myrtle (Myrica genus)
Burford Holly (Ilex genus)
Dwarf Burford Holly (Ilex genus)
Lusterleaf Holly (Ilex genus)
Viburnums (Viburnum genus)
Ligustrums (Ligustrum genus)
Arborvitae (Thuja genus)
Elaeagnus (Elaeagnus genus)

Additional plants may be approved for use in buffers by submitting a letter to the county planner. Plants shall be approved based on their growth rates and habits, form, and hardiness within the planting zone. Generally faster growing plants with dense, drought resistant, evergreen foliage shall be preferred.

9.7 Maintenance of Required Buffers.

The buffers required under the provisions of this article shall be guaranteed for the duration of the incompatible land use, or until such use changes to a compatible type. Necessary trimming and maintenance shall be performed to maintain the health of the plant materials, to provide a natural pleasing appearance, and to assure that the buffer serves the purpose for which it was intended.

9.8 Required Screening.

Certain uses such as junkyards and salvage yard or recycling operations and other commercial and industrial operations requiring the storage of inoperative equipment or vehicles for prolonged periods of time present unsightly views or health hazards and require screening.

9.8-1 Fences. In order to ensure that unsightly views from junkyards and recycling facilities do not occur, the Building Official shall require owners of junkyards and salvage yards to completely enclose such operations by a solid fence which completely obscures views of the property from adjacent properties, built to a height greater than that of the height of the highest piece of equipment or vehicle stored on the property. No fence shall be less than six feet in height. In no case, shall a fence have less than such height as will screen all junk or other materials or vehicles from view and provided that such fence shall be at least 40 feet from any street right-of-way or any zoning district boundary line. In cases where the grade of the property prevents the installation of a fence high enough to screen equipment from public view then other measures as may be deemed appropriate by the Building Official shall be installed to enclose the junkyard, salvage yard or recycling operations.

9.8-2 Inspections. Many operations that involve the stacking of inoperative or obsolete equipment or vehicles pose a direct health hazard to the public. The county commission shall require all such operations to submit to annual inspection by the Troup County health department. The results of such inspections shall be delivered to the county commission for review. If a business fails to pass such inspection it shall have 30 days to comply or it shall cease operations until such time that it is in compliance.

9.9 Screening Barriers.

In those instances when extraordinary or exceptional conditions pertaining to the property exist, resulting from its size, shape, topography or other features, screening barriers such as walls, fences or berms may be allowed in place of a 50-foot buffer upon approval and provided the following standards are met:

1. Walls or fences shall be ornamental or decorative and constructed of brick, stone, treated wood, stucco or other materials approved by the Building Official and shall not be constructed of exposed concrete block, tires, junk or other discarded materials or see through fabric or fabric of any kind. The wall or fence shall provide an opaque screen of at least six feet in height or as specified by the Building Official.
2. If a wall or fence is designed so that its structural supports are primarily on one side, that side must always remain within the interior of the property.
3. No wall or fence shall be installed within any public right-of-way.
4. Any wall or fence damaged, whether by accident or act of God or other cause shall be properly repaired within 90 days of occurrence.
5. It shall be the responsibility of the owner of the property on which a wall or fence is located to maintain that wall or fence in good and proper repair so that it presents a neat and orderly appearance at all times to surrounding property owners and to the general public.
6. If a property owner does not take appropriate action to maintain or repair a damaged screening barrier within 90 days after receiving a notice to comply, the county shall take any action provided by law, including the issuance of a citation, to correct the violation in a proper and prompt manner.
7. Berms may also be used as screening barriers and must be designed by a registered landscape architect and built by a professional landscaping firm.

ARTICLE 10

WIRELESS COMMUNICATIONS TOWERS AND FACILITIES

10.1 Purpose

The Telecommunications Act of 1996 affirmed the authority of Troup County concerning the placement, construction and modification of Wireless Telecommunications Facilities. Troup County finds that Wireless Telecommunications Facilities may pose significant concerns to the health, safety, public welfare, character and environment of the county and its inhabitants. Troup County also recognizes that facilitating the development of wireless service technology can be an economic development asset and of significant benefit to the county and its residents. In order to insure that the placement, construction or modification of Wireless Telecommunications Facilities is consistent with the land use policies, Troup County is adopting a single, comprehensive, Wireless Telecommunications Facilities application and permit process. The intent of this Article is to minimize impact of Wireless Telecommunications Facilities, establish a fair and efficient process for review and approval of applications, assure an integrated, comprehensive review of the visual and environmental impacts of such facilities, and protect the health, safety and welfare of the citizens of Troup County.

10.2 Title

This Article shall be known and cited as Article 10 Wireless Telecommunications Towers and Facilities.

10.3 Severability.

- A) If any word, phrase, sentence, part, section, subsection, or other portion of this Ordinance or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section, subsection, or other portion, or the proscribed Application thereof, shall be severable, and the remaining provisions of this Ordinance, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.
- B) Any Special Use Permit issued under this Ordinance shall be comprehensive and not severable. If part of a permit is deemed or ruled to be invalid or unenforceable in any material respect, by a competent authority, or is overturned by a competent authority, the permit shall be void in total, upon determination by the Troup County Board of Commissioners (“BOC”).

10.4 Definitions.

For purposes of this Ordinance, and where consistent with the context of a particular section, the defined terms, phrases, words, abbreviations, and their derivations shall have the meaning given in this section. When consistent with the context, words in the

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present tense include the future tense, words used in the plural number include words in the singular number and words in the singular number include the plural number. The word “shall” is always mandatory, and not merely directory.

- A) **Accessory Facility or Structure** means an accessory facility or structure serving or being used in conjunction with wireless telecommunications facilities, and located on the same property or lot as the Wireless Telecommunications Facilities, including but not limited to, utility or transmission equipment storage sheds or cabinets.
- B) **Applicant** means any wireless service provider submitting an Application for a Special Use Permit for wireless telecommunications facilities.
- C) **Application** means all necessary and appropriate documentation that an applicant submits in order to receive a special use permit for wireless telecommunications facilities.
- D) **Antenna** means a system of electrical conductors that transmit or receive electromagnetic waves or radio frequency or other wireless signals.
- E) **Camouflage (or Stealth)** means disguising a tower or wireless telecommunications facility so as to make it less visually obtrusive and not recognizable to the average person as a wireless telecommunications facility.
- F) **Co-location** means the use of an existing Tower or structure to support Antenna for the provision of wireless services.
- G) **Commercial Impracticability or Commercially Impracticable** means the inability to perform an act on terms that are reasonable in commerce; the cause or occurrence of which could not have been reasonably anticipated or foreseen and that jeopardizes the financial efficacy of the project. The inability to achieve a financial return on investment or profit deemed satisfactory by an Applicant may be considered, but, standing alone, shall not deem a situation to be “commercially impracticable” and shall not in and of itself render an act or the terms of an agreement “commercially impracticable”.
- H) **Completed Application** means an Application that contains all information and/or data necessary to enable an informed decision to be made with respect to an Application.
- I) **Commission** means the Troup County Board of Commissioners.
- J) **DAS or Distributive Access System** means a technology using an antenna combining technology allowing for multiple carriers or Wireless Service Providers to use the same set of antennas.
- K) **FAA** means the Federal Aviation Administration, or its duly designated and authorized successor agency.

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- L) **FCC** means the Federal Communications Commission, or its duly designated and authorized successor agency.
- M) **Height** means, when referring to a Tower or structure, the distance measured from the pre-existing grade level to the highest point on the Tower or structure, even if said highest point is an Antenna or lightening protection device.
- N) **Modification** or **Modify** means, the addition, removal or change of any of the physical and visually discernable components or aspects of a wireless facility, such as antennas, cabling, equipment shelters, landscaping, fencing, utility feeds, changing the color or materials of any visually discernable components, vehicular access, parking and/or an upgrade or change-out of equipment for better or more modern equipment. Adding a new wireless carrier or service provider to a Telecommunications Tower or Telecommunications Site as a co-location is a modification. A Modification shall not include the replacement of any components of a wireless facility where the replacement is identical to the component being replaced or for any matters that involve the normal repair and maintenance of a wireless facility without adding, removing or changing anything.
- O) **Need** means anything that is technically required for the wireless service to be provided primarily and essentially within Troup County and creates the least physical and visual impact. This does not necessarily mean the internal design standards of the applicant, as companies' standards can vary greatly and normally reflect preferences. Rather, *need* relates to the ability of the user-equipment to function as designed.
- P) **NIER** means Non-Ionizing Electromagnetic Radiation.
- Q) **Person** means any individual, corporation, estate, trust, partnership, joint stock company, association of two (2) or more persons having a joint common interest, or any other entity.
- R) **Personal Wireless Facility** See definition for 'Wireless Telecommunications Facilities'.
- S) **Personal Wireless Services** or **PWS** or **Personal Telecommunications Service** or **PTS** shall have the same meaning as defined and used in the 1996 Telecommunications Act.
- T) **Repairs and Maintenance** means the replacement or repair of any components of a wireless facility where the replacement is identical to the component being replaced or for any matters that involve the normal repair and maintenance of a wireless facility without the addition, removal or change of any of the physical or visually discernable components or aspects of a wireless facility that will add to the visible appearance of the facility as originally permitted.

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- U) **Special Use Permit** means the official document or permit by which an Applicant is allowed to file for a building permit to construct and use Wireless Telecommunications Facilities as granted or issued by Troup County.
- V) **Stealth, Stealth Technology or Camouflage** means to minimize adverse aesthetic and visual impacts on the land, property, buildings and other facilities adjacent to, surrounding, and in generally the same area as the requested location of a Wireless Telecommunications Facility, which shall mean using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances. Stealth technology expressly includes such technology as DAS or its functional equivalent.
- W) **State** means the State of Georgia.
- X) **Stealth (or Camouflage)** means disguising a tower or wireless telecommunications facility so as to make it less visually obtrusive and not recognizable to the average person as a wireless telecommunications facility.
- Y) **Telecommunications** means the transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.
- Z) **Telecommunication Site** See definition for Wireless Telecommunications Facilities.
- AA) **Telecommunications Structure** means a structure used in the provision of services described in the definition of 'Wireless Telecommunications Facilities'.
- BB) **Temporary** means temporary in relation to all aspects and components of this Ordinance, something intended to, or that does, exist for fewer than ninety (90) days.
- CC) **Troup County Board of Commissioners.** Local Governing Authority of Troup County ("BOC")
- DD) **Troup County Board of Zoning Appeals/Planning Commission.** The body designated by the BOC to make recommendations on Special Use Permits ("BOZA/PC")
- EE) **Tower** means any structure designed primarily to support an antenna for receiving and/or transmitting a wireless signal.
- FF) **Wireless Telecommunications Facilities** means and includes a **Telecommunications Site** and **Personal Wireless Facility**. It means a structure, facility or location designed, or intended to be used as, or used to support Antennas or other transmitting or receiving devices. This includes without limit, Towers of all types, kinds and structures, including, but not limited

to buildings, church steeples, silos, water towers, signs or other structures that can be used as a support structure for Antennas or the functional equivalent of such. It further includes all related facilities and equipment such as cabling, equipment shelters and other structures associated with the site. It is a structure and facility intended for transmitting and/or receiving radio, television, cellular, SMR, paging, 911, Personal Communications Services (PCS), commercial satellite services, microwave services and any commercial wireless telecommunication service not licensed by the FCC.

10.5 Overall Policy and Desired Goals for Special Use Permits for Wireless Telecommunications Facilities.

In order to ensure that the placement, construction, and modification of wireless telecommunications facilities protects the health, safety, public welfare, environmental features, the nature and character of the community and neighborhood and other aspects of the quality of life specifically listed elsewhere in this Ordinance, Troup County adopts an overall policy with respect to a Special Use Permit for Wireless Telecommunications Facilities for the express purpose of achieving the following goals:

- A) Requiring a Special Use Permit for any new, co-location or modification of a Wireless Telecommunications Facility.
- B) Implementing an Application process for person(s) seeking a Special Use Permit for Wireless Telecommunications Facilities.
- C) Establishing a policy for examining an application and issuing a Special Use Permit for Wireless Telecommunications Facilities that is both fair and consistent.
- D) Promoting and encouraging, wherever possible, the sharing and/or co-location of Wireless Telecommunications Facilities among service providers.
- E) Requiring, promoting and encouraging, wherever possible, the placement, height and quantity of Wireless Telecommunications Facilities in such a manner, including but not limited to the use of stealth technology, to minimize adverse aesthetic and visual impacts on the land, property, buildings, and other facilities adjacent to, surrounding, and in generally the same area as the requested location of such Wireless Telecommunications Facilities, which shall mean using the least visually and physically intrusive facility that is not technologically or commercially impracticable under the facts and circumstances.
- F) In granting a Special Use Permit, the BOC has found that the facility shall be in the most appropriate site as regards being the least visually intrusive among those available in the county.

10.6 Exceptions from a Special Use Permit for Wireless Telecommunications Facilities.

- A) No Person shall be permitted to site, place, build, construct, modify or prepare any site for the placement or use of a wireless telecommunications facility as of the effective date of this Ordinance without having first obtained a Special Use Permit for a Wireless Telecommunications Facility as defined in Section Four (10.4) of this ordinance or an administratively granted authorization granted under Section Nine (10.9) of this ordinance, whichever is applicable. Notwithstanding anything to the contrary in this section, special use permits for wireless telecommunications facilities that existed on or before the effective date of this Ordinance shall be allowed to continue as they presently exist, provided however, that any visible modification of an existing wireless telecommunications facility will require the complete facility, including the tower if applicable, and any new installation to comply with this Ordinance, as will anything changing the structural load.
- B) Any Repair and Maintenance of a Wireless Facility does not require an application for a Special Use Permit. However, no additional construction or site modification will be permitted.
- C) Notwithstanding any other provisions of this section and all subparts thereof, the co-location and/or shared use of antennas on existing telecommunication towers or other tall structures or compatible use structures, such as utility poles, water towers, and other towers, shall be exempt from the Public Hearing requirement otherwise required for a tower, and shall be subject only to an administrative review process as set forth under Section 10.9 of this Ordinance.

10.7 Exclusions. The following shall be exempt from this Ordinance:

- A) The fire, Sheriffs or other public service facilities owned and operated by Troup County.
- B) Any facilities expressly exempt from the County's siting, building and permitting authority.
- C) Over-the-Air reception Devices including the reception antennas for direct broadcast satellites (DBS), multi-channel multipoint distribution (wireless cable) providers (MMDS), television broadcast stations (TUBS) and other customer-end antennas that receive and transmit fixed wireless signals that are primarily used for reception, but not including microwave dishes.
- D) Facilities used exclusively for private, non-commercial radio and television reception and private citizen's bands, licensed amateur radio and other similar non-commercial Telecommunications.
- E) Facilities used exclusively for providing unlicensed spread spectrum technologies, such as IEEE 802.11a, b, g services (e.g. Wi-Fi and Bluetooth) where the facility does not require a new tower.

10.8 Special Use Permit Application and Other Requirements for a New Tower or for Increasing the Height of the Structure to be Attached to.

- A) All Applicants for a Special Use Permit for Wireless Telecommunications Facilities or any modification of such facility shall comply with the requirements set forth in this Ordinance. The Troup County Board of Commissioners is the officially designated agency or body of the county whom applications for a Special Use Permit for Wireless Telecommunications Facilities must be made, and that is authorized to review, analyze, evaluate and make decisions with respect to granting or not granting or revoking special use permits for Wireless Telecommunications Facilities. The county may at its discretion delegate or designate the BOZA/PC, other official agencies or officials, or outside expert consultants to accept, review, analyze, evaluate and make recommendations to the BOC with respect to the granting or not granting or revoking Special Use Permits for Wireless Telecommunications Facilities.
- B) The non-refundable Application fee for attaching to an existing Tower or other structure without increasing the height shall be as set forth in the Schedule of Fees as posted in the Building and Inspection Department.
- C) All Applicants shall closely follow the instructions for preparing an Application that shall be provided prior to the submittal of an Application or at any time upon request. Not closely following the instructions without permission to deviate from such may result in the Application being returned without action and forfeiting the Application fee, but not the escrow deposit.
- D) When placing wireless facilities on government-owned property or facilities, only non-commercial wireless carriers and users are exempt from the permitting requirements of this Ordinance.
- E) The county may reject applications not meeting the requirements stated herein or which are otherwise not complete.
- F) No Wireless Telecommunications Facilities shall be installed, constructed or modified until the Application is reviewed and approved the Special Use by the BOC and a building Permit has been issued.
- G) Any and all representations made by the applicant to the county on the record during the Application process, whether written or verbal, shall be deemed a part of the application and will be deemed to have been relied upon in good faith by Troup County. Any verbal misrepresentation shall be treated as if it were made in writing.
- H) An Application for a Special Use Permit for Wireless Telecommunications Facilities shall be signed on behalf of the Applicant by the person preparing the same and with knowledge of the contents and representations made therein and attesting to the truth and completeness of the information.

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- I) The Applicant must provide documentation to verify it has the right to proceed as proposed on the Site. This requires an executed copy of the lease with the landowner or landlord or a signed letter of agency acknowledging authorization. If the applicant owns the site, a copy of the ownership record is required.
- J) The Applicant shall include a statement in writing:
 - 1) That the applicant's proposed Wireless Telecommunications Facilities shall be maintained in a safe manner, and in compliance with all conditions of the Special Use Permit, without exception, unless specifically granted relief by the county in writing, as well as all applicable and permissible local codes, ordinances, and regulations, including any and all applicable county, State and Federal Laws, rules, and regulations; and
 - 2) That the construction of the Wireless Telecommunications Facilities is legally permissible, including, but not limited to the fact that the Applicant is authorized to do business in the State.
- K) Where a certification is called for in this Ordinance, such certification shall bear the signature and seal of a Professional Engineer licensed in the State.
- L) In addition to all other required information as stated in this Ordinance, all applications for the construction or installation of new Wireless Telecommunications Facilities or modification of an existing facility shall contain the information hereinafter set forth. Note that an Applicant will be granted permission for anything that it can conclusively prove the technical need for, but that there is often a significant difference between 'need' and 'want' or 'desire'. For example, an assertion that the 'need' is based on an Applicant's own design criteria shall not suffice to prove the technological need for what is requested. For purposes of permitting under this Ordinance, 'need' shall mean what is technologically needed for the equipment to function as designed by the manufacturer and that anything less will result in prohibiting or acting in a manner that prohibits the provision of service as intended and described in the narrative of the Application.

10.8.1. Proof of Need for the Facility

- A) A detailed narrative description and explanation of the specific objective(s) for the new facility, or the modification of an existing wireless facility, expressly including and explaining the purpose and need for the facility, such as coverage and/or capacity needs or requirements, and the specific geographic area of intended coverage;
- B) Technical documentation that proves the need for the Wireless Telecommunications Facility to provide service primarily and essentially within the County. Such documentation shall include a propagation study of the proposed site and all adjoining planned, proposed or existing sites, that demonstrates a significant gap in coverage and/or, if a capacity issue is involved,

to include an analysis of the current and projected usage (traffic studies) using generally accepted industry methods and standards, so as to conclusively prove the need for what is proposed. A desire to change, upgrade, or improve the technology of the service shall not be deemed a need in the context of this Ordinance.

- C) All of the modeling information (i.e. data) inputted into the software used to produce propagation studies, including, but not limited to any assumptions made, such as ambient tree height;
- D) A copy of the FCC license applicable for the intended use of the Wireless Telecommunications Facility, as well as a copy of the five (5) and ten (10) year build-out plan required by and filed with the FCC;
- E) The frequency, modulation and class of service of radio or other transmitting equipment;
- F) The maximum transmission power capability of all radios, as designed, if the Applicant is a cellular or functional equivalent carrier, or the maximum transmission power capability, as designed, of all transmission facilities if the Applicant is not a cellular or functional equivalent carrier;
- G) The actual intended transmission power stated as the maximum effective radiated power (ERP) both in dBm's and watts.

10.8.2. Ownership and Management

- A) The name, address and phone number of the person preparing the Application;
- B) The name, address, and phone number of the property owner and the Applicant, including the legal name of the Applicant. If the owner of the structure is different than the applicant, the name and all necessary contact information shall be provided;
- C) The physical address and tax map parcel number of the property;
- D) A copy of the FCC license applicable for the intended use of the Wireless Telecommunications Facilities.

10.8.3. Planning and Zoning

- A) The Zoning District or designation in which the property is situated;
- B) The size of the property on which the structure to be attached to is located, stated both in square feet and lot line dimensions, and a survey showing the location of all lot lines;

- C) The location, size and height of all existing and proposed structures on the property on which the structure is located and that is the subject of the Application;
- D) If attaching to an existing Tower, a site plan showing the vertical rendition of the Tower identifying all users and attachments to the Tower and all related fixtures, structures, appurtenances and apparatus, including height above pre-existing grade, materials, color and lighting;
- E) If attaching to a building or other structure, a site plan showing the proposed attachments and all related fixtures, structures, appurtenances and apparatus, including height above the roof or balustrade, whichever is appropriate;
- F) The azimuth, size and center line height location of all proposed and existing antennas on the supporting structure;
- G) The number, type and model of the antenna(s) proposed, along with a copy of the specification sheet(s) for the antennas; The type, locations and dimensions of all proposed and existing landscaping, and fencing;
- H) The number, type and design of the telecommunications tower(s) and antenna(s) proposed and the basis for the calculations of the telecommunications tower's capacity to accommodate multiple users;
- I) The applicant shall disclose in writing any agreement in existence prior to submission of the application that would limit or preclude the ability of the applicant to share any new telecommunication tower that it constructs.

10.8.4. Safety/Requirements

- A) If attaching to an existing tower, the age of the tower in years, including the date of the grant of the original permit or authorization for the tower;
- B) If attaching to an existing tower, a description of the type of tower, e.g. guyed, self-supporting lattice or monopole;
- C) If attaching to an existing tower, the make, model, type and manufacturer of the tower and the structural design calculations, certified by a Professional Engineer licensed in the State, proving the tower's capability to safely accommodate the facilities of the applicant without change or modification;
- D) If any change or modification of the tower or other structure to be attached to is needed, a detailed narrative explaining what changes are needed, why they are needed and who will be responsible to assure that the changes are made;
- E) If the structure proposed to be attached to is a tower that has not previously been permitted under this Law, or unless the applicant can provide proof that this was provided at the time of the initial application for the tower or other structure, the

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applicant shall provide a copy of the installed foundation design, as well as a geotechnical sub-surface soils investigation, evaluation report and foundation recommendation for the tower site or other structure;

- F) If increasing the height of an existing structure, or a tower that is five (5) years old or older, or for a guyed tower that is three (3) years old or older, a copy of the latest ANSI Report done pursuant to the latest edition of ANSI-EINTIA 222F — Annex E for any self-supporting Tower. If an ANSI report has not been done pursuant to the preceding schedule, an ANSI report shall be done and submitted as part of the application. No Building Permit shall be issued for any Wireless Facility where the structure being attached to is in need of remediation, unless and until all remediation work needed has been completed or a schedule for the remediation work has been approved by the Building Department;
- G) If not attaching to an existing tower, a structural report signed by a Professional Engineer licensed to do business in the State and bearing that engineer's currently valid stamp, showing the structural adequacy of the structure to accommodate the proposed Wireless Facility(s), including any equipment shelter, unless the equipment shelter is located on the lowest floor of a building;
- H) If attaching to a structure and thereby increasing the height of the structure, other than a Tower, to which the public has or could reasonably have or gain access to, documentation shall be provided, including all calculations, proving that the potential exposure to RF Radiation (i.e. NIER or Non-Ion Emitting Radiation), will be in compliance with the most recent Federal Communications Commission regulations governing RF Radiation and exposure thereto, and further denoting the minimum distance from any antennas an individual may safely stand without being exposed to RF radiation in excess of the FCC's permitted standards and any portion(s) of the structure that would be exposed to RF radiation in excess of the FCC's permitted standards. In compliance with the FCC's regulations, in such an instance, the RF Radiation from all wireless facilities at that location shall be included in the calculations to show the cumulative effect on any area of the building or structure deemed accessible by the public or workers. Such report or analysis shall be signed and sealed by a Professional Engineer licensed in the State; or
- I) In an instance involving a tower where the new Wireless Facilities will be ten (10) meters or more above ground level, signed documentation such as the FCC's "Checklist to Determine whether a Facility may be Categorized as Excluded" shall be provided to verify that the Wireless Telecommunication Facility with the proposed installation will be in full compliance with the current FCC's RF Emissions regulations. If not categorically excluded, a complete RF Emissions study is required to enable verification of compliance, pursuant to subsection (E)(21) of this section, including providing all calculations so that such may be verified;
- J) In certain instances, the applicant may deem it appropriate to have an RF survey of the facility done after the construction or modification and activation of the Facility,

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such to be done under the direction of the county or its designee, and an un-redacted copy of the survey results provided, along with all calculations;

- K) If any section or portion of the structure to be attached to is not in compliance with the FCC's regulations regarding RF radiation, that section or portion must be barricaded with a suitable barrier to discourage approaching into the area in excess of the FCC's regulations, and be marked off with yellow and black plastic chain and striped warning tape, as well as placing RF Radiation signs as needed and appropriate to warn individuals of the potential danger;
- L) A signed statement that the applicant will expeditiously remedy any physical or RF interference with other telecommunications or wireless devices or services.
- M) The applicant will provide a written copy of an analysis, completed by a qualified individual or organization, to determine if the proposed new tower or existing structure intended to support wireless facilities is in compliance with Federal Aviation Administration Regulation Part 77 and if it requires lighting. This requirement shall also be for any existing structure or building where the application increases the height of the structure or building. If this analysis determines that an FAA determination is required, then all filings with the FAA, all responses from the FAA and any related correspondence shall be provided with the application.
- N) Application for New Tower versus Co-location.
 - 1) In the case of a new tower, the applicant shall be required to submit a written report demonstrating its meaningful efforts to secure shared use of existing tower(s) or the use of alternative buildings or other structures within the county that are at or above the surrounding tree height or the tallest obstruction and are within one (1) mile of the proposed tower. Copies of written requests and responses for shared use shall be provided to the county in the application, along with any letters of rejection stating the reason for rejection.
 - 2) In the case of a new telecommunication tower, to inform the public, the applicant shall hold a "balloon test" prior to the initial public hearing on the application. The applicant shall arrange to fly, or raise upon a temporary mast, a minimum of a ten (10) foot in length brightly colored balloon at the maximum height of the proposed new Tower.
 - 3) At least fourteen (14) days prior to the conduct of the balloon test, a sign shall be erected to be clearly visible from the road nearest the proposed site and shall be removed no later than fourteen (14) days after the conduct of the balloon test. The sign shall be at least four feet (4') by eight feet (8') in size and shall be readable from the road by a person with 20/20 vision.

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- 4) Such sign shall be placed off, but as near to, the public right-of-way as is possible.
- 5) Such sign shall contain the times and date(s) of the balloon test and the date, time and location of the required hearings, as well as a copy of the proposed site plan.
- 6) The dates, (including a second date, in case of poor visibility or wind in excess of 15 mph on the initial date) times and location of this balloon test shall be advertised by the applicant seven (7) and fourteen (14) days in advance of the first test date in a newspaper with a general circulation in the county and as agreed to by the county. The applicant shall inform the county in writing, of the dates and times of the test, at least fourteen (14) days in advance. The balloon shall be flown for at least four (4) consecutive hours between 10:00 am and 2:00 p.m. on the dates chosen. The primary date shall be on a weekend, but the second date, in case of poor visibility on the initial date, may be on a weekday. A report with pictures from various locations of the balloon shall be provided with the application.
- 7) The applicant shall notify all property owners and residents located within one-thousand five hundred feet (1,500) of the nearest property line of the subject property of the proposed construction of the tower and Wireless Facility and of the date(s) and time(s) of the balloon test. Such notice shall be provided at least fourteen (14) days prior to the conduct of the balloon test and shall be delivered by US Certified Mail.
- 8) The tower shall be structurally designed to accommodate at least five (5) additional Antenna Arrays equivalent to those of the applicant as regards the load and stress created on the tower, and located as close to the applicant's antenna as possible without causing interference. A claim of interference because of a need to have greater than six feet (6') of vertical clearance between facilities, measured from the vertical centerline of one array to the vertical centerline of another, must be proven by technical data and not merely verbal or written assertions. This requirement may be waived, provided that the applicant, in writing, demonstrates that the provisions of future shared usage of the tower is not technologically feasible, is commercially impracticable or creates an unnecessary and unreasonable burden, based upon:
 - a) The kind of Wireless Telecommunications Facilities site and structure proposed;
 - b) Available space on existing and approved towers;
 - c) The need for more than six feet (6') of vertical clearance between antenna arrays, measured from the vertical centerline of one array

to the vertical centerline of another, such that there would not be adequate vertical space to accommodate a total of four (4) carriers.

- 9) The owner of a proposed new tower, and his/her successors in interest, shall negotiate in good faith for the shared use of the proposed Tower by other Wireless service providers in the future, and shall:
 - a) Respond within 60 days to a request for information from a potential shared-use Applicant;
 - b) Negotiate in good faith concerning future requests for shared use of the new tower by other telecommunications providers;
 - c) Allow shared use of the new tower if another telecommunications provider agrees in writing to pay reasonable charges. The reasonable charges may include, but are not limited to, a pro rata share of the cost of site selection, planning, project administration, land costs, site design, construction and maintenance financing, return on equity, less depreciation, and all of the costs of adapting the Tower or equipment to accommodate a shared user without causing electromagnetic interference;
 - d) Failure to abide by the conditions outlined above may be grounds for revocation of the Special Use Permit.
- O) The applicant shall provide certification with documentation (i.e. structural analysis) including calculations that the telecommunication facility tower and foundation and attachments, rooftop support structure, water tank structure, or any other supporting structure as proposed to be utilized are designed and will be constructed to meet all local, state and federal structural requirements for loads, including wind and ice loads and including, but not limited to all applicable ANSI (American National Standards Institute) guidelines.
- P) All proposed Wireless Telecommunications Facilities shall contain a demonstration that the facility be sited so as to create the least visual intrusiveness reasonably possible given the facts and circumstances involved, and thereby have the least adverse visual effect on the environment and its character, on existing vegetation, and on the residences in the area of the Wireless Telecommunications Facility. The county expressly reserves the right to require the use of stealth or camouflage technology or techniques such as DAS (Distributive Antenna System technology) or its functional equivalent to achieve this goal and such shall be subject to approval by the BOC.
- Q) If the application is for a new tower, or a new antenna attachment to an existing structure other than a tower, or for a modification, that noticeably changes the appearance of the structure, the applicant shall furnish a Visual Impact Assessment, which shall include:

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- 1) If a new tower or increasing the height of an existing structure is proposed, a computer generated “Zone of Visibility Map” at a minimum of one mile radius from the proposed structure shall be provided to illustrate locations from which the proposed installation may be seen, with and without foliage;
 - 2) Pictorial representations (photo simulations) of “before and after” views from key viewpoints inside of the county as may be appropriate and required, including but not-limited to state highways and other major roads; state and local parks; other public lands; historic districts; preserves and historic sites normally open to the public; and from any other location where the site is visible to a large number of visitors, travelers or residents. Guidance will be provided concerning the appropriate key sites at the pre-application meeting. The applicant shall provide a map showing the locations of where the pictures were taken and the distance(s) of each location from the proposed structure;
 - 3) A written description of the visual impact of the proposed facility, including, as applicable, the tower base, guy wires, fencing and accessory buildings from abutting and adjacent properties and streets as relates to the need or appropriateness of screening.
- R) The applicant shall demonstrate and provide in writing and/or by drawing how it shall effectively screen from view the base and all related equipment and structures of the proposed Wireless Telecommunications Facility.
- S) The Wireless Telecommunications Facility and any accessory or associated facilities shall maximize the use of building materials, colors and textures designed to blend with the structure to which it may be affixed and/or to harmonize with the natural surroundings. This shall include the utilization of stealth or camouflage or concealment technology as may be required by the county.
- T) All utilities at a Wireless Telecommunications Facilities site shall be installed underground and in compliance with all laws, ordinances, rules and regulations of the county, including specifically, but not limited to, the National Electrical Safety Code and the National Electrical Code where appropriate.
- U) At a Wireless Telecommunications Facilities site an access road, turn around space and parking shall be provided to assure adequate emergency and service access. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion.
- V) All Wireless Telecommunications Facilities shall be constructed, operated, maintained, repaired, provided for removal of, modified or restored in strict

compliance with all current applicable technical, safety and safety-related codes adopted by the county, State, or United States, including but not limited to the most recent editions of the ANSI Code, National Electrical Safety Code and the National Electrical Code, as well as accepted and responsible workmanlike industry practices and recommended practices of the National Association of Tower Erectors. The codes referred to are codes that include, but are not limited to, construction, building, electrical, fire, safety, health, and land use codes. In the event of a conflict between or among any of the preceding, the more stringent shall apply.

- W) A holder of a Special Use Permit granted under this Ordinance shall obtain, at its own expense, all permits and licenses required by applicable law, ordinance, rule, regulation or code, and must maintain the same, in full force and effect, for as long as required by the county or other governmental entity or agency having jurisdiction over the applicant.
- X) There shall be a pre-application meeting for all intended applications. The purpose of the pre-application meeting will be to address issues that will help to expedite the review and permitting process and certain issues or concerns the county may have. A pre-application meeting shall also include a site visit, if there has not been a prior site visit for the requested facility. Costs of county consultants to prepare for and attend the pre-application meeting will be borne by the applicant and paid for out of the required escrow deposit.
- Y) An applicant shall submit to the county the number of completed applications determined to be needed at the pre-application meeting. However, applications will not be provided to the county, other than for staff, until the application is deemed complete.
- Z) If the proposed site is within three (3) miles of another municipality or county, written notification of the application shall be provided to the legislative body of all such adjacent municipalities as applicable and/or requested.
- AA) The holder of a Special Use Permit shall notify the county of any intended modification of a Wireless Telecommunication Facility and shall apply to the county to modify, relocate or rebuild a Wireless Telecommunications Facility.
- BB) An application to increase the height of a tower or other structure shall be deemed a new tower and shall not qualify for treatment as an attachment to an existing Tower or other structure under this Section.

10.9 Requirements for an application to attach to an Existing Tower or other Structure without increasing the height of the Tower or structure being attached to.

- A) The non-refundable application fee for attaching to an existing tower or other structure without increasing the height shall be as set forth in the county's Schedule of Fees.

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- B) To prevent the taxpayers from having to pay for the expert technical assistance needed by the county that is necessitated by the application, an Applicant shall be required to place with the county an escrow deposit of no less than \$3,500.00. After all invoices have been paid and the Certificate of Completion or Occupancy has been granted, any unexpended balance of the escrow deposit shall be returned to the Applicant upon request.
- C) An application to increase the height of a tower or other structure shall be deemed a new tower and shall not qualify for treatment as an attachment to an existing tower or other structure under this Section.
- D) Applications to attach to existing towers or other structures or to modify an existing Wireless Telecommunications Facility, as long as there is no proposed increase in the height of the Tower or other structure to be attached to, including attachments thereto, shall not generally require a public hearing. However, the BOC or Troup County Planner may for good cause choose to hold a public hearing and decision. If no public hearing is conducted, the modifications may be approved administratively by the Zoning Administrator or the Troup County Planner.
- E) An application for a Special Use Permit for attaching wireless facilities to an existing structure, including but not limited to cellular or PCS facilities and microwave facilities, shall contain the following information and comply with the following requirements.
- F) Documentation shall be provided proving that the applicant has the legal right to proceed as proposed on the site, including an executed copy of the lease with the owner of the facility proposed to be attached to, or a letter of agency, showing the right of the applicant to attach to the structure.
- G) A pre-application meeting may be held upon the request of the applicant and at or before the Pre-Application meeting, the Applicant shall be provided instructions for completing an Application. Said instructions are to be controlling as regards the form and substance of the issues addressed in the Instructions and must be followed.
- H) The applicant shall include a written statement that:
 - 1) The applicant's proposed Wireless Telecommunications Facility shall be maintained in a safe manner, and in compliance with all conditions of all applicable permits and authorizations, without exception, as well as all applicable and permissible local codes, ordinances, and regulations, including any and all applicable county, State and Federal Laws, rules, and regulations; and
 - 2) The construction of the Wireless Telecommunications Facilities is legally permissible, including, but not limited to the fact that the applicant is authorized to do business in the State.

- I) An application for attaching to an existing structure or for modifying an existing facility without increasing the height of the structure shall contain the information as required in Sections 10.9.1 – 10.9.4.

10.9.1. Proof of Need

Troup County requires co-location wherever possible. Accordingly, proof of need shall not be required as part of and in support of an application for co-location unless the Zoning Administrator determines that one or more of the following circumstances exist:

- 1) The proposed co-location is not consistent with and would decrease the effectiveness of low profile antenna(s), Stealth, Stealth Technology or Camouflage as a means of decreasing visual intrusiveness as previously approved and utilized by an existing wireless facility; or
- 2) The proposed co-location would increase the amount of land used to accommodate the support structure and related equipment enclosures or cabinets.

Should the Zoning Administrator find that one or more of the foregoing circumstances exist, he/she may deem a co-location application to be incomplete and require an applicant to supplement and/or amend its application to satisfy the requirements of Section 10.8.1 of this Ordinance.

10.9.2. Ownership and Management

- A) The name, address and phone number of the person preparing the application;
- B) The name, address, and phone number of the property owner and the applicant, including the legal name of the applicant. If the owner of the structure is different than the applicant, the name and all necessary contact information shall be provided;
- C) The physical and postal address and tax map parcel number of the property;
- D) A copy of the FCC license applicable for the intended use of the Wireless Telecommunications Facilities.

10.9.3. Planning and Zoning

- A) The zoning district or designation in which the property is situated;
- B) The size of the property on which the structure to be attached to is located, stated both in square feet and lot line dimensions, and a survey showing the location of all lot lines;

- C) The location, size and height of all existing and proposed structures on the property on which the structure is located and that is the subject of the application;
- D) If attaching to an existing tower, a site plan showing the vertical rendition of the Tower identifying all users and attachments to the tower and all related fixtures, structures, appurtenances and apparatus, including height above pre-existing grade, materials, color and lighting;
- E) If attaching to a building or other structure, a site plan showing the proposed attachments and all related fixtures, structures, appurtenances and apparatus, including height above the roof or balustrade, whichever is appropriate;
- F) The azimuth, size and center line height location of all proposed and existing antennae on the supporting structure;
- G) The number, type and model of the Antenna(s) proposed, along with a copy of the specification sheet(s) for the antennas.

10.9.4. Safety/Requirements

- A) If attaching to an existing tower, the age of the tower in years, including the date of the grant of the original permit or authorization for the Tower;
- B) If attaching to an existing tower, a description of the type of tower, e.g. guyed, self-supporting lattice or monopole;
- C) If attaching to an existing tower, the make, model, type and manufacturer of the Tower and the structural design calculations, certified by a Professional Engineer licensed in the State, certifying and adequately demonstrating to the county a tower's capability to safely accommodate the facilities of the Applicant without change or modification, taking into account the geotechnical situation and the foundation design;
- D) If any change or modification of the tower or other structure to be attached to is needed, a detailed narrative explaining what changes are needed, why they are needed and who will be responsible to assure that the changes are made;
- E) If the structure proposed to be attached to is a Tower that has not previously been permitted under this Ordinance, or unless the Applicant can provide proof that this was provided at the time of the initial application for the Tower or other structure, the Applicant shall provide a copy of the installed foundation design, as well as a geotechnical sub-surface soils investigation, evaluation report and foundation recommendation for the tower site or other structure;
- F) If attaching to an existing Tower, a copy of the latest ANSI Inspection Report done pursuant to the latest edition of ANSI-EIA/TIA 222F – Annex E for any self-

supporting Tower that is five (5) years old or older or for any guyed Tower that is three (3) years old or older. If an ANSI Inspection report has not been done pursuant to the preceding schedule, an ANSI report shall be done and submitted as part of the Application;

- G) If not attaching to an existing Tower, but rather a different type of structure, a Structural Report signed by a Professional Engineer licensed to do business in the State and bearing that engineer's currently valid stamp, showing the structural adequacy of the structure to accommodate the proposed Wireless Facility(s), including any equipment shelter, unless the equipment shelter is located on the ground or on the lowest floor of a building;
- H) If attaching to a structure other than a Tower, to which the public has or could reasonably have or gain access to, an Applicant shall provide documentation, including all calculations, proving that the potential exposure to RF Radiation (i.e. NIER or Non-Ion Emitting Radiation), will be in compliance with the most recent Federal Communications Commission regulations governing RF Radiation and exposure thereto, and further denoting the minimum distance from any antennas an individual may safely stand without being exposed to RF radiation in excess of the FCC's permitted standards and any portion(s) of the structure that would be exposed to RF radiation in excess of the FCC's permitted standards . In compliance with the FCC's regulations, in such an instance the RF Radiation from all wireless facilities shall be included in the calculations to show the cumulative effect on any area of the building or structure deemed accessible by the public. Such report or analysis shall be signed and sealed by a Professional Engineer licensed in the State; or
- I) In an instance on a tower where the new Wireless Facilities will be ten (10) meters or more above ground level, signed documentation such as the FCC's "Checklist to Determine whether a Facility may Categorically Excluded" shall be provided to verify that the Wireless Telecommunication Facility with the proposed installation will be in full compliance with the current FCC's RF Emissions regulations. If not categorically excluded, a complete RF Emissions study is required to enable verification of compliance, pursuant to subsection (E)(21) of this section, including providing all calculations so that such may be verified;
- J) If any section or portion of the structure to be attached to is not in compliance with the FCC's regulations regarding RF radiation, that section or portion must be barricaded with a suitable warning barrier to discourage approaching into the area in excess of the FCC's regulations, and be marked off with yellow and black striped warning tape or a suitable warning barrier, as well as placing RF Radiation signs as needed and appropriate to warn individuals of the potential danger;
- K) A signed statement that the applicant will expeditiously remedy any physical or RF interference with other telecommunications or wireless devices or services.

- L) To protect the nature and character of the area and create the least visually intrusive impact reasonably possible under the facts and circumstances, any attachment to a building or other structure with a facade, the antennas shall be mounted on the facade, unless it can be proven that such will prohibit or have the effect of prohibiting the provision of service, and all such attachments and exposed cabling shall use camouflage or stealth techniques to match as closely as possible the color and texture of the structure to which such equipment is attached.
- M) If attaching to a water tank, mounting on the top of the tank or the use of a corral shall only be permitted if the Applicant can prove that to locate elsewhere will prohibit or have the effect of prohibiting the provision of service. The provisions of the preceding subsection (J) of this section shall also apply to any attachment to a water tank.
- N) The applicant shall provide a certification by a Professional Engineer licensed in the State, along with documentation (a structural analysis), including calculations, that prove that the tower or other structure and its foundation as proposed to be utilized are designed and were constructed to meet all local State, Federal and ANSI structural requirements for loads, including wind and ice loads and the placement of any equipment on the roof a building after the addition of the proposed new facilities.
- O) If the application is to attach to or modify existing facilities on a tower, the applicant shall provide signed documentation of the tower condition; specifically a report done pursuant to the latest edition of ANSI-EINTIA 222F (or 222G if adopted by the State) — Annex E for any self-supporting Tower that is five (5) years old or older or for a guyed Tower that is three (3) years old or older. Any deficiencies, other than strictly cosmetic ones, must be completed or remedied prior to the issuance of a building permit for the attachment of any component of the proposed Wireless Facilities.
- P) So as to be the least visually intrusive as is reasonably possible given the facts and circumstances involved, and thereby have the least adverse visual effect and create the least intrusive or lowest profile or visual silhouette reasonably possible, unless it can be proven that such would be technologically impracticable. So as minimize the visual profile of the antennas all antennas attached to a tower or other structure shall be flush mounted or as near to flush mounted as is possible without prohibiting or having the effect of prohibiting the provision of service, or prove technically, with hard data and a detailed narrative, that flush mounting or other low profile antenna cannot be used and would serve to prohibit or have the effect of prohibiting the provision of service.
- Q) Unless it is deemed inappropriate or unnecessary by the county given the facts and circumstances, the Applicant shall demonstrate and provide in writing and/or by drawing how it shall effectively screen from view the base and all related

equipment and structures of the proposed Wireless Telecommunications Facility up to a height of ten (10) feet.

- R) The Wireless Telecommunications Facility and all accessory or associated facilities shall maximize the use of building materials, colors and textures designed to blend with the structure to which it may be affixed and/or to harmonize with the natural surroundings. This shall include the utilization of stealth, camouflage or concealment technology as may be required by the county and as is practicable under the facts and circumstances.
- S) All utilities installed for a new Wireless Telecommunications Facility shall be installed underground and in compliance with all Laws, ordinances, rules and regulations of the county, including specifically, but not limited to, the National Electrical Safety Code and the National Electrical Code where appropriate.
- T) If deemed necessary or appropriate, an access road, turn around space and parking shall be provided to assure adequate emergency and service access. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road construction shall at all times minimize ground disturbance and the cutting of vegetation. Road grades shall closely follow natural contours to assure minimal visual disturbance and reduce soil erosion and shall comply with any local or State regulations for the construction of roads. If the facility currently has an access road or turn around space, but such is deemed in disrepair or in need of remedial work to make it serviceable and safe and in compliance with any applicable regulations, the Application shall contain a commitment to remedy or restore the road or turn around space so that it is serviceable and safe and in compliance with applicable regulations.
- U) The applicant, and the owner of record of any structure or tower attached to, shall, jointly or separately, at its cost and expense, be required to place with the county a bond, or other form of security acceptable to the county as to type of security and the form and manner of execution, in an amount of at least \$25,000 for attaching to an existing structure or existing tower and with such sureties as are deemed sufficient by the county to assure the faithful performance of the terms and conditions of this Law and conditions of any Special Use Permit issued pursuant to this Law. Said bond or other security shall also serve as a Removal Security to prevent the taxpayers from bearing the cost of removal in the event of the abandonment or cessation of use for more than ninety (90) consecutive days. The full amount of the bond or security shall remain in full force and effect throughout the term of the Special Use Permit and/or until any necessary site restoration is completed to restore the site to a condition comparable to that which existed prior to the issuance of the original Special Use Permit.

10.10 Location of Wireless Telecommunications Facilities.

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- A) Applicants for Wireless Telecommunications Facilities shall locate, site and erect said Wireless Telecommunications Facilities in accordance with the following priorities, one (1) being the highest priority and five (5) being the lowest priority.
- 1) On existing towers or other structures without increasing the height of the tower or structure.
 - 2) On properties in areas zoned for GI, LI, CA.
 - 3) On properties in areas zoned for HC, GC, LC NHC.
 - 4) On properties in areas zoned for AG.
 - 5) On properties in areas zoned for USD, MHP, MFR, RR, AGR, LRR, SFMD, PUD, CRVP, LR.
- B) If the proposed site is not proposed for the highest priority listed above, then a detailed explanation and justification must be provided as to why a site of any higher priority designations was not selected. The applicant seeking a special use permit must satisfactorily demonstrate the reason or reasons why the proposed site was chosen and the reasons why higher priority locations were deemed unfit or undesirable.
- C) An applicant may not by-pass sites of higher priority by stating the site proposed is the only site leased or selected or because there is an existing lease with a landowner. An application shall address co-location as an option. If such option is not proposed, the applicant must explain to the reasonable satisfaction of the county why co-location is commercially impracticable or otherwise impracticable. Agreements between providers limiting or prohibiting co-location shall not be a valid basis for any claim of commercial impracticability or hardship.
- D) Notwithstanding the above, the county may approve any site located within an area in the above list of priorities, provided that the county finds that the proposed site is in the best interest of the health, safety and welfare of the county and its inhabitants and will not have a deleterious effect on the nature and character of the community and neighborhood. Conversely, the county may direct that the proposed location be changed to another location that is more in keeping with the goals of this Ordinance and the public interest as determined by the BOC.
- E) If appropriate, based on selecting a site of lower priority, a detailed written explanation as to why sites of a higher priority were not selected shall be included with the application, including the technical justification for such.
- F) Notwithstanding that a potential site may be situated in an area of highest priority or highest available priority, the county may disapprove an application for any of the following reasons:

- 1) Conflict with safety and safety-related codes and requirements;
 - 2) Conflict with the historic nature or character of a neighborhood or district;
 - 3) The use or construction of Wireless Telecommunications Facilities which is contrary to an already stated purpose of a specific zoning or land use designation;
 - 4) The placement and location of Wireless Telecommunications Facilities which would create an unacceptable risk, or the reasonable probability of such, to residents, the public, employees and agents of the county, or employees of the service provider or other service providers;
 - 5) The placement and location of a Wireless Telecommunications Facility would result in a conflict with, compromise in or change of the nature or character of the surrounding area;
 - 6) Conflicts with the provisions of this Ordinance;
 - 7) Failure to submit a complete application as required under this Ordinance.
- G) Notwithstanding anything to the contrary in this Ordinance, for good cause shown, such as the ability to utilize a shorter or less intrusive facility elsewhere and still accomplish the primary service objective, the county may require the relocation of a proposed site, including allowing for the fact that relocating the site chosen by the applicant may require the use of more than one (1) site to provide substantially the same service if the relocation could result in a less intrusive facility or facilities, singly or in combination, so long as such does not prohibit or serve to prohibit the provision of service.

10.11 Shared use of Wireless Telecommunications Facilities and other structures.

- A) The county, as opposed to the construction of a new tower, requires Wireless Facilities to be located on existing towers or other suitable structures without increasing the height of the tower or structure, unless such is proven to be technologically impracticable. The applicant shall submit a comprehensive report inventorying all existing towers and other suitable structures within one (1) mile of the location of any proposed new tower, unless the applicant can show that some other distance is more appropriate and reasonable and demonstrate conclusively why an existing tower or other suitable structure cannot be used.
- B) An applicant intending to locate on an existing tower or other suitable structure shall be required to document the intent of the existing owner to permit its use by the applicant.

- C) Such shared use shall consist only of the minimum antenna array technologically required to provide service primarily and essentially within the county, to the extent practicable, unless good cause is shown.

10.12 Height of Telecommunications Tower(s).

- A) All new towers shall be of the monopole type, unless such is able to be proven to be technologically impracticable. No new towers of a lattice or guyed type shall be permitted, unless relief is otherwise expressly granted.
- B) The applicant shall submit documentation justifying the technical need by the service provider for the total height of any tower, facility and/or antenna requested and the basis therefore. To enable verification of the need for the requested height, documentation in the form of propagation studies must include all backup data used to produce the studies at the height requested and at a minimum of ten feet (10') lower height. Such documentation will be analyzed in the context of the justification of the height needed to provide service primarily and essentially within the county, to the extent practicable, unless good cause is shown.
- C) The maximum permitted total height of a new tower shall be one hundred twenty feet (120') above pre-construction ground level, unless it can be proven that such height would prohibit or have the effect of prohibiting the provision of service in the intended service area. The 120' maximum permitted height is not as-of-right height, but rather the maximum permitted height, absent proof of the technological need for a greater height.
- D) Notwithstanding the one hundred twenty feet (120') maximum permitted height, telecommunications towers and facilities shall be no taller than the minimum height technologically necessary to enable the provision of wireless service coverage or capacity as needed within the county and only within the county.
- E) Spacing or the distance between towers shall be such that the service may be provided without exceeding the maximum permitted height.

10.13 Visibility of Wireless Telecommunications Facilities.

- A) Wireless Telecommunications Facilities shall not be artificially lighted or marked, except as required by the FAA.
- B) Stealth: All new Wireless Telecommunications facilities, including but not limited to towers, shall utilize Stealth or Camouflage techniques and technology to the extent practical, unless such can be shown to be either commercially or technologically impracticable.
- C) Dual Mode: In order to minimize the number of antenna arrays and thus the visual impact, the county may require the use of dual mode antennas to be used, including by two different carriers, unless it can be proven that such will not

work technologically and that such would have the effect of prohibiting the provision of service.

- D) Tower Finish/Color: Towers shall be galvanized and/or painted with a rust-preventive paint of an appropriate color to harmonize with the surroundings and shall be maintained in accordance with the requirements of this Ordinance.
- E) Lighting: If lighting is required, applicant shall provide a detailed plan for sufficient lighting of as unobtrusive and inoffensive an effect as is permissible under State and Federal regulations. All towers requiring lighting shall be lighted to effectively eliminate the ground scatter effect of the lighting and to prevent the light from being seen from the ground.
- F) Antenna Profile: All new or replacement antennas, except omnidirectional whip antennas, shall be attached to create the smallest profile reasonably possible under the facts and circumstances, unless it can be proven that to do so would prohibit or have the effect of prohibiting the service.
- G) Placement on Building — Facie: If attached to a building, all antennas shall be mounted on the face of the building and camouflaged to match the color and, if possible, texture of the building or in a manner so as to make the antennas as visually innocuous and undetectable as is possible given the facts and circumstances involved.
- H) Lighting — Preventing Ground Scatter Effect: For any Wireless Facility for which lighting is required under the FAA's regulations, or that for any reason has lights attached, all such lighting shall be affixed with technology that enables the light to be seen as intended from the air, but that prevents the ground scatter effect so that it not able to be seen from the ground to a height of at least 12 degrees vertical for a distance of at least 1 mile in a level terrain situation. Such device must be compliant with or not in conflict with FAA regulations. A physical shield may be used, as long as the light can be seen from the air, as intended by the FAA.
- I) In the event a lighted tower is modified, at the time of the modification the county may require that the tower be retrofitted with the technology set forth in the preceding subsection (F).

10.14 Security of Wireless Telecommunications Facilities.

All Wireless Telecommunications Facilities and Antennas shall be located, fenced or otherwise secured in a manner that prevents unauthorized access. Specifically:

- A) All antennas, towers and other supporting structures, including guy anchor points and wires, shall be made inaccessible to individuals and constructed or shielded in such a manner that they cannot be climbed or collided with; and

- B) Transmitters and telecommunications control points shall be installed in such a manner that they are readily accessible only to persons authorized to operate or service them.

10.15 Signage.

Wireless Telecommunications Facilities shall contain a sign no larger than four (4) square feet in order to provide adequate notification to persons in the immediate area of the presence of RF radiation or to control exposure to RF radiation within a given area. A sign of the same size installed to contain the name(s) of the owner(s) and operator(s) of the antenna(s) as well as emergency phone number(s). The sign shall be on the equipment shelter or cabinet of the applicant and be visible from the access point of the site and must identify the equipment owner of the shelter or cabinet. On tower sites, an FCC registration site, as applicable, is also to be present. The signs shall not be lighted, unless applicable law, rule or regulation requires lighting. No other signage, including advertising, shall be permitted.

10.16 Lot Size and Setbacks.

- A) All proposed towers and any other proposed Wireless Telecommunications Facility attachment structures shall be set back from abutting parcels, recorded rights-of-way and road and street lines by the greater of the following distances: A distance equal to the height of the proposed tower or Wireless Telecommunications Facility structure plus ten percent (10%) of the height of the tower or structure, otherwise known as the Fall Zone, or the existing setback requirement of the underlying zoning district, whichever is greater. Any accessory structure shall be located to comply with the applicable minimum setback requirements for the property on which it is situated. The fall zone or setback shall be measured from the nearest portion of the right-of-way of any public road or thoroughfare and any occupied building or domicile. Further, the nearest portion of any access road to a wireless facility shall be no less than fifteen (15) feet from the nearest property line.
- B) There shall be no development of habitable buildings within the Fall Zone or setback area set forth in the preceding subsection (A).

10.17 Retention of Expert Assistance and Reimbursement by Applicant.

- A) The county may hire any consultant and/or expert necessary to assist the county in reviewing and evaluating the application, including the construction and modification of the site, once permitted, and any site inspections. To the extent this Ordinance requires the Applicant to provide documentation prepared by a trained certified professional licensed to practice in Georgia (professional engineer, architect, radio frequency engineer), the review of such documentation shall be carried out by a similarly qualified professional.
- B) An applicant shall deposit with the county funds sufficient to reimburse the county for all reasonable costs of:

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- 1) consulting and expert evaluation and consultation with the county or the applicant in connection with the submission and/or review of any application;
- 2) any lease negotiations, the pre-approval evaluation, and including the construction and modification of the site, once permitted.

The initial deposit shall be \$5,000.00 in the case of a new facility application governed by Section 10.8 and \$2,500.00 in the case of a co-location or equipment modification application as governed by Section 10.9.

The placement of the initial deposit with the county shall precede the pre-application meeting or any work being done as regards processing an application. The county will maintain a separate escrow account for all such funds. The county's consultants/experts shall invoice the county for its services in reviewing the application, including the construction and modification of the site, once permitted. The initial deposit shall not be increased without action by the Application Review Committee finding that the initial application request has been modified, that the scope of the review is unique, or the applicant has failed to cooperate with the review causing additional staff/consultant time and effort to complete the evaluation of the application. However, if at any time during the process this escrow account has a balance less than \$1,000.00, and the Application Review Committee finds that the increase is warranted, the applicant shall immediately, upon notification by the county, replenish said escrow account so that it has a balance of at least \$5,000.00 in the case of a new facility application governed by Section 10.8 and \$2,500.00 in the case of a co-location or equipment modification application governed by Section 10.9. The applicant may appeal the decision of the Application Review Committee to require the replenishment of an escrow account to the Board of Commissioners by providing notice to the Zoning Administrator within five days of notification of the decision of the Application Review Committee and the decision of the Board of Commissioners shall be final. Such additional escrow funds shall be deposited with the county before any further action or consideration is taken on the application. In the event that the amount held in escrow is more than the amount of the actual invoicing at the conclusion of the project, the remaining balance shall be promptly refunded to the applicant upon written request.

- C) No work shall be done on an application for which the full amount of the escrow deposit as set forth in the preceding subsection (B) of this section has not been placed with the county. In the event the escrow deposit minimum balance as set forth in this subsection (B) is not maintained, all work on the application shall cease until the deposit is replenished as required.
- D) The total amount of the funds needed as set forth in subsection (B) of this section may vary with the scope and complexity of the project, the completeness of the application, necessary discussions with the applicant and other information as

may be needed to complete the necessary review, analysis and inspection of any construction or modification.

- E) Records of all outside costs associated with the review and permitting process shall be maintained and available for public inspection, in compliance with applicable Georgia law.

10.18 Public Hearing and Notification Requirements.

- A) Prior to the approval of any application for a Special Use Permit for a new tower or for any facility that increases the height of the structure to which it is to be attached, a public hearing shall be held by the county, notice of which shall be published in the official newspaper of the county no less than fifteen (15) calendar days and no more than 45 days prior to the scheduled date of the public hearing. In order that the nearby landowners are aware of the public hearing, the Applicant shall notify all landowners within one-thousand five hundred (1,500) feet of any property line of the lot or parcel on which the new Wireless Telecommunications Facilities are proposed to be located and the application shall contain the names and address of all such landowners. Such notification shall be by Certified US Mail.
- B) The county shall schedule the public hearing referred to in Subsection (A) of this section once it finds the application is complete and is not required to set a date if the application is not complete. The county, at any stage prior to issuing a Special Use Permit, may require such additional information as it deems necessary as such relates to the issue of the siting, construction or modification of a Wireless Telecommunications Facility.

10.19 Action on an Application for a Special Use Permit for Wireless Telecommunications Facilities.

- A) The county will undertake a review of an application pursuant to this Article in a timely fashion, consistent with its responsibilities, and shall act within a reasonable period of time given the relative complexity of the application and the circumstances, with due regard for the public's interest and need to be involved, and the applicants desire for a timely action on the Application.
- B) The county may refer any application or part thereof to any advisory or other committee of its choice for a non-binding recommendation.
- C) After the public hearing and after formally considering the application, the county may approve, approve with conditions, or deny a Special Use Permit. Its decision shall be in writing and shall be supported by substantial evidence contained in a written record. The burden of proof for the grant of the permit shall always be upon the applicant.
- D) If the county approves the Special Use Permit for Wireless Telecommunications Facilities, then the Applicant shall be notified of such approval in writing within

ten (10) calendar days of the county's action, and the Special use Permit or other appropriate authorization shall be issued within thirty (30) days after such approval. Except for necessary building permits, once a special use permit has been granted hereunder, no additional permits or approvals from the county, such as site plan or zoning approvals, shall be required by the county for the Wireless Telecommunications Facilities covered by the Special Use Permit.

- E) If the county denies the Special Use Permit or other appropriate authorization for Wireless Telecommunications Facilities, then the applicant shall be notified of such denial in writing within ten (10) calendar days of the county's action and shall set forth in writing the reason or reasons for the denial. Re-application for special permits shall be allowed per the requirements set forth in Article 16 of Appendix "A" to the Troup County Code.

10.20 Extent and Parameters of Special Use Permit for Wireless Telecommunications Facilities.

The extent and parameters of a Special Use Permit for Wireless Telecommunications Facilities shall be as follows:

- A) Such special use permit shall not be assigned, transferred or conveyed without the express prior written notification to the county.
- B) In the event of a violation of this Ordinance, following an opportunity to cure and, if not cured within the time frame set forth in the notice of violation, a hearing shall be held upon due prior notice to the applicant. Following such hearing, if found to be in violation of this Ordinance, the special use permit may be revoked, canceled, or terminated for a violation of the conditions and provisions of the special use permit, or for a material violation of this Ordinance or other applicable law, rule or regulation.
- C) Notice of a violation and of the date, time and place of a hearing shall be provided by registered mail to the last known address of the holder of the special use permit.

10.21 Application Fee.

At the time that a person submits an application for a Special Use Permit or other appropriate authorization for a new tower or a co-located facility, such person shall pay a non-refundable application fee as set forth in the county's fee schedule as may be amended or changed from time to time.

10.22 Removal and Performance Security.

The applicant and the owner of record of any proposed Wireless Telecommunications Facilities site shall, at its cost and expense, be jointly required to execute with the applicant and file with the county a bond, or other form of security acceptable to the county as to type of security and the form and manner of execution, in an amount of at

least \$75,000.00 for a tower with such sureties as are deemed sufficient by the county to assure the faithful performance of the terms and conditions of this Ordinance and conditions of any special use permit issued pursuant to this Ordinance. The full amount of the bond or security shall remain in full force and effect throughout the term of the special use permit and/or until any necessary site restoration is completed to restore the site to a condition comparable to that, which existed prior to the issuance of the original Special Use Permit.

10.23 Reservation of Authority to Inspect Wireless Telecommunications Facilities.

In order to verify that the holder of a Special Use Permit for Wireless Telecommunications Facilities and any and all lessees, renters, and/or licensees of Wireless Telecommunications Facilities, place and construct such facilities, including towers and antennas, in accordance with all applicable technical, safety, fire, building, and zoning codes, laws, ordinances and regulations and other applicable requirements, the county may inspect all facets of said permit holder's, renter's, lessee's or licensee's placement, construction, modification and maintenance of such facilities, including, but not limited to, towers, antennas and buildings or other structures constructed or located on the permitted site.

10.24 Liability Insurance.

- A) All permitted Wireless Telecommunications Facilities shall secure and at all times maintain public liability insurance for personal injuries, death and property damage, and umbrella insurance coverage, for the duration of the Permit in amounts as set forth below:
 - 1) Commercial General Liability covering personal injuries, death and property damage: \$1,000,000 per occurrence/\$2,000,000 aggregate; and
 - 2) Automobile Coverage: \$1,000,000.00 per occurrence/ \$2,000,000 aggregate; and
 - 3) A \$3,000,000 Umbrella coverage; and
 - 4) Workers Compensation and Disability: Statutory amounts.
- B) For a Wireless Telecommunications Facility on county property, the Commercial General Liability insurance policy shall specifically include the county and its officers, commissions, employees, committee members, attorneys, agents and consultants as additional insured.
- C) The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the State and with a Best's rating of at least A.

- D) The insurance policies shall contain an endorsement obligating the insurance company to furnish the county with at least thirty (30) days prior written notice in advance of the cancellation of the insurance.
- E) Renewal or replacement policies or certificates shall be delivered to the county at least fifteen (15) days before the expiration of the insurance that such policies are to renew or replace.
- F) Before construction of a permitted Wireless Telecommunications Facilities is initiated, but in no case later than fifteen (15) days after the grant of the Special Use Permit, the holder of the Special Use Permit shall deliver to the county a copy of each of the policies or certificates representing the insurance in the required amounts.
- G) A Certificate of Insurance that states that it is for informational purposes only and does not confer rights upon the county shall not be deemed to comply with this Section.

10.25 Indemnification.

- A) Any application for Wireless Telecommunication Facilities that is proposed for county property, pursuant to this Ordinance, shall contain a provision with respect to indemnification. Such provision shall require the applicant, to the extent permitted by the Ordinance, to at all times defend, indemnify, protect, save, hold harmless, and exempt the county and its officers, commissions, employees, committee members, attorneys, agents, and consultants from any and all penalties, damages, costs, or charges arising out of any and all claims, suits, demands, causes of action, or award of damages, whether compensatory or punitive, or expenses arising there from, either at law or in equity, which might arise out of, or are caused by, the placement, construction, erection, modification, location, products performance, use, operation, maintenance, repair, installation, replacement, removal, or restoration of said Facility, excepting, however, any portion of such claims, suits, demands, causes of action or award of damages as may be attributable to the negligent or intentional acts or omissions of the county, or its servants or agents. With respect to the penalties, damages or charges referenced herein, reasonable attorneys' fees, consultants' fees, and expert witness fees are included in those costs that are recoverable by the county.
- B) Notwithstanding the requirements noted in subsection (A) of this section, an indemnification provision will not be required in those instances where the county itself applies for and secures a Special Use Permit for Wireless Telecommunications Facilities.

10.26 Fines.

- A) In the event of a violation of this Ordinance or any Special Use Permit issued pursuant to this Ordinance, the county may impose and collect, and the holder of

the Special Use Permit for Wireless Telecommunications Facilities shall pay to the county, fines or penalties as set forth below.

- B) If the holder of a Special Use Permit fails to comply with provisions of this Ordinance such shall constitute a violation of this Ordinance and shall be subject to a fine not to exceed \$350 per day per violation following due and proper notice and, further, each day or part thereof that a violation remains uncured after proper notice shall constitute a separate violation, punishable separately.
- C) Notwithstanding anything in this Ordinance, the holder of the Special Use Permit for Wireless Telecommunications Facilities may not use the payment of fines, liquidated damages or other penalties, to evade or avoid compliance with this Ordinance or any section of this Ordinance. An attempt to do so shall subject the holder of the Special Use Permit to termination and revocation of the Special Use Permit. The county may also seek injunctive relief to prevent the continued violation of this Ordinance, without limiting other remedies available to the county.

10.27 Default and/or Revocation.

If a Wireless Telecommunications Facility is repaired, rebuilt, placed, moved, re-located, modified or maintained in a way that is inconsistent or not in compliance with the provisions of this Ordinance or of the Special Use Permit, then the county shall notify the holder of the Special Use Permit in writing of such violation. A Permit holder in violation may be considered in default and subject to fines as in Section 10.24 and if a violation is not corrected to the satisfaction of the county in a reasonable period of time the Special Use Permit is subject to revocation.

10.28 Removal of Wireless Telecommunications Facilities.

- A) The owner of any tower or wireless facility shall be required to provide a minimum of thirty (30) days written notice to the county clerk prior to abandoning any tower or wireless facility.
- B) Under the following circumstances, the county may determine that the health, safety, and welfare interests of the county warrant and require the removal of Wireless Telecommunications Facilities.
 - 1) Wireless Telecommunications Facilities with a permit have been abandoned (i.e. not used as Wireless Telecommunications Facilities) for a period exceeding ninety consecutive (90) days or a total of one hundred-eighty (180) days in any three hundred-sixty five (365) day period, except for periods caused by force majeure or Acts of God, in which case, repair or removal shall commence within 90 days;
 - 2) Permitted Wireless Telecommunications Facilities fall into such a state of disrepair that it creates a health or safety hazard;

- 3) Wireless Telecommunications Facilities have been located, constructed, or modified without first obtaining, or in a manner not authorized by, the required Special Use Permit, or any other necessary authorization and the Special Permit may be revoked.
- C) If the county makes such a determination as noted in subsection (A) of this section, then the county shall notify the holder of the Special Use Permit for the Wireless Telecommunications Facilities within forty-eight (48) hours that said Wireless Telecommunications Facilities are to be removed. The county may approve an interim temporary use agreement/permit, such as to enable the sale of the Wireless Telecommunications Facilities.
- D) The holder of the special use permit, or its successors or assigns, shall dismantle and remove such Wireless Telecommunications Facilities, and all associated structures and facilities, from the site and restore the site to as close to its original condition as is possible. Such restoration limited only by physical or commercial impracticability, within ninety (90) days of receipt of written notice from the county. However, if the owner of the property upon which the Wireless Telecommunications Facilities are located wishes to retain any access roadway to the Wireless Telecommunications Facilities, the owner may do so with the approval of the county.
- E) If Wireless Telecommunications Facilities are not removed or substantial progress has not been made to remove the Wireless Telecommunications Facilities within ninety (90) days after the permit holder has received notice, then the county may order officials or representatives of the county to remove the Wireless Telecommunications Facilities at the sole expense of the owner or Special Use Permit holder.
- F) If, the county removes, or causes to be removed, Wireless Telecommunications Facilities, and the owner of the Wireless Telecommunications Facilities does not claim and remove it from the site to a lawful location within ten (10) days, then the county may take steps to declare the Wireless Telecommunications Facilities abandoned, and sell them and their components.
- G) Notwithstanding anything in this section to the contrary, the county may approve a temporary use permit/agreement for the Wireless Telecommunications Facilities, for no more than ninety (90) days, during which time a suitable plan for removal, conversion, or re-location of the affected Wireless Telecommunications Facilities shall be developed by the holder of the Special Use Permit, subject to the approval of the county, and an agreement to such plan shall be executed by the holder of the Special Use Permit and the county. If such a plan is not developed, approved and executed within the ninety (90) day time period, then the county may take possession of and dispose of the affected Wireless Telecommunications Facilities in the manner provided in this Section and utilize the bond in Section 10.21.

10.29 Relief.

Any applicant desiring relief, waiver or exemption from any aspect or requirement of this Ordinance may request such at the pre-application meeting, provided that the relief or exemption is contained in the submitted application for either a Special Use Permit, or in the case of an existing or previously granted Special Use Permit a request for modification of its Tower and/or facilities. Such relief may be temporary or permanent, partial or complete. However, the burden of proving the need for the requested relief, waiver or exemption is solely on the Applicant to prove. The Applicant shall bear all costs of the county in considering the request and the relief, waiver or exemption. No such relief or exemption shall be approved unless the Applicant demonstrates by clear and convincing evidence that, if granted, the relief, waiver or exemption will have no significant affect on the health, safety and welfare of the county, its residents or other service providers.

10.30 Periodic Regulatory Review by the County.

- A) The county may conduct at any time a review and examination of this entire Ordinance.
- B) If after such a periodic review and examination of this Ordinance, the county determines that one or more provisions of this Ordinance should be amended, repealed, revised, clarified, or deleted, then the county may take whatever measures are necessary in accordance with applicable Ordinance in order to accomplish the same. It is noted that where warranted, and in the best interests of the county, the county may repeal this entire Ordinance at any time.
- C) Notwithstanding the provisions of subsections (A) and (B) of this Section, the county may at any time and in any manner (to the extent permitted by Federal, State, or local law), amend, add, repeal, and/or delete one or more provisions of this Ordinance.

10.31 Adherence to State and/or Federal Rules and Regulations.

- A) To the extent that the holder of a Special Use Permit for Wireless Telecommunications Facilities has not received relief, or is otherwise exempt, from appropriate State and/or Federal agency rules or regulations, then the holder of such a Special Use Permit shall adhere to, and comply with, all applicable rules, regulations, standards, and provisions of any State or Federal agency, including, but not limited to, the FAA and the FCC. Specifically included in this requirement are any rules and regulations regarding height, lighting, security, electrical and RF emission standards.
- B) To the extent that applicable rules, regulations, standards, and provisions of any State or Federal agency, including but not limited to, the FAA and the FCC, and specifically including any rules and regulations regarding height, lighting, and security are changed and/or are modified during the duration of a Special Use Permit for Wireless Telecommunications Facilities, then the holder of such a

Special Use Permit shall conform the permitted Wireless Telecommunications Facilities to the applicable changed and/or modified rule, regulation, standard, or provision within a maximum of twenty-four (24) months of the effective date of the applicable changed and/or modified rule, regulation, standard, or provision, or sooner as may be required by the issuing entity.

10.32 Conflict with Other Laws.

Where this Ordinance differs or conflicts with other Laws, rules and regulations, unless the right to do so is preempted or prohibited by the county, State or federal government, this Ordinance shall apply.

10.33 Effective Date.

This Ordinance shall be effective immediately upon passage, pursuant to applicable legal and procedural requirement.

10.34 Authority.

This Local Ordinance is enacted pursuant to applicable authority granted by the State and federal government.

ARTICLE 11

MANUFACTURED HOMES AND MANUFACTURED HOME PARKS

11.1 Purpose.

The purpose of the article is to provide standards and regulations to protect the health, safety and general welfare of the citizens of Troup County. Troup County recognizes that manufactured housing meets the needs of many county residents for affordable housing and is compatible with site-built housing if developed in accordance with comparable standards. These regulations shall govern the use and operation of all manufactured homes on single lots or within parks used for permanent residential occupancy in unincorporated Troup County, Georgia. It is the intent of these regulations to empower the Troup County Planning Commission, the Troup County Health Department, and the building and zoning office to review the development of manufactured home sites and manufactured home parks within the unincorporated areas of Troup County for compliance with standards as stated in this ordinance.

11.2 Manufactured Homes.

11.2-1 Nonconforming Use. Nonconforming mobile/manufactured home parks lawfully existing at the time of adoption of this ordinance may be continued, but if such nonconforming use is discontinued for a period of 90 days, the manufactured home park shall be made to conform with the requirements of these regulations prior to its being occupied again. Any expansion or addition to an existing manufactured home park shall be in compliance with these regulations, as amended.

11.2-2 Placement Application. An application for placement approval shall be completed and review, processing and advertising fees paid. No manufactured housing unit shall be moved, placed, added to the Troup County property digest, issued a decal or building permit until a placement approval is provided by said application. Application shall be available in the planning and zoning office and/or building inspections office.

11.2-3 Issuance of Permit. Any owner of a manufactured home, whether locating or relocating said manufactured home, shall obtain a building permit from the Building and Inspections Department of Troup County indicating compliance with all applicable codes before any person or persons are authorized to occupy any newly installed manufactured home.

11.2-4 Permit Procedures. A manufactured home permit to move a manufactured home into or within the county shall not be issued until the following conditions have been met in accordance with established procedures.

11.2-5 All manufactured homes located to Troup County shall be no more than ten years old. This includes moving any manufactured homes currently located in Troup County to another location within Troup County.

11.2-6 All manufactured homes must be located at an approved manufactured home space, or in an approved manufactured home park subject to the requirements of this ordinance.

11.2-7 For individual lots outside of a manufactured home park, a septic tank certificate shall be obtained from Troup County Health Department for onsite sewage disposal, or in the event that sewer will be provided, a letter shall be provided by the local government providing the service verifying they will allow public sewer hookup.

11.2-8 For purposes of this section, the building and inspections office shall issue the aforementioned building permit, and the health department shall issue the aforementioned septic tank certificate. Upon issuance of the required permits, a manufactured home may be moved into the county or within the county and installed for occupancy provided it has obtained approval either from the Troup County Board of Commissioners or the Zoning Administrator if it is a replacement manufactured home.

11.2-9 All manufactured homes located in the unincorporated county shall adhere to the appearance standards for Type I (individual housing lots outside manufactured home parks) or type II housing (for manufactured homes located in manufactured home parks) set forth in Article VII.

11.2-10 All manufactured homes or offices located on individual lots that meet or exceed the housing appearance standards for type I houses may be approved at the discretion of the Zoning Administrator, provided that:

- a. The MHU meets the standards for Type I houses;
- b. The lot on which the MHU is to be sited is a conforming lot and the site plan meets the zoning district's requirements;
- c. The MHU is a replacement manufactured home;
- d. The MHU is a replacement due to fire or other disaster that destroyed the original MHU;
- e. The home is to be located in an unrestricted subdivision;
- f. A permit for the demolition shall be issued for any residential structure existing on the lot, parcel or tract on which the manufactured unit is to be located prior to any replacement manufactured unit;
- g. No existing manufactured unit to be replaced may be converted for use as an accessory structure (storage);
- h. Any replacement manufactured home or office unit may be administratively approved only if the home to be replaced is still existing on the lot where the replacement is to be located.

11.2-11 All other manufactured homes shall be approved by the Troup County Board of Commissioners prior to being issued a permit. Application for Manufactured Home Placement may be obtained from the Building and Inspections Office. The application will be put on the next regularly scheduled Board of Zoning Appeals/Planning Commission agenda for a recommendation from that body to the Troup County Board of Commissioners for approval, denial or continuance. There will be a public hearing as per sections 16.10 and 16.11 and notice posted as per section 16.8.

11.3 Minimum Construction Standards.

Each newly installed manufactured home in Troup County shall conform to the minimum construction standards required by U.S. Housing and Urban Development (HUD), as required by the National Mobile Home and Safety Standards Act of 1974, 42

U.S.C., section 5401, et seq., before that manufactured home is entitled to receive any utility service to said manufactured home. It is the intent of this section of this ordinance to prohibit moving manufactured homes into Troup County that do not conform to the applicable housing and urban development construction standards, as expressed in 42 U.S.C. section 5401 et seq., and regulations established pursuant to that Act. To that end, no manufactured home shall be allowed to locate or relocate for permanent or temporary occupancy in this County unless that manufactured home complies with the minimum construction standards required by HUD, which compliance must be evidenced by the affixation of a permanent label or tag certifying the compliance. Manufactured homes that do not display certification compliance shall not be eligible for a Troup County building and/or occupancy permit. Any manufactured home in Troup County that legally exists at the time of adoption of this ordinance that does display certification compliance shall not be required to have certification. However, any manufactured home that does not display certification shall be considered a nonconforming structure and shall not be relocated to any other site within the county.

11.4 Installation Requirements.

All newly installed manufactured homes shall be permanently connected to water, sewerage and electrical service in compliance with applicable health codes and department of human resources (DHR) rules in chapter 120-3-7 Rules and regulations for manufactured homes, including rules made and promulgated by the Georgia Safety Fire Commissioner. All manufactured homes shall be installed on an approved pier system and secured with approved tie-downs devices, an approved plumbing system, an approved electrical system and an approved landing at each exit as required by the aforementioned rules, regulations and in compliance with appearance standards for the appropriate zoning district. Each manufactured home shall be installed such that the finished floor level of the manufactured home shall not exceed an average height higher than 80 inches in elevation from the finished grades, in accordance with chapter 120-3-7 Rules and regulations for manufactured homes. All manufactured homes shall be installed to meet the manufacturer's regulations. At the time of inspection, the space beneath each manufactured home shall be enclosed by cement blocks with mortar with the exception of ventilation and access openings, and in compliance with appearance requirements in Article VII. The residential zone of each manufactured home will dictate which type it must meet (see permitted use table 7.3). The enclosing materials shall extend from the lower edge of the exterior walls of the manufactured home to the ground surface level of the pad on which it is located. All ventilation and access openings shall be covered with wire mesh screen or its equivalent.

11.5 Inspection for Manufactured Homes.

The following requirements shall pertain to the installation of manufactured homes on individual lots or in parks.

11.6 Foundation.

The Building Inspector shall require the foundation to be inspected to ensure compliance with the rules and regulations for manufactured homes, as may be subsequently revised. These rules and regulations for manufactured homes are incorporated as a part of this ordinance by reference. Until the foundation is inspected and approved by the Building Inspector, no additional work will be approved.

11.7 On-Site Sewerage.

Where individual on-site sewerage systems are installed with public or community water systems, the minimum lot size shall be no less than required in the zoning district in which the home is located. All on site sewerage systems shall be subject to the Troup County Health Department approval.

11.8 Electrical.

The Building Inspector shall require inspection of the external electrical system to ensure compliance with current National Electrical Code, as amended.

11.9 Gas.

The Building Inspector shall require inspection of the external gas system to ensure compliance with the current standard gas code, as amended.

11.10 Inspections/Certificate of Occupancy.

Until these inspections have been made and the manufactured home is found to be in compliance with all applicable codes, no permanent power may be installed, and no occupancy shall be permitted. Evidence of compliance will be shown by written documentation provided to the applicant and a sticker attached to the electrical meter base.

11.11 Occupancy of Recreational Vehicles.

No recreational vehicle shall be permanently occupied within any manufactured home park development nor connected to permanent water or electrical power and no manufactured home location permits shall be issued for recreational vehicles.

11.12 Manufactured Home Parks.

11.12-1 Procedures for Development. Manufactured home parks may be developed on any parcel of land that is zoned or may be zoned manufactured home park (MHP). Where three or more homes are located on one tract of land it shall be defined as a manufactured home park and any expansion of existing manufactured home parks shall meet the requirements of this section. All manufactured home parks developed after adoption of this ordinance shall meet the following site plan requirements:

11.12-2 Site Plan Approval Required. All manufactured home park developments shall require site plan approval by the Board of Zoning Appeals/Planning Commission in accordance with the procedures and requirements established herein. Site plans required herein for the placement of three or more residential units shall contain the seal of a Georgia registered engineer or surveyor. No building permits shall be issued for sites within any development until final approval is granted subject to all park plan requirements.

11.12-3 Park Plan Submittal Requirements. All park plans shall be submitted to the Zoning Administrator accompanied by the required fee payment as established by Troup County.

11.12-4 The name of the proposed park, and the name, address and telephone number of the applicant.

11.12-5 Location map and legal description of the manufactured home park, north arrow (designated magnetic or true).

11.12-6 Complete plans to scale of one inch equals not more than 100 feet and specifications of the proposed park showing:

- a. The area and dimensions of the tract of land; including topographic data at a contour interval of not more than five feet or an interval appropriate for decision making on the tract; and including the location and type of soils on the tract. Statement of accuracy signed by surveyor, engineer or soil scientist as applicable.
- b. The number, location and dimensions of all manufactured home lots.
- c. The location and width of streets; the location and size of drainage mechanisms proposed, including the size of each application drainage area.
- d. The location of service buildings (laundry service, office, community building etc.) and other proposed structures.
- e. The location of water and sewer lines and riser pipes.
- f. The plans and specifications of the water supply and refuse disposal facilities.
- g. The plans and specifications of all buildings to be constructed within the park.
- h. The location of street lights, if applicable.
- i. The locations of bulk refuse containers, perimeter walls, and park signs.
- j. A soil erosion and sedimentation plan meeting the requirements of the Soil Erosion and Sedimentation Act.
- k. The certification from the appropriate authority on water and sewer acceptability.

11.12-7 Development Compliance. All required improvements, according to the site plan approved by the Board of Zoning Appeals/Planning Commission, shall be installed in each phase before the issuance of building permits.

11.13 Regulations.

11.13-1 Soil and Ground Cover Requirements. Exposed ground surfaces in all parts of every manufactured home park shall adhere to the following:

- a. All streets shall be paved with curb and gutters, and in accordance with Troup County standards.
- b. All areas designated as yards shall be planted with grass or acceptable vegetative shrubs or flowers.

c. Any walkways to front or back entrances shall be covered with stone or other solid material capable of preventing soil erosion and eliminating objectionable dust.

11.13-2 Location and Frontage. A manufactured home park development shall be located on property with a minimum frontage of 100 feet on a public street.

11.13-3 Site Drainage Requirements. The ground surface in all parts of every park site shall be graded and equipped to drain all water in a safe, efficient manner.

11.13-4 Streets. All manufactured home parks shall contain a street system designed to provide convenient circulation within the park, and shall have at least one unobstructed access to a public street or highway for every 30 homes. The following requirements shall apply to the development of the park street system.

11.13-5 All internal streets shall meet the minimum requirements of Troup County standards for roads.

11.13-6 All cul-de-sacs shall be constructed with a minimum 50-foot radius.

11.13-7 All park streets shall be maintained in good repair at all times by the owner(s) of the park if roads are private.

11.13-8 Street design, base preparations, and surface construction materials shall meet the requirements of the county street and road standards. Written approval of the street system by the County Engineer shall be required and any required maintenance or performance bonds shall be received by the roads and engineering department before any building permit is issued.

11.13-9 Street naming, address assignment and display shall comply with the Troup County Comprehensive Address Assignment and Display Guide.

11.13-10 Off-Street Parking Requirements. A minimum of two off-street parking spaces per lot shall be provided in all manufactured home parks for the use of park occupants and guests.

11.13-11 Lot Area and Width. A manufactured home park development shall have a minimum area of ten contiguous acres with 30 percent for streets and other improvements including the requirements of 11.3-8. Individual unit spaces shall consist of a minimum 1,200 s.f. per unit.

11.13-12 Recreation and Other Community Facilities. Not less than ten percent of the total area of the development shall be devoted to recreation and other facilities such as a laundry, community center or other similar facilities.

11.13-13 Setbacks Required.

11.13-14 No manufactured home or accessory building or structure shall be located closer than 50 feet to any park perimeter property boundary.

11.13-15 Each manufactured home shall be setback from any other manufactured home by at least 40 feet.

11.13-16 There shall be a minimum distance of 25 feet between any individual manufactured home and an adjoining street, common parking areas, or other common areas.

11.13-17 Perimeter Buffer Required. An undisturbed buffer consisting of trees and other landscaping material at least 50 feet in width shall be provided and maintained around the entire perimeter of a manufactured home park. Provided, however, any underground utilities may be placed within this buffer, but no closer than 25 feet from the perimeter of the park boundary. The property owner shall be responsible for the maintenance of the

buffer, which shall be so maintained as to present a neat and orderly appearance and shall be kept free from refuse and debris.

11.13-18 Lighting. All manufactured home parks shall have lighting of height, spacing and intensity so that each home site is accessible and parking is appropriately illuminated.

11.13-19 Water Supply.

11.13-20 Governmental Water System: All manufactured homes parks shall connect to an existing public water system if such system is located within 1,000 feet of the proposed park. The availability and adequacy of a public water supply shall be confirmed by the applicable agency having jurisdiction. If the public water supply is determined to be unavailable or inadequate for service, the Board of Zoning Appeals/Planning Commission may waive the requirement and allow an alternative water supply source.

11.13-21 Non-Governmental Water System: Well and water distribution system must meet the standards for a community water system in accordance with the rules of Georgia Department of Natural Resources, Environmental Protection Division, chapter 391-3-5, "Rules for safe drinking water", as amended and be approved by the Troup County Health Department.

11.13-22 Sewerage Disposal and Treatment: All manufactured home parks shall be required to provide either:

- a. A public sewerage treatment system approved by the Georgia Department of Human Resources; or
- b. An onsite sewerage management system approved by the Troup County Health Department.
- c. An onsite sewerage treatment system that is approved by the Georgia Department of Natural Resources, Environmental Protection Division. On site, decentralized systems shall meet the requirements of Troup County.

11.13-23 Electrical: All electric installations shall meet the requirements of the current National Electric Code, as amended.

11.13-24 Refuse Collection Facilities: Each manufactured home park shall be provided with a sanitary method of solid waste collection and disposal. Collection facilities shall be either in the form of bulk containers (dumpsters) of sufficient size and adequately distributed throughout the park to meet the needs of the park residents, or at least two individually covered refuse containers having a capacity of 30 gallons or more for each occupied lot. Bulk containers shall be enclosed with a minimum of four feet high chain link fence and placed upon a concrete pad, extending at least 18 inches around each container perimeter. If individual containers are utilized, stands must be provided to hold the refuse containers upright. Collection services shall be provided at least once weekly and conveyed to the nearest approved sanitary landfill. Refuse areas shall be maintained in a clean, sanitary manner so as not to attract, harbor or breed insects, rodents or any manner of vermin or pest.

11.13-25 Service Buildings. Accessory structures and community service facilities are hereby permitted for the convenience and well being of park residents. Such structures shall conform to the International Building Codes adopted by Troup County, as amended, and may include, but are not limited to, the following uses:

Park management offices and storage;

Community postal facilities;

Indoor community recreation areas;

Others as listed in Article VII section 7.4 of the permitted use table.

11.13-26 Restrictions on Occupancy: A manufactured home shall not be occupied for dwelling purposes unless it has met the installation requirements in this ordinance. The manufactured home shall require the approval and inspection by a Building Inspector of Troup County.

ARTICLE 12

COMMERCIAL RECREATIONAL VEHICLE PARKS,
CAMPGROUNDS AND RENTAL CABINS

12.1 Commercial Recreational Vehicle Parks. Any recreational vehicle park in Troup County will require zoning to that district. The CRVP zoning district shall encompass CRV parks, campgrounds and rental cabins. CRV parks are for the convenience of tourists, transient visitors to Troup County and are not intended to provide permanent housing for citizens of the county. Therefore, no RV shall be set up at any residence for occupancy on a permanent basis. Camp sites may be a part of a commercial recreational vehicle park or a campground may be developed separate from a CRV park. The camp sites and campground as a whole shall adhere to the same standards as those for a CRV park.

12.2 Recreational Vehicles. Recreational vehicles are allowed as a temporary residence. They shall be placed in a recreational vehicle park only and residents that own recreational vehicles shall not be allowed to rent RV's on property zoned for single-family residences. RV's may be located on site of single-family residences in an enclosed area or garage or carport and hooked to electricity for recharging batteries. RV's shall not be located in Manufactured Home Parks and rented as a permanent residence.

12.3 Site Plan Requirement. Any proposed CRV Park shall submit to the Board of Zoning Appeals/Planning Commission for approval a site plan that shall conform to the regulations set forth in Article [section] 11.3-1. In addition the following standards are required.

12.4 Land Disturbance Permit. A permit shall be required prior to any grading, installation of facilities or advertising of proposed park. Land disturbance permits may be obtained from the Troup County Planning and Zoning office during normal business hours.

12.5 Development Standards. All RV Parks located in unincorporated Troup County shall conform to the following development standards.

12.6 Lot Area. Each individual space for use by a RV shall be 1,000 square feet. The lot area shall be graded and gravel inserted and surrounded on three sides by landscape timbers or other similar material, to ensure space provided for the RV to park is level and capable of sedimentation and erosion control. The maximum density for RV parks shall not exceed 20 units per acre.

12.7 Minimum Lot Size. For the purpose of the development of a CRV Park the minimum lot size shall be ten acres. The road frontage required for CRV parks, campgrounds or cabins is 300 feet.

12.8 Shower Facilities. Any CRV Park shall provide one shower and restroom facilities for every six rental spaces or every six campsites. This does not apply to cabins as each cabin should contain a minimum of one bathroom.

12.9 Electrical. Each individual space shall provide electrical hookup for the RV in accordance with current National Electrical Code as amended.

12.10 Water. Each individual space shall provide a water source for the RV to fill water storage tanks. Cabins shall be supplied with running water from an individual well, community water system or public water system.

12.11 Individual Spaces. Individual space in the park shall include a concrete picnic table, benches and a charcoal grill constructed of wrought iron or other similar material, permanently attached to a concrete pad.

12.12 Streets. Streets that provide access to the individual spaces shall be constructed to Troup County standards and shall be curb and gutter. The street system shall be maintained by park owner and is not the responsibility of Troup County. Each space shall be assigned and display an address for emergency response purposes. Street names and address assignment and display shall comply with the Troup County Comprehensive Address Assignment and Display Guide.

12.13 Solid Waste. Each CRV Park, campsite or cabin shall be provided with a sanitary method of solid waste collection and disposal. Collection facilities shall be either in the form of bulk containers (dumpsters) of sufficient size and adequately distributed throughout the park to meet the needs of the park residents, or at least two individually covered refuse containers having a capacity of 30 gallons or more for each occupied lot. Bulk containers shall be enclosed with a minimum of four feet high chain link fence and placed upon a concrete pad, extending at least 18 inches around each container perimeter. If individual containers are utilized, stands must be provided to hold the refuse containers upright. Collection services shall be provided at least once weekly and conveyed to the nearest approved sanitary landfill. Refuse areas shall be maintained in a clean, sanitary manner so as not to attract, harbor or breed insects, rodents or any manner of vermin or pest.

12.14 Frontage. The CRV park, campsite or cabin shall position individual spaces lots so the parcel has reverse frontage to U.S., State, county or local roads, with street system constructed and maintained by park owner. Interior street system for park shall be constructed to county standards and approved by the County Engineer.

12.15 Waste Water Treatment Facility. All CRV parks shall construct a minimum of one wastewater treatment disposal system approved by the Troup County Health Department or the Georgia Department of Natural Resources, Environmental Protection Division. Each park shall have an approved on site waste water treatment system,

either individual septic tanks, or onsite decentralized system approved in compliance with Troup County standards.

12.16 Service Buildings. Accessory structures and community service facilities are hereby permitted for the convenience and well being of park guests. Such structures shall conform to the Georgia State Building Codes adopted by Troup County, as amended, and may include, but are not limited to the following uses:

Park management offices and storage;

Community postal facilities;

Indoor community recreation areas;

Other similar uses that may be necessary to meet the needs of guests as listed in the permitted use table for non-residential districts table 7.4.

Any structure or use of a commercial nature shall be submitted with the site plan at the time of rezoning. If the property is already zoned for CRV park then the site plan approval by the Board of Zoning Appeals/Planning Commission is required prior to any issuance of a land disturbance permit.

12.17 Rental Cabins. Each cabin area that is dependent on individual septic systems shall be approved by the Troup County Health Department for lot size. The size of the lot shall be the minimum required by the soil tests conducted by the health department, but in no case shall be less than 10,000 square feet.

12.18 Cabins shall be separated from each other by not less than 20 feet.

12.19 Cabin rentals shall comply in all buffer requirements as set forth in this section for CRV parks.

12.20 Cabin rentals shall comply with all development standards as set forth in this section for CRV parks.

12.21 Any area where cabins are built for rental on a temporary basis shall comply with the appropriate development standards as applicable in this section for CRV parks.

ARTICLE 13

OFF-STREET PARKING AND LOADING

13.1 Purpose.

The purpose of this article is to provide regulations to foster safe and efficient circulation of vehicles and pedestrians on private and public streets and to minimize nuisances from on-street parking.

13.2 Off-Street Parking.

13.2-1 Off-Street Automobile Parking and Storage. Off-street parking and storage space shall be provided on every lot on which any of the uses mentioned in this section are established. Such automobile parking or storage space shall be provided with vehicular access to a street or alley and shall be equal in area to at least the minimum requirements for the specific uses as set forth in table 13.1. Each automobile parking space shall be at least nine feet wide and 20 feet long.

13.2-2 If the required automobile parking or storage space cannot be provided on the same lot on which the principal use is located, the Board of Zoning Appeals/planning may permit such space to be provided on other off-street property provided such space is within 500 feet of such principal use. Such space shall be associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.

13.2-3 All off-street automobile parking and storage space shall be so arranged that vehicles will not be required to back onto a public street, road or highway when leaving the premises.

13.2-4 Gross Area. Gross leasable area (GLA) is the total building floor area in square feet that a developer may lease. Gross floor area (GFA) is the square feet sum of the areas of floors of a building, including all areas for human occupancy, as measured from the exterior faces of the walls but excluding unenclosed porches, interior parking spaces or any space where the floor to ceiling height is less than six feet, six inches.

13.2-5 Improvement and Maintenance. Off-street parking areas shall be graded to insure proper drainage, surfaced with all-weather gravel, asphalt or concrete materials and maintained in a clean, orderly and dust free condition.

13.2-6 Bumper Guards. If the off-street parking area is surfaced with all-weather gravel materials, a bumper guard or wheel stop shall be installed to mark each space.

13.2-7 Marking. If the off-street parking area is surfaced with concrete or asphalt, each parking space shall be painted with stripes, not less than three inches wide, running the length of each of the longer sides of the space or by other acceptable methods which clearly delineate the parking space within the parking lot.

13.2-8 Handicapped Parking. Parking for the handicapped within a non-residential district shall be provided at a size, number and location according to the requirements of the ADA accessibility guidelines (ASAAG) published by the U.S. Architectural and Transportation Barrier Compliance Board (ATBCB), as amended.

13.3 Residential Parking.

All parking areas serving single-family detached or attached dwellings shall conform to the following requirements:

13.3-1 No inoperable vehicle shall be permitted in any residential district for more than 14 days unless it is in an enclosed garage. All repairs shall be in an enclosed garage in residential districts.

13.3-2 No commercial vehicle as licensed by the State with a gross vehicle weight (GVW) exceeding 11,000 pounds shall be allowed to park in single-family medium density, multi-family residential districts or townhouse developments unless it can be completely enclosed.

13.3-3 Commercial vehicles, licensed by the state, busses and recreational vehicles shall not be allowed to park overnight on the street in single-family medium density, single-family high density, multi-family districts or townhouse developments.

13.3-4 No driveway shall be constructed so as to require a vehicle to back into oncoming traffic. All driveways shall provide some mechanism for vehicles to turn and face oncoming traffic.

13.3-5 Recreational vehicles are prohibited from parking in the front yard of any residential district and must be parked in an area of the yard least visible from any public street.

Table 13.1 Minimum Off-Street Parking Requirements by Uses	
Uses	Parking Spaces
Residential	
Dwelling, multi-family (including one bedroom units) or townhouse developments	2 per dwelling unit
Dwelling, single-family detached	2 per 2 bedroom dwelling unit plus 1 per each 2 additional bedrooms.
Senior housing	1 space per dwelling unit
Group home	1 per employee plus 1 per 2 bedrooms
Nursing home	1 for 4 beds + 1 per 2 employees
Rooming and boardinghouse	1 per room that is leased
Commercial - Retail	
Automobile, truck sales and service	1.0 space per 250 sf of sales floor area + 2 spaces per service bay
Auto parts store	1 per 400 sf GFA + 1 per

TROUP COUNTY ZONING ORDINANCE

Table 13.1 Minimum Off-Street Parking Requirements by Uses	
Uses	Parking Spaces
	employee on maximum work shift
Boat sales, service and repair	1 per 300 sf GFA, 2 spaces minimum
Convenience store (can include fuel service)	5 per 1,000 sf GFA
Furniture, home furnishing and equipment store	1 per 500 sf GFA, 2 spaces minimum
Grocery store	1 per 200 sf GFA
Hardware store	1 per 200 sf GFA
Manufactured home sales	2 per sales person and 1 per each employee
Restaurant, cafeteria, fast-food (with seating)	1 per 4 seats. 1 additional space for each 2 employees
Retail stores, general merchandise	1 per 200 GLA
Commercial - Service and entertainment	
Amusement park	Spaces equal in number to 30 percent of capacity
Automobile repair and body shop	1 per 150 sf GFA
Auto oil change shop	3 per service bay
Bait shop	1 per 250 sf GFA
Bank or financial institution, full service	1 per 185 sf GFA
Barber shop, beauty shop	3 per workstation or maximum capacity
Bed and breakfast home	1 per guest room, plus 2 for owner
Bowling alley	4 per alley
Dry cleaning	1 per 200 sf GFA
Funeral home/mortuary	1 per 4 seats in chapel + 1 per 2 employees + one space each for company vehicles
Gas station full service	1 per employee plus 3 per

TROUP COUNTY ZONING ORDINANCE

Table 13.1 Minimum Off-Street Parking Requirements by Uses	
Uses	Parking Spaces
	service bay
Gas station, self-serve (fuel only)	1 per employee
Health club and facilities	1 per 200 sf GFA
Hotel, motel and motor lodge	1 per sleeping room or suite, 1 additional space for each 2 employees
Laundromat	1 per 200 sf GFA
Machinery sales, service and repair	4 per sales per sales person plus 1 for other employees
Miniature golf courses	3 per hole + 1 per employee on maximum shift
Offices (business, medical, dental and professional)	1 per 225 sf GFA for single floor designs; 1 per 275 sf GFA for designs with two or more floors
Pet shop, dog grooming shop	1 per 400 sf GFA with a minimum of 4 spaces
Printing, publishing and engraving	1 per 2 employees on premises +1 per 300 sf of sales space
Repair service, general merchandise	1 per 2 employees on premises +1 per 300 sf of sales space
RV and camper sales, service and repair	4 spaces for each sales person plus 1 per employee
Shooting range, indoor	1 per employee plus 1 per shooting lane
Studio for art, photograph and similar uses	1 per 400 sf GFA, 3 spaces minimum
Theater, movie or drama	1 per 3 seats
Truck terminal	1 per 1,000 sf GFA
Veterinary clinic	4 spaces per doctor, plus 1 per additional employee

TROUP COUNTY ZONING ORDINANCE

Table 13.1 Minimum Off-Street Parking Requirements by Uses	
Uses	Parking Spaces
Video store	1 per 200 sf GFA
Industrial - Storage/Warehousing/ Wholesale trade	
Mini-warehouse (self-storage facilities)	1 per 10 storage units + 1 per employee
Warehouse and storage buildings	1 per employee on maximum working shift, plus space for storage of truck or vehicles used
Industrial - Manufacturing Establishment/Processing	
Manufacturing and industrial uses	1 per employee, plus 1 per 200 sf of sales floor area
Contract construction	1 per 250 sf of gross office space + 1 per non-office on site employee
Public/Institutional	
Ambulance services	1 per each emergency vehicle plus 1 additional space for each employee
Art gallery	1 per 250 sf GFA
Auditorium, assembly hall, civic center, community center	1 per 4 seats or bench seating spaces
Cemetery, mausoleum	1 per employee
Childcare facilities	1 per 2 employees + 1 per 4 pupils
Church	1 per 4 seats or bench seating spaces
Club and lodges, non-commercial	1 per 100 sf GFA
Fire station	1 per employee on the maximum working shift
Hospital, health and medical institution	1 per 2 patient beds, 1 additional for 3 employees

TROUP COUNTY ZONING ORDINANCE

Table 13.1 Minimum Off-Street Parking Requirements by Uses	
Uses	Parking Spaces
Library	1 per 400 sf GFA + 1 per 2 employees
Museum	1 per 250 sf GFA
Police station/correctional facility	2 per employee on the maximum working shift, plus 1 per 8 inmates considering the maximum inmate holding capacity
Post office	1 per 200 sf GFA + 1 per employee on maximum working shift
Recycling center	1 per employee
School, public or private elementary/middle	2 per classroom, but not less than 1 per employee
School, college	10 per classroom
School, vocational/technical	20 per classroom
Transportation/Communication/Utilities	
Bus terminal	4 per each loading and unloading bay
Radio, TV and communication transmission tower	1 per 2 employees on premises +1 per 300 sf of sales or customer space
Utility facilities	1 per employee + 1 per stored vehicle
Water treatment facilities	1 per employee
Parks/Recreation/Conservation	
Golf courses and club houses, private	6 per hole, plus additional spaces for each accessory facility
Golf courses and club houses, public	8 per hole, plus additional space for each accessory use
Golf driving range	1.5 per each driving tee
Park with recreational facilities	Spaces equal in number to

Table 13.1 Minimum Off-Street Parking Requirements by Uses	
Uses	Parking Spaces
	30 percent of capacity
Passive park	1 per 5 acres
Shooting range, outdoor	Skeet Range and Trap Range: 1 per employee plus 1 for each shooter Target Range: 1 per employee plus 1 per shooting lane
Skating, board, roller or ice rink	5 spaces per 1,000 square feet of GFA
Swimming pool	30 spaces minimum
Agricultural	
Agricultural services	2 per 3 employees or 1 per 400 square feet GFA
Kennel	1 per employee + 1 per 400 sf GFA
Lumber yard	1 per 500 square feet GFA
Nursery/greenhouse	1 per 400 sf of GFA, plus 1 per 2,000 square feet of exterior nursery area
Saw mill	1 per employee
Stock yard	1 per employee on maximum shift

13.4 Off-Street Loading and Unloading Space.

Every building or structure used for business, trade or industry shall provide space as indicated herein for the loading unloading of vehicles off the street or public alley. Such space shall have access to an alley or if there is no alley, a street. Such space shall be so arranged that no vehicle is required to back into a public street, road or highway in order to leave the premises.

13.4-1 Retail Business and Services. A space ten feet by 25 feet for each 20,000 square feet of total floor area or fraction thereof.

13.4-2 Wholesale and Industry. One space ten feet by 50 feet for each 10,000 square feet of floor space plus one additional space for each 60,000 additional square feet of total floor area or fraction thereof.

13.4-3 Bus and Truck Terminal. Sufficient space to accommodate the maximum number of buses or trucks to be stored or to be loading or unloading at the terminal at any one time.

ARTICLE 14

SIGNS

14.1 Purpose. The purpose of this article is to permit signs that will not, by their size, location and construction, endanger the public safety of individuals; confuse, mislead or obstruct the vision necessary for traffic safety; or otherwise endanger public health, safety, or welfare; and to permit and regulate signs in such a way as to support and complement the aesthetic quality of Troup County.

14.2 Location. The location of signs shall conform to state law (See Ga. DOT regulations). In general, except for signs as allowed by state law, all signs shall be located on private property.

14.3 Corner Visibility Clearance. In any district no sign or sign structure (above a height of three feet) shall be maintained within 15 feet of the intersection of the right-of-way lines of two streets, or of a street with a railroad right-of-way.

14.4 Lighting Restrictions. Lighted, neon or luminous signs giving off light resulting in glare, blinding or any other adverse effect on traffic shall not be erected.

14.4-1 The light from illuminated signs shall be established in such a way that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways.

14.4-2 No internally illuminated ground or pole signs shall be erected within 50 feet of any dwelling within a residential district.

14.4-3 No sign shall be erected if it contains, or is illuminated by any flashing intermittent or moving light or lights except an electronic message board sign.

14.4-4 No sign shall be erected which simulates an official traffic control or warning sign so as to confuse or mislead the traffic or hide from view any traffic or street sign or signal.

14.5 Other Restrictions. No sign shall be erected, attached, or maintained which obstructs any fire escape, any means of egress or ventilation or which prevents free passage from one part of a roof to any other part thereof.

14.5-1 No sign shall be erected which simulates an official traffic control or warning sign so as to confuse or mislead the traffic or hide from view any traffic or street sign or signal.

14.6 Sign Types and Standards. The following sign standards apply to all districts except as specified elsewhere in this article. If any other standards in this ordinance conflict with the standard in this article the stricter regulation shall apply:

14.6-1. Pole Signs. Pole signs shall not extend over a public right-of-way. All signs abutting the right-of-way line shall have the display area ten feet or more above ground level measured from the grade at the right-of-way line. Any signs with any portion of the display area less than ten feet above ground level must be erected 15 feet from the right-of-way line. If the location of the sign structure is below the grade of the road, the

height of the sign shall be measured from the nearest adjacent roadway. The maximum area of a pole sign shall be 200 square feet. The maximum height of a pole sign shall be 35 feet.

14.6-2. Ground Signs. Ground signs less than three feet high shall be set back at least three feet from the right-of-way line. Otherwise, such signs shall be set back 15 feet from the right-of-way line. The maximum total area of a ground sign located in commercial zoning districts shall be 40 square feet. The maximum total area of a ground sign located in a residential zoning district is 16 square feet.

14.6-3. Wall Signs and Flush-Mounted Canopy Signs. Wall signs and flush-mounted canopy signs (including signs attached flat against the wall or canopy and painted signs) shall be securely fastened by metal supports to the building surface along the sign's greatest dimension. They may project from the building up to 12 inches; however, if they project more than four inches from the building surface, they shall maintain a clear height of eight feet above ground level. Wall signs may not extend more than four feet above the parapet roof wall.

14.6-4 Individual Business. Where a structure is located in commercial zoning district the total number of wall signs or canopy signs on all facades of a building is counted as one sign, and the total sign display area of each wall shall not exceed ten percent of the wall area up to a maximum of 200 square feet.

14.6-5 Multi-Business/Shopping Center. Where several structures are built jointly with connecting walls and zero lot lines located in commercial zoning district and commonly called a shopping center the maximum display area of wall signs or canopy signs for each business shall not exceed ten percent of the front facade of each individual business.

14.7 Hanging Canopy Signs. All hanging canopy signs shall not exceed six square feet in size and the lowest extremity of the sign shall not be less than eight feet above the ground.

14.8 Window Signs. Each business located in commercial zoning district having glass directly orientated to a street may use all of that glass area as one allowable sign.

14.9 Non-Animated Portable Signs. Non-animated portable signs are to be located in commercial or industrial zoning districts and any that are less than three feet high shall be set back at least three feet from the right-of-way line. Otherwise, such signs shall be set back 15 feet from the right-of-way line. The maximum total area of a non-animated portable sign shall be 40 square feet.

14.10 Use of Signs Permitted by Districts.

14.11 Commercial Use Signs. Commercial use signs are permanently mounted or placed signs which, are permitted in all districts allowing commercial uses. In this regard, a home occupation shall not be considered a commercial activity to allow the use of a sign. Except as specified below, all commercial use signs shall meet the standards according to section 14.1. The maximum number of commercial use signs for an establishment or development is listed in table 14.1.

TROUP COUNTY ZONING ORDINANCE

Table 14.1
Maximum Number of Signs in Commercial or Industrial Zoning Districts

	INDIVIDUAL ESTABLISHMENTS	SHOPPING CENTER		BUSINESS/INDUSTRIAL PARK	
Maximum Number of Signs:	3 total per establishment but limited to one use of each type sign allowed	1 per road frontage	1 per business within the shopping center	1 per road frontage	1 per Industry/business within the park
Sign Types					
Pole Sign	P	P	NP	P	NP
Ground Sign	P	P	NP	P	P
Wall Sign	P	NP	P	NP	P
Flush Canopy Sign	P	NP	P	NP	P
Hanging Canopy Sign	P	NP	P	NP	P
Window Sign	P	NP	P	NP	P
Non-Animated Portable Sign	P	P	NP	P	NP

P=Permitted

NP=Not permitted

For sign standards, please refer to section 14.1 sign types and standards.

Table 14.2

Maximum Number of Signs in Residential Zoning Districts

Sign Type	Maximum Number of Signs	Maximum Size	Required Setback From R.O.W. Line
Ground Sign	3 per lot	10 square feet	10 feet

14.12 Prohibited signs. Any sign that will pose public safety hazards are prohibited. The following types of prohibited signs shall be removed 180 days after the effective date of the ordinance from which this section derives. The following types of signs and displays, as they are defined herein, are unlawful to erect or maintain in all zoning districts:

Abandoned signs.

Animated signs. Animated, series, lines, or rows of electric or neon lights that involve motion.

14.13 Billboards.

14.13-1 State Codes. All billboards shall conform to all state and federal laws and regulations. All structural components shall comply with the applicable construction codes. Any abandoned billboard shall be removed within six months.

14.13-2 Location. Billboards shall be allowed as a conditional use in commercial, industrial and agricultural districts. No billboard shall be erected within 300 feet of the nearest property line of any public park, public playground, public school, recreational area, historic site, church or similar institution. No billboard shall be placed within 100 feet of a residential district.

14.13-3 Interstate 185. All signs adjacent to and visible from the main traveled way of Interstate I-185 are prohibited, except standard signs furnished by the Department of Transportation of Georgia.

14.13-4 Block-Out Zone. No billboard shall be erected within an Interstate highway block-out zone as provided by state or federal law.

14.13-5 Quadrants. No more than three billboards shall be erected and maintained per each Interstate highway quadrant shown and identified on Exhibit 2 attached hereto and specifically incorporated herein.

14.13-6 Size and Number. No single billboard (display area and attached trim) shall exceed 672 square feet (14 feet x 48 feet) in size.

14.13-7 Linear Spacing. No billboard shall be erected within 500 feet of another billboard on the same side of the street as measured along a line parallel to such street.

14.13-8 Setback and Height. All billboards shall be setback ten feet from the right-of-way line of any street or highway and shall be eight feet or more above the adjacent pavement level of the street or highway to which it is oriented. The total height of the billboard shall not be greater than 75 feet when measured from the grade level of the adjacent street or highway or at the grade of the sign site if such grade is above the grade of the street.

14.13-9 Extrusion Prohibited. Extrusions beyond the face of the sign, excluding aprons, are prohibited, except for solar cell systems providing power for illumination or other purposes.

14.13-10 Illumination. All illuminated signs shall use base mounted fluorescent or mercury vapor lights and may be activated by photoelectric cells. Additional lighting including, but not limited to, neon, animation and running lights are prohibited. In addition, the light shall be arranged to prevent glare or direct illumination into any residence or thoroughfare.

14.14 Administration; Construction and Maintenance.

14.14-1 All signs for which a permit is required, together with all their supports, braces, guys, and anchors shall be kept in constant repair.

14.14-2 The provisions and regulations of this section shall not apply to the ordinary servicing, repairing, cleaning or changing of the message without a change in structure.

14.14-3 Sign Permit. A sign permit is required before a sign may be erected, attached to, suspended from, or supported on a building or structure; and before an existing sign may be enlarged, relocated or materially improved to an extent of 40 percent of its total replacement value. Listed below are signs that require a building permit:

- a. Signs located in all commercial and industrial zoning districts.
- b. Billboards.

14.14-4 A sign permit shall be issued by the Building Official when the plans, specifications and intended use of the applied sign or part thereof conforms to the applicable provisions of this article and the building code as certified by the Building Official officer. The application shall be accompanied by plans which identify the locations of signs and other applicable information that the enforcement officer may require in the exercise of sound discretion in acting upon the application.

14.14-5 Each application shall contain an agreement to indemnify and hold the county harmless of all damages, demands or expenses of every character which may in any manner be caused by the sign or sign structure.

14.14-6 The building permits and inspections office shall maintain a database of currently erected billboards within Troup County. Such database shall contain the contact information of the current owner and operator charged with maintenance of said billboard along with emergency contact information.

14.14-7 A sign permit shall become null and void if the sign for which the permit was issued has not been completed within a period of six months after the date of issuance.

14.15 Permit Fee. No permit shall be issued until an application accompanied with a sign plan is approved by the Troup County building department and fees paid.

14.16 Nonconforming Signs. A nonconforming sign shall not be replaced by another nonconforming sign except that the substitution or interchange of poster panels, painted boards, or replacement of removable letters and numbers on nonconforming signs shall be permitted.

14.17 Repairs and Maintenance of nonconforming signs shall be permitted to maintain a safe condition and neat appearance so long as the sign remains

substantially the same as it was on the effective date of the adoption of the ordinance from which this section derives. However, no changes in the size or shape of a nonconforming sign shall be permitted except to make the sign comply with the requirements of this section.

14.18 Violation. If any sign is erected or maintained in violation of the provisions of this section, the enforcement officer shall have the power to give the owner thereof written notice of such violation. The notice shall include a brief statement of the particulars in which such violation is to be remedied. If a sign has been erected with a valid building permit, notice to the registered owner or the person or firm receiving the permit shall be sufficient. If a sign has not been registered and the owner is not known, affixing a copy of the notice to the sign, graphic structure or building for a period of ten days shall be sufficient.

14.18-1 If such violation is not remedied within 30 days after such notice, the owner shall remove the sign immediately or be subject to a \$100.00 a day fine for each day, with each act or omission considered a separate violation.

14.19 Removal. If the sign in violation of this article is not removed by the owner, the enforcement officer shall have the right to remove such sign at the expense of the owner thereof and to destroy or otherwise dispose of the sign. In addition to the above provisions, the enforcement officer may cause the sign or structure to be removed which:

- a. Is structurally unsafe;
- b. Constitutes a hazard to safety or health by reasons of inadequate maintenance, dilapidation or abandonment;
- c. Is not kept in good repair; or
- d. Capable of causing electrical shock, to be removed following notice of 24 hours to the owner at the expense of the owner and to destroy or otherwise dispose of the same.

Exhibit 2 – Billboard Zone & Quadrant Map

Space availability determined at time of application

ARTICLE 15

NONCONFORMING USES AND STRUCTURES

15.1 Nonconforming Lots.

A lot or portion of a lot where the area, dimensions or location of which was lawful prior to the adoption, revision or amendment of the zoning ordinance but that fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district. No such nonconforming use of land shall in any way be expanded, either on the same or adjoining property.

15.2 Nonconforming Uses of Land.

A use or activity that was lawful prior to the adoption, revision or amendment of the zoning ordinance but that fails by reason of such adoption, revision or amendment to conform to the present requirement of the zoning district. The following applies to all nonconforming uses.

15.3 A legal nonconforming use shall not be changed to another nonconforming use. When a nonconforming use of land has been changed to a conforming use, it shall not be used for any other nonconforming use.

15.4 A nonconforming use of land shall not be enlarged, expanded or extended either on the same or adjoining property.

15.5 When any nonconforming use of land is discontinued for a period in excess of six months, any future use of the land shall be limited to those uses permitted in that district under the provisions of this ordinance. Vacancy and/or non-use of the land, regardless of the intent of the owner or tenant, shall constitute discontinuance under this provision.

15.6 Nonconforming Structures.

A structure or building, the size, dimensions or location of which was lawful prior to the adoption, revision or amendment of the zoning ordinance but that fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning ordinance. Nonconforming structures shall not be altered, expanded, enlarged or extended in any manner without the approval of the Board of Commissioners as provided in section 15.7 of this article.

15.7 Nonconforming Signs.

A sign lawfully erected and maintained prior to the adoption of the current ordinance that does not conform with the requirements of the current ordinance.

- a. A nonconforming sign shall not be replaced by another nonconforming sign except that the substitution or interchange of poster panels, painted boards, or

replacement of removable letters and numbers on nonconforming signs shall be permitted.

15.8 Repairs and maintenance of nonconforming signs shall be permitted to maintain a safe condition and neat appearance so long as the sign remains substantially the same as it was on the effective date of the adoption of this ordinance. However, no changes in the size or shape of a nonconforming sign shall be permitted except to make the sign comply with the requirements of this ordinance.

15.9 Reconstruction of Nonconforming Structures.

When a nonconforming structure or a structure containing a nonconforming use or nonconforming sign is razed or damaged by fire, flood, wind, or other act of God, such structure or sign may be reconstructed as a nonconforming use only if the damage totals less than 50 percent of the structure. If the nonconforming structure is damaged more than 50 percent the structure may be rebuilt only if it conforms to the zoning ordinance as presently adopted. Nonconforming manufactured homes located in a manufactured home park may be replaced according to type II appearance standards.

15.10 Restoration to a Safe Condition.

Nothing in this ordinance shall prevent the restoration of any structure or use to a safe or sanitary condition, nor shall the ordinance prevent regular maintenance of any nonconforming use or structure.

15.11 Change, Enlargement or Reestablishment of a Nonconforming Use.

The County Commission of Troup County may grant the change, reestablishment or enlargement of a nonconforming use or the enlargement, rebuilding, alteration, repair or replacement of a nonconforming structure upon the following findings:

1. The change, reestablishment, enlargement, rebuilding, alteration, repair or replacement would be no more detrimental to the surrounding area than the existing or previous use.
2. The structure cannot otherwise be economically modified so as to be suitable for uses in the district.
3. The structure would have to be removed to permit development of the property for conforming uses.
4. The structure has such value that removal to permit development of the conforming uses would cause substantial economic hardship to the owner.
5. The proposed change, reestablishment, enlargement, rebuilding, alteration, replacement or repair would not cause substantial detriment to the public good or impair the purposes and intent of this zoning ordinance.

15.12 Applications.

Applications submitted to the Troup County Commission requesting the change, reestablishment, enlargement, rebuilding, alteration, repair or replacement of a nonconforming use or structure shall include the following information:

15.12-1 The applicant shall submit a plat or an accurate site plan, drawn to scale, showing the dimensions of the lot, size and location of all structures and their distance from all property lines, the names of all streets which the property abuts and all parking spaces.

15.12-2 If the request is for a commercial use or structure, a written description shall be submitted to describe the business. This description shall include hours of operation, number of employees, equipment used, products made or sold, type of signs, and other information as needed for the Troup County Commission to reach an informed decision.

15.13 Evidence. The applicant shall bear the burden of providing clear and convincing evidence to the Troup County Commission that the use or structure:

1. Could not be economically converted to any conforming use;
2. That the present use is legally nonconforming;
3. That change, reestablishment, enlargement, rebuilding, alteration, repair, or replacement would be no more detrimental to the surrounding area than the existing nonconforming use;
4. That the structure has such value, that removal, to permit conforming structures, would cause substantial economic hardship to the owner.

15.14 Troup County Commission Action. If the requested change, reestablishment, enlargement, rebuilding, alteration, repair, or replacement is approved, the Troup County Commission may place conditions on the approval to ensure the mitigation of adverse impacts to the surrounding area. The applicant is responsible for conformance with these conditions. Any conditions imposed go with the land and are not changed in any way by a change in ownership of the property. Any approvals with conditions shall be noted on the zoning map and made part of the zoning ordinance by reference.

15.15 Changes in Zoning. Any nonconforming use created by approval of changes to this ordinance shall be governed by the provisions of this article.

ARTICLE 16

ADMINISTRATION

16.1 This ordinance shall be administered by the Zoning Administrator of Troup County, in cooperation with the Board of Zoning Appeals/Planning Commission and the County Commission of Troup County, Georgia.

16.2 Zoning Administrator.

The Zoning Administrator of Troup County, Georgia.

16.2-1 Duties and Authority: The Zoning Administrator or person as designated shall administer the provisions of the zoning ordinance, and shall:

- a. Serve as administrative secretary to the Planning Commission.
- b. Maintain public records concerning the administration of the zoning ordinance, including all maps, amendments, special uses, conditional uses, variances, and records of public hearings.
- c. Collect data and keep informed as to the best zoning practices in order to be qualified to make recommendations to the Board of Zoning Appeals/Planning Commission.
- d. Undertake other relevant duties as may be delegated by the Troup County Manager.

16.2-2 The Zoning Administrator or his/her designee shall conduct all correspondence of the Board of Zoning Appeals/Planning Commission; keep a minutes' book recording attendance, the vote of each member upon each question, or if absent, the failure to vote, indicating such fact; keep records of examination and hearing and other official action; and shall carry out such other official duties as may be assigned by the Board of Zoning Appeals/Planning Commission.

16.3 Building Official.

The Building Official or authorized agent shall enforce the provisions of the zoning ordinance.

- a. Issue certificates of zoning compliance for all permitted uses and for conditional uses and variances which are granted by the Board of Zoning Appeals/Planning Commission or Troup County Board of Commissioners.
- b. Maintain public records of certificates of zoning compliance.

16.4 Board of Zoning Appeals/Planning Commission.

There is hereby created a Board of Zoning Appeals/Planning Commission of Troup County, Georgia.

16.4-1 Membership. The Board of Zoning Appeals/Planning Commission shall consist of nine members. Members shall be appointed by the Troup County Board of Commissioners for terms of four years and may be reappointed to successive terms. Any vacancies in the membership shall be filled for the unexpired term by the Troup

County Board of Commissioners. Members shall serve without pay but may be reimbursed for any expenses incurred while representing the board. The nine members appointed shall be residents and citizens of Troup County.

16.4-2 Procedure. The Board of Zoning Appeals/Planning Commission shall elect one of its members as chairman and shall adopt rules of procedure in accordance with the laws of the State of Georgia.

16.4-3 Meetings. The chairperson (or in his absence the vice-chairperson) shall preside at all meetings and hearings of the Board of Zoning Appeals/Planning Commission and decide all points of order or procedure. The board in carrying out its various functions shall conduct no business unless a quorum of five members is present at the meeting. Meetings of the Board of Zoning Appeals/Planning Commission will be held the second Thursday of every month in Troup County Commission meeting room at 10:00 a.m. or at such other times as may be deemed necessary.

16.4-4 Attendance. Failure to attend three consecutive meetings or more shall be considered automatic resignation from the Board of Zoning Appeals/Planning Commission, and upon such resignation, or other vacancies occurring in office, the chairperson or the Zoning Administrator shall inform the Troup County Commission of such occurrence as promptly as possible, so that the commission may appoint a replacement to fill the unexpired term.

16.4-5 Records. Minutes of the proceedings shall be kept, showing the vote of each member on every question. If any member is absent or fails to vote, the minutes shall so indicate. Minutes of the proceedings and records of the official action of the Board of Zoning Appeals/Planning Commission shall be filed in the office of the Zoning Administrator and shall be a part of the public records of Troup County.

16.4-6 Duties and Authority. The Board of Zoning Appeals/Planning Commission shall have the power to:

- a. Hear and decide questions from any person, who alleges there is an error in, or who is aggrieved by a decision of the Zoning Administrator in the administration, enforcement, and/or interpretation of this code. A person may file an appeal with the building inspection, zoning and planning office within 30 days of the decision stating the grounds for such appeal. The Board of Zoning Appeals/Planning Commission is hereby authorized to hear and decide said appeals, after proper application, public hearing and presentation of relevant findings of fact. A written decision to the applicant will be recorded and mailed to the applicant within 30 days of the board's decision.
- b. Authorize upon appeal in specific cases, variances from the terms of this ordinance where a hardship or special exception variance as defined in this ordinance exists.
- c. Make recommendations to the Troup County Board of Commissioners on special uses, placement of manufactured home units (MHU) and home occupations, except those that the zoning ordinance provides for administrative approval.
- d. Make recommendations to the Troup County Board of Commissioners regarding map and text amendments to the Troup County Zoning Ordinance.
- e. Approve conditional uses as stated in Article VII.

- f. Make recommendations to the Troup County Board of Commissioners for review and approval of developments in the single-family medium density, lakeside residential and PUD zoning districts.
- g. Periodically review and make recommendations for amendments to the Troup County Comprehensive Plan or zoning ordinance and/or map in order to keep the plan and zoning ordinance consistent with changing conditions in Troup County.

16.4-7 Appeals. Appeals from administrative decisions of the Board of Zoning Appeals/Planning Commission shall be taken to Superior Court of Troup County, Georgia by writ of certiorari.

16.5 Variances.

A deviation or modification of the strict terms of the zoning ordinance granted by the Board of Zoning Appeals/Planning Commission. There are two types of variances that may be applied for by owners or agents of owners on a particular lot or parcel. The process for approval is the same for both, but each has a specific application form and fee that must be completed prior to being placed on the BOZA/PC agenda.

16.5-1 Application and Process. A property owner or his authorized agent may initiate a request for variance by filing an application with the Zoning Administrator. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. The Zoning Administrator may require other drawings or materials essential to an understanding of the proposed use and variance requested and its relationship to the surrounding properties. The variance application shall be considered complete when the Zoning Administrator deems the application complete and the fee has been paid. The application shall be submitted and accepted within the timeframe established by the building and inspection office and according to the fee as posted in the building inspection, zoning and planning offices.

16.5-2 Conditions and Standards for Granting a Hardship Variance. The Board of Zoning Appeals/Planning Commission, in cases where specifically authorized, may grant a hardship variance only after the determination that all of the following conditions exist and criteria met:

- a. There are unusual, exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other property in the same vicinity or use district, and such conditions are not the result of the owner's or occupant's own actions. Such conditions may include topography, unique natural conditions, surroundings of the subject property, or the size or peculiar shape of the lot.
- b. As a result of such unusual circumstance or conditions, there is an unnecessary hardship or practical difficulty that renders it difficult or impossible to carry out the provisions of this code.
- c. The authorization of such variance will not be materially detrimental to the public welfare or injurious to surrounding property or district in which property is located, and the variance will be in harmony with the general purposes and intent of the provisions of this code.

- d. Compliance with one section of the ordinance would violate another section of the ordinance.
- e. The variance approved will make possible the legal use of the land, building or structure.
- f. An approved variance request does not permit a use of land, building or structure that is not permitted by right in the zoning district where the proposed development is located.

16.5-3 Standards for Special Exception Variance Approval. A special exception variance may be granted by the Board of Zoning Appeals/planning board upon a finding that the relief, if granted:

- a. Would not cause substantial detriment to the public good; and
- b. Would not be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity; and
- c. Would not diminish and impair property values within the surrounding neighborhood; and
- d. Would not impair the purpose and intent of this Zoning Ordinance.

16.5-4 Limitations on Relief of Special Exception Variances. Special exception variances shall be limited to relief from the following requirements of this zoning ordinance:

- a. Minimum building setbacks.
- b. Maximum building height.
- c. Minimum lot width.
- d. Minimum appearance standards for single-family dwellings.
- e. Public or private street frontage.
- f. Automobile parking requirements.
- g. Zoning buffers and screening.
- h. Signage.

16.5-5 Administrative Approval.

- a. Special exception variances shall be considered by the Board of Zoning Appeals/Planning Commission unless the variance is approved administratively. Only those variances listed in this subsection, below, and within the parameters stated, may be considered for administrative approval. Administrative approval requires agreement by all staff members listed below, otherwise application defers to Board of Zoning Appeals/Planning Commission.
- b. The Zoning Administrator, upon a finding that a special exception variance meets the standards for approval contained in this section, and upon the recommended approval of the Troup County Planner, Troup County Engineer and Troup County Building Official may administratively approve such special exception variance within and not exceeding the following parameters:
 - (1) *Minimum building setbacks.* Not to exceed a reduction in the minimum setback required by ten percent, except the front setback may be reduced or waived if the parking (for commercial properties) is located in the side or rear yards.
 - (2) *Maximum building height.* Not to exceed an additional four feet above the maximum allowed.

(3) *Minimum appearance standard for single-family dwellings.* Roof pitch--No less than three-twelfths, minimum width--No less than 20 feet, minimum floor area--No less than ten percent of minimum 1,000 square feet.

(4) *Automobile parking requirements.* Not to exceed a change by more than ten percent in the number of spaces required or allowed, shared parking, or the proximity of spaces to the use served.

(5) *Signage.* Up to ten percent of the dimensional restrictions of the sign regulations article

16.5-6 Restriction on Re-Filing a Special Exception Variance if Denied. If denied, an appeal for a special exception variance affecting the same property shall not be reconsidered for a period of six months from the date of denial; provided, however, that the Board of Zoning Appeals/Planning Commission may reduce the waiting period under extenuating circumstances or on its own motion.

16.5-7 Limitations on Special Exception Variance Approval. In no case shall a special exception variance be granted from the conditions of approval imposed on a property through a zoning change granted by the Board of Commissioners.

16.5-8 Staff Report. The Zoning Administrator shall make an investigation of all variance applications and shall prepare a report, considering applicable criteria. The investigation shall be submitted to the Board of Zoning Appeals/Planning Commission. The investigation shall also be made available to the applicant prior to any public hearing scheduled on the matter. The applicant shall be notified of the availability of report by the Zoning Administrator.

16.5-9 Action. The Board of Zoning Appeals shall make findings and render a decision as soon as possible after the hearing. The approval or disapproval of a variance request may be published the day of the hearing or the board may take up to 30 days to make a final decision. If no findings are published within 30 days the variance shall be considered approved.

16.6 Initiation of Amendments to the Zoning Ordinance.

Applications to amend this ordinance may be in the form of proposals to amend the text, or proposals to amend the official zoning map(s). An application to amend the text of the zoning ordinance may be initiated by the Zoning Administrator or be submitted to the Board of Zoning Appeals/Planning Commission by the Troup County Commission or any individual property owner. An application to amend the official zoning map(s) may be initiated by an individual property owner or his agent, the Zoning Administrator, or be submitted to the Board of Zoning Appeals/Planning Commission by the Troup County Commission. Unless initiated by the Troup County Commission or the Zoning Administrator, all applications to amend the official zoning map(s) must be submitted by the owner of the property or authorized agent (authorized agent shall present a statement in writing from the property owner giving the agent authority to act on his/her behalf or a valid sales contract may be added to the application and serve as authorization for the buyer to act as authorized agent of the property owner) and shall be accompanied by an appropriate fee as posted in the building and inspection office, set by the Troup County Commission. An application for an amendment to the zoning map(s) affecting the same property shall not be submitted more than once every 12

months, said intervals to begin with the date of final decision by the Troup County Commission.

16.6-1 Application for Amendments: Each application to amend the text of this ordinance or the official zoning map(s) shall be filed with the Zoning Administrator. The initiation of all amendments must be submitted by written request from the Board of Commissioners, Zoning Administrator and/or the individual property owner. Applications shall be submitted in compliance with the following:

16.6-2 Text amendment applications shall include the following:

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

16.6-3 Standards for Text Amendments:

- a. Whether the proposed text amendment furthers an implementation strategy, addresses an element of and the purpose and intent of the comprehensive plan.
- b. Whether the proposed text amendment is consistent with the purpose and intent of the zoning ordinance?
- c. Whether the adoption of the amendment furthers the protection of the public health, safety or general welfare.

16.6-4 Map amendment applications shall include the following:

- a. A legal description of the tract(s) to be rezoned, including the street address and subdivision, if any, or area in which the tract is located.
- b. A plat, drawn to scale, showing north arrow, land lot and district; the dimensions, acreage and location of the tract(s); floodplain and flood hazard areas; unusual topographical features; current zoning of subject tract and all adjacent properties; and existing structures. This plat shall be prepared by an architect, engineer or landscape architect or a planner with an AICP certification or land surveyor whose seal shall be affixed to the plat.
- c. The names and addresses of the owners of the land and their agents, if any; together with a written notarized authorization from the owner(s) agents, if any, to seek rezoning.
 - a. A description of how the property is to be used.
 - b. A description is being used at the present time.

16.6-5 Submitted Application. Applications shall be submitted in accordance with a schedule adopted annually by the Board of Zoning Appeals/Planning Commission that shall provide each application be submitted by the deadline date as shown on the calendar of dates located in the office of building and inspections prior to the date on which it is to be considered by the Troup County Commissioners and in any event in sufficient time so as to permit advance advertising and notice of any public hearing(s) pursuant to the terms of this section and the zoning procedures law. Each application for an amendment to the official zoning ordinance text or map shall be assessed a fee as posted in building inspection zoning and planning office of Troup County to defray administrative costs. A fee shall not be charged for applications initiated by the Troup County Commission, Planning Board or Zoning Administrator.

16.6-6 Withdrawal of Application. If applicant withdraws application after the legal advertising has been published the applicant will not receive any refund of zoning

application fee. If application is withdrawn prior to legal advertising being published and sign posted on the property the applicant may receive a refund of application fee. All withdrawals of applications shall be in writing to the Zoning Administrator at least 24 hours prior to the first reading of the application before the Troup County Commissioners.

16.7 Planning Study.

The Zoning Administrator (or his/her designee) upon receiving an application to amend the official zoning map(s), shall do the following:

- a. With respect to an application to amend the official zoning map(s), consider and evaluate each of the standards set forth in section 16.9.
- b. Consult with other departments, as necessary, of the county to fully evaluate the impact of any land use or zoning district change upon public facilities and services including, but not limited to schools, drainage, traffic, and related facilities.
- c. Conduct a site visit to review the property and surrounding area.
- d. Submit a written record of her/his investigation and recommendations to the Planning Board, said report shall be a matter of public record.
- e. The Zoning Administrator may recommend amendments to the applicant's request which would reduce the land area for which the application is made, change the zoning district requested, or recommend conditions of rezoning which may be deemed advisable so that the purpose of this ordinance will be served, and reduce or mitigate any adverse impacts to surrounding neighborhood.

16.8 Board of Zoning Appeals/Planning Commission Action.

The Board of Zoning Appeals/Planning Commission shall hold a meeting on each application in accordance with a schedule as stated in section 16.3.3 or such other times as needed. As to each application, the Board of Zoning Appeals/Planning Commission shall make a recommendation for approval, approval with conditions, denial, continuance, or withdrawal without prejudice or no recommendation. The Board of Zoning Appeals/Planning Commission's action may recommend amendments to the applicant's request which would reduce the land area for which the application is made, change the district requested, or recommend conditions of rezoning which may be deemed advisable so that the purpose of this ordinance will be served and reduce any adverse impacts to the surrounding neighborhood. A written report of the Board of Zoning Appeals/Planning Commission's recommendation shall be submitted to the Troup County Commission and shall be public record. The failure of the Planning Commission to take any action as to a particular petition within 45 days of the submittal of the application will be tantamount to an approval recommendation thereof.

16.9 Public Notification.

Due notice of the public hearing before the Troup County Commission shall be published in the newspaper of general circulation for Troup County where the legal advertisements of the county are published. The advertisement of the application for

amending the zoning map of Troup County shall state the date, time, place, and purpose of the public hearings at least **15 days** and not more than **45 days** prior to the date of the first hearing (reading) conducted by the county commission. If the application is for amendment to the official zoning map(s) and the application is initiated by the property owner then this notice shall also include the location of the property, the present zoning classification of the property, and the proposed zoning classification of the property.

16.9-1 Signs Posted: As to an application to amend the Official Zoning Map(s), at least 15 days and no more than 45 days in advance of the scheduled public hearing date of the Troup County Commissioners, a sign or signs shall be posted which shall meet or exceed the following standards:

Composition: For Rezoning Signs: Signs shall be white, of durable weather-resistant material such as wood or coroplast a minimum of 48 vertical inches by 72 horizontal inches in size (four feet by six feet), and with vinyl, painted or screen printed lettering of a minimum of three inches in height in black letters on a white background, except that the existing and the proposed zoning districts and proposed use shall be in red letters. The top line shall be reserved for the "NOTICE TO REZONE".

The sign shall list the name of the applicant, date, time, subject property address (or Assessor Parcel Number (APN) if no address has been assigned) of property, present zoning, and proposed zoning, proposed use of the property, the meeting address and telephone number of the planning and zoning department. The sign shall also include the statement "Meeting dates subject to change, call to verify dates" for which the lettering shall be no less than one-half the height of the next smallest lettering and no less than on-half inch.

Composition for variance, special and conditional use, manufactured home unit (mhu) placement, home occupation. Signs shall be white, of durable weather-resistant material such as wood, metal or coroplast a minimum of 18 vertical inches by 24 horizontal inches in size (one and one-half feet by two feet) and with vinyl, painted or screen printed lettering of a minimum of three inches.

16.10 Standards for the Exercise of Zoning Power.

In addition to the standards enumerated in other sections of this ordinance, the Board of Zoning Appeals/Planning Commission and Troup County Commission shall consider the following standards in reference to any rezoning application:

- a. The existing uses [sic] land use patterns.
- b. The population density pattern and possible increase or overburdening of public facilities including, but not limited to; schools, utilities, police and fire protection and streets.
- c. Whether the proposed change will create or excessively increase traffic congestion or otherwise affect public safety.
- d. Whether the proposed change will create adverse environmental impacts to water, erosion and sedimentation control regulations or sewerage system.
- e. Whether the proposed change is consistent with the future land use map as adopted by the Troup County Commission.

- f. Any other factors relevant to balancing the interest in promoting the public health, safety, morality or general welfare against the individual right to the unrestricted use of property.

16.11 Procedures for Public Hearing.

Whenever a public hearing is required by these ordinances or by state law prior to a zoning decision such public hearing, conducted by the Board of Commissioners and the Board of Zoning Appeals/Planning Commission shall be conducted in accordance with the following procedures:

16.11-1 Board of Zoning Appeals/Planning Commission Hearing. The public hearing shall be a part of the proceedings of the meeting. A motion to move into the public hearing section of the agenda shall be made, seconded and voted upon.

16.11-2 Upon approval of the motion the public hearing shall be called to order by the presiding officer, Board of Zoning Appeals/Planning Commission chairman or in the absence of the chairman his/her designee.

16.11-3 The presiding officer or his/her designee shall explain the procedures to be followed in the conduct of the public hearing.

16.11-4 If the subject of the hearing is a zoning decision initiated by a petitioner other than the Board of Commissioners; the petitioner requesting such zoning decision, or the petitioner's agent, shall be recognized first and shall be permitted to present and explain the request for the zoning decision. If the request for a zoning decision is initiated by the Board of Commissioners, all members of the Board of Commissioners shall be thus allowed to speak as they are recognized by the presiding officer regardless of whether such board member speaks in favor of or in opposition to the proposed zoning request. Thereafter, all individual members of the board who so desire shall be permitted to speak in favor of the zoning request. After the county commissioners have concluded their discussion any member of the public who wishes to speak shall have the opportunity to do so.

16.11-5 After all individuals have had an opportunity to speak in accordance with section 16.10. Those individuals present at the public hearing who wish to speak in opposition to the zoning request shall have an opportunity to speak.

16.11-6 Any person wishing to speak at a public hearing, the person shall raise their hand and, after being recognized by the presiding officer, shall stand and give his/her name, address, reveal any campaign contributions made to any sitting county commissioner, or commissioner-elect, and make any comment appropriate to the proposed zoning request.

16.11-7 A minimum time period of ten minutes and a maximum time period of 15 minutes shall be available both to the proponents and opponents for the presentation of data, evidence, and opinion. The presiding officer may increase the maximum time period if the need arises and such time shall be determined by the presiding officer.

16.11-8 Thereafter, the presiding officer shall announce that the public hearing for the requested zoning decision is closed. the Board of Zoning Appeals/Planning Commission shall then convene its business session to consider the proposed amendment and shall, at that time, take action on its recommendation to the Board of Commissioners.

16.12 Troup County Board of Commissioners Public Hearing.

At the first meeting of the Board of Commissioners following the zoning appeals/planning meeting where the Board of Zoning Appeals/Planning Commission made its recommendation, there shall be a first reading of the proposed amendment to include the recommendation of the Board of Zoning Appeals/Planning Commission and a public hearing in accordance with the procedures as outlined in [sections] 16.10.1 through 16.10.8. The Troup County Board of Commissioners shall consider whether or not further study and consideration of the proposed amendment and recommendation is needed and, if so, shall suspend and continue the public hearing on the matter for such further consideration. If the matter and hearing is continued, there shall be a second and final reading of the proposed amendment and the recommendation of the Board of Zoning Appeals/Planning Commission and a recommencement of the public hearing before the Board of Commissioners at the next regularly scheduled meeting of the Board of Commissioners following the first reading of the proposed amendment and the recommendation of the Board of Zoning Appeals/Planning Commission. At the close of the public hearing before the Board of Commissioners after the second and final reading, the board shall immediately convene its business session and consider the recommendation for the zoning change and take action on the proposed amendment.

16.13 [Appeals.]

Any appeals from the decision of the Board of Commissioners should be made directly to the Superior Court of Troup County, Georgia.

16.14 Reversion Clause.

If after one year from the approved rezoning, the approved use has not been developed as stated in the minutes of the Troup County Commission meeting or an application for a preliminary plat review or building permit has not been made, then the rezoning shall be brought for review by the Board of Zoning Appeals/planning board. Notification to the applicant and property owner of this review is required prior to any decision of the Troup County Commissioners. The applicant or property owner shall submit in writing to the Board of Zoning Appeals/planning board within five business days of receiving the notification of review an explanation of the delay in developing the property as zoned. After review of the explanation from the applicant the Planning Commission may extend the rezoning, require filing of a new application for rezoning, or recommend reversal of the zoning to the Troup County Board of Commissioners. If the recommendation is to rezone the property to its previous zoning district then the reversal process shall follow the same procedures as an amendment to the zoning map (rezoning) with public hearing and notification in compliance with sections 16.5.4 through 16.12 of this article. Rezoning initiated by the Board of Commissioners or Zoning Administrator are exempt from this clause.

16.15 Building Permit.

No improvement, building or other structure shall be located, erected, moved, added to, or structurally altered without a building permit issued by the offices of building and inspections. No building permit shall be issued except in conformity with the provisions of this ordinance and/or as approved by the Building Official.

16.16 Application for Building Permit. All applications for building permits shall be accompanied by plans in duplicate, drawn to scale, showing the actual dimensions of the lot to be built upon, the sizes and locations on the lot of any existing buildings or structures, the shape, size, height, use and location on the lot of the building or structure proposed to be erected or altered, setback distances, any parking spaces, and such other information as may be necessary to provide for the enforcement of the provisions of this ordinance. If no substantial construction progress has been made within six months of the date of the issuance of the building permit, the permit shall become invalid and all construction shall cease until and unless a new permit is obtained.

16.17 Certificate of Occupancy.

Certificates of occupancy shall be issued by the Building Official after approval of the final inspection and prior to any person occupying the building. A record of all certificates of occupancy shall be kept on file in the office of the Building Official and a copy shall be furnished on request, to any person having a proprietary or tenancy interest in the building or land involved.

16.18 Conditional Zoning.

In order to mitigate adverse impacts to surrounding areas and to maintain the health, safety, and general welfare of the citizens of Troup County the Troup County Commissioners may impose conditions on rezoning requests. Conditions placed on the property as a part of approval of a rezoning application shall remain in force until such time as an appeal has been approved relieving the property of such conditions.

16.18-1 Property Conditions. Conditions, including but not limited to hours of operation, types of outside lighting, fencing, etc., placed on property at the time of rezoning shall become a written part of the minutes of the Troup County Commission meeting and shall be attached to the amendment to the official zoning map. The conditions imposed shall be part of the rezoning application and kept in the office of the Zoning Administrator or his/her designee. Conditions on the property travel with the property and stay in effect when property changes owners.

16.18-2 Appeal Process for Conditional Zoning. Appeals for relief of conditions placed on rezoned property may be heard by the Troup County Commission only when the reason for the placement of conditions has been altered to allow the use of the property without the conditions. Appeals shall follow the same procedure as that of a rezoning application. Public hearings are required.

16.19 Special Uses.

The Board of Zoning Appeals/Planning Commission shall review and make recommendations to the Troup County Commission to approve, approve with conditions or deny special uses that are specifically authorized by this ordinance. Public hearings are required by the Troup County Commission (See hearing requirements).

16.19-1 Conditions and Limitations: The Board of Zoning Appeals/Planning Commission shall include any condition, requirement, or limitation that may be necessary to protect adjacent properties and carry out the provisions of this ordinance in its review and recommendation and the Troup County Commission may impose conditions, requirements or limitations it deems necessary. If at any time after a special use permit has been issued, the Zoning Administrator finds that the conditions imposed and the agreements made have not been or are not being fulfilled by the holder of a special use permit, the permit shall be terminated and the use discontinued until in compliance with the conditions.

16.19-2 Special Use Application Procedure: Application for a special use shall be filed with the office of the Zoning Administrator, and the Board of Zoning Appeals/Planning Commission shall have 45 days within which to consider each request and make recommendations to the Troup County Commission. Upon receiving recommendations from the Board of Zoning Appeals/Planning Commission or after the 45-day period has expired, the Troup County Commission shall schedule the proposed special use to be voted on at the next regularly scheduled commission meeting. Each special use application is subject to public hearing procedures as specified in section 16.10. Each application shall contain a simple sketch of the site to scale, showing the following:

- The general location of all existing structures and property lines;
- Present zoning of adjacent property;
- The existing use of adjacent property;
- Location of proposed buildings and land use;
- A legal description of the property;
- Setbacks;
- Parking spaces, if applicable.

16.19-3 In order to grant approval of a special use, the Troup County Commission shall determine whether the following standards have been met:

- a. The available existing street system is adequate to efficiently and safely accommodate the traffic that will be generated by the proposed use or development.
- b. The existing public utilities, facilities and services are adequate to accommodate the proposed use or development.
- c. The use or development will not generate or cause conditions such as noise, light, glare, or odor or similar objectionable features which would reduce the value, use or enjoyment of surrounding properties.
- d. The use would not have a detrimental environmental impact on the surrounding area.
- e. The use would not adversely affect the health, safety, and general welfare of the community.

16.20 Each application for a special use shall be submitted along with a fee according to fee schedule posted in offices of building and inspections and set by the Troup County Commission to partially defray administrative and notification costs.

16.21 Conditional Uses.

Application for a conditional use shall be filed with the office of the Zoning Administrator, and the Board of Zoning Appeals/Planning Commission shall have 45 days within which to consider each request and make a final decision on the request. The conditional use is subject to public hearing as specified in section 16.10. Each application shall contain a simple sketch of the site to scale, showing the following:

- The general location of all existing structures and property lines;
- Present zoning of adjacent property;
- The existing use of adjacent property;
- Location of proposed buildings and land use;
- Setbacks.

16.21-1 In order to grant approval of a conditional use, the Board of Zoning Appeals/Planning Commission shall determine whether the following standards have been met:

- a. The use will not generate or cause conditions such as noise, light, glare, or odor or similar objectionable features to the surrounding neighborhood.
- b. The use would not have a detrimental environmental impact on the surrounding area.
- c. The requirements set forth in this ordinance for each conditional use have been met.

16.21-2 Each application for a conditional use shall be submitted along with a fee according to fee schedule posted in building and inspection office, to partially defray administrative and notification costs.

16.22 Compliance with Zoning Procedures Law.

This article of the Troup County Zoning Ordinance, as from time to time amended, is intended to set forth and constitute the policies, procedures and standards required under O.C.G.A. 36-66-5, and copies of same shall be available to the public upon request.

16.23 Appeals.

Decisions of the Board of Commissioners may be appealed to the Troup County Superior Court and such appeal shall be filed within 30 days of the date of action by the Board of Commissioners.

ARTICLE 17

FH - FLOOD HAZARD DISTRICT

17.1 Description of District. The limits of the flood hazard (FH) districts are hereby determined to be areas subject to frequent periodic flooding and delineated alluvial soils by the soil conservation service and the United States Department of Agriculture. Provisions of this district are superimposed on and become a part of each of the other districts.

17.2 Intent. The intent of the regulations within this zoning district is to limit the use of such flood plain lands to:

17.2-1 Prevent flood damage to persons and properties and minimize expenditures for flood relief programs, flood control, projects and flood damage repair.

17.2-2 Preserve drainage courses that will be adequate to carry storm water runoff from existing and future land developments by (a) prohibiting any structures that would restrict or alter the free flow of flood waters and (b) prohibiting land fills, junk yards, dumps, outdoor storage of materials, or other obstructions to the flow of flood waters, except those included in the permitted uses listed below.

17.2-3 Preserve natural conditions that will (a) allow sufficient absorption to maintain an adequate subsurface water level and (b) filter sediment from adjacent or upstream developments.

17.2-4 Minimize danger to public health by preserving natural drainage patterns and preventing stagnant or trapped water areas.

17.3 Permitted Uses. Within the flood hazard district the following uses are permitted subject to the regulations of the original district on which the flood hazard district is superimposed:

17.3-1 Agriculture, including forestry and livestock raising requiring no structures within the flood plain, and including agricultural and forestry access road provided that these roads would not restrict or alter the free flow of flood waters.

17.3-2 Dams provided they are constructed in accordance with specifications of the U.S.D.A. Soil Conservation Service or the U.S. Army Corps of Engineers and Troup County.

17.3-3 Fences provided no material obstruction to the free flow of water, provided water gaps are allowed.

17.3-4 Parking areas, provided that there will be proper drainage of the parking area; such area shall not obstruct the free flow of flood waters, and meets the approval of the Troup County Engineer.

17.3-5 Road, provided adequate capacity for the free flow of flood waters is provided by means of culverts or bridges, with designs approved by the Georgia Department of Transportation and/or Troup County Engineer. In no case will a culvert be located at an elevation higher than the level of the original stream bed.

17.3-6 Public, semi-private, private, and commercial recreation uses requiring no structures within the flood plain.

17.3-7 Greenbelts or yards.

17.3-8 Public utility poles, towers, pipe lines, and sewage treatment outfalls.

17.4 Procedure Available for Determining Flood Hazard. If a property owner can demonstrate to the satisfaction of the Troup County Engineer that an error has been made in establishing the flood hazard district boundary line and that his property or a designated portion of it that now lies in the flood hazard district is actually not subject to flooding, the board of Board of Zoning Appeals/Planning Commission and Troup County Commission may recommend correction of the flood hazard district boundary line in question accordingly.

The Board of Zoning Appeals/Planning Commission and the property owner involved may seek the advice and assistance of the soil conservation service of the Department of Agriculture or the U.S. Army Corps of Engineers on the flood hazard of a parcel of land in question.

17.5 Troup County Liability. The granting of a building permit in any flood hazard district shall not constitute a representation, guarantee, or warranty of any kind by the county or by an official or employee thereof of the practicability or safety of any structure, use or other plan proposed, and shall create no liability of, or cause of action against such public body, official or employee for any damage that may result pursuant thereto.

Although alluvial soils represent the area's most often inundated by waters and represent the most realistic flood plain, infrequent floods will exceed the limits of alluvial soils. The designation of flood hazard districts shall not constitute a representation, guarantee or warranty of any kind by the county or by an official or employee thereof that lands outside of such districts are not also subject to flooding.

ARTICLE 18

PLANNED UNIT DEVELOPMENT

18.1 Purpose.

It is the objective of this zone to establish procedures and standards for the implementation of comprehensively planned, multi-use and mixed use projects. It is also intended that this zone provide a more flexible approach to the comprehensive design and development of multi-use and mixed use projects than the procedures and regulations applicable under the various conventional zoning categories. In so doing, it is intended that this zoning category be utilized to foster an overall improved development pattern for Troup County. The specific purposes of the zone are:

18.1-1 To encourage orderly, staged development of comprehensively planned, multi/mixed-use centers by providing procedures for various zoning and plan approvals, including development phasing;

18.1-2 To encourage design flexibility and coordination of use, architectural style of buildings and signage;

18.1-3 To ensure the integration and internal compatibility of applicable residential and non-residential uses by providing a suitable residential environment that is enhanced and complimented by commercial, recreational, open space, employment and institutional uses and amenities within all land use components of the multi/mixed-use project;

18.1-4 To ensure compatibility of the proposed land uses with internal and surrounding uses by incorporating higher standards of land planning and site design than could be accomplished under conventional zoning categories and to provide a superior quality of development exceeding what could be achieved under conventional zoning regulations and procedures;

18.1-5 To encourage the efficient use of land by: locating employment, educational and retail uses convenient to residential areas; reducing reliance on automobile use and encouraging pedestrian and other non-vehicular circulations systems; retaining and providing usable open space and passive and active recreation areas close to employment and residential population; and providing for the development of comprehensive non-vehicular circulation networks, separated from vehicular roadways, which constitute a system of linkages among residential areas, open spaces, recreational areas, educational, commercial and employment areas, and public facilities;

18.1-6 To provide superior natural environment by the preservation of trees, natural topographic geologic features, wetlands, watercourses, and open space, and;

18.1-7 To allow development only in a staged or phased fashion to ensure the adequate provision of public facilities and the concurrent implementation of community amenities.

18.2 Size, Location and Development Requirements.

The PUD zoning classification and accompanying development plans may be approved upon findings that the application is proper for the comprehensive and systemic

development of the county, is capable of accomplishing the purposes of this zone, is an internally and externally compatible form of development and is consistent with any applicable planning and land use policies of the county. In order to enable the county to evaluate the conformance with the standards contained herein, specific sets of plans shall be submitted in accord with subsection 18.9 herein, and the county is authorized to approve said plan or plans if such plans are found sufficient to accomplish the above purposes in compliance with the standards and requirements of this zone.

18.2-1 Minimum Area. No land shall be classified in the PUD zone unless it contains a minimum of 100 acres. Parcels or tracts less than the minimum acreage may be permitted if they are within a municipal urban area boundary (UAB) or contiguous to an existing PUD zoned area and may be harmoniously integrated into the PUD area, consistent with the objectives and purposes of this zone.

18.2-2 Location. Such land shall be located adjacent to and readily accessible from existing or planned roadways, sufficient to carry the increased capacity of the development, and are in an approved construction program. It is intended that adequate access be available to such sites so that traffic does not have an adverse impact on the surrounding area or cause internal circulation or safety problems. To this end, it is required that any PUD constructed in Troup County have at a minimum two entrances and exits, preferably along collector or arterial street systems.

18.3 Public Water and Sewer.

No development shall be permitted unless served by a water and sewer system owned and operated by a local government or authority of a local government.

18.4 Signage.

Signs shall be allowed in accordance with the specifications and standards established in the final site plan and approved by the Troup County Engineer and Troup County Planner. The number of signs shall be decided upon at the final platting stage and the following signage may be permitted:

- a. Primary monuments for the overall development at each primary entrance to the development that shall not exceed 64 square feet in surface area and 20 feet in height. These signs shall not be located in the right-of-way of any road nor shall it obstruct the view of oncoming traffic from any direction.
- b. Secondary monuments for specific phases of the development and for internal separation of uses within the development and shall not exceed 24 square feet in area four feet in height.

18.5 Connectivity.

Parcels shall not be zoned PUD unless configured to connect to adjacent streets (grid pattern) and promote the overall connectivity of pedestrians and vehicles within the development.

18.6 Traditional Neighborhood Development Principles.

Land developed in the PUD zone should be developed consistent with the principles of traditional neighborhood developments, which emulate the historic pattern of development in the county and will be generally more compatible with existing developed areas of the county. These principles are listed below:

18.6-1 Walkability: Most daily needs can be satisfied within a five-to-ten minute walk of home and work (quarter- to half-mile radius). Pedestrian-friendly street design includes buildings close to the street, front porches, continuous tree cover, on-street parking where appropriate, hidden parking lots, garages relegated to a rear lane or alley, and narrow, slow-speed vehicular trajectories.

18.6-2 Connectivity: An interconnected street grid network disperses traffic and increases walkability by allowing most streets to be narrow. A high quality pedestrian network and public realm makes walking comfortable, pleasant, and interesting.

18.6-3 Mixed/Multi-Use: A mix of shops, offices, apartments, houses, live-work units, recreation, on site. There should be mixed/multi-uses within the neighborhood, the block, and buildings.

18.6-4 Diverse Housing: A range of architectural types, sizes, and prices preferably interspersed but minimally located in close proximity.

18.6-5 High-Quality Architecture and Urban Design: Emphasis on aesthetics, human comfort, and creating a sense of place and special placement of civic buildings and sites within the community. Architectural styles and exteriors shall vary and provide an aesthetically pleasing facade to the public street.

18.6-6 Increased Density: More buildings, residences, shops, and services closer together, to encourage walking and to enable a more efficient use of resources and time.

18.6-7 Smart Transportation: A transportation network connecting neighborhoods, business districts, cities and towns together. Pedestrian-friendly design encourages a greater use of walking, bicycles, carts and scooters as daily transportation.

18.6-8 Sustainable: Minimal environmental impact of development and its operations. It has less use of finite land and fuel resources, more local production.

18.6-9 Quality of Life: Taken together, all of the above contribute to an improved quality of life for community residents and for the human community as a whole.

18.7 Uses Permitted.

18.7-1 Residential. All types of residential uses allowed by right in the MFR, SFMD and LR, zoning districts shall be permitted, as well as all accessory uses thereto.

a. The location and type of all residential uses proposed on the site must be shown on the concept and preliminary plan submitted in accordance with the requirements of subsection 18.9 of this section, with the level of specificity increasing at each level of plan review.

b. Residential uses may be mixed with proposed commercial/employment uses, rather than located in a separate residential area on the site, upon a finding by the Board of Zoning Appeals/Planning Commission and the county commission that combining residential and non-residential uses at one location, within a site, will not adversely affect the overall development proposed.

18.7-2 Commercial. All uses allowed by right in the LC, NHC zone are permitted uses. Some uses in the GC and LI districts may be allowed by the Board of Zoning Appeals/Planning Commission upon request.

- a. The approximate location and general type of commercial and employment uses proposed on the site must be shown on concept plan and preliminary development plan submitted in accord with subsection 18.9 herein, with the level of specificity increasing at each level of plan review.
- b. In order to establish and appropriately mix character within the entire PUD-zoned area, a mixture of commercial uses including retail commercial, office, institutional, civic and other low intensity uses shall not exceed 30 percent, including parking and landscaping of the total project shown on a concept plan.

18.8 Density and Intensity of Development.

18.8-1 Residential. The total number of dwelling units and the corresponding density, as well as the approximate location of such units, shall be established at the time of concept plan approval pursuant to subsection 18 provided that the approximate location of specific units may be modified after approval of the plan if such modification does not affect the total density of the development and does not affect the total number of units of a particular type by more than 15 percent. Any modifications that meet the density and type requirements may be approved by the Zoning Administrator upon the receipt of a revised plat. Any modifications that exceed the density and type requirements shall be re-submitted to the Board of Zoning Appeals/Planning Commission for approval. The Zoning Administrator shall have ten days to review any modified plans. Residential units may consist of single-family attached or detached dwellings. Also allowed as residential units are duplexes, triplexes, quadraplexes, townhomes, live-work units or any combination of these that adequately address the developer's concept of the project.

18.8-2 Lot size. Supporting commercial facilities and use facilities may be authorized up to 100 percent lot coverage provided a parking plan identifying parking alternatives in the immediate vicinity of the building, acceptable to the Board of Zoning Appeals/Planning Commission is developed for the proposed building. No variances from landscaping requirements shall be granted unless developer has true hardship as defined in Article III of these regulations. However, modifications may be made to the landscape plan if the modifications do not alter the intent of this ordinance and enhance the project as determined by the Zoning Administrator and approved by the Board of Zoning Appeals/Planning Commission.

18.8-3 Height. Building heights may not exceed 45 feet (excluding solar panels and roof-mounted rainwater cisterns) unless waived by the Board of Zoning Appeals/Planning Commission.

18.9 Minimum Green Area, Landscaping and Amenity Requirements.

18.9-1 The amount of green area, including designated parks, public and private open space, active and passive recreational areas, required for the residential portion of a mixed/multi use development shall not be less than 25 percent of the net acreage shown for residential use. The minimum green area requirement, which shall include designated parks, private open space, active and passive recreational areas, for the

commercial portion of a mixed/multi use development shall be ten percent or less of the total net acreage devoted to commercial uses, except that comparable amenities and/or facilities may be provided in lieu of green area if the Board of Zoning Appeals/Planning Commission determines that such amenities or facilities are sufficient to accomplish the purposes of the zone, and would be more beneficial to the proposed development than strict adherence to the specific green area requirement.

18.9-2 All recreation areas, facilities and amenities, and all open space and landscaped areas, shall be reflected on the application for PUD zone at concept plan approval stage approved by the Board of Zoning Appeals/Planning Commission. With respect to such areas, facilities and amenities, the concept plan or accompanying documents shall reflect:

- a. That such areas, facilities or amenities shall not be constructed, converted or used for any purposes other than reflected and designated on the approved preliminary plan unless said plan is amended by prior written consent of the Board of Zoning Appeals/Planning Commission.
- b. A staging or construction timetable specifying the construction of all recreational areas, facilities and amenities. The staging or construction timetable may be related to the number of residential units under construction or complete, or population levels, or other appropriate standard. Amendments of the timetable may be made after approval of the Board of Zoning Appeals/Planning Commission. The adherence to the performance of such timetable may, at the discretion of the Troup County Commissioners be secured by the withholding and suspension of all permits for any project lying within the designated PUD zone.
- c. Copies of proposed supporting covenants to be filed among the land records prior to the issuance of building permits, which shall enumerate the property owner's and all successors' obligations for perpetual maintenance of all common areas, green space, recreation areas, facilities and amenities, and all common landscaped areas.

18.10 Public Facilities and Utilities.

Roads must conform to standards set and adopted by the county as defined in the Troup County Subdivision Regulations and as approved on the preliminary plan. In the event that proposed roads are to be narrower than county specifications or require other changes in order to meet the objectives of the PUD ordinance the change in conformance to the adopted Troup County Subdivision Regulations may be approved by the County Engineer during the preliminary plat approval stage. Each development must have on site water and sewer capabilities. All developers are required to have sewer systems operated and maintained by a governmental body qualified to do so. All utilities shall be underground for PUD developments. Utility and road departments are urged to work with the developer to place utilities, sidewalks and trees in a place that is functional for all and that allows for street trees.

18.11 Parking Requirements.

In addition to any other requirements of this Code section, off-street parking shall be provided as follows:

- a. Parking spaces shall be determined by off-street parking regulations of this ordinance. The Board of Zoning Appeals/Planning Commission may reduce or increase the number of spaces required for any use allowed in the PUD zone when such reduction or increase will meet the purposes of the PUD zone.
- b. Street Trees. Developers are encouraged to provide for street trees that at some point in the future may provide a canopy of trees lining the streets and neighborhood of the mixed/multi-use districts. All mixed-multi use developments are required to submit a landscape plan to be approved by the county arborist. In order to insure that development options are as flexible as possible the landscape plan may be amended as needed to properly serve the development. However, the approved preliminary plat and landscape plan shall be what is required to be built. The preliminary may be modified until construction drawings are submitted to the County Engineer for approval.

18.12 Application and Processing Procedures.

All planned unit developments are subject to Troup County Subdivision Regulations. Planned unit developments usually are subject to development of regional impact review by the regional planning agency. At the time of application for rezoning and concept plan approval the Zoning Administrator will apply to the regional planning agency for determination of development of regional impact. Traffic impact study for proposed site is required at the time of zoning of the property and concept plan approval. All developments are subject to the development point rating system as identified in Article XXVI of this ordinance. PUD's shall also be subject to this review. Procedures for governing the application for the PUD zone and approvals necessary to seek building permits shall be subject to the following multiple step process:

- a. Concept plan approval does not ensure future approval of preliminary plan or an indication that the project will be approved in future phases of review.
- b. An applicant shall file, together with the prescribed application fee, a concept plan and rezoning application. The concept plan shall include at a minimum, the following:
 - 1. The boundaries of the entire tract or parcel.
 - 2. The location size, capacity of roads located on all adjacent lands.
 - 3. Generalized location of existing and proposed external roads and adjacent land use and development.
 - 4. Generalized location and description of various internal proposed land use components, including information as to proposed densities and intensities, proposed size and heights of development.
 - 5. Generalized location, description and timing of proposed roads, proposed dedicated public lands and perimeter setback or buffer areas.
 - 6. Proposed phasing or staging plan of development, public facilities and information pertaining to the provision of public facilities as required by the county.

7. Generalized areas of woodlands, streams and watercourses and other areas intended for natural preservation.
8. An illustrative plan providing for the physical layout of the entire development including all streets, lots, parcels, park and open spaces.

18.13 Proposals.

During the concept plan approval phase, the Board of Zoning Appeals/Planning Commission and developer will engage in meetings and planning sessions to submit proposals for consideration.

18.14 Concept Plan Findings.

The county commission may approve PUD zoning and the accompanying concept plan upon finding that:

- a. The application meets or accomplishes the purposes, objectives, and minimum standards and requirements of the zone; and
- b. The application and concept plan will be internally and externally compatible and harmonious with existing and planned uses in the PUD zoned areas and adjacent areas.

18.15 Preliminary Development Plan Approval.

An application for preliminary development plan approval is subject to review by the development point rating system as outlined in Article XXVI of this ordinance.

18.16 A preliminary development plan shall be filed for approval, rejection or modification by the Board of Zoning Appeals/Planning Commission of all or portions of the area zoned pud and reflected within the approved concept plan, together with the required filing fee. The preliminary development plan shall be scaled at one inch equals 50 feet and shall contain, at a minimum, the following:

- a. Boundary survey and identification plat or survey plat.
- b. The use(s) of all buildings and structures within the preliminary development plan area, as well as existing uses of adjacent property external to the PUD zoned area.
- c. The location, height and approximate dimensions and conceptual architectural elevations of all buildings and structures, and the setbacks and densities and/or square footage thereof.
- d. The location of points of access to the site and all public and private roads, pedestrian and bike paths, in accordance with the applicable thoroughfare design standards.
- e. The location and setbacks of all parking areas.
- f. Existing topography including:
 1. Contour intervals of not more than two feet;
 2. One hundred-year flood plains and flood ways including base flood elevations.
 3. Other natural features, such as rock outcropping and scenic views;

- g. Historic buildings, structures or areas.
- h. Drainage easements.
- i. All landscaped areas, proposed conceptual screen planting, open spaces, recreation and amenity areas.
- j. Proposed phasing or staging plan of development and information relating to such plan's consistency with the provision of public facilities.
- k. A proposed (draft) covenant or other form of agreement indicating how the area will be included in any homeowners association or other legal organization, and how any open space, community space or amenities located with the area subject to review will be perpetually maintained.
- l. Five copies of preliminary plan/plat are required for submittal to the review process 24 inches by 36 inches or of a size acceptable to the Troup County Zoning Administrator. All plats and supporting information shall also be submitted in digital format as may be required by the Troup County Zoning Administrator.
- m. Two drawings that inventory all wetlands, all watercourses and impoundments, and floodplain limits;
- n. Two copies of the stormwater management plan;
- o. A typical section view for typical utility plan;
- p. A transportation plan showing the interconnection to the residential and commercial areas and its relationship to all adjoining properties;
- q. Required fees;
- r. Project narrative to include description of the type of project and who it will serve, developer information, contractor information, engineer information, contact information, anticipated start dates, completion dates, phasing description (if applicable), impact statement describing projects effects on surrounding transportation including traffic counts and flows from proposed project and existing counts, a narrative description of how traffic will be managed and controlled (and calmed) as appropriate for the development (the traffic impact study may be substituted for this part of the narrative) description of greenspace and public/community space proposed for the project; and
- s. Application must be signed by owner, developer and engineer or land surveyor (licensed in Georgia with stamp affixed).

18.17 Preliminary Plan Findings. The PUD preliminary plan submittal may be approved upon finding that:

- a. The plan is substantially in accord with the approved concept plan; and
- b. The plan meets or accomplishes the purposes, objectives and minimum standards and requirements of the zone; and
- c. The plan will be internally and externally compatible and harmonious with existing and planned uses in the PUD zoned areas and adjacent areas; and
- d. The existing or planned public facilities are adequate to service the proposed development contained in the plan; and
- e. The development staging or phasing program is adequate in relation to the provision of public facilities and private amenities to service the proposed development; and

18.18 Final Site Plan Review.

Following rezoning and approval of a preliminary development plan, approval of construction drawings to include two copies of the erosion and sedimentation control plan and full utility plan; construction of roads and any other required documentation an applicant shall submit to the Board of Commissioners a final site plan for approval for dedication of the roads, which shall be in accord with the approved preliminary development plan and shall include the following:

- a. All information required pursuant to the requirements of the preliminary plan;
- b. Proposed covenants, suitable for filing in the deed records of Troup County, which shall indicate in specific language that the property is restricted in its use and/or development standards to the preliminary development plan and any accompanying or qualifying text material submitted with such plan, such plan shall be approved by the Troup County attorney at the time of final site plan review. Additional requirements for the covenants are as follows:
 1. Building/structure setbacks and lot coverage;
 2. The location and type of accessory buildings and structures;
 3. Type and nature of accessory uses; and
 4. The appearance of buildings and structures, configuration of building elements and type of building materials. Provided however, no such rules, regulations and standards shall exceed any maximum development standard or be less than any minimum development standard or permit any use otherwise prohibited in the PUD zone. All owners of property subject to the final site plan and their assigns shall be notified (by the developer) of such rules, regulations and standards at the time of taking title to property located within the final site plan area.

18.19 The county commissioners shall approve a final site plan upon considerations, determinations and powers set forth in this article. The county commissioners shall, as a condition of approval, require the posting of all necessary bonds or other security instruments, and recording of covenants.

18.20 No person, firm or corporation may violate any requirement of this article, to include but not limited to deviation from the requirements of the final site plan, and any such violation shall be enforceable by the county and subject to such enforcement and penalties provided by zoning ordinance.

18.21 An architect shall be commissioned by the homeowner's association or developer as a method of ensuring compliance with the architectural code. Said architect shall be retained by the developer and/or homeowner's association until such time as the last lot in the PUD zone at issue is developed.

18.22 Any applicant aggrieved by the decision of the county commission may seek judicial review by the Superior Court of Troup County within 30 days of the decision.

ARTICLE 19

TREE PRESERVATION

19.1 Purpose. This tree preservation ordinance has been developed to benefit the environmental and aesthetic quality of Troup County. The intent is to create an opportunity and promote preservation of the county's natural resources and grow in a way that will provide a healthy environment for the future of Troup County. The purpose of this tree preservation ordinance is to provide standards for the preservation of trees as part of the land development process; to prevent massive grading of land, both developed and undeveloped, without provision for replacement of trees; and to protect trees during construction whenever possible in order to enhance the quality of life within Troup County. The regulations of this tree preservation ordinance shall be the definitive, unless otherwise directed by the zoning ordinance or county code. The benefits derived from this tree preservation ordinance include:

1. Provide visual buffering and enhance beautification of the county;
2. Moderation of storm water runoff, and improved water quality;
3. Protect and attempt to enhance property values, thus safeguarding private and public investment;
4. Protect the unique identity of Troup County by promoting native plants;
5. Control soil erosion;
6. Reduction of some air pollutants and interception of airborne particulate matter;
7. Preserve stands of trees and "specimen" trees; and
8. Protect natural vegetation except where its removal is necessary for responsible property development or control of disease and infestation.

This article shall serve to dissuade the unnecessary clearing of land and its disturbance, so as to preserve, insofar as possible, the natural and existing growth of vegetation and to replace whenever possible the removed foliage with new vegetation.

19.2 Definitions. In construing the provisions hereof and the meaning of each and every word, term, phrase, or part thereof, where the context will permit, the definitions of words as contained in the adopted Zoning Ordinance of Troup County, supplemented by the following, shall apply:

Agriculture. The science or art of cultivating the soil, harvesting crops, and raising livestock.

Boundary Tree. A tree located on adjacent property in proximity to a boundary line of subject project. Requirements set forth herein covering critical root zone shall be adhered to.

Buffer. See Article III of this ordinance.

Caliper. A standard of trunk measurement for replacement trees. Caliper inches are measured at the height of six inches above the ground for trees up to and including four-inch caliper and 12 inches above the ground for trees larger than four inches caliper.

Certified County Arborist ("Arborist"). An ISA certified tree professional responsible for reviewing tree preservation and replacement plans, etc., to include developing arboricultural standards relative to tree care, protection, construction impacts and administrative guidelines for ordinance as well as the determination of tree removal in public places.

Critical Root Zone. The minimum area beneath a tree which must be left undisturbed in order to preserve a sufficient root mass to give a tree a reasonable chance of survival. The critical root zone of a tree is established on the basis of the trunk diameter at DBH. Trees are to be represented on plans by a concentric circle centered on the trunk location with a diameter equal in feet to twice the number of inches of the tree's trunk diameter at DBH. The critical root zone shall be used by plan reviewers to determine compliance with design standards and construction specifications. A circle is graphically efficient to produce and represents the most likely configuration of a tree's root pattern, even when the crown is skewed or one-sided. The ratio of circle diameter to trunk diameter is based on typical dripline distances noted on open grown trees with full crowns.

Density Factor. A unit of measure used to prescribe the calculated tree coverage on a site.

Diameter Breast-Height (DBH). The standard measure of size for overstory and understory trees existing on a site. The tree trunk is measured at a height of four and one-half feet above the ground. If a tree splits into multiple trunks below four and one-half feet, measure the trunk at its most narrow point beneath the split.

Drip Line: The line enclosing the area directly beneath the tree's crown from which rainfall would drip from the outermost branch tips of the tree or group of trees collectively.

Heritage Tree. Any tree which is determined by Troup County to be of unique and intrinsic value to the general public because of its size, age, historic association, unique species to the region, ecological value or any tree designated a Georgia State Champion, United States Champion or World Champion by the American Forestry Association (Refer to Appendix B). This ordinance calls for the arborist to maintain a list of trees that are of special interest to the county. Upon recommendation by the arborist, the Board of Commissioners may designate a tree as a heritage tree, provided the tree's health, aerial space, and open ground area for the root system have been certified by the Arborist as sufficient. The arborist shall maintain a registry of heritage trees which shall be maintained in the building permits and inspections office.

Land Disturbance Permit. The authorization granted by Troup County necessary to begin a land disturbing activity.

Land Disturbing Activity. Any alteration of the natural environment that shall require a land disturbance permit for removal of trees incidental to the development of land or to the marketing of land for development and includes, but it is not limited to, soil erosion permit, clearing and grubbing permit, land disturbance permit or building permit.

Overstory (Canopy) Tree. Those tree species that compose the top layer or canopy of vegetation and will generally reach a mature height of greater than 40 feet.

Replacement trees must be chosen from the list in Appendix D.

Pasture Land. Land cleared of trees for agricultural use.

Replacement Planting. The planting of trees on a site that before development had more trees, and after development shall have fewer trees per acre.

Site. Any plot or parcel of land, or a combination of contiguous lots or parcels of land, where grading, building, construction or alteration is performed or permitted.

Site Density Factor. The minimum number of tree density units per acre which must be achieved on a property at completion of development. Reference Appendix C.

Soil Compaction. A change in the physical properties of soil which include an increase in soil weight per unit volume, and decreases in soil pore space. Soil compaction is caused by repeated vibrations, frequent traffic and weight. As related to tree roots, compacted soil can cause physical root damage, a decrease in soil oxygen levels with an increase in toxic gases, and can create an impervious condition to new root development.

Specimen Tree. Any tree that qualifies for special consideration for preservation due to its size, type, and condition (Refer to Appendix A). Individual trees may be considered important county resources because of unique or noteworthy characteristics or values.

Stop Work Order. An official order from the county for work to cease on a development site until such time as specific issues are resolved.

Timber Harvest. Under Georgia law all timber harvests or sales must be reported on Department of Revenue form PT-283T. The official code of Georgia Annotated defines timber harvest.

Tree. Any self-supporting woody perennial plant, usually having a main stem or trunk and many branches, and at maturity normally attaining a trunk diameter greater than three inches at any point and a height of over ten feet.

Tree Diameter. The widest cross-sectional dimension of a tree trunk measured at diameter breast height (DBH) or at a point below DBH for new trees or multi-trunk species, but in no case less than six inches from the ground.

Tree Preservation and Replacement Plan. A plan that identifies tree protection areas where existing trees are to be preserved and where proposed replacement trees are to be planted on a property to meet the requirements of this ordinance, as well as methods of tree protection to be undertaken on the site and other pertinent information.

Tree Planting List. The recommended species of trees listed in Appendix D.

Tree Protection Area. Any portion of a site wherein existing trees that are proposed to be preserved in order to comply with the requirements of this ordinance. The tree protection area shall include, at a minimum, no less than the total area beneath the tree canopy as defined by the critical root zone.

Tree Save Area. An area designated for the purpose of meeting tree density requirements, saving existing trees, and/or preserving natural buffers.

Understory Tree. A tree species that, under normal forest conditions, grows to maturity beneath overstory trees and will generally reach a mature height of at least ten feet but less than 40 feet. Replacement trees must be chosen from the list in Appendix D.

Zoning Ordinance. The Zoning Ordinance of Troup County, Georgia, as amended from time-to-time by the Board of Commissioners of Troup County.

19.3 Applicability. This ordinance shall apply to all properties or portions thereof located within the unincorporated areas of Troup County, Georgia, to the extent of the provisions contained herein. The terms and provisions of this ordinance shall apply to

any activity on real property which requires the issuance of a land disturbance permit except as exempted in section 19.4.

19.3-1 PUD. For planned developments including the operations of clearing or grading, the owner shall be required to follow at a minimum the standards set forth herein and the standards of stabilization as set forth in the Erosion Control Ordinance. Plantings shall not be required until a certificate of occupancy is requested for the developed parcels and at that time only the plantings for each developed parcel should be required. Plantings shall be completed prior to the issuance of a certificate of occupancy or performance of a final building inspection. This shall ensure that the proper plantings are established for each use as well as provide for the appropriate timing of plant installation.

19.3-2 Zoning Change. Any change in zoning shall require the application of this article to the property.

19.3-3 The provisions of this ordinance shall apply to all public entities and owners of public property within Troup County and it shall be unlawful for said owners to fail to comply with all provisions of this ordinance.

19.4 Exemptions. The following activities are specifically exempted from this ordinance:

19.4-1 The construction of single-family detached and/or two-family residential dwelling that is not part of a major subdivision (a subdivision of land which results in the creation of five or more lots).

19.4-2 Rural residential zoning district shall be exempt when the zoning district is requested to provide road frontage to existing homes that have previously had easements only.

19.4-3 Any addition, alteration, improvement or remodeling of an existing residence or the construction of structures accessory to an existing residence shall be exempt from this ordinance.

19.4-4 Tree removal by existing individual single-family detached and duplex homeowners; unless noted as a heritage tree.

19.4-5 All plant or tree nurseries and botanical gardens and arboretums shall be exempt from the terms and provisions of this ordinance in relation to those trees which are being grown for relocation and continued growth in the ordinary course of business, or for some public purpose.

19.4-6 All orchards of trees in active commercial operation shall be exempt as bona fide agricultural purposes only.

19.4-7 Any land clearing and grubbing activities that are strictly for agricultural purposes.

19.4-8 Timber harvesting (selective cutting or clear cutting) timber harvesting operations not incidental to development that qualify as forestry land management practices or agricultural operations, not incidental to development on tracts which are zoned for forestry, silvicultural, or agricultural purposes. An approval letter from the arborist is required prior to commencement of qualified timber harvesting.

19.4-9 The installation of on-site sewage management systems (OSSMS), initial or repair, providing the disruption of the trees is kept to a minimum and heritage tree

guidelines are followed. If the OSSMS initial or repair is in a tree protection area, a plan of the OSSMS shall be submitted to the arborist prior to installation.

19.5 Arborist Approval is Not Required to Remove Dead and Diseased Trees by Individual Homeowners. There are situations where large areas of tree removal is appropriate and would not fall under the exemptions listed in section 9.4 including southern pine beetle infestation. Upon the written advice of the county extension service or the Georgia Forestry Commission or an ISA certified arborist in accordance with commonly accepted forestry practices and a finding of disease or insect infestation, the Arborist may authorize the removal of trees to prevent the danger of these trees falling, prevent potential injury to life or property and prevent fuel build up for forest fires. The owner/developer, prior to the removal of these trees, shall notify the arborist, identifying the location of the infested property, and shall submit to the arborist the written finding of the an independent certified arborist, county extension service or the Georgia Forestry Commission.

19.6 Removal of Structurally Declining Trees. Trees that are identified as posing a risk of failure (whole tree falling or large tree parts breaking off) and documented in writing by a professional landscape forester or I.S.A. Certified Arborist, in accordance with commonly accepted "hazard evaluation" techniques and practices, and not caused by development activities, may be authorized by the arborist for removal without penalty. Site density units must still be met; removal requests shall be accompanied with an amendment to the replanting plan. These trees, because of poor structural attributes, shall not be counted as heritage or specimen trees.

19.7 Permitting Applications. Land disturbance activities shall not commence until such activities have been authorized by issuance of an appropriate land disturbance permit (LDP) under the provisions of the development regulations, latest edition. No land disturbance permit shall be issued for development without it being determined by the arborist that the proposed development is in compliance with the provisions of this ordinance.

19.8 Permit Procedures. Prior to submission of any plans associated with the LDP application, applicants are required to conduct a pre-planning meeting with the arborist. This meeting is intended to provide an opportunity for the applicant to present their conceptual plans as well as to ensure that applicant is aware of all provisions of this ordinance that might potentially impact said plans. Resulting information from this conference, that are specific to items where the arborist has latitude, should be recorded by the applicant and submitted to the arborist for inclusion in the plans submitted for the LDP application.

19.8-1 All tree preservation and replacement plans and related documents shall be reviewed by the arborist for conformance to the provisions of this ordinance. The permit will require approval and sign-off by the arborist.

19.8-2 Arborist sign-off shall constitute an approval of the required tree preservation and replacement plan and conformance to the provisions of these regulations.

19.8-3 The arborist, at any time, may at his/her discretion, require an "as built" tree plan, which graphically communicates the size, location, and name of all trees and landscape material existing on site. The plan must be to scale and prepared by a certified arborist or registered landscape architect.

19.9 Density Requirements. The quantity of total existing and replacement trees on a site must be sufficient to produce a total site density factor as follows: Trees should be distributed throughout the development and not located in only one area. Procedures for determining the site density requirements and subsequent tree replacements are provided in Appendix C.

19.9-1 The required site density for each site shall be calculated by multiplying the total acreage of the site by the required site density factor for the appropriate zoning district (see Article VII).

District	Site Density Factor (in units per acre)
AG	20 (Platted new development only)
AGR	20 (Platted new development only)
LRR	20 (Platted new development only)
RR	20 *(Certain exemptions may apply to this district)
SFMD	15
LR	15
CRVP	15
MHP	15
MFR	12
NC	12 (Also subject to QDC requirements)
GC	12 (Also subject to QDC requirements)
LC	12 (Also subject to QDC requirements)
LI	10 (Also subject to QDC requirements)
GI	10 (Also subject to QDC requirements)

19.9.1.1 Tree densities for properties zoned PUD shall be determined at the time of concept plan submittal. Site Density is not a factor in determining successful stewardship, unified and connective design, or appropriate design for the neighborhood in which it is located.

19.9.1.2 *These exemptions shall be determined prior to final plat submittal. Example: SDF for a Wooded Site zoned AG is calculated by multiplying the total acres by 20 units per acre. A ten-acre site by 20 units per acre equals 200 units.

19.10 Mitigation Measures. It shall be the policy of the county to maximize the

preservation and maintenance of existing trees and where necessary the planting of replacement trees. An approved tree protection and replacement plan must be included as a condition for issuance of a land disturbance permit. The arborist shall have the authority to reject and/or approve appropriate measures (including a combination of measures) based on the requirements of this ordinance and the particular circumstances of each project. It shall also be the policy of the county to provide guidelines for new tree plantings in those instances where no trees currently exist, e.g., former pasture land.

19.10-1 Mitigation Objectives.

1. Protect existing trees or woodland/forest resources.
2. Provide additional protection for specimen and heritage trees.
3. Planning for and identifying tree save areas at the earliest stages of development process.

19.10-2 Preservation and Protection of Existing Trees. The required site density factor shall first be met with existing trees when possible (see section 9.8.1). Special emphasis shall be afforded to the preservation of heritage and specimen trees (see Appendix A and B). When a choice is available as to which existing trees to save, heritage trees and specimen trees, even isolated individual trees, shall be given preference over other trees. As provided for in Appendix B, heritage trees shall be afforded special protection and may be removed in accordance with Appendix B.

19.10-3 Protection. Protection of existing individual trees and/or stands shall be incorporated as a required portion of initial design and project layout through project build out to include the following:

1. Planning for and identifying tree save areas at the earliest stages of development process
2. Initial design of project lay-out
3. Relocate proposed structures or infrastructure as necessary.
4. Utilize appropriate construction and planning methods to minimize damage to tree roots during construction.
5. Set aside portions of project area as tree save areas.

19.10-4 Planting of New Trees. If the required site density factor cannot be accomplished with existing trees, replacement trees shall be planted as required by this ordinance. Using the guidelines provided in section 9.3.3 below, the precise locations may be at the discretion of the arborist. Trees selected for planting must be free from injury, pests, disease, nutritional disorders or root defects, and must be of good vigor in order to assure a reasonable expectation of survivability.

19.10-5 Standards for transplanting shall be in keeping with those established in the International Society of Arboriculture publication, "Tree and Shrub Transplanting Manual " or similar publication. Use as a reference the American Association of Nurserymen publication " American Standard for Nursery Stock ", (ANSI Z60, 1973) for plant material quality specifications. Also, reference the latest edition of the " Manual for Woody Landscape Plants: " by Michael Dirr, ISA Guidelines and ANSI Standards or other similar publications for information on site requirements for various tree species. Guidelines:

1. To replace those removed plant new trees in landscaped portions of parcel.

2. Plant new trees on lands that currently lack trees (usually pasture or farmland).
3. Plant new trees on portions of the project area set aside as tree save areas.

A plant material list shall be provided when new plant material are to be installed including:

1. Common and botanical names of all proposed plants.
2. Plant quantities.
3. Size and condition of plants. (Example: two inch caliper, six feet height, balled and burlapped).
4. Spacing.

19.10-6 Artificial Materials Prohibited. All artificial plants, trees, shrubs, grass or other vegetation shall be prohibited from fulfilling the requirements of this ordinance.

19.10-7 Minimum Density. In the event that the minimum tree density cannot be met on a parcel then there shall be determination made by the county arborist that density requirements are met when the developer or owner of the property demonstrates that everything possible has been done to accomplish site density requirements.

19.11 Tree Preservation and Replacement Plan. Three copies, either as separate or combined drawings, along with other permit drawings, are to be submitted as part of the plan approval and/or land disturbance permit process to the Troup County Office of Building and Inspections. These plans will be reviewed by the county arborist/landscape architect for compliance with the zoning and development ordinance of Troup County and this tree preservation ordinance in particular and either approved, denied, or returned for revisions. Any comments shall be made available to the designer for response or revision to the drawings. The plans shall then be re-submitted (along with previous red line comments), with the necessary changes, following the same procedure as if it were an original application. Issuance of a land disturbance permit is contingent upon approval of the tree preservation and replacement plan.

19.11-1 Prepared by a Professional. Tree preservation and replacement plans shall be prepared by a professional landscape architect, urban forester or ISA Certified Arborist, other state licensed professionals of similar design discipline may be authorized by the arborist to prepare tree preservation and replacement plans, provided they demonstrate, to the satisfaction of the arborist, competency and knowledge in the principles and practices of arboriculture as well as the demonstrated ability to prepare such plans in accordance with this ordinance. Continuous and excessive reviews and re-submittals may disqualify the designer from further acceptance by the arborist.

19.11-2 Tree preservation and replacement plans must include the following:

1. **Tree Inventories and Surveys.** Compliance with the required site density factor shall be demonstrated on the tree protection and replacement plan. The density of 20 units per acre is based on the acreage of the overall site. All trees that are to be counted toward meeting density requirements must be inventoried or sampled based on the size of the property.
2. **Compliance.** Tree inventories and surveys compliance with the required site density factor shall be demonstrated on the tree protection and replacement plan. All trees that are to be counted toward meeting density requirements must be inventoried or sampled based on the size of the property.

3. Survey methods. The method used to inventory the trees must be indicated on the plans. Only trees with a DBH of five inches and larger are given tree density unit credits and should be sampled or inventoried. The method used to inventory the trees must be indicated on the plans. Only trees with a DBH of five inches and larger should be sampled or inventoried.
 - a. Large Tract Survey. On tree save areas greater than three acres, all tree save areas must be surveyed using an approved scientific sampling method (e.g., basal area).
 - b. Sampling Area. Timber cruising methods (50-foot by 50-foot sample areas or the prism method) of sampling is needed for large tracts. The larger the site the more sample areas should be taken.
4. Sampling. Sampling should be done in areas to remain as undisturbed tree save areas, not areas intended for development. The contents of each sample area shall be inventoried. All sampling areas shall be accurately depicted on the tree protection and replacement plan and appropriately flagged to corresponding locations on the actual site. When using sample areas, the basal area units should be averaged and an existing density factor per acre determined. Using this tree density, the appropriate amount of tree save area should be preserved to meet the site density factor requirements. These calculations must be included on the tree plan.
5. Sampling, Small Tracts. On tree save areas of three acres or less, all trees to be considered for density requirements must be individually inventoried. This tree inventory list and tree locations must be shown on the plan. The existing tree line and vegetation characteristics of the site shall be shown on the plans. Existing trees or stands of trees used in the density calculations must be indicated on the plan. The tree save areas should be clearly shown on the plans with their size in acres. Areas designated as tree save areas must be wooded.
6. Exact Location of all Specimen and Heritage Trees. Special consideration shall be given to specimen and heritage trees on development sites. Specimen trees and heritage trees must be shown on the tree preservation and replacement plan with an indication whether they are to be retained or removed and reason for removal. Said trees must be flagged and numbered in the field with correlating numbers and exact location shown on the plan. Extra tree density credit will be given for saved specimen and heritage trees. If no design features accommodate their preservation, removed specimen trees require recompense plantings of comparable species. Refer to Appendix A for specimen tree criteria and tree density unit values. Use the values in the replacement tree density chart (Appendix C, table B) to determine the quantity and sizes of the needed recompense trees. Heritage trees that are shown for removal must show that the tree is diseased or dead before the county arborist will approve their removal. Heritage trees are unique to Troup County due to size, age or historic value and shall not be removed unless diseased, dead or dying.
7. All Tree Save Areas Must be Delineated on the Tree Protection and Replacement Plan. Methods of tree protection shall be indicated for all Tree Save Areas and Specimen/heritage trees, including tree save fencing, erosion control, retaining walls, tree wells, tunneling for utilities, aeration systems, transplanting, signage, etc.
8. Buffers. All buffers must be identified on the tree protection and replacement plan any portion of a zoning buffer lacking sufficient vegetation to provide effective visual

screening must be supplemented with evergreen plantings. A detailed planting plan for these areas is required. Planted trees must be a minimum six feet tall.

9. Indicate Limits of Disturbed Area. During construction, tree save areas, zoning buffers, stream buffers, open space and specimen/heritage trees must be properly protected from disturbance using high visibility orange tree save active fencing. These tree save areas and the active tree save fencing locations must appear on the clearing, grading, erosion control and tree protection plans.

10. Utilities. Existing and proposed location of underground utilities or easements must be shown. Indicate staging areas for parking, material storage, concrete washout, debris burn and burial holes where these areas might negatively impact protected trees.

11. Location and Schedule. The locations of all trees to be planted to meet site density factor requirements. All required landscaping such as street trees, parking lot trees and landscape strips should be shown graphically on the plans. In addition, a detailed planting schedule showing the type (common and botanical names), sizes and quantity of trees to be planted, and any special planting notes. Trees planted for specimen tree recompense and parking lot trees, are not included in overall tree density calculations. These are additional requirements.

12. Tree Types. Tree preservation and replacement plans that consist of more than ten new trees shall incorporate at least three separate tree genera whereby no single tree genus accounts for more than 33 percent of all newly planted trees. A narrative explaining the actual planting dates is needed for larger sites. Remote and/or large replanting areas such as zoning buffers are best planted between November and April. Indicate clearly on the tree protection and replacement plan when planting will take place.

13. Additional Information. Any additional information as required by the arborist on a case by case basis. After the submission of the plan, the arborist will perform a site inspection. The tree protection and replacement plan shall provide sufficient information and detail to clearly demonstrate that all applicable requirements and standards of this ordinance are or will be fully satisfied.

19.12 Tree Preservation Standards During Construction. In addition to proper utilization of tree protection devices (see section 19.12-1), the following measures are detrimental to the long term health and survivability of trees.

Prevention of the following:

1. The improper use of machinery on the trees;
2. The storage of materials in or around the trees;
3. Altering the natural grade to expose the roots or to cover the tree's root system with more than four inches of soil;
4. Causing the infection or infestation of the tree by pests, fungus or harmful bacteria;
5. Pruning judged to be excessive by the arborist or not in accordance with the standard set forth by the International Society of Arboriculture (ISA);
6. Paving with concrete, asphalt or other impervious surface within such proximity as to be harmful to the tree or its root system; and
7. Application of an herbicide, including pre-emergent herbicides, defoliant, to any tree without first obtaining a permit;

8. Soil compaction in the critical root zone from heavy equipment, vehicular; or excessive pedestrian traffic, or storage of equipment or materials;
9. Root disturbance due to cuts, fills or trenching;
10. Wounds to exposed roots, trunks or limbs;
11. Other activities such as chemical storage, cement truck cleaning, fire, etc.

19.12-1 Location and Types of Tree Protection Devices. Tree protection devices are to be installed completely surrounding the critical root zone of all trees or group of trees to be preserved. Active protection (see section 19.12-2a) is required where tree save areas are located along the limits of disturbance. Passive protection (see section 19.12-2b) may be used in more remote tree save areas as determined by the arborist. Once tree save areas are established and approved, any changes are subject to review and written approval by the arborist.

19.12-2 Materials.

- a. Active Tree Protection shall consist of chain link, orange laminated plastic, wooden post, rail fencing or other equivalent restraining material.
- b. Passive Tree Protection shall consist of heavy (as determined by arborist) mill plastic flagging of a bright color or equivalent signage on a continuous, durable restraint sufficient to delineate the bounds of any tree protection or save areas.
See Appendix E.

19.12-3 Sequence of Installation and Removal. All tree protection devices shall be installed prior to any land disturbing activity. The arborist will inspect the installation of tree protection devices. It shall be the sole responsibility of the property owner and/or developer to ensure that all tree protection devices remain in functioning condition throughout all phases of development and shall not be removed until final landscaping is installed. In the event passive tree protection is not kept in functioning condition, active tree protection may be required throughout the project.

19.12-4 Encroachment. If encroachment into a tree save area occurs, that causes irreparable damage to the trees, the tree preservation and replacement plan shall be revised to compensate for the loss. Under no circumstances shall the developer be relieved of responsibility for compliance with the provisions of this ordinance, nor shall plan revision activities stop the county from instituting action for violation of this ordinance.

19.12-5 Other Specifications. Where clearing has been approved, trees shall be removed in a manner that does not physically impact the trees to be preserved. Felling trees into tree save areas or disturbing roots inside the tree save areas shall be treated as a violation and shall be punishable in accordance with this ordinance. All erosion and sedimentation control measures shall be installed so that sediment will not accumulate within the tree save area. All tree protection areas shall be designated as such with "tree protection area" signs posted visibly on all sides of the fenced-in area. These signs are intended to inform subcontractors of the tree protection process. Signs requesting subcontractor cooperation and compliance with the tree protection standards are recommended for site entrances.

19.13 Tree Replacement Standards. Species selected for replacement must be quality species, and must be ecologically compatible with the intended site. See Appendix D for list of recommended species. Deviations from the recommended tree

planting list are acceptable for use in meeting density requirements only with prior approval from the arborist.

19.13-1 Minimum Planting Area. In order to provide sufficient growing area for planted trees, the following minimum criteria must be observed unless otherwise approved by the arborist:

Overstory (Canopy) Trees: 450 square feet.

Understory Trees: 200 square feet.

Planting Strips: (refer to Article VIII of the Troup County Zoning Ordinance).

19.14 Warranty or Maintenance Surety. Upon final installation of new trees, shrubs or other landscape material planted to meet the requirements of this ordinance, and before acceptance by the county arborist, the owner shall either post a maintenance bond or letter of credit in an amount equal to 75 percent of the value of the new trees or landscape material and their installation, warranting the new trees, shrubs or landscape material for a period of no less than 15 months from approval of final plat or certificate of occupancy.

1. Inspection. The arborist shall perform an inspection of the plantings and landscape materials required by this ordinance prior to the end of the 15-month warranty period. The owner shall be provided written notice of any replacements or restoration that must be made to maintain compliance with this ordinance or conditions of zoning, special use, or variance approval as pertains to trees and landscaping. Required landscape material found to be dead or near death shall be replaced prior to release of the warranty by the county. In no case shall replacement be delayed greater than 30 days from notification unless an additional performance bond is posted with the county.

2. Performance Surety. In the event that new trees required to be planted as set forth herein, cannot be installed upon application for a certificate of occupancy or final plat approval as appropriate to the project, then at the discretion of the arborist, a performance bond or letter of credit in an amount equal to 130 percent of the value of the new trees or landscape material and their installation may be accepted in accordance with the performance bonding requirements and provisions of the county.

19.15 Compliance upon Permit Completion or Expiration. Properties where a permit is issued to conduct land disturbing activities that does not require the issuance of a certificate of occupancy or the approval of a final plat, shall comply with the tree density standard of this ordinance as follows:

19.15-1 Clearing, Clearing and Grubbing, or Grading Only Permits. A performance bond or letter of credit shall be posted with the county for the replacement units prior to the issuance of a land disturbance permit. The amount shall be equal to 130 percent of the value of the new trees or landscape material and their installation.

19.15-2 Continuing Maintenance. The owner, occupant, tenant, and respective agent of each, if any, shall be jointly and severally responsible for the perpetual maintenance and protection of buffers and landscape plantings required by this ordinance. The county arborist is hereby authorized to order diseased, infested, dying, dead or damaged landscaping required herein to be replaced. Replacement trees and landscaping shall be in accordance with the applicable provisions of this ordinance.

19.16 Variances. All petitions shall require a public hearing before the Board of Zoning Appeals/Planning Commission and shall be subject to the provisions for variances as defined in Article XVIII of the Troup County Zoning Ordinance and the application requirements of the Troup County Office of Building and Inspections.

19.17 Non-liability of County. The contents of this ordinance shall not in any way be deemed to impose any liability upon Troup County, the Board of Commissioners or county employees nor shall it relieve the owner and occupant of any private property from the duty to keep trees upon private property or under his/her control in a safe condition as not to affect the health, safety and general welfare of the public.

APPENDIX A
SPECIMEN TREES

Some trees on a site warrant special consideration and encouragement for preservation. These trees are referred to as Specimen Trees. The following criteria are used to identify Specimen Trees. Both the size and condition criteria must be met for a tree to qualify.

Size Criteria

- Overstory Trees: 24 inches diameter DBH or larger.
- Understory Trees: Ten inches diameter DBH or larger.
- Condition Criteria
- Life expectancy of greater than 15 years
- Relatively sound and solid trunk with no extensive decay
- No more than one major and several minor dead limbs
- No major insect or pathological problem
- As determined by county arborist

Type

Loblolly and slash pines do not qualify as specimen trees. In order to encourage the preservation of specimen trees and the incorporation of these trees into the design of projects, additional density credit will be given for specimen trees which are successfully saved by a design feature specifically designated for such purpose. Credit for any specimen tree thus saved would be four times the assigned unit value shown in Appendix C--Table A. To qualify, these trees must be within or directly adjacent to the developable areas of the site. Specimen trees which lie inside areas already protected, such as buffers, wetlands or open space areas shall not receive extra density credit.

Considering every development site and situation will be different, specimen tree preservation cannot be expressed as a formula, but is a required design criteria. If the tree preservation plan submitted for a development site does not incorporate design features to preserve specimen trees, an alternate site design may be required. To ensure that preservation of specimen trees is afforded a high priority, the alternate design features may include revised building designs and locations, parking lot designs and locations and also infrastructure modifications.

While it is understood that all specimen trees cannot be preserved in a development, this program will be closely examined on every project prior to approval of any and all site plans. In this connection, the remaining specimen trees on site, which are allowed to be removed, will require recompense planting equaling two times their density unit value in Appendix C--Table A. Specimen trees must be replaced by species with potentials for comparable size and quality. Specimen recompense trees must be a minimum four-inch caliper at the time of planting.

If a specimen tree is to be removed, a plan or written documentation indicating the reason for the removal must be submitted to the arborist.

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In addition to the penalties addressed in section 4.1.1.2 of this ordinance, any specimen tree which is removed without the appropriate review and approval of the arborist must be replaced by trees with a total density of eight times the unit value of the tree removed. Size alone will determine whether a tree was of specimen quality if the tree is removed without approval and there is no evidence of its condition.

APPENDIX B
HERITAGE TREES

Troup County residents have long enjoyed an abundance and diversity of trees and forests. These have served as resources for shelter and products, shaded homes and streets, and immeasurably added to the aesthetic character of rural areas, towns and neighborhoods.

The Troup County Heritage Tree Register will recognize a noteworthy tree or trees or groves of trees and acknowledge the significance selected individual trees or stands have had to our communities. It is the intent of this ordinance that this process of identifying and publicly noting significant (heritage) trees and maintaining the register listings with accurate historical and current data should result in appropriate maintenance and adequate consideration being given to the status of trees as assets of particular vulnerability in changing areas.

Heritage trees are individual trees or groves of trees of any size or species that are specially designated as heritage because of their historical, commemorative, or horticultural significance. The list of designated heritage trees remains open for new designations and provides useful information to the Planning and Zoning staff regarding the importance of their actions while planning activities near heritage trees. Troup County shall compile a list of heritage trees which may also include the oldest, tallest, largest, endangered and rarest native and exotic tree species growing in the county.

Anyone may nominate a heritage tree by contacting the Planning and Zoning Office or county arborist. Upon nomination by any person and with the written consent of the property owner(s), the county may designate a tree or trees as a heritage tree. After county approval of a heritage tree designation, the county arborist shall notify the property owner(s) in writing.

No tree on private property can be designated without the consent of the current property owner.

Once designated by current owner as a heritage tree, this ordinance further states that it is unlawful for any person, without a prior written permit from the County Arborist, to remove, destroy, cut, prune, break or injure any heritage tree. No heritage tree can be removed without the consent of the county arborist. If heritage tree becomes a hazard follow steps as defined in section 19.6. Requests for the removal of a heritage tree will be denied unless one of the following findings is made:

1. There is a public benefit, or a public health, safety, or welfare benefit, to the injury or removal that outweighs the protection of the specific tree (public benefit means a public purpose, service, or use which affects residents as a community and not merely as particular individuals); or
2. The present condition of the tree is such that it is not reasonably likely to survive; or

3. There is an objective feature of the tree that makes the tree not suitable for protection; or
4. There would be a substantial hardship to a private property owner in the enjoyment and use of real property if the injury or removal is not permitted; or
5. To not permit the injury or removal would constitute a taking of the underlying real property tree removal requests with a discretionary action will be reviewed by the county.

Decisions on tree removal are subject to standard appeal.

APPENDIX C

SITE DENSITY REQUIREMENTS

The basic requirement of the tree preservation ordinance is that all applicable sites retain a minimum tree density as defined in section 8. The term "unit" is an expression of basal area (a standard forestry inventory measurement), and is not synonymous with "tree". A single tree equal to one tree unit is between 13 and 14 inches in diameter. This density requirement must be met regardless of if the site had sufficient tree density prior to development. For these sites, the density may be achieved by counting existing trees to be preserved, planting new trees, or some combination of the two as represented by the formula below.

$$SDF = EDF + RDF$$

- SDF (Site Density Factor) = The minimum tree density to be met on a development site, expressed in units per acre.
- EDF (Existing Density Factor) = The total number of trees density units measured or calculated based on trees that will remain as conserved on site.
- RDF (Replacement Density Factor) = The density or total unit value of new trees to be planted on a site.

The site density factor (SDF) is calculated by multiplying the number of site acres by units per acre required.

Tree density calculations for a two and two-tenths acre example residential site would be as follows:

Two and two-tenths acres by 20 units per acre equal a SDF of 44 units.

Trees Inventoried in Tree Save Areas			
Trees Found (Measured in Diameter Breast Height)	Quantity	Unit Value	Total
5"--8" pines	21	0.3	6.3
9"--12" oaks	14	0.6	8.4
13"--16" oaks	10	1.2	12
17"--20" poplars	5	1.9	9.5
21"--24" oaks	3	2.8	8.4
		Total 44.6 Density Units	

The existing density factor (EDF) is calculated by converting the diameter of individual trees to density factor units using table A.

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Therefore, with a site density factor requirement of 44 units, a tree save area totaling 44.6 density units satisfies the site density requirement. These trees will be protected in a tree save area.

TABLE A: Conversion of Existing Tree Diameters (DBH) to Density Factor Units

Size Class	Diameters	Unit Value
1	1--4"	Need not be counted
2	5--8"	0.3
3	9--12"	0.6
4	13--16"	1.2
5	17--20"	1.9
6	21--24"	2.8
7	25--28"	3.8
8	29--32"	5.1
9	33--36"	6.5
10	37--40"	8.1

The unit value of an individual tree may be determined by using the formula: (Diameter) $2 \times .7854 \div 1449$

Replacement density factor (RDF)--If enough trees do not exist onsite to meet the tree density requirements, replacement trees will be needed. Calculate the RDF by subtracting the EDF from the SDF.

For instance, if it was determined that the two and two-tenths acre sample site mentioned earlier had only enough existing trees to yield a 30-unit per acre EDF, then replacement trees totaling 14 density factor units would be required.

SDF (44) & minus; EDF (30) = RDF (14)

The density factor unit value for each caliper size of replacement (new) trees is shown in table B. Replacement tree caliper is measured at a point on the trunk six inches from the base.

TABLE B: Conversion of Replacement Tree Caliper to Density Factor Units

Caliper Size	Density Factor Units
1"	Not to be used
2"	0.4
3"	0.5
4"	0.7

Caliper Size	Density Factor Units
5"	0.9
6"	1.0
7"	1.2
8"	1.3
9"	1.5
10"	1.7

The values in Table B shall also be used to determine the quantity of replacement trees needed for any specimen tree recompense planting. This planting is additional to planting required for site density requirements.

Pasture Land Reduction

It is recognized that some properties, or portions of them, may be devoid of trees due to agriculture use. In these cases a reduction of minimum tree density is warranted for new developments. In areas that meet the description of pasture land, the required minimum tree density shall be one-half the amount shown on the site density requirements. Since most of the pasture land will be located in the agricultural or agricultural-residential zoning district then use the following numbers for example:

- Wooded site SDF is calculated by multiplying the number of total site acres by 20.
 - o EXAMPLE: a ten-acre site has a SDF of $10 \times 20 = 200$ units.
- Pasture land SDF is calculated by multiplying the number of total site acres by ten.
 - o EXAMPLE: a ten-acre site has a SDF of $10 \times 10 = 100$ units.
- Mixture of wooded and pasture land SDF is calculated using each component's unit per acre requirement.
 - o EXAMPLE: a ten-acre site has eight acres wooded and two acres pasture land a SDF of $(8 \times 20 = 160 \text{ units}) + (2 \times 10 = 20 \text{ units})$ for a total SDF of 180 units.

Easement Exclusion

Properties possessing natural gas, petroleum or electric power transmission easements, or major sanitary sewer main (greater than eight inches in diameter) or water main (greater than 16 inches in diameter) distribution easements, may exclude the land area contained in the easement from the total acreage of the property in fulfilling the site density factor provided that no improvements (e.g., parking lots, tennis courts, driveways, storm water detention facilities, etc.) are proposed within the easement. If any improvements are proposed within the easement, then the land area so utilized within the easement for improvements shall be included in the site density factor requirements.

Lake and Pond Exclusion

Properties with an existing lake or pond greater than one acre in size may exclude the land area contained in the lake or pond from the total acreage of the property in fulfilling the site density factor.

Partial Exclusion of Buffers from Tree Density Requirements

When designing a site, tree preservation shall not be limited to unusable, remote areas of the site. Tree preservation areas should be more evenly distributed around these sites. The intent is to preserve some natural characteristics of the site, such as quality existing vegetation, specimen and heritage trees for aesthetics and conservational purposes.

In an effort to preserve trees and other natural vegetation within a development, a certain amount of the required 50 percent of the required post-development tree density shall be met outside stream bank and zoning buffer areas. The tree requirement cannot be fully satisfied by trees in buffer areas. The area of a development outside buffer areas must separately meet at least 50 percent of the required per acre tree density, even if trees in buffer areas would compensate or more than compensate.

The 20-unit per acre overall tree density must be met with a minimum of ten-tree density units per acre outside buffers. To calculate this, simply subtract the buffer acreage from the overall site acreage and multiply by ten.

For this example: A 30-acre site which contains five acres of buffer areas. A 30-acre site minus five acres of buffers equals 25 acres outside of buffers. Twenty-five times ten units per acre results in a minimum of 250-tree density units to be met outside buffers. It is expected that a combination of tree save areas, preserved specimen and heritage trees and quality replanted trees will be used to meet this requirement within this developed area.

It is understood that many times open or sparsely vegetated zoning buffers will require supplemental or complete planting to meet visual screening requirements; therefore, trees planted for this purpose may count towards this ten unit per acre requirement. If the development site does not include stream bank buffers or zoning buffers proper design and planning should be implemented to achieve the intent of this ordinance also.

- Example:
- 30 acres x 20 units per acre = 600 units

600 units x 50 percent = 300 units minimum to be provided outside the buffer areas. A combination of trees save areas, preserved specimen and heritage trees and quality replanted trees will be used to meet this requirement within this developed area.

It is understood that many times open or sparsely vegetated zoning buffers will require supplemental or complete planting to meet visual screening requirements; therefore, trees planted for this purpose may count towards the SDF.

APPENDIX D

TABLE A-1

RECOMMENDED SPECIES LIST	
OVERSTORY TREES	
Deciduous Species	
Scientific Name	Common Name
Acer barbatum	Florida Maple, Southern Sugar Maple
Acer leucoderme	Chalk Maple
Acer rubrum	Red Maple
Acer saccharum	Sugar Maple
Aesculus flava	Yellow Buckeye
Betula nigra	River Birch
Carya illinoensis	Pecan
Carya ovata	Shagbark Hickory
Catalpa bignonioides	Catalpa
Cladrastis lutea	Yellowwood
Fagus grandifolia	American Beech
Fraxinus pennsylvanica	Green Ash
Ginko biloba Ginko (named cultivar only)	
Liquidambar styraciflua	Sweetgum
Liriodendron tulipifera	Yellow Poplar
Magnolia acuminata	Cucumber Tree
Metasequoia glyptostroboides	Dawn Redwood
Nyssa aquatica	Swamp Tupelo
Nyssa sylvatica	Black Gum
Parrotia persica	Persian Parrotia
Pistacia chinensis	Chinese Pistache
Platanus occidentalis	American Sycamore
Quercus acutissima	Sawtooth Oak

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RECOMMENDED SPECIES LIST	
OVERSTORY TREES	
Deciduous Species	
Scientific Name	Common Name
Quercus alba	White Oak
Quercus bicolor	Swamp White Oak
Quercus coccinea	Scarlet Oak
Quercus falcata	Southern Red Oak
Quercus lyrata	Overcup Oak
Quercus nigra	Water Oak
Quercus nuttallii	Nuttall Oak
Quercus phellos	Willow Oak
Quercus palustris	Pin Oak
Quercus prinus	Chestnut Oak
Quercus shumardi	Shumard Oak
Robinia psuedoacacia	Black Locust
Sapindus drummondii	Soaptree
Sassafras albidum	Sassafras
Sophora japonica	Japanese Pagodatree
Taxodium disticum	Bald Cypress
Ulmus parviflora	Chinese Elm
Zelkova serrata	Japanese Zelkova

TABLE A-2

RECOMMENDED SPECIES LIST	
OVERSTORY TREES	
Evergreen Species	
Scientific Name	Common Name
Cryptomeria japonica	Japanese Cedar

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RECOMMENDED SPECIES LIST	
OVERSTORY TREES	
Evergreen Species	
Scientific Name	Common Name
X Cupressocyparis leylandii	Leyland Cypress
Cunninghamia lanceolata	China fir
Magnolia grandiflora	Southern Magnolia
Pinus contorta v. latifolia	Lodgepole Pine
Pinus strobus	White Pine
Pinus taeda	Loblolly Pine
Pinus virginiana	Virginia Pine
Thuja occidentalis	Eastern Arborviate
Thuja plicata	Western Redcedar

TABLE B-1

RECOMMENDED SPECIES LIST	
UNDERSTORY TREES	
Deciduous Species	
Scientific Name	Common Name
Acer buergerianum	Trident Maple
Amelanchier arborea	Serviceberry
Carpinus caroliniana	American Hornbeam
Cercus canadensis	Eastern Redbud
Chionanthus virginicus	Fringe tree, Grancy Graybeard
Continus coggygria	Common Smoketree
Cornus alternifolia	Alternate Leaf Dogwood
Cornus florida	Flowering Dogwood
Cornus kousa	Chinese Dogwood
Cotinus obovatus	American Smoketree

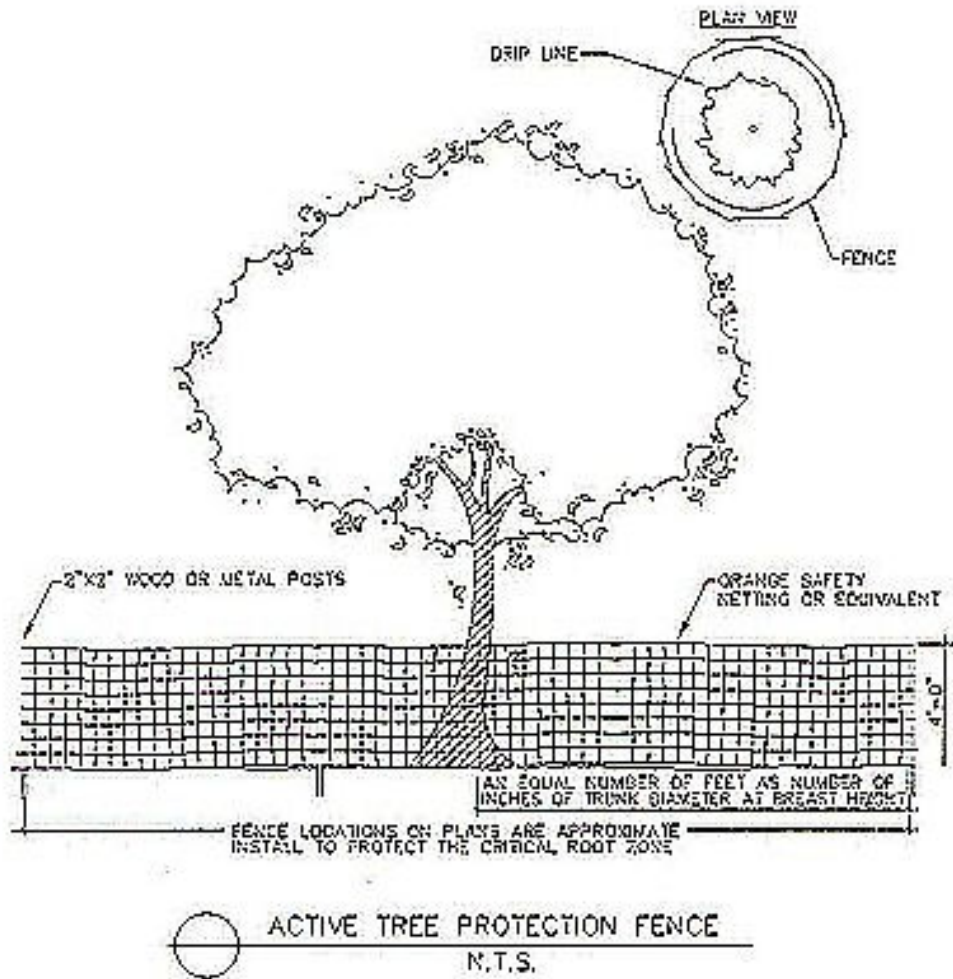
TROUP COUNTY ZONING ORDINANCE

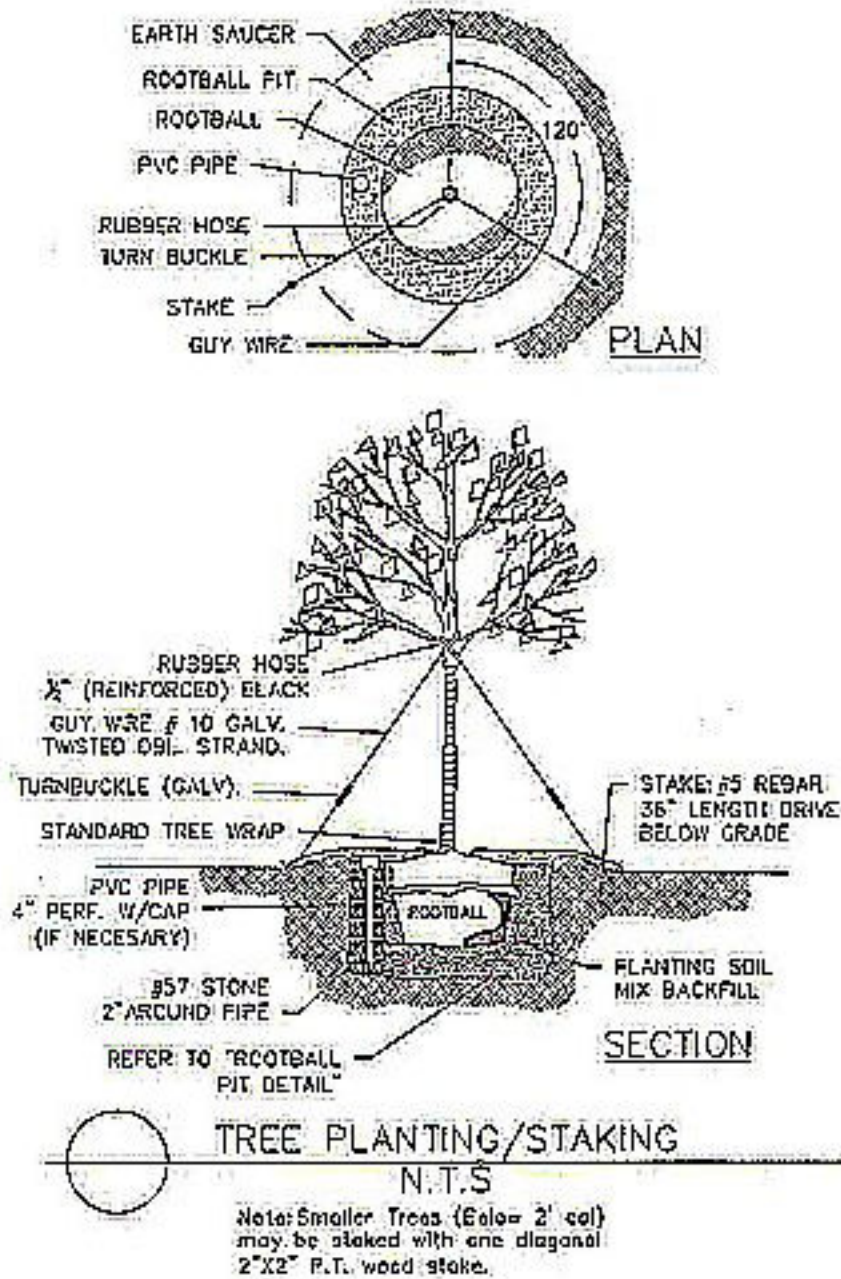
RECOMMENDED SPECIES LIST	
UNDERSTORY TREES	
Deciduous Species	
<i>Scientific Name</i>	<i>Common Name</i>
Crataegus phaenopyrum	Washington Hawthorne
Eriobotrya japonica	Loquat
Halesia carolinia	Silverbell
Hamamelis virginiana	Witch-hazel
Ilex decidua Possomhaw	Decidious Holly
Ilex verticillata	Winterberry
Koelreuteria bipinnata	Golden Rain Tree
Koelreuteria paniculata	Goldenraintree
Lagerstroemia species	Crape Myrtle species
Magnolia x soulangeana	Saucer Magnolia
Magnolia stellata	Star Magnolia
Malus species	Flowering Crab
Oxydendrum aboreum	Sourwood
Ostrya virginiana	Hop hornbeam
Prunus serrulata	Japanese Flowering Cherry
Prunus x yedoensis	Yoshino Cherry
Stewartia pseudocamellia	Japanese Stewartia
Styrax americanum	American Styrax
Styrax japonica	Japanese Styrax
Vitex agnus-castus	Chastetree

TABLE B-2

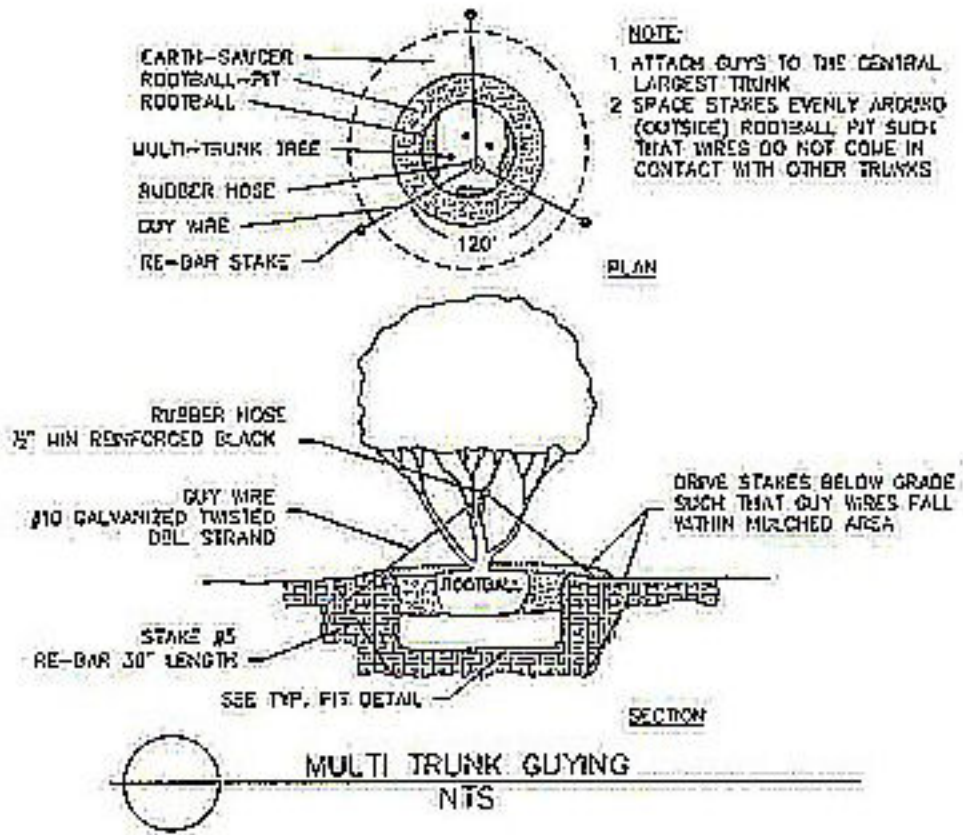
RECOMMENDED SPECIES LIST	
UNDERSTORY TREES	
Evergreen Species	
<i>Scientific Name</i>	<i>Common Name</i>
Ilex x attenuata	Savannah Holly
Ilex latifolia	Lusterleaf Holly
Ilex x Nellie R. Stevens	Nellie R. Stevens Holly
Ilex opaca	American Holly
Ilex vomitoria	Yaupon Holly
Illicium floridanum	Florida Anise-tree
Juniperus virginiana	Eastern Redcedar
Myrica cerifera	Wax myrtle

TROUP COUNTY ZONING ORDINANCE

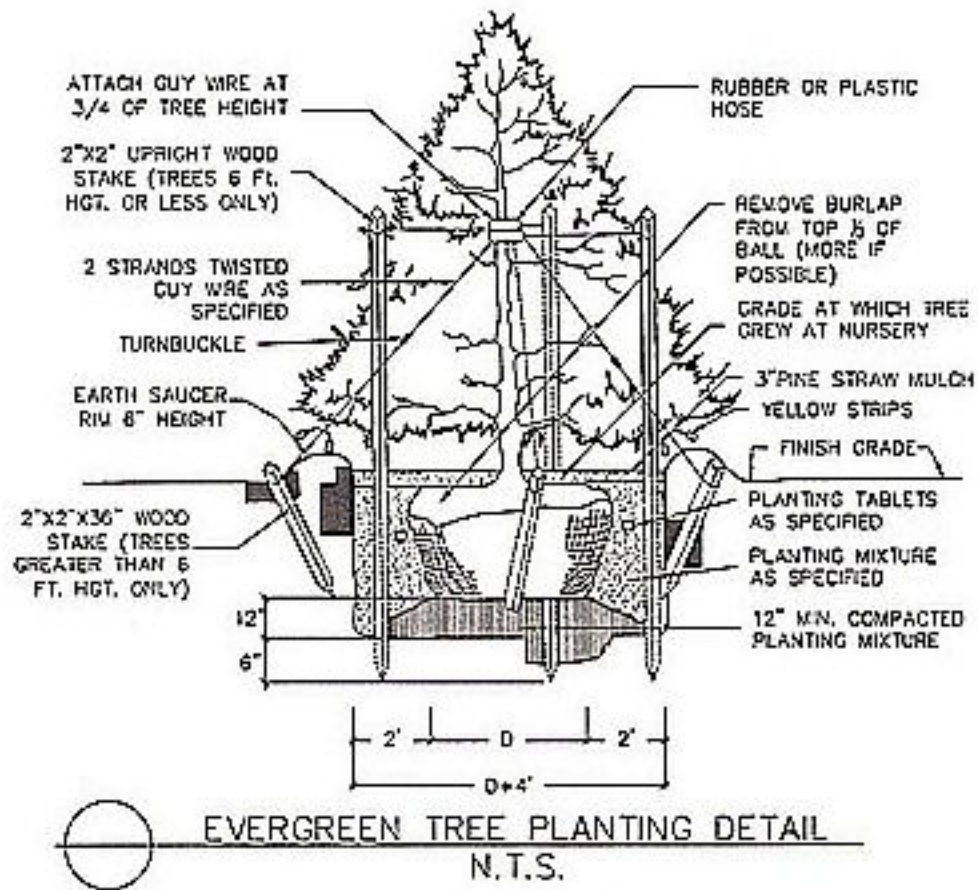




TROUP COUNTY ZONING ORDINANCE

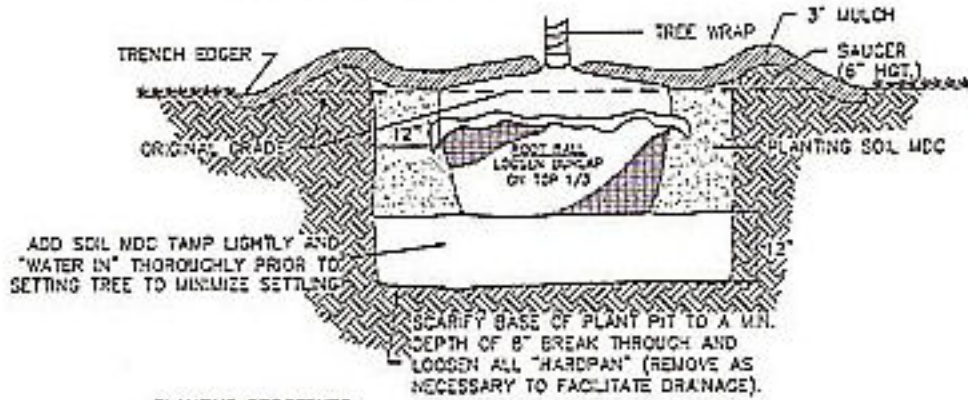


TROUP COUNTY ZONING ORDINANCE



GENERAL NOTES:

- 1 DO NOT ALLOW AIR-POCKETS TO FORM WHEN BACKFILLING.
- 2 IMMEDIATELY SOAK WITH WATER.
- 3 DO NOT BREAK ROOTBALL.

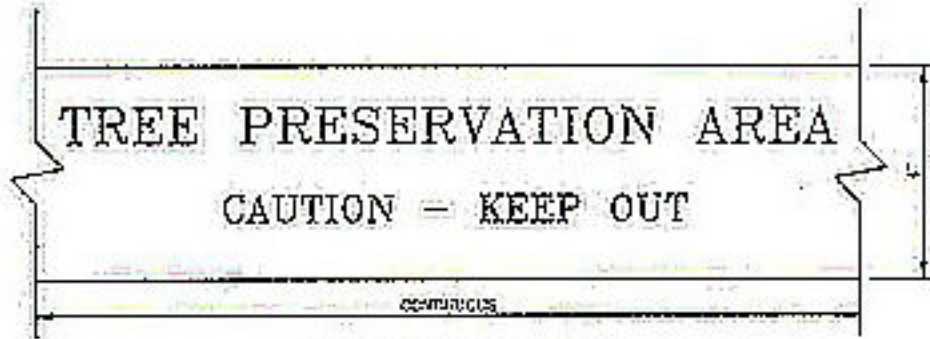


PLANTING PROCEDURE:

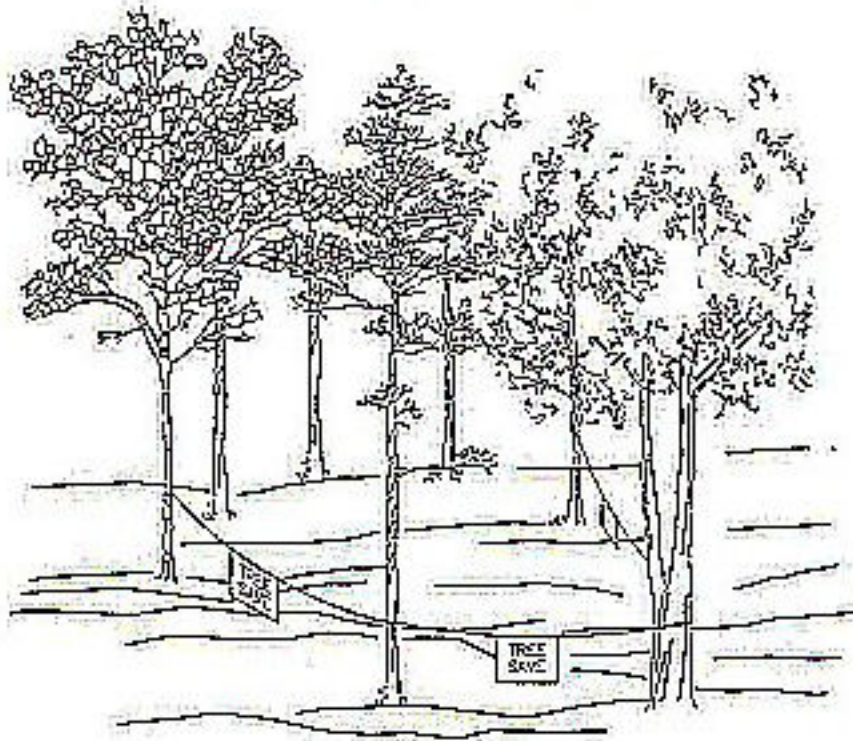
- 1 EXCAVATE ROOTBALL PIT.
- 2 SCARIFY PIT, ADD SOILMIX AND TAMP.
- 3 SET TREE LEVEL WITH ITS ORIGINAL GRADE IN NURSERY.
- 4 BACKFILL W/SOIL-MIX AND CONSTRUCT SAUCER.
- 5 COMPLETE BACKFILLING, ADD MULCH AND APPLY TREE WRAP.
- 6 STAKE AND GUY SECURELY.



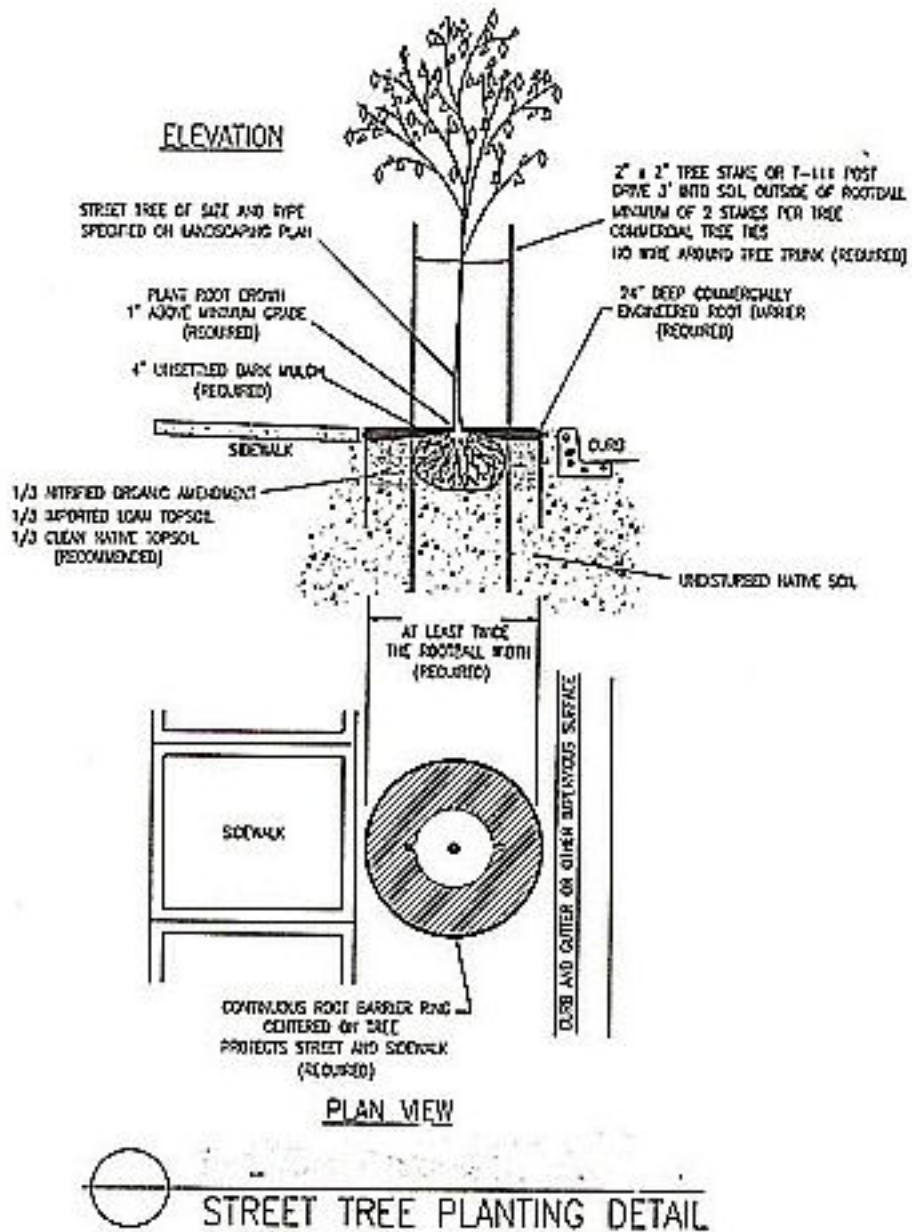
TYPICAL TREE PIT



HEAVY GEL PLASTIC, MINIMUM 4" WIDTH,
DARK LETTERS ON BRIGHT BACKGROUND



PASSIVE TREE PROTECTION FLAGGING
N.T.S.



ARTICLE 20

WATERSHED PROTECTION DISTRICT

20.1 Findings and Purpose. In order to provide for the health, safety, and welfare of the public and to continue to have a healthy economic climate, it is essential that adequate supplies of drinking water be ensured. Conflicts can arise in meeting this goal when development occurs within areas that are close to water supply reservoirs or the drainage areas supplying water to those reservoirs or to other sources of water. Land disturbing activities associated with development can increase erosion and sedimentation that threatens the storage capacity of streams, rivers, or reservoirs. Stormwater runoff from developed areas can introduce toxicants, nutrients, and sediments into drinking water supplies, making water treatment more complicated and expensive and rendering water treatment more complicated and expensive and rendering water resources unusable for recreation.

The purpose of the watershed protection district is to establish measures to protect the quality of the present and future water supply for Troup County; to minimize the transport of pollutants and sediment to a water supply; and to maintain the yield of the water supply watershed. This ordinance shall apply to the portions of the watersheds which occur within the jurisdiction of Troup County and are herein identified as water supply watersheds of West Point and Hogansville.

20.2 Definitions.

The following definitions are applicable only to the watershed protection district:

- (1) Buffer: A natural or enhanced vegetated area located adjacent to reservoirs or perennial streams within a water supply watershed.
- (2) Confined Animal Feeding Operation: A building or fenced enclosure designed and used for the holding or fattening of animals in preparation for market. It does not include pasturing animals at densities recommended by the best management practices of the Georgia Department of Agriculture as follows: Horses, one per 43,560 square feet (acre); cow, one per 43,560 square feet; sheep or goat, one per 20,000 square feet; fowl, 20 per 43,560 square feet.
- (3) Corridor: All land within the buffer areas established adjacent to reservoirs or perennial streams within a water supply watershed.
- (4) Improvement, Development or Single Development: Any project or group of related projects constructed or planned for construction on a single parcel or on contiguous parcels under single ownership.
- (5) Hazardous Material: Any substance defined as "hazardous waste" by the Georgia Department of Natural Resources pursuant to O.C.G.A. § 12-8-60 et seq.
- (6) Hazardous Waste: Includes those solid and liquid wastes or combinations thereof that may cause or contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible illness, or which pose a substantial threat to human health when improperly handled.

(7) Impervious Surface: A manmade structure or surface that prevents the infiltration of stormwater into the ground below the structure or surface. Examples include buildings, roads, driveways, parking lots, decks, swimming pools, or patios.

(8) Land Disturbing Activity: Any operation that involves excavation or filling of land; clearing of vegetation; and construction, rebuilding, or alteration of an existing structure. Land disturbing activity does not include ordinary maintenance and landscaping activities; yard and grounds maintenance; individual home gardens; repairs or minor modifications to a single-family residence; or the cutting of firewood for personal use.

(9) Large Quantity Generator of Hazardous Waste: Any person, corporation, partnership, association, or other legal entity that is defined as a "large quantity generator" by the Georgia Department of Natural Resources pursuant to O.C.G.A. § 12-8-60 et seq. and that is regulated by the State of Georgia under that section.

(10) Natural Vegetated Area: An undeveloped area largely free from human disturbance where naturally occurring vegetation is allowed to remain undisturbed or is enhanced and maintained by human intervention. Activities specifically allowed in such an area include:

a. Conservation or preservation of soil, water, vegetation, fish, shellfish, and other wildlife.

b. Outdoor recreational activities including hunting, fishing, trapping, bird watching, hiking, boating, horseback riding, swimming, canoeing, skeet and trap shooting, education, scientific research, and nature trails.

c. Maintenance or repair of lawfully located roads, structures, and utilities used in the service of the public, provided that the work is conducted using best management practices to ensure that negative effects on the previous nature of the land shall be minimized.

d. Limited excavating, filling, and land disturbance necessary for the repair and maintenance of structures necessary to the uses permissible in the area as above.

(11) Nonconforming Use: A land use activity, building, or structure legally established prior to adoption of this article, or subsequent amendment to it, that would not otherwise be permissible under the provisions of this article.

(12) Overlay District: A district that applies supplementary regulations to land previously classified as belonging to a specific zoning district or land use category.

(13) Perennial Stream: A stream which flows throughout the year, as indicated by a solid blue line on United States Geological Survey (USGS) seven-minute topographic series maps (scale of one to 24,000).

(14) Reservoir Boundary: The edge of a reservoir, defined by its normal pool level.

(15) Setback Measurements: Measured from the banks of any river, creek, stream, spring or body of water.

(16) Surface Water: Any river, creek, stream, spring or body of water located within the district.

(17) Toxin: Any chemical substance that has been defined as toxic by the Environmental Protection Department of the State of Georgia (E.P.D.), the Department of Agriculture of the State of Georgia (G.D.A.), or the Environmental Protection Agency of the United States (EPA).

(18) Underground Water: Any water located underground in the district.

(19) Utility: Public or private water or sewer piping systems, water or sewer pumping stations, electric power lines, fuel pipelines, telephone lines, roads, driveways, bridges, river/lake access facilities, stormwater systems, and railroads.

(20) Water Supply Reservoir: An impoundment of water for the purpose of providing drinking water to one or more governmentally owned public drinking water systems.

(21) Water Supply Watershed: The drainage area (watershed) of lands upstream of a governmentally owned public drinking water intake or water supply reservoir.

20.3 Establishment of the Watershed Protection Districts. This article will create two zoning districts to be known as the West Point Watershed Protection District and Hogansville Watershed Protection District (hereinafter referred to as the "districts"). The West Point Watershed District and Hogansville Watershed District are hereby designated and shall comprise the land that drains to the water supply intake from the stream banks to the ridgeline of the West Point and Hogansville watersheds. The boundary of the watershed districts is defined by the ridgeline of the watershed within a radius of seven miles upstream of the water supply intake or by the political boundaries of Troup County within the watershed. All lands in the districts are within an area defined as a water quality critical area, pursuant to O.C.G.A. § 12-2-8. The boundary shall be set at places readily identifiable on the watershed district map. The watershed district overlies the Troup County zoning map which is hereby incorporated and made a part of this article by reference. The districts establish measures to protect the quality of the present and future water supply for Troup County. Because these protective measures allow some latitude with land uses and because the district is not intended to prescribe a specific land use but rather to define a range of acceptable land uses, the West Point and Hogansville Watershed Protection Districts are designed as overlay districts. Within the range of land uses which can be located within the districts, there are established in section 5 performance standards which apply to development within the districts.

20.4 Regulations of the Underlying Zoning District. Unless otherwise noted in the watershed district regulations, the regulations of the underlying zoning district shall be maintained and not affected.

20.5 Conditions and Performance Standards. All uses in the watershed districts are subject to the following conditions and performance standards:

(1) A buffer shall be maintained for a distance of 100 feet on both sides of the stream as measured from the stream banks and for a distance of 150 feet from the reservoir boundary of a water supply reservoir.

(2) No impervious surface shall be constructed within a 150-foot setback area on both sides of the stream as measured from the stream banks or within a 150-foot setback area from a reservoir boundary.

(3) Septic tanks and the drainfields of septic tanks are prohibited within 150 feet of a stream bank or of a reservoir boundary.

(4) Exemptions from buffer and setback requirements:

a. Mining activities permitted by the Department of Natural Resources under the Surface Mining Act from the provisions of water supply watershed protection plans.

b. Utilities from the stream corridor buffer and setback area provisions of water supply watershed protection plans in accordance with the following conditions if the utilities to be located in the buffer or setback areas cannot feasibly be located outside these areas:

1. The activity shall be consistent with best management practices established by the Georgia Forestry Commission of the Georgia Department of Agriculture.
2. The activity shall not impair the quality of the drinking water stream.

(5) Site plans required. Except for the exemptions listed in subsection (7) below, all forms of development within the watershed districts shall be required to have a site plan prepared and approved according to this article before any building permits or other development related permits may be issued or any land disturbing activity may take place. Each site plan submitted under this article shall include the following:

- a. A site plan drawn to a scale and showing all planned improvements including the width, depth, and length of all existing and proposed structures, roads, watercourses, and drainageways; water, wastewater, and stormwater facilities; and utility installations.
- b. Location, dimensions, and area of all impervious surfaces, both existing and proposed, on the site.
- c. The orientation and distance from the boundaries of the proposed site to the nearest bank of an affected perennial stream or water body.
- d. Elevations of the site and adjacent lands within 200 feet of the site at contour intervals of no greater than five feet.
- e. Location and detailed design of any spill and leak collection systems designed for the purpose of containing accidentally released hazardous or toxic materials.

Calculations of the amount of cut and fill proposed and cross sectional drawings showing existing and proposed grades in areas of fill or excavation. Elevations, horizontal scale, and vertical scale must be shown on cross sectional drawings.

(6) Activities to comply with site plan. All development activities or site work conducted after approval of the site plan shall conform with the specifications of said site plan. Significant changes to the site plan, that would alter the amount and velocity of stormwater runoff from the site, increase the amount of provisions of impervious surface within the development, alter the overall density of development, result in a considerable increase in the amount of excavation, fill, or removal of vegetation during construction, or otherwise result in an alteration of the overall appearance of the development as proposed, can be amended only with the approval of the Troup County Building Official. Minor changes such as realignment of streets, or minor alterations to drainage structures and other infrastructure, to meet unexpected conditions are exempted from this requirement.

(7) Exemptions from site plan requirement. The following activities and developments are exempt from the requirement of detailed site plans:

- a. Single-family detached homes constructed within a subdivision of fewer than five parcels.
- b. Repairs to a facility that is part of a previously approved and permitted development.
- c. Construction of minor structures such as sheds, or additions to single-family residences.
- d. Agriculture and forestry. Normal agricultural activities including planting and harvesting of crops are exempted if they conform to best management practices established by the Georgia Department of Agriculture. Silvicultural activities must

conform to best management practices established by the Georgia Forestry Commission.

e. Mining activities. All mining activities permitted by the Georgia Department of Natural Resources under the Georgia Surface Mining Act are exempt.

20.6 Use Limitations. Within the watershed districts the following limitations on permissible uses shall apply in addition to the regulations of the underlying zoning district:

(1) New sanitary landfills are allowed only if they have synthetic liners and leachate collection systems.

(2) New hazardous waste treatment or disposal facilities are prohibited.

(3) New facilities which handle hazardous materials of the types and amounts determined by the Department of Natural Resources, shall perform their operations on impermeable surfaces having spill and leak collection systems as prescribed by the Department of Natural Resources.

(4) The impervious surface area, including all public and private structures, utilities, or facilities, of the entire water supply watershed shall be based upon an assessment of the percentage of impervious surface present in the watershed district at the time of the adoption of this article. New impervious surface will be allowed up to the point where 25 percent of the watershed district as a whole is comprised of impervious surface.

ARTICLE 21

WETLANDS PROTECTION DISTRICT

21.1 Findings of Fact and Purpose. The wetlands within Troup County are indispensable and fragile natural resources with significant development constraints due to flooding, erosion and soil limitations. In their natural state, wetlands serve man and nature. They provide habitat areas for fish, wildlife and vegetation; water quality maintenance and pollution control; flood control; natural resource education; scientific study; and recreational opportunities. The purpose of this district is to promote the wise use of wetlands and protect them from alterations which will significantly affect or reduce the primary functions for water quality, floodplain and erosion control, ground water recharge, aesthetic natural areas and wildlife habitat areas.

21.2 Definition. The following definitions are applicable only to the wetland protection districts:

- (1) Wetlands: Those areas inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. The ecological parameters for designation wetlands include hydric soils, hydrological vegetation and hydrological conditions involving a temporary or permanent source of water to cause soil saturation.
- (2) Reserved.

21.3 District Delineation. These regulations shall apply to all lands within wetlands located within Troup County. The wetland district overlay map adopted as part of this ordinance shows the general locations of wetlands, according to the 1987 National Wetlands Inventory and should be consulted by persons considering activities in or near wetlands before engaging in a regulated activity. The standards for this district shall comply with Department of Natural Resources Rule 391-3-16-03, Criteria for Wetlands Protection.

21.4 Wetland Development Permit Requirements. No activity or use except those identified in section 5[21.5] shall be allowed within the wetland district without a permit issued by the U.S. Army Corp of Engineers. If the subject property contains jurisdictional wetlands of the United States as delineated by the National Wetland Inventory Map or as determined by the U.S. Army Corp of Engineers, if jurisdictional wetlands are contained within the subject property, the applicant must document receipt of a nationwide, regional, general or individual permit, from the U.S. Army Corps of Engineers under section 404 of the Clean Water Act before a development permit will be issued by Troup County.

21.5 Permitted Uses. The following uses are permitted by right within the wetland

district to the extent they are not prohibited by any other ordinance or law and provided they do not require structures, grading, fill, draining or dredging:

- (1) Forestry practices applied in accordance with best management practices approved by the Georgia Forestry Commission. section 404 does not require permits for normal ongoing silvicultural activities. However, section 404 does list some required road construction best management practices that must be followed in order to qualify for such exemption.
- (2) Conservation or preservation of soil, water, vegetation, fish or other wildlife, provided the conservation or preservation does not affect waters of the State of Georgia or of the United States in such a way that would require an individual 404 permit.
- (3) Outdoor passive recreational activities, including fishing, bird watching, hiking, boating, horseback riding and canoeing.
- (4) Natural water quality treatment or purification.
- (5) Normal agriculture activities including the planting and harvesting of crops and pasturing of livestock. Such activities shall be subject to best management practices approval by the Georgia Department of Agriculture.

21.6 Prohibited uses.

- (a) Receiving areas for toxic or hazardous waste or other contaminants are prohibited.
- (b) Hazardous or sanitary landfills are prohibited.

ARTICLE 22

CHATTAHOOCHEE RIVER CORRIDOR PROTECTION DISTRICT

22.1 Findings and Purpose. The Chattahoochee River has been designated as a protected river by the Georgia Department of Community Affairs. From West Point Dam, the Chattahoochee River flows through the southwestern corner of Troup County to the West Point city limits. A Chattahoochee River Corridor Protection Plan has been adopted by Troup County. The purpose of the Chattahoochee River Corridor Protection District is to establish measures to guide future growth and development in the areas adjacent to the Chattahoochee River.

22.2 Definitions. The following definitions are applicable only to the Chattahoochee River Corridor Protection District:

- (1) **Buffer:** A natural or enhanced vegetated area located adjacent to a protected river and containing flora native to that area.
- (2) **Hazardous Material:** Any substance defined as hazardous material by the Georgia Department of Natural Resources pursuant to O.C.G.A. § 12-8-60 et seq.
- (3) **Hazardous Waste:** Includes those solid and liquid wastes or combinations thereof that may cause or contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible illness, or which pose a substantial threat to human health when improperly handled.
- (4) **Land Disturbing Activity:** Any operation that involves excavation or filling of land; clearing of vegetation; and construction, rebuilding, or alteration of an existing structure. Land disturbing activity does not include ordinary maintenance and landscaping activities; yard and grounds maintenance; individual home gardens; repairs or minor modifications to a single-family residence; or the cutting of firewood for personal use.
- (5) **Natural Vegetated Area:** An undeveloped area largely free from human disturbance where naturally occurring vegetation is allowed to remain undisturbed or is enhanced and maintained by human intervention. Activities specifically allowed in such an area include:
 - a. Conservation or preservation of soil, water, vegetation, fish, shellfish, and other wildlife.
 - b. Outdoor recreational activities including hunting, fishing, trapping, bird watching, hiking, boating, horseback riding, swimming, canoeing, skeet and trap shooting, education, scientific research, and nature trails.
 - c. Maintenance or repair of lawfully located roads, structures, and utilities used in service of the public, provided that the work is conducted using best management practices to ensure that negative effects on the previous nature of the land shall be minimized.
 - d. Limited excavating, filling, and land disturbance necessary for the repair and maintenance of structures necessary to the uses permissible in the area as above.

22.3 Comprehensive Plan Compliance. The natural and historic resources section of

the Troup County comprehensive plan addresses the need for protection of the land adjacent to the Chattahoochee River. This protection is required by the Georgia Department of Community Affairs; the Georgia Department of Natural Resources provided minimum criteria. In December, the Troup County Board of Commissioners adopted the Chattahoochee River Corridor Protection Plan, which is a regional plan prepared by the Regional Commission. This plan commits the county to the adoption of protection measures per DNR Rule 391-3-16-04. The area of Troup County covered by this article is relatively small. The criteria are applied to the land within 100 feet of both banks of the Chattahoochee River. On the current tax maps, this involves 11 parcels, only one that will be nonconforming.

22.4 Overlay District. The district will be an overlay zone, like the Quality Development Corridor Overlay District (QDC). The following restrictions will apply, in addition to the underlying zoning requirements:

- (1) Several uses are not allowed, including hazardous waste and solid waste landfills.
- (2) A single-family dwelling requires two acres, and septic tank drainfields may not be located within 100 feet of the river bank.
- (3) An undisturbed vegetative buffer must be maintained within 100 feet of the river bank.
- (4) Property may not be rezoned to commercial or industrial zones because such uses are prohibited. All land is currently zoned lakeside residential (L-100).
- (5) Nonconforming Use: A land-use activity, building, or structure legally established prior to adoption of this article, or subsequent amendment to it, that would not otherwise be permissible under the provisions of this article.
- (6) A district that applies supplementary regulations to land previously classified as belonging to a specific zoning district or land-use category.
- (7) Protected River: Any perennial river or watercourse with an average annual flow of at least 400 cubic feet per second as determined by appropriate U.S. Geological Survey documents.
- (8) River Bank: The rising ground, bordering a river, which serves to confine the water to the natural channel during the normal course of flow.
- (9) River Corridor: All land, inclusive of islands, in areas of a protected river, which serves to confine the water to the natural channel during the normal course of flow. Because stream channels move due to natural processes, the river corridor may shift with time. For the purpose of these standards, the river corridor shall be considered to be fixed at its position at the time of adoption of the river corridor protection plan. Any shift in the location after that time will require a revision of the boundaries of the river corridor at the time of comprehensive plan review by the department of community affairs.
- (10) River Corridor Protection Plan: That part of the local comprehensive plan which deals with the river corridor protection requirements specified herein.
- (11) Sensitive Natural Areas: Any area, as identified now or hereafter by the Department of Natural Resources, which contains one or more of the following:
 - a. Habitat, including nesting sites, occupied by rare or endangered species;
 - b. Rare or exemplary natural communities;
 - c. Significant landforms, hydroforms, or geological features; or

d. Other areas so designated by the Department of Natural Resources; and which is sensitive or vulnerable to physical or biological alteration.

(12) Setback Measurements: The measurement for buffer area which shall be measured horizontally from the uppermost part of the river bank, usually marked by a break in the slope.

(13) Single-Family Dwelling: A dwelling structure that is designed for the use of one family.

(14) Utility: Public or private water or sewer piping systems, water or sewer pumping stations, electric power lines, fuel pipelines, telephone lines, roads, driveways, bridges, river/lake access facilities, stormwater systems, and railroads.

22.5 Establishment of Chattahoochee River Corridor Protection District. The Chattahoochee River Corridor Protection District is hereby designated and shall comprise the land within 100 feet horizontally on both sides of the Chattahoochee River, which has been designated as a protected river by the Georgia Department of Community Affairs. The boundary shall be set at places readily identifiable on the zoning map of Troup County. The district establishes measures to guide future growth and development in areas adjacent to the Chattahoochee River. Because these protective measures allow some latitude with land uses and because the district is not intended to prescribe a specific land use but rather to define a range of acceptable land uses, the district is designed as an overlay district. Within the range of land uses which can be located within the district, there are established in section 5 protection criteria which apply to development within the district.

22.6 Regulation of Underlying Zoning District. Unless otherwise noted in this article, the regulations of the underlying zoning district shall be maintained and not affected.

22.7 Protection Criteria.

(1) All development within the Chattahoochee River Corridor shall maintain a natural vegetative buffer except as otherwise provided herein.

(2) The natural vegetative buffer shall be restored as quickly as possible following any land disturbing activity within the river corridor.

(3) Except as noted below, all construction within the buffer area is prohibited.

(4) Exemptions from protection requirements:

(a) Single-family dwellings, including the usual appurtenances, may be constructed within the buffer area subject to the following conditions:

(1) The dwelling shall be in compliance with all local zoning regulations.

(2) The dwelling shall be located on a parcel of land containing at least two acres. For the purpose of these standards, the size of the parcel shall not include any area within the protected river (that is, for parcels that include the area between the river banks, that portion cannot be counted towards the two-acre minimum size).

(3) There shall be only one such dwelling on each two-acre or larger parcel of land.

(4) A septic tank or tanks serving such a dwelling may be located within the buffer area. However, the septic tank drainfields shall not be located within the buffer area.

(b) Construction of road crossings and utility crossings of river corridors are exempt provided that construction of such road and utility crossings shall meet all requirements

of the Erosion and Sedimentation Control Act of 1975, and of the applicable local ordinances on soil erosion and sedimentation control.

(c) Land uses existing prior to the promulgation of the Chattahoochee River Protection Plan subject to the following conditions:

(1) Industrial and commercial uses of river corridors shall not impair the drinking quality of the river water; and

(2) Industrial and commercial activity within the river corridor shall meet all state and federal environmental rules and regulations.

(d) Mining activities, if permitted by the Department of Natural Resources pursuant to the Georgia Surface Mining Act of 1968, as amended.

(e) Utilities, (except as discussed above in section 5.4.b.[20.5(4)b.]) if such utilities cannot feasibly be located outside the buffer area (feasibility shall be decided conservatively by the local government), provided that:

(1) The utilities shall be located as far from the river bank as reasonably possible;

(2) Installation and maintenance of the utilities shall be such as to protect the integrity of the buffer area as well as is reasonably possible; and

(3) Utilities shall not impair the drinking quality of the river water.

(f) Specific forestry and agricultural activities except as discussed in section 5.4.g.[20.5(7)d.].

(g) The following acceptable uses of river corridors are allowed, provided that such uses do not impair the long term functions of the protected river or the river corridor.

(1) Timber production and harvesting, subject to the following conditions:

a. Forestry activity shall be consistent with best management practices established by the Georgia Forestry Commission; and

b. Forestry activity shall not impair the drinking quality of the river water as defined by the Federal Clean Water Act, as amended.

(2) Wildlife and fisheries management activities consistent with the purposes of O.C.G.A. § 12-2-8.

(3) Wastewater treatment.

(4) Recreational usage consistent either with the maintenance of a natural vegetative buffer or with river-dependent recreation. For example, a boat ramp would be consistent with this criterion but a hard-surfaced tennis court would not. Parking lots are not consistent with this criterion. Paths and walkways within the river corridor are consistent with this criterion.

(5) Natural water quality treatment or purification.

(6) Agricultural production and management, subject to the following conditions:

a. Agricultural activity shall be consistent with best management practices established by the Georgia Soil and Water Conservation Commission;

b. Agricultural activity shall not impair the drinking quality of the river water as defined by the Federal Clean Water Act, as amended; and

c. Agricultural activity shall be consistent with all state and federal laws, and all regulations promulgated by the Georgia Department of Agriculture.

(7) Other uses permitted by the Department of Natural Resources or under section 404 of the Clean Water Act.

22.8 Use Limitations. Within the Chattahoochee River Corridor Protection District, the

following limitations on permissible uses shall apply in addition to the regulations of the underlying zoning district:

- (1) Except as expressly provided for under section 5.4.a.[22.7(4)(a)] of these criteria (dealing with single-family dwellings within the river corridor), septic tanks and septic tank drainfields are prohibited within river corridors.
- (2) Handling areas for the receiving and storage of hazardous waste are prohibited within river corridors.
- (3) Hazardous waste or solid waste landfills are prohibited within river corridors.
- (4) Other uses unapproved by local governments shall not be acceptable within river corridors.

ARTICLE 23

GROUNDWATER RECHARGE PROTECTION DISTRICT

23.1 Findings and Purpose. The Georgia Department of Natural Resources has mapped "significant recharge areas" for the State of Georgia. Several recharge areas have been identified in Troup County. Recharge areas are vulnerable to urban development activities as well as agricultural activities. Pesticides, herbicides sprayed on crops, animal waste and septic tank effluence contribute to deterioration in the groundwater quality and can threaten the health of residents relying on well water. Development usually means an increase in the amount of land covered with impervious surfaces. Paving land in recharge areas can alter or impair their recharge characteristics thereby decreasing groundwater supplies. The purpose of the groundwater recharge area protection district is to establish measures to protect Troup County's identified recharge areas from potential sources of contamination by spills, discharges, leaks, impoundment's, application of chemicals, injections and other development pressures.

23.2 Definitions.

The following definitions shall apply to the groundwater recharge district:

- (a) Pollution susceptibility means the relative vulnerability of an aquifer to being polluted from spills, discharges, leaks, impoundment, and applications of chemicals, injections and other human activities in the recharge area.
- (b) Pollution susceptibility maps means maps of relative vulnerability to pollution prepared by the Department of Natural Resources, using the DRASTIC methodology. Pollution susceptibility maps categorize the land areas of the state into areas having high, medium and low groundwater pollution potential.
- (c) Recharge area means any portion of the earth's surface, where water infiltrates into the ground to replenish an aquifer.
- (d) Significant recharge areas mean those areas mapped by the Department of Natural Resources in Hydrologic Atlas 18 (1989 edition). Mapping of recharge areas is based on outcrop area, lithology, soil type and thickness, slope, density of lithologic contacts, geologic structure, the presence of karst, and potentiometric surfaces.

23.3 Establishment of the Recharge Protection District. This article will create zoning districts to be known as the "groundwater recharge districts," hereinafter referred to as the "districts." The boundary shall be set at places readily identifiable on the groundwater recharge map. The groundwater recharge map overlies the Troup County zoning map, which is hereby incorporated and made a part of this article by referral. The groundwater recharge area protection map is delineated according to the Georgia Department of Natural Resources' "Significant Recharge Areas, Hydrological Atlas 18 (1989 Edition)" and the Georgia Department of Natural Resources "Pollution Susceptibility Map Hydrological Atlas 20 (1992 Edition)," standards for this district shall

comply with the DNR Rule 391-2-02, Criteria for the Protection of Groundwater Recharge Areas.

23.4 Regulations of the Underlying Zoning District. Unless otherwise noted in the groundwater recharge district regulations, the regulations of the underlying zoning district shall be maintained and not affected.

23.5 Criteria. The following criteria shall apply in significant recharge areas:

(a) New aboveground chemical or petroleum storage tanks, having a minimum volume of 660 gallons, shall have secondary containment for 110 percent of the volume of such tank or 110 percent of the volume of the largest tank in a cluster of tanks. Such tanks used for agricultural purposes are exempt, provided they comply with all federal requirements.

(b) New agricultural waste impoundment sites shall be lined if they are within:

(1) A low pollution susceptibility area and exceed 50 acre feet.

(2) As a minimum, the liner shall be constructed of compacted clay having a thickness of one-foot and a vertical hydraulic conductivity of less than 5×10^{-7} cm/sec or other criteria established by the U.S. Soil Conservation Service. (The average size of existing agricultural waste impoundment's in Georgia is about 15 acre-feet; sheeps-foot rollers or pans with heavy rubber tires, which are normal equipment for most Georgia earth moving contractors, should be able to compact clay to the recommended vertical hydraulic conductivity.)

(c) New homes served by septic tank/drainfield systems shall be on lots having the following minimum size limitations as identified on table MT-1 of the Department of Human Resources' Manual for On-Site Sewage Management Systems (hereinafter "DHR table MT-1"):

(1) One hundred ten percent of the subdivision minimum lot or space size of DHR table MT-1 if they are within a low pollution susceptibility area.

(d) New mobile home [manufactured home] parks served by septic tank/drainfield systems shall have lots or spaces having the following size limitation as identified on table MT-2 of the Department of Human Resources' Manual for On-Site Sewage Management Systems (hereinafter "DHR table MT-2"):

(1) One hundred ten percent of the subdivision minimum lot or space size of DHR table MT-2 if they are within a low pollution susceptibility area.

(e) All multifamily development located within a high pollution susceptibility groundwater recharge area shall be required to have the following minimum lot sizes: where individual on-site sewer systems are installed in conjunction with public water systems the minimum lot size for multifamily structure shall be 10,890 square feet per unit; where individual on-site sewer systems are installed in conjunction with an individual water system the minimum lot size shall be 21,780 square feet per unit. The Troup County health department shall approve all multifamily developments. If there are conflicts between provisions of these regulations, the stricter shall apply.

(f) If a local government requires a larger lot size than that required by subsection (c) above for homes or by subsection (d) above for mobile homes [manufactured homes], the larger lot size shall be used.

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(g) Troup County at its option may exempt from the requirements of subsection (c) or (d) any lot of record on the date of their adoption of these lot size standards.

(h) No construction may proceed on a building or mobile home [manufactured home] to be served by a septic tank unless the county health department first approves the proposed septic tank installation as meeting the requirements of the DHR manual and subsections (c), (d), (f), and (g) above.

(i) New facilities which handle hazardous materials of the types listed in section 312 of the Resource Conservation and Recovery Act of 1976, excluding underground storage tanks, in amounts of 10,000 pounds or more on any one day, shall perform their operations on impervious surfaces and in conformance with any applicable federal spill prevention requirements and any local fire code requirements.

ARTICLE 24

SCENIC CORRIDOR OVERLAY DISTRICT

24.1 Purpose and Intent. Motorists sometimes drive for the inherent pleasure of driving. Driving a scenic road should be a pleasurable recreation experience. When a road passes through an attractive landscape, a considerable portion of a motorist's perceptual activity is directed to the roadside environment. The visual character of a road depends on a number of factors, some of which cannot be significantly modified (e.g., physiography), while others such as land use are more readily subject to change. It is the intent of this article to protect the views from the road to natural conditions, archaeological sites and other features with historic and scenic quality. This article is also intended to regulate land uses so that they will complement rather than detract from a scenic experience. It is also intended to provide tree canopies and to preserve rural character.

24.2 Definitions.

Archaeological Site: Ruins, artifacts, structural remains and other resources of types that cannot be commonly found throughout a region or in other places across the country, and/or physical evidence of historic or prehistoric human life or activity.

Historic Quality: Legacies of the past that are distinctly associated with physical elements of the landscape, whether natural or manmade, that are of such historic significance that they educate the viewer and stir appreciation of the past.

Natural Quality: Those features of the visual environment, such as geological formations, fossils, landforms, water bodies, vegetation and wildlife, that are in a relatively undisturbed state. There may be evidence of human activity but the natural features reveal minimal disturbances.

Scenic Corridor: A roadway and its accompanying right-of-way that offers motorists the unobstructed opportunity to view scenic views and scenic sites in one or more directions, and which usually has a high percentage of open landscape within and alongside it. A corridor may include adjacent private property, depending on the context.

Scenic Site: A building, structure, field, resource, natural condition or other feature that has scenic qualities and which has been specifically identified by the county in the natural and historic resources element of its comprehensive plan or other inventory and assessment as worthy of protection because of its scenic qualities.

Scenic View: A scene that offers significant viewing opportunities beyond a distance of one-quarter mile.

Setback: Refer to Article III, Definitions in this ordinance.

Viewshed: The surface area that can be seen from a specific viewpoint along the road.

24.3 Scenic Corridor Designation.

There is hereby established one or more scenic corridors as shown on the Scenic Corridor Overlay District Map, which is hereby adopted and made a part of this Ordinance. Development within a designated scenic corridor shall comply with the provisions of this Ordinance.

It is the intent that the Scenic Corridor Overlay District shall apply to all properties within 1,000 feet (500 feet on each side of the roadway) of the following roads and highways:
Salem Road--From U.S. 27 to the Harris County line
Flat Shoals Church Road--From the intersection of Salem Road to the intersection with Dennis Smith Road
Dennis Smith Road--From the Troup County line to the intersection with Hamilton Road
I-185--From the I-85 to the Harris County line

24.4 Applications and Exceptions. All new development within the Scenic Corridor Overlay District shall comply with the provisions of this article, except that the following shall be exempt from compliance with this article:

- (a) Active farm or agricultural-related structures outside the roadway buffer.
- (b) Single-family dwellings and manufactured homes on an existing lot of record.
- (c) Developments existing on the effective date of this ordinance, provided that expansions or additions to existing development on or after the effective date of this ordinance shall be subject to compliance with these regulations.

24.5 Existing Conditions Analysis and Site Plan Required. Any new development that is required to comply with this article shall not be approved until the applicant has submitted an existing conditions map and a site plan of the proposed development. When a preliminary plat is required to be filed for a subdivision (residential or non-residential) in accordance with this Ordinance it shall be administered and enforced at the time a preliminary plat is filed as part of the subdivision review process by the Zoning Administrator and the Planning Commission. In other cases such as a development (residential or non-residential) permit or building permit, this article shall be administered and enforced by the Zoning Administrator and Building Official in connection with said permitting process.

24.6 Setbacks, Buffers, Trees and Landscaping. Development setback. Where feasible, major subdivision developments along scenic corridors shall be designed to contain all interior lots. All developments shall maintain a 100-foot setback for all buildings, structures and property improvements such as parking lots, except for approved road, driveway and utility crossings from the right-of-way.

24.6-1 Roadway Buffer. A roadway buffer of at least 40 feet shall be provided within the required development setback, abutting the right-of-way of the scenic corridor. Where existing trees and significant vegetation exist within the roadway buffer, they shall be retained as determined appropriate and directed by the Zoning Administrator. Where such existing trees and significant vegetation are sparse, they may require re-vegetation as directed by the Zoning Administrator. Vegetation within a roadway buffer that is required to remain within a roadway buffer may be pruned and/or removed only if necessary to ensure proper sight visibility, remove safety hazards or dying or diseased vegetation, or for other good cause as approved by the Zoning Administrator.

24.6-2 Tree Requirement. All development subject to the roadway buffer shall provide a minimum of one tree for each 35 linear feet of road frontage along the scenic corridor. All trees required by this section shall be located within the required development setback and randomly placed on the parcel. All required trees planted within the

development setback shall be of a shade-type variety with a minimum caliper of two and one-half inches at planting and an expected height at maturity of at least 30 feet.

24.6-3 Uses within Roadway Buffer. Signage and other minor accessory features of the development may be included within the roadway buffer only if compatible with the purpose of the roadway buffer, subject to the approval of the Zoning Administrator.

24.6-4 Exceptions to Roadway Buffer for Scenic Viewshed Protection. When the application of the roadway buffer requirement of this article would have the practical effect of screening from view important scenic sites, natural qualities or historic qualities, the Zoning Administrator may permit a modification of these provisions so that views of such sites or qualities are retained. The intent of this provision is to preserve lines of sight to view scenery from scenic corridors.

24.6-5 Exceptions for Product Viewing. For developments containing commercial uses and which require the display of goods in view from the road, the Zoning Administrator may, upon application, permit a modification of the development setback, roadway buffer and screening requirements of this article to allow for reasonable but limited view of commercial products from the road, provided that no such product view area shall extend more than 20 percent of the total length of the property frontage along the scenic corridor.

24.6-6 Landscaping Plan. A landscaping plan showing all existing and proposed features, including trees, roadway buffer and other relevant features of the landscape within the development setback, shall be required to be approved by the Zoning Administrator. Landscaping shall be installed by the development applicant in accordance with the approved landscape plan. Native plant materials are particularly encouraged, although the use of ornamental plant materials (such as azaleas) may be approved by the Zoning Administrator if planted in a naturalistic manner and allowed to develop in their natural form.

24.7 Provisions Regarding Buildings and Structures.

24.7-1 Screening. To the extent that the required roadway buffer does not provide screening of buildings, structures, parking lots and service and loading zones included in a development, except for approved product viewing areas, there shall be additional landscaping, walls, fences, hedges, shrubbery and/or earthen berms required to provide the necessary screening.

24.7-2 Height. No building or structure shall exceed the following height limits, which are designed to have a "step-back" effect to preserve viewsheds. Cross-section drawings showing how proposed structures meet the height requirements of this article may be required by the Zoning Administrator to ensure compliance with this section.

Distance Measured from Road Corridor Right-of-Way	Description of Area	Maximum Height of Building or Structure, if Permitted
0 - 40	Roadway Buffer	10 feet
41 - 100	Development Setback	20 feet

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Distance Measured from Road Corridor Right-of-Way	Description of Area	Maximum Height of Building or Structure, if Permitted
101 - 200	Development Area	35 feet
201 - 300	Development Area	45 feet

24.7-3 Utilities. All utility lines serving uses proposed or developed within the scenic corridor, including electric, telephone, data and cable television, shall be installed underground within the roadway buffer and development setback area. Underground utility trenches must be re-vegetated. Utility boxes and cabinets that are now or must, by necessity, be located above ground must be shielded from view from the scenic corridor with existing vegetation and/or re-vegetation. Any above-ground boxes that cannot be buried shall, in addition to being screened by vegetation, shall be painted a neutral or earth tone color or otherwise made to blend in with their surroundings.

24.7-4 Signage. Signs shall be permitted within the roadway buffer required by this article, in accordance with provisions of this section and subject to the approval of the Zoning Administrator. Signs located outside (beyond) the roadway buffer are not subject to the requirements of this section, but all signs are subject to the sign regulations otherwise stated in this ordinance.

(a) The total sign area of all signage on any one lot shall not exceed 64 square feet. A double-faced sign shall be considered a single sign. No more than two signs shall be permitted within the roadway buffer area per lot, except that this limitation shall not apply to signs erected by Troup County the Georgia Department of Transportation, the Georgia Department of Natural Resources or other signs owned and erected by a government entity to preserve the public safety, health and welfare.

(b) The material used to construct the sign, as well as the color of the sign shall be approved by the Zoning Administrator at the time of submittal of plans for the development or rezoning request.

(c) No internally illuminated signs shall be permitted, nor shall any flashing, blinking, fluctuating or otherwise changing light source be permitted.

24.7-5 Walls and Fences. Walls within or along the roadway buffer shall not be allowed, except for low-lying decorative walls for enhancement of the scenic corridor, or walls that are needed for slope stabilization. Privacy fences shall be permitted within the roadway buffer or development setback area. Where permitted, walls shall be located so that scenic views are maintained. Walls must consist of natural materials and shall only be of those colors that blend with the vegetation or abutting landscape features.

24.8 Variances. Any provision herein that presents a hardship as defined in Article III of this zoning ordinance shall be subject to the variance procedures as described in article administration.

ARTICLE 25

DEVELOPMENT AND DESIGN STANDARDS

25.1 Purpose.

The purpose of this district is to maintain sustainable, quality development in Troup County. Regulations regarding density, building materials, setbacks, design standards and all other requirements of this section are intended to aid in the preservation of rural character, preserve and protect natural resources and provide development options. These regulations are also intended to provide safe, visually pleasing housing and commercial development and provide a good quality of life for the citizens of Troup County.

25.2 All developments, when initially submitted, shall be reviewed to determine if the development meets or exceeds thresholds for development of regional impact (DRI). If the Zoning Administrator determines that the development might require a DRI review it is referred to the appropriate regional commission (RC) for determination as a DRI. If it is determined that the development is a DRI no further action may be taken by Troup County until the DRI process is completed with a final report from RC. No developments shall be phased or scheduled so that the DRI process is circumvented. Such circumvent attempts may require subsequent phases or adjacent developments to undergo the DRI process.

25.3 Traffic impact study for larger developments under DRI thresholds.

25.4 Design Standards Single-family Units.

This section applies to all single-family residential structures. Structures subject to these standards shall meet all other standards for the zoning district in which the structure is proposed for location.

All setbacks are from the centerline of the road where property has frontage unless otherwise stated in this section.

25.4-1 Additional standards to ensure appearance consistent with surrounding neighborhood are required as follows:

- a. The exterior siding material shall consist of wood, masonry, concrete, stucco, masonite or vinyl lap or other materials of like appearance. Vinyl lap siding may not be used on more than 25 percent of the front façade of the dwelling unit.
- b. Buildings shall utilize at least two of the following design features to provide visual relief along the front of the dwelling unit.
 - Dormers (functional or false)
 - Gables
 - Recessed entries
 - Covered front porches

- Pillars or posts
 - Arches
 - Quoin corners
 - Two or more brick masonry bond treatments
 - Side loaded garage or carport
 - Bay windows (minimum 24-inch projection)
- c. On single-family dwellings the garage shall not occupy more than 40 percent of the total building frontage. This measurement does not apply to garages facing an alley.
- d. On single-family dwellings walls which face a street other than an alley shall contain at least 20 percent of the wall space in windows and doors. Windows shall be provided with trim. Windows shall not be flush with exterior wall treatment. Windows shall be provided with architectural surround at the jamb.
- e. The minimum roof overhang shall be 12 inches, exclusive of porches and patios.
- f. Minimum roof pitch is 5/12 on main structure.
- g. In order to promote environmental sustainability each dwelling shall utilize the following features to reduce energy and water consumption:
- 1. Energy Star windows
 - 2. Insulation:
 - A. Foundation insulation rated at R-values of four to 13;
 - B. Wall insulation rated at R-values of 11 to 22;
 - C. Ceiling insulation:
Where an attic is present and there is no space limitation, insulation should have R-values of 19--50. Where space is limited or vaulted ceilings insulation should have R-values of 19 to 30.
 - 3. Low flow bathroom and kitchen faucets or grey-water or rain-water conservation systems.
- h. All subdivisions and buildings within subdivisions shall be in compliance with all adopted international codes as amended.

25.4-2 Townhouse Development.

Duplexes may be used as townhouses so long as the dwelling units meet all requirements of this section of the ordinance.

The applicant for townhouse development shall submit with the preliminary review application a plan and accompanying documentation as required that includes the following:

- a. General Requirements: A site plan showing front elevation. Plans and specifications shall include:
 - 1. Frontal elevations must be submitted and must show size, height, shape, exterior finish and location of all buildings and proposed improvements to the property. Exterior finish and appearance must be compatible and generally consistent with surrounding structures;
 - 2. Finished grade plans;
 - 3. Driveway/access plans depicting method by which such access will connect to the public right-of-way;
 - 4. Landscape plans;

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- 5. Lot sizes, establishing compliance with the following requirements:
 - a. The average lot per dwelling unit at any townhouse development shall not be less than 2,200 square feet and no lot shall contain an area of less than 2,000 square feet.
 - b. The minimum distance between contiguous townhouse groups and between a townhouse group or a building outside the townhouse group shall not be less than 20 feet at any point;
- 6. Setbacks, establishing compliance with the following requirements:
 - a. Front yard, minimum 20 feet from front property line;
 - b. Rear yard, minimum of 20 feet to rear property line;
 - c. No side yard is required except at each end of a townhouse group where a minimum side yard of ten feet shall be maintained, and on corner lots a minimum side yard of 15 feet shall be maintained on the side street;
- 7. Off-street parking as required by Article XIII of this ordinance;
- 8. Open space: Not less than 30 percent of the gross lot area shall be maintained as usable open space, including drives, service area, or required off-street parking;
- 9. Deed restrictions: A permit for the construction of a townhouse development shall be issued in accordance with the regulations set forth after evidence has been presented in the form of a proposed deed covenants and restrictions requiring the maintenance of jointly owned areas so as to prevent the occurrence of blight by failure of the owner of any unit to maintain jointly owned property.

Additional Requirements.

- a. Each dwelling unit shall, if multistory, be independently served by interior stairways and by utilities and services.
- b. Typical floor plan for the proposed unit.
- c. Proposed townhouse development shall be in single ownership at the time of development.
- d. No single townhouse group or development shall contain less than two nor more than 8 single-family dwellings.
- e. Each townhouse unit shall be separated from the other units by an approved fire wall, such wall to be without openings or other means of passage or visibility between each unit and shall in all cases comply with the current building code.
- f. Minimum unit size shall be 1,000 square feet.
- g. Each lot shall be owned in fee simple transferred from the developer to the buyer.

25.5 Development requirements.

The following development requirements are supplemental to the requirements in Article VII and Article[section] 25.4. For front yard distance from public or private street or road, refer to the troupp county functional classification map.

25.5-1 AG Agricultural District Dimensional Requirements.

a.	Minimum road frontage	220'
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b.	Front Yard:	Arterial road	145'
		Collector road	125'
		Local	100'
c.	Side yard		50'
d.	Rear yard		50'
e.	Building height maximum		40'
f.	Permitted, Special and Conditional Uses. Permitted, special and conditional uses are listed in tables 7.3 and 7.4.		
g.	Minimum lot size is five acres. Actual lot sizes may be reduced by an overall density concept design as provide in Article XXVII.		
h.	Lots fronting on a cul-de-sac shall have a minimum radius of 50 feet and shall have frontage of 100 feet.		

25.5-2 AGR Agricultural/Residential.

a.	Minimum road frontage		150'
b.	Front yard:	Arterial road (state/fed)	125'
		Collector road (county)	100'
		Local (subdivision)	90'
c.		Side yard	30'
d.		Rear Yard	40'
e.	Building height maximum		40'
f.	Permitted, Special and Conditional Uses. Permitted, special and conditional uses are listed in tables 7.3 and 7.4.		
g.	Minimum lot size is two acres. Actual lot sizes may be reduced through an overall density design concept as provided in Article XXVII.		
h.	Lots fronting on a cul-de-sac shall have a minimum radius of 50 feet and shall have frontage of 75 feet.		

25.5-3 RR Rural Residential.

- a. Lot width fronting on access drive shall be 300 feet.
- b. Lot area shall be five acres.
- c. Lots fronting on a cul-de-sac shall have a minimum radius of 50 feet and shall have frontage of 100 feet.

- d. Permitted, Special and Conditional Uses. Permitted, special and conditional uses are listed in table 7.3 and 7.4.
- e. Building setback requirements.
 - 1. Seventy-five feet from the front property line.
 - 2. Twenty feet from each side line.
 - 3. Forty feet from the rear property line.
 - f. Infrastructure requirements.
 - g. All lots in RR districts must meet the following infrastructure requirements:
Water: Well or public water system.
 - h. Wastewater: Individual septic system or public sanitary sewage system.
 - i. Private access drives/easements: Serving no more than six lots and having a minimum width (easement or owned property) of at least 50 feet with 20 feet paved driving surface. The access drive shall be a jointly owned easement and maintained by all lots served by the easement. At the time of submission for approval by the board, the owners and/or developers shall present an agreement binding on the property owners and their successors and/or assigns which shall provide a mechanism for the perpetual maintenance of the road. Said agreement must receive the approval of the board prior to rezoning consideration.
 - j. End of easement: Tee style paved surface area sufficient for turning around at the end of the private driveway/easement.
 - k. Private access drives/easements requirements: Private access drives/easements shall be permitted in rural residential zoning district or lakeside residential subdivisions only when such subdivisions contain peninsulas of land that may not be fully utilized without the private access drives/easements. All private access drives/easements shall meet the requirement of subsection 3(a).
- 1. Private access drives/easements shall adhere to the following standards:
 - a. All private access drives/easements shall be a minimum of 50 feet in total width, shall have no less than a 20-foot wide paved section, and shall be constructed to the specifications shown on Figure 1 that is incorporated herein by reference.
 - b. All private access drives/easements that dead end shall provide for a turnaround of sufficient size to allow for emergency vehicles to enter and leave without having to make more than one backing movement. The turnaround and the entrance to the private road shall not be blocked in any manner so as to prevent the access and egress of emergency vehicles.
 - c. All private access drives/easements shall be a jointly owned easement and maintained by all lots served by the easement. Prior to approval of the final subdivision plat, the owners and/or subdivider or his agents shall present an agreement binding on the property owners and their successors and/or assigns that shall provide a mechanism for the perpetual maintenance of the road. Said agreement must receive the approval of the Board of Commissioners prior to recording the final plat.
 - d. All lots served and/or accessed by the private access road shall comply with the frontage requirements of the zoning district in which it is located.
 - e. No private access road shall be allowed to serve as the means of ingress and egress to more than six dwelling units.

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- f. The final subdivision plat shall contain notations in a form acceptable to the county that all private access drives/easements are private and are not maintained by Troup County. The homeowners of those lots shall jointly own all private access drives/easements served by the road. All private access drives/easements shall be perpetually maintained pursuant to an agreement binding the lot owners, their successors and assigns.
- 2. Except as otherwise specifically provided in subsection 3.b., private access drives/easements shall comply with all the requirements set forth in subsection 3.a. of this section.
 - a. Rural residential and lakeside residential and lakeside rural residential access drives shall be paved at the owner of the private roads expense, upon the submission to the County Engineer by the developer or homeowner's association of detailed plans, specifications and hydrological reports and studies by a certified professional engineer. Such plans, specifications and hydrological reports and studies must be in a form acceptable to the county and in compliance with standard practice and proper design standards, must be approved by the County Engineer, and must contain a certification that the requested improvement(s) will not result in drainage and/or run-off onto any public road or driving surface or alter drainage and/or surface water flows in a manner detrimental to the general public or to surrounding landowners.
 - b. No plans or specifications for the paving of rural residential, lakeside residential or lakeside rural residential access drives shall be approved until the developer and/or homeowner's association have agreed in a form acceptable to the county attorney to indemnify the county for any and all losses and damages incurred by the county as a result of the drainage and/or alteration of surface water flows caused by the road paving by the owners of the road improvements.
- I. Plat Statements. Statements to be noted on plat shall be:
 - 1. Only one residence per tract.
 - 2. The private access road shown is not a county-maintained road.
 - 3. A ten-foot utility easement shall be located on the front, side, and rear lines of each lot.
 - 4. No manufactured homes allowed.
 - 5. Addresses shall be assigned and displayed according the the Troup County Comprehensive Address Assignment and Display Ordinance.
 - 6. The access drive shall be jointly owned by all lots served by the easement and shall be perpetually maintained pursuant to an agreement binding the lot owners, their successors and assigns.

25.5-4 LR Lakeside Residential District.

a.	Minimum road frontage	150'
b.	Front yard:	Arterial road (state/fed)
		Collector road (county)
		125'
		100'

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		Local (subdivision)	80'
c.	Side yard		25'
d.	Rear yard		45'
	Yard requirements for parcel lines abutting the U.S. Army Corps of Engineers property shall be zero feet.		
e.	Building height maximum		40'
f.	Permitted, special and conditional uses. Permitted, special and conditional uses are listed in tables 7.3 and 7.4.		
g.	Minimum lot size is two acres.		
h.	Lots fronting on a cul-de-sac shall have a minimum radius of 50 feet and shall have frontage of 75 feet.		
i.	Private access drives/easements shall be permitted in lakeside residential subdivisions and only when such subdivisions contain peninsulas of land that may not be fully utilized without the private access drives/easements. Private access drives/easements shall meet the requirements in [sections] 25.5.3.3 and 25.5.3.4.		
j.	Lots utilizing the 3 units per acre cluster development option shall be subject to the design and development standards of section 25.5.6 Option C.		

25.5.5 LRR Lakeside Rural Residential District.

a.	Minimum road frontage		175'
b.	Front yard:	Arterial road (state/fed)	130'
		Collector road (county)	120'
		Local (subdivision)	100'
c.	Side yard		50'
d.	Rear yard		50'
	Yard requirements for parcel lines abutting the U.S. Army Corps of Engineers property shall be zero feet.		
e.	Building height maximum		40'
f.	Permitted, special and conditional uses. Permitted, special and conditional uses are listed in tables 7.3 and 7.4.		
g.	Minimum lot size is three acres. Actual lot sizes may be reduced by an overall density concept design as provide in Article XXVII.		
h.	Lots fronting on a cul-de-sac shall have a minimum radius of 50 feet and shall		

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	have frontage of 75 feet.
i.	Private access drives/easements shall be permitted in lakeside rural residential subdivisions and only when such subdivisions contain peninsulas of land that may not be fully utilized without the private access drives/easements. All private access drives/easements shall meet the requirements in [sections] 25.5.3.3 and 25.5.3.4.

25.5-6 Single-Family Medium Density.

There will be three development options for development in the single-family medium density zoning district.

1. Option A. This option will be for developments with minimum lot size of one acre with individual septic tanks and public water. This option is limited to not more than 50 units. The following are dimensional requirements:

a.	Minimum road frontage		100'
b.	Front yard:	Arterial road (state/fed)	120'
		Collector road (county)	110'
		Local [(subdivision)]	90'
c.	Side yard		20'
d.	Rear yard		40'
e.	Building height maximum		40'
f.	Permitted, special and conditional uses. Permitted, special and conditional uses are listed in tables 7.3 and 7.4.		
Yard requirements for parcel lines abutting the U.S. Army Corps of Engineers property shall be zero feet.			
g.	Minimum lot size is one acre.		
h.	Lots fronting on a cul-de-sac shall have a minimum radius of 50 feet and shall have frontage of 45 feet.		

2. Option B. This option is a 1 ½ acre minimum lot size with no limit on the number of units developed with individual septic systems. The following are dimensional requirements:

a.	Minimum road frontage		125'
b.	Front yard:	Arterial road (state/fed)	120'

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		Collector road (county)	110'
		Local (subdivision)	90'
c.	Side yard		20'
d.	Rear yard		40'
e.	Building height maximum		40'
f.	Permitted, special and conditional uses. Permitted, special and conditional uses are listed in tables 7.3 and 7.4.		
Yard requirements or setbacks for parcel lines abutting the U.S. Army Corps of Engineers property shall be zero feet.			
g.	Minimum lot size is one and one-half acre.		
h.	Lots fronting on a cul-de-sac shall have a minimum radius of 50 feet and shall have frontage of 60 feet.		

3. Option C. Residential cluster minimum development standards.

- (a) Option C developments must be a minimum of 25 acres.
- (b) Overall density shall not exceed three housing units per acre.
- (c) Lot width shall not be less than 60 feet of road frontage and in no case shall be less than 6,000 square feet in total area.
- (d) Overall density shall not exceed three housing units per acre as defined in the zoning district where the property is located and no land shall be classified in the zone unless it contains a minimum of 25 acres.
- (e) All water and sewer systems are required to be operated and maintained by a qualified local governmental body capable of operating and maintaining the system. For purposes of this section, "qualified local governmental body" shall mean Troup County, Georgia, if the county is then engaged in water and sewer system operations. If Troup County, Georgia, is not then engaged in water and sewer system operations, "qualified local governmental body" shall be any local governmental water and sewer provider authorized to operate sewer systems within unincorporated Troup County, Georgia. If no such authority is then in existence and engaged in sewer operations, "qualified local governmental body" shall mean any municipality then engaged in operating and maintaining sewer systems with lines sufficiently close and of sufficient capacity to allow future connection of the cluster development to its sewer operations or Troup County may own and operate the systems.

(1) The owner/developer of the cluster development shall at the time of submission for approval by the Board of Commissioners present proof that a request for the provision of sewer service has been submitted to qualified local governmental body (closest municipality) and that the local governmental body has either declined to provide sewer service or has not responded to the request of the owner/developer within 30 days of the request having been made.

(2) The proposed system must be approved by the Georgia Department of Natural Resources, Environmental Protection Division (or such state department or authority so charged) prior to the issuance of any permits.

(3) Decentralized sewer systems designed and installed in cluster developments shall be the latest technology available and systems designed to meet the requirements by the environmental protection division for stream discharge and/or reuse are required.

(f) No residential cluster development shall be approved unless, in the sole determination of the Board of Commissioners and the advice of Troup County attorney, adequate provision is made through the declaration of protective covenants, restrictions and conditions for the perpetual and legally enforceable maintenance of the common areas and amenities of the development through a property owners' association of perpetual duration.

(g) No residential cluster development shall be approved in the absence of a minimum amenities package approved by the Planning Commission and the Board of Commissioners. For the purpose of this subsection, a "minimum amenities package" is defined as the provision, without duplication, of at least two of the following amenities for every 150 housing units in the development:

(1) Non-impervious surfaced walking/running/biking trails of at least one-half mile in total length;

(2) Swimming pool or zero-depth water feature;

(3) Baseball/softball/soccer field;

(4) Tennis court;

(5) Basketball court;

(6) Putting green;

(7) Dog park;

(8) Children's (non-impervious surface) playground;

(9) Community clubhouse;

(10) Other similar amenities as recommended by the Planning Commission and approved by the Board of Commissioners.

(h) The amount of green area, including designated parks, public and private open space, active and passive recreational areas, required for the residential portion shall not be less than 25 percent of the gross total area. The minimum green area requirement, which shall include designated parks, public and private open space, active and passive recreational areas, except that comparable amenities and/or facilities may be provided in lieu of green area if the Planning Commission determines that such amenities or facilities are sufficient to accomplish the purposes of the zone, and would be more beneficial to the proposed development than strict adherence to the specific green area requirement.

(i) A perimeter buffer of not less than 30 feet is required on all residential cluster developments except when adjacent to existing.

4. Lot Size, Yard and Landscaping Requirements, Minimum.

(a) Minimum lot size is 6,000 square feet with a minimum 60 feet lot width.

(b) Maximum density is three units per total net area.

(c) Front. Setback from the centerline of a:

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Arterial	Collector	Local
100 feet	90 feet	45 feet

- (d) Side. Five feet for each side, plus, an additional three feet per side for each story over one. Where a side yard abuts a street, road or highway, the side yard shall not be less than the front yard requirement as set forth in subsection (a) of this section.
- (e) Rear. Twenty-five feet.
- (f) Landscaping. Landscaping of all development areas shall be reviewed for compliance by the arborist or landscape architect as designated by Troup County Commission. The review shall consist of the list of plants used, how they are situated in the development plan, the proximity of the landscaped areas to required sidewalks and any landscaping along street shall be reviewed by the County Engineer to ensure no obstruction to vision from traffic.
5. Streets and Road Design Standards, Minimum.
- (a) All residential cluster development streets and/or roads shall comply in all respects with Article IV of the Troup County Subdivision Regulations or as approved by the Board of Zoning Appeals/Planning Commission preliminary plat.
- (b) Street light design shall be submitted as a part of the site plan review process.
- (c) In addition to the requirements of Article IV of the Troup County Subdivision regulations and the laws of the county, sidewalks shall be required on both sides of all development streets.
6. Structural design standards, minimum. Every fifth house in adjoining lots shall be so constructed as to provide a one hour rated fire wall assembly or shall have a side yard setback of no less than ten feet.
7. Signs. All signs shall conform and comply with the requirements for residential signs as provided in Article XIV of this ordinance or as approved by the County Engineer at the preliminary plat approval stage.
8. Approval Procedure. All requests requiring rezoning shall be made at the time the concept plan is submitted. All required rezoning and initial review fees shall be paid at the time the rezoning request is made and the concept plan is submitted.
- (a) Application and processing procedures. Procedures for governing the application for the residential cluster zone and approvals necessary to seek building permits shall be subject to the following multiple step process:
- (1) Application for concept plan approval.
- a. An applicant shall file, together with the prescribed application fee, and application for concept plan approval as provided by the county, and in addition, shall submit for approval as part of the application, a concept plan reflecting at a minimum, the following:
1. The boundaries of the entire tract or parcel.
 2. Generalized location of existing and proposed external roads and adjacent land use and development.
 3. Generalized location and description of various internal proposed land use components, including information as to

proposed densities and intensities, proposed size and heights of development.

4. Generalized location and description of proposed roads, proposed dedicated public lands and perimeter setback or buffer areas.

5. Proposed phasing or staging plan of development, public facilities and information pertaining to the provision of public facilities as required by the county.

6. Generalized areas of woodlands, streams and watercourses and other areas intended for natural preservation.

7. An illustrative plan providing for the physical layout of the entire development including all streets, lots, parcels, park and open spaces.

8. A draft of urban and architectural standards to govern covenants and to be managed by the homeowners association and to act as the residential cluster development compliance document.

9. Generalized information concerning traffic impact of the proposed development shall be submitted.

a. During the concept plan approval phase, the Planning Commission and developer will engage in meetings and planning sessions to submit proposals to be considered by the Planning Commission.

9. Application for Preliminary Development Plan Approval. After the concept plan and rezoning request has been recommended for approval by the Planning Commission and rezoned by the Board of Commissioners; or, if the existing zoning is appropriate, a preliminary development plan shall be filed for approval, rejection or modification by the Planning Commission of all or portions of the development site and reflected within the approved concept plan, together with the required filing fee. The preliminary development plan shall be scaled at one inch equals 50 feet and shall contain, at a minimum, the following:

1. Boundary survey and identification plat or survey plat.

2. The use(s) of all buildings and structures within the preliminary development plan area, as well as existing uses of adjacent property external to the residential cluster development and proposed uses within adjoining residential cluster development.

3. The locations, height, approximate dimensions and conceptual architectural elevations of all buildings and structures, and the setbacks and densities and/or square footage thereof.

4. The location of points of access to the site and all public and private roads, pedestrian and bike paths, in accordance with the applicable thoroughfare design standards.

5. The location and setbacks of all parking areas.

6. Existing topography including:

i. Contour intervals of not more than two feet;

ii. One-hundred-year flood plains and floodways including base flood elevations;

- iii. Other natural features, such as rock outcropping and scenic views;
 - iv. Utility easements, if any; and
 - v. Historic buildings, structures or areas.
7. All landscaped areas, proposed conceptual screen planting, open spaces, community identification signage, recreation and amenity areas.
 8. Proposed phasing or staging plan of development and information relating to such plan's consistency with the provision of public facilities.
 9. A proposed covenant or other form of agreement indicating how the area will be included in any homeowners association or other organization, and how any open space, community space or amenities located with the area subject to review will be perpetually maintained.
 10. Five copies of required preliminary plan/plat for review process of a size 24"x36" or acceptable to the Troup County planner. All plats and supporting information shall also be submitted in digital format as they may be required by the Troup County planner.
 11. Two copies of previous plat.
 12. Two drawings that inventory all wetlands, all watercourses and impoundments, and flood plain limits.
 13. Two copies of the erosion and sedimentation control plan.
 14. Two copies of the stormwater management plan.
 15. Utility cross section.
 16. Transportation plan showing the interconnection on the subdivision and its relationship to all adjoining properties along with a formal traffic impact study, if required.
 17. Project narrative to include description of the type of project and who it will serve; developer information, contractor information, engineer information, contact information, anticipated start dates, completion dates, phasing description (if applicable), description of utility development plans including main sizes, lift station information, communications deployment plan and schedule, stormwater planning narrative, impact statement describing projects effects on surrounding transportation including traffic counts and flows from proposed project and existing counts, a narrative description of how traffic will be managed and controlled (and calmed) as appropriate for the development, description of green space and public/community space proposed for the project.
 18. Application must be signed by owner, developer and engineer or land surveyor (licensed in Georgia with stamp affixed).
10. Final Site Development Plan Review. Following approval of a preliminary development plan, an applicant shall submit to the Planning Commission a final site plan for approval and recommendation to the Board of Commissioners, which shall be in accord with the approved preliminary development plan and shall include the following:
- a. All information required for preliminary development plan; and
 - b. Proposed phasing or staging plan of development and information regarding consistency of such plan with the provision of public facilities;
 1. Demonstration of compliance with the approved preliminary development plan;

2. A proposed covenant, suitable for filing in the deed records of Troup County, which shall indicate in specific language that the property which is the subject of the application is restricted in its use and/or development standards to the preliminary development plan and any accompanying or qualifying text material submitted with such plan, as such plan may be approved or modified by the county commissioners at the time of final site plan review. The covenant to be filed in the deed records shall also indicate that such restrictions shall be in effect until such time as the property may be rezoned, at which time such restrictions shall be removed.

11. Findings Required.

(1) The Planning Commission shall review the preliminary development plan for compliance with the following standards:

- a. The application meets or accomplishes the purposes, objectives, and minimum standards and requirements of this article; and
- b. The application and concept plan will be internally and externally compatible and harmonious with existing and planned uses in single-family medium and high density and lakeside residential zoned areas and adjacent areas.

(2) The county commissioners shall approve a preliminary development plan only upon finding that:

- a. The plan is substantially in accord with the approved concept plan; and
- b. The plan meets or accomplishes the purposes, objectives and minimum standards and requirements of the zone; and
- c. The plan will be internally and externally compatible and harmonious with existing and planned uses in adjacent areas; and
- d. The existing or planned public facilities are adequate to service the proposed development contained in the plan; and
- e. The development staging or phasing program is adequate in relation to the provision of public facilities and private amenities to service the proposed development.

(3) The county commissioners shall approve a final site plan consistent with the findings required in subsection (c)(2) immediately above and upon considerations, determinations and powers set forth in this section. The county commissioners shall, as a condition of approval, require the posting of all necessary bonds or other security instruments, execution of required agreements, and recording of covenants.

(4) Procedures for amendment. Amendments to a final site plan may be permitted, and are to be approved by the county commissioners in accordance with the submission requirements of this article.

(5) Urban and architectural regulations shall be adopted as part of concept plans.

- a. The proposed covenants and restrictions shall be presented to the BOC as part of a preliminary development plan in the single-family medium and or Lakeside Residential an urban and architectural code as

regulations, rules or standards specific and unique to the application under consideration.

- b. Such rules, regulations and standards shall apply to:
 - i. Building/structure setbacks, and lot coverage;
 - ii. The location and type of accessory buildings and structures;
 - iii. Type and nature of accessory uses; and
 - iv. Appearance of buildings and structures, configuration of building elements and type of building materials.

Provided, however, that no such rules, regulations and standards shall exceed any maximum development standard or be less than any minimum development standard or permit any use otherwise prohibited in the single-family medium and high density or lakeside residential zone. All owners of property subject to the final site plan and their assigns shall be notified (by the developer) of such rules, regulations and standards at the time of taking title to property located within the final site plan area.

- c. No person, firm or corporation may violate any requirement of this article, to include but not limited to deviation from the requirements of the final site plan, and any such violation shall be enforceable by the county and subject to such enforcement and penalties provided by zoning ordinance and/or Troup County Codes.
- d. An architect shall be commissioned by the developer as a method of ensuring compliance with the urban and architectural code. Said architect shall be retained by the developer and/or homeowner's association until such time as the last lot in the SFMD zone at issue is developed.

25.5-7 MFR Multi-Family Residential District.

Multi-family development within the MFR district, shall meet the following dimensional requirements:

- a. Minimum required lot area for the first dwelling unit, 6,000 square feet;
- b. Minimum additional lot area per dwelling unit for each unit in excess of one, 3,000 square feet;
- c. Multi-family shall not exceed six units per acre = one unit per 7,560 square feet.
- d. Minimum required lot width of 70 feet per dwelling unit plus an additional five feet of lot width for each unit in excess of one.
- e. Minimum required building setback line is 25 feet from the right-of-way line.
- f. Minimum required side yard ten feet plus one foot for each foot in height that a structure exceeds 20 feet above the elevation at the adjacent lot line nearest to such structure. Corner lots shall have a side yard setback of 20 feet along the side street line. For any side or rear lot line which abuts a single-family or two family residential districts there shall be a buffer as defined in Article IX.
- g. Minimum required rear yard, 25 feet for single-family and two family residential units and 30 feet for multi-family units, plus one additional foot for each foot in height that the structure exceeds 20 feet above the elevation at the contiguous lot line nearest to such structure.

- h. Maximum possible lot coverage: The total ground area covered by the principal building and all accessory buildings shall not exceed 50 percent of the total lot area.
- i. The height of buildings shall not exceed 45 feet, except upon approval of the Board of Zoning Appeals/Planning Commission.
- j. All multi-family developments shall meet fire codes including fire walls and shall require the approval of the Fire Marshal.
- k. Multi-family developments shall utilize on-site sewer treatment when not served by a municipal wastewater system.
- l. The only multi-family units that may be developed on parcels with septic tank systems are duplexes and the following standards apply:
 - a. Minimum lot size is one and one-half acre and each dwelling unit shall have a minimum of 1,000 square feet of heated floor space.
 - b. Front yard--50 feet from right-of-way line.
 - c. Side yard--25 feet.
 - d. Back yard--45 feet.

25.5-8 MHP Manufactured Home Park District (R-500).

For requirements of this district please refer to Article XI.

25.5-9 USD Unrestricted Subdivision (R-300). This district is intended to provide suitable locations for residential uses including manufactured homes and manufactured home subdivisions. Each USD district must have a minimum of three parcels which meet the minimum lot standards and all other Troup County subdivision requirements in effect at the time the subdivision is approved.

Lot size shall be the same as the more restrictive abutting zoning district.

Yard requirements shall be the same as the more restrictive abutting zoning district.

25.5-10 CRVP Commercial Recreational Vehicle Park, Campgrounds and Rental Cabins District.

For requirements of this district please refer to Article XII.

25.6 Basic Commercial and Industrial Design Standards.

These standards are intended for new construction of non-residential structures. Existing buildings may be exempt from these requirements upon findings from the Zoning Administrator that a sincere effort to comply with these regulations has been attempted by property owner. Zoning administrator may require compliance with these regulations for existing buildings provided building has been vacant for at least six months and/or owner/renter has changed and is applying for a business license. For additional non-residential design standards refer also to the quality development corridor overlay. Site plans are required for all new construction of non-residential structures. Site plans shall be drawn to scale by a design professional with the following information:

- a. North arrow.

- b. Placement of all buildings and accessory buildings, driveway location, landscaped areas location, parking lot location and location of all loading and unloading areas of the business.
- c. Owner and zoning of adjacent properties.
- d. Location of any new proposed roads.
- e. Square footage of buildings.

The following standards apply to all new construction of non-residential structures. These standards will be inspected during regular inspections by the Building Official, or his designee:

a. Architectural Standards.

- 1. Orientation. Buildings shall have their primary orientation toward the street. Lots with double frontage or through lots shall provide orientation and public entrances on facades along both street frontages.
- 2. Buildings. Buildings shall incorporate arcades, roofs, alcoves, porticoes, and/or awnings at public entrances that protect pedestrians from rain and sun.
- 3. Any wall adjacent to the street shall have 30 percent in windows, display areas, and entrances.
- 4. Building frontages greater than 100 feet in length shall have offsets and other distinctive changes in building facades.
- 5. Building Materials. Permitted materials for building facades include, without limitation, brick, and natural decay resistant wood siding, rock, stone, decorative concrete block or concrete walls with textured surface materials, and hardi-board or other similar material as approved by the Building Official. All metal buildings shall have a facade of one or a combination of approved building materials. Facade colors shall be earth tone or neutral. Building trim and accents may feature brighter colors, not to exceed 25 percent of any building facade.
- 6. Roofs. Roofs shall at a minimum have parapets concealing flat roofs and rooftop equipment which are visible from adjoining streets or properties.
- 7. Site Design Standards. A landscape strip at least ten feet wide shall be provided between the right-of-way and any buildings, plazas, or parking areas.
- 8. Parking. Parking lots shall be paved with asphalt or concrete or utilize pervious parking systems and parking spaces delineated in compliance with the Americans with Disabilities Act. Appropriate parking spaces shall be identified as such. Parking lots may be located in front yard.
- 9. Solid Waste Storage Areas. Solid waste receptacles, shipping pallets, bundled cardboard and similar waste materials stored for collection shall be enclosed on all sides and screened from view from adjoining residential properties or streets with a solid enclosure (at least six feet high) with a gate and shall be constructed of wood, masonry, or other compatible material. The enclosure shall measure a minimum of 13 feet by ten feet with an opening measuring no less than 13 feet. A ten-foot by 20-foot concrete pad at least six inches thick shall be provided for the garbage truck loading/unloading area.
- 10. Outdoor Storage and Loading Areas. Areas for truck parking and loading shall be screened by a combination of structures and landscaping to minimize visibility from adjacent streets and property lines. If visible from adjacent

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property, screening structures shall be made of similar materials as the principal structure. Non-enclosed areas for the storage and sale of inventory shall be permanently defined and screened with walls and/or fences. Materials, colors, and design of the screening walls and/or fences shall conform to those used in the principal structure. If such areas are to be covered, then the covering shall conform to the exposed roofing colors of the building.

11. Lighting. Artificial lighting shall be so arranged and constructed as to not produce direct illumination on adjacent properties when residential in use.

12. Water and Sewer. Commercial developments may be developed using decentralized sewer upon approval of EPD and Troup County. Commercial developments that utilize well and septic tanks are subject to Troup County Health Department regulations and shall be approved for well and septic prior to rezoning and prior to any issuance of a building permit.

25.6-1 CA Commercial Adult.

Commercial Adult C-A

The purpose of this district shall be to provide and protect a reasonable location within the community for the development of sexually oriented businesses.

- a. Permitted uses. Sexually oriented businesses subject to regulations as specified in chapter 10 Article II Troup County Code of Ordinances.
- b. Lot size, yard and parking requirements shall be same as the general commercial zoning district.

25.6-2 GC General Commercial.

a.	Minimum road frontage		100'
b.	Front yard:	Arterial road (state/fed)	100'
		Collector road (county)	75'
All front yard requirements for commercial development are from the centerline of the road.			
c.	Side yard		10'
d.	Rear yard		30'
e.	Building height maximum		35'
f.	Permitted, special and conditional uses. Permitted, special and conditional uses are listed in tables 7.3 and 7.4.		
g.	Minimum lot size is one acre.		
h.	Lots fronting on a cul-de-sac shall have a minimum radius of 50 feet and shall have frontage of 75 feet.		

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25.6-3 HC Heavy Commercial.

a.	Minimum road frontage		100'
b.	Front yard:	Arterial road (state/fed)	200'
		Collector road (county)	150'
All front yard requirements for commercial development are from the centerline of the road.			
c.	Side yard		30'
d.	Rear yard		40'
e.	Building height maximum		40'
f.	Permitted, special and conditional uses. Permitted, special and conditional uses are listed in tables 7.3 and 7.4.		
g.	Minimum lot size is one acre.		
h.	Lots fronting on a cul-de-sac shall have a minimum radius of 50 feet and shall have frontage of 75 feet.		

25.6-4 LC Limited Commercial.

a.	Minimum road frontage		90'
b.	Front yard:	Arterial road (state/fed)	100'
		Collector road (county)	90'
All front yard requirements for commercial development are from the centerline of the road.			
c.	Side yard		10'
d.	Rear yard		30'
e.	Building height maximum		35'
f.	Permitted, special and conditional uses. Permitted, special and conditional uses are listed in tables 7.3 and 7.4.		
g.	Minimum lot size is one acre.		
h.	Lots fronting on a cul-de-sac shall have a minimum radius of 50 feet and shall have frontage of 75 feet.		

25.6-5 NHC Neighborhood Commercial District.

a.	Minimum road frontage		90'
b.	Front yard:	Arterial road (state/fed)	90'
		Collector road (county)	80'
		Local road (subdivision)	80'
All front yard requirements for commercial development are from the centerline of the road.			
c.	Side yard		10'
d.	Rear yard		30'
e.	Building height maximum		35'
f.	Permitted, special and conditional uses. Permitted, special and conditional uses are listed in tables 7.3 and 7.4.		
g.	Minimum lot size is one acre.		
h.	Lots fronting on a cul-de-sac shall have a minimum radius of 50 feet and shall have frontage of 80 feet.		

25.6-6 GI General Industrial District.

a.	Minimum road frontage		100'
b.	Front yard:	Arterial road (state/fed)	125'
		Collector road (county)	100'
All front yard requirements for commercial and industrial development are from the centerline of the road.			
c.	Side yard		10'
d.	Rear yard		20'
e.	Building height maximum		35'
f.	Permitted, special and conditional uses. Permitted, special and conditional uses are listed in tables 7.3 and 7.4.		
g.	Minimum lot size is one acre.		
h.	Lots fronting on a cul-de-sac shall have a minimum radius of 50 feet and shall have frontage of 85 feet.		

25.6-7 LI Light Industrial District.

a.	Minimum road frontage		100'
b.	Front yard:	Arterial road (state/fed)	125'
		Collector road (county)	100'
All front yard requirements for commercial and industrial development are from the centerline of the road			
a.	Side yard		10'
c.	Rear yard		20'
d.	Building height maximum		35'
e.	Permitted, special and conditional uses. Permitted, special and conditional uses are listed in tables 7.3 and 7.4.		
f.	Minimum lot size is one acre.		
g.	Lots fronting on a cul-de-sac shall have a minimum radius of 50 feet and shall have frontage of 85 feet.		

25.6-8 FH Flood Hazard Overlay. For requirements of this overlay district please refer to Article XVII.

25.6-9 HA Historic Area Overlay. For requirements of this overlay please refer to Article VIII.

25.6-10 PUD Planned Unit Development District. For requirements of this district please refer to Article XVIII.

25.6-11 SC Scenic Corridor Overlay District. For requirements of this district please refer to Article XXIV.

ARTICLE 26

DEVELOPMENT RATING SYSTEM (POINT SYSTEM) SINGLE-FAMILY MEDIUM DENSITY, LAKESIDE RESIDENTIAL AND PUD ZONING DISTRICTS

26.1 Title.

This article shall be known and may be cited as the "Development rating system for single-family medium density, lakeside residential and PUD zoning districts."

26.2 Purpose.

The purpose of this article is to establish a land use management system using a rating procedure whereby points are awarded during a development review process for meeting standards and criteria established by this article.

The land use guidance system established in this article is intended to promote the health, safety, and general welfare of the community by promoting contiguous and compact development patterns that are adequately served by urban or suburban level facilities.

26.3 Applicability and Procedures.

The Board of Commissioners shall review and approve the development in single-family medium density, lakeside residential and PUD zoning districts. There shall be a public hearing required as per Article [section] 16.11.

No private development, unless specifically exempted, shall be forwarded to the Board of Commissioners until application has been submitted and reviewed as a committee by the Zoning Administrator, Troup County Planner, Building Inspector director, County Engineer, Fire Marshal, representative for public works department of the closest municipality, Troup County Board of Education, and one member of the Board of Zoning Appeals/Planning Commission for compliance with the basic requirements (minimum score of ten points) of this article and the adopted Troup County Subdivision Regulations in Appendix C of the Troup County Code of Ordinances. If a development meets the basic requirements it shall be forwarded to the Board of Commissioners for review and approval.

No permits of any type shall be issued for any development until and unless said development has complied with all requirements of this article and obtained approval of the development from the Troup County Board of Commissioners.

The scorecard review shall be initiated at the submittal of a preliminary plat. Concept plans are subject to the informal review and it is suggested that developers meet with Troup County Planner and Troup County Engineer prior to any submittals in order to become familiar with the requirements of the rating system.

26.4 Exemptions.

Minor subdivisions, as defined in the adopted Troup County Subdivision Regulations, Appendix C of the Code of Ordinances shall be exempt from the provisions of this

article, but are subject to the Troup County Subdivision Regulations. Rural residential zoning district subdivisions are exempt from the scorecard requirements, but are subject to the requirements of Article XXV Development and design standards and the Troup County Subdivision Regulations. Article XXV Development and design standards apply to all subdivisions of property including minor subdivisions.

26.5 Point Rating System of Development Criteria.

The Troup County Board of Commissioners shall use the following standards in its review and approval of development applications not exempted by this article. In addition to the development rating system the following standards shall be applied to all developments in the single-family medium density, lakeside residential and PUD zoning districts:

1. Whether or not the development meets the goals and policies of the Troup County Comprehensive Plan.
2. Whether or not there are adverse impacts to surrounding neighborhood not delineated in the development criteria scorecard.
3. Whether or not the development poses any adverse impacts to natural resources, community facilities, transportation or public safety.

If a given development does not attain the minimum score of ten points, the development application shall be disapproved by the review committee until the applicant can add features or modify the project to obtain more points. The minimum score shall be derived from table 26.1.

Additional points enumerated in table 26.2 may only be accumulated after the minimum score (ten points) has been reached in table 26.1. The additional points shall not be used to bring a development up to the minimum score of ten.

Any development that reaches a score of 30 shall receive a density bonus of no more than ten percent. Any number of points awarded from 11--30 shall be a pro-rated density bonus up to ten percent.

Table 26.1

Basic Point Rating System of Development Criteria for Single-Family Medium Density, Lakeside Residential, and PUD Zoning Districts

Development Criteria		Available Points	Score
<i>Select only one option in each section. In cases where the development meets more than one option, select the option with the greater score.</i>			
A.	LOCATION OF TRACT: (score any 1 of the following)		
	1. The boundary of the development is adjacent to the existing boundaries of a municipal sewer system and will utilize the system.	+5	
	2. The boundary of development is adjacent to existing development.	+3	
	3. The boundary of the development is partially within one-half mile of an existing development.	+2	

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Development Criteria		Available Points	Score
<i>Select only one option in each section. In cases where the development meets more than one option, select the option with the greater score.</i>			
4. The development is within 1-quarter mile of any school, provided such school has available capacity to serve proposed development.		+1	
5. The development is within 3 miles of a major employment center (major employment center is any commercial or industrial zoned district of 200 acres or more, or any single employer with 500 or more jobs).		+1	
6. Any boundary of the development is one-quarter mile or less to existing agricultural, Agricultural, Agricultural/Residential or Lakeside Rural Residential areas or planned industrial areas.		-4	
Note: "Existing development" refers to the built-up portion of the county that is developed in major subdivisions of more than 50 units.			
B.	WATER SERVICE (score any 1 of the following)		
1. The property to be developed lies within a public water service area and is served by said system.		+3	
2. The property to be developed lies further than one-half mile of public water service area and will be served by said system.		+2	
3. The property to be developed is outside of a public water service area, has 50 units or less and has submitted plans for a community water system		+2	
4. The property to be developed lies further than one-half mile outside public water service area and will be served by a community water system as defined in Article 3 of this ordinance		+1	
5. The development has 1 ½ acre or larger parcels and is using individual wells (Option C under SFMD)		0	
6. The proposed development lies further than one half mile outside a public water service area, is in excess of 50 lots and has no plans for a community water system (this does not apply to developments using Option C under the single-family medium density zoning district)		-3	
C.	SEWER SERVICE (score any 1 of the following)		
1. The property to be developed lies within one-quarter mile of a public sanitary sewer service area, is capable of being served by said system as determined by the provider of the public sanitary sewer system and connects to said system.		+2	
2. The property to be developed lies outside one-half mile of a public sanitary sewer service area and/or requires a decentralizes sewer system.		+2	
3. The property to be developed does not have a stream to discharge treated wastewater from decentralized system into and obtains an easement to adjacent property in order to discharge into adjacent stream.		+2	

TROUP COUNTY ZONING ORDINANCE

Development Criteria		Available Points	Score
<i>Select only one option in each section. In cases where the development meets more than one option, select the option with the greater score.</i>			
4. The development has 50 units or fewer and plans to have individual septic systems for sewage management		0	
5. The development has 1 ½ acre or larger parcels and is using individual septic tanks (Option B under SFMD)		0	
6. The development is using a decentralized sewer system and is not proposing a grey water system.		0	
7. The property to be developed lies further than one-half mile outside a sewer service area and has no plans for a decentralized sewer system (this does not apply to developments using Option C in the single-family medium density zoning district).		-4	
D.	ROAD CAPACITY (score any 1 of the following)		
1. The developer has a traffic impact study completed by a reputable consultant or engineer submitted with concept plan that addresses needed improvements to maintain a level of service standard.		+2	
2. A road or roads and intersections will serve the proposed development with sufficient capacity to handle existing needs and the needs of already approved developments and the trips generated by the proposed development as determined by the County Engineer		0	
3. Trips generated by the proposed development when added to the existing traffic volume will exceed the capacity of the road system as determined by the County Engineer and no mitigating improvements are proposed.		-5	
E.	HOUSING (score any 1 of the following)		
1. The proposed development of over 50 units has a mixture of three or more housing types to include townhouses, apartments, single family dwellings, duplexes, triplexes and quads of various sizes and prices,.		+3	
2. The proposed development has mixture of housing types that only includes two different types of housing units (see list above)		+2	
3. The proposed development has only one housing type.		0	
F.	MIXTURE OF USES (score any 1 of the following)		
1. The proposed development utilizes commercial development to include apartment living above ground level commercial development.		+2	
2. The proposed development has up to 5% of two or more types of uses to include neighborhood and limited commercial and housing of two or more types.		+1	
3. The proposed development has a mixture of housing types but no commercial connectivity.		0	
G.	ROAD FRONTAGE (score any 1 of the following)		

TROUP COUNTY ZONING ORDINANCE

Development Criteria		Available Points	Score
<i>Select only one option in each section. In cases where the development meets more than one option, select the option with the greater score.</i>			
1. The proposed development has and will use direct access onto an arterial, collector or larger roadway.		+1	
2. The proposed development has and will use direct access onto a state or federal highway following GDOT access management guidelines.		+1	
3. The proposed development has and will use direct access onto a local road only.		-2	
4. The proposed development is served only by a rural substandard road system.		-5	
NOTE: For classification of existing roads see Troup County Functional Classification Map			
H.	CONSISTENCY WITH THE FUTURE LAND USE PLAN (score any 1 of the following)		
1. The use, or uses, proposed are consistent with the land use category or categories shown for the property by the future land use plan for the community.		+1	
2. The boundary of the proposed development is within an identified SFMD, LR or PUD zoning district		0	
3. The proposed development is not clearly consistent, nor inconsistent with the future land use plan.		0	
4. One or more of the uses proposed are inconsistent with the land use category or categories shown for the property by the future land use plan.		-5	
I.	ENVIRONMENTAL SUSTAINABILITY (score any 1 of the following)		
1. The development exercises best management practices using the Earth Craft Communities Guidelines, 2007 for the Piedmont in the categories of water management and demonstrates superior environmental practices generally, such as treated stormwater, porous pavements, filtering systems, etc, as certified by a registered professional engineer in the State of Georgia. This exceeds existing Troup County policies.		+3	
2. The development complies with all of the natural resources and environmental policies of the county.		0	
J.	OPEN SPACE (score any 1 of the following)		
1. A minimum of 25% of the development's open space is in a conservation easement or other type of protection.		+2	
2. At least 50% of the development's required open space is identified in areas other than floodplains, wetlands or steep slopes.		+1	
3. The development's required open space is in compliance with requirements for cluster development as defined in Article 25 Development and Design Standards		0	
4. All of the development's open space is in unbuildable areas (wetlands, steep slopes or floodplains).		-3	

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Development Criteria		Available Points	Score
<i>Select only one option in each section. In cases where the development meets more than one option, select the option with the greater score.</i>			
K.	SITE DESIGN (score any 1 of the following)		
	1. The design of the development is such that site clearing is limited to building envelopes, necessary roads and utilities.	+3	
	2. The design of the development is such that the only natural vegetation preserved is the required minimum buffers.	0	
	3. The development is in excess of 150 lots and has only one entrance or exit.	-4	
	4. The design of the development is such that the acreage will be clear cut and mass graded.	-4	
L.	STREAM BUFFERS (score any 1 of the following)		
	1. The design of the development is such that stream buffers exceed minimum requirements by at least 50%.	+2	
	2. The design of the development is such that stream buffers meet minimum requirements	0	
	3. The design of the development is such that some portion of the development encroaches on the minimum required stream buffers	-5	
M.	PUBLIC SCHOOL SYSTEM (score 1 of the following)		
	1. The proposed development is located within a school district where the elementary, middle or high schools have the capacity to serve the proposed residential units as determined by the Troup County Board of Education	0	
	2. The proposed development is located within a school district where one or more schools (elementary, middle or high school) do not have the capacity to serve the proposed residential units as determined by the Troup County Board of Education.	-1	
	3. The proposed development is located within a school district where none of the schools (elementary, middle or high school) have the capacity to serve the proposed residential units as determined by the Troup County Board of Education	-5	
N. Supplemental Points			
Additional points possible for improvements and amenities in SFMD, LR & PUD.			
Additional points may only be allocated after the basic 10 points have been met. The additional points <i>may not</i> be used to meet the required 10 points. Score each criterion that the development meets. (See Section 26.5)			
	1. The subdivision provides multiple local streets in more or less a connected grid or modified-grid pattern that avoids reliance on any single public street for access to homes.	+4	
	2. The development is linked by bike path from a nearby school, park, or other significant origin or destination modes (bike, transit, pedestrian).	+4	
	3. The development foregoes an opportunity for 'exterior lots' in favor of all interior access homesites.	+2	

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Development Criteria <i>Select only one option in each section. In cases where the development meets more than one option, select the option with the greater score.</i>	Available Points	Score
4. The development uses adaptive and native plant materials for landscaping plan in compliance with cluster development as defined in Article 25 Development and Design requirements. List available in the Offices of Planning and Zoning	+2	
5. The development provides for grey-water or rainwater cisterns/facilities.	+2	
6. The development installs a renewable energy technology that will distribute electricity to multiple housing units in the development.	+2	
7. If a residential subdivision containing 25 – 149 lots, the subdivision provides for a recreational facility (swim/tennis, community center, or equally significant) to serve the subdivision and to be maintained by an HOA.	+1	
8. The proposed development provides that 10% or more of the units or square footage to be constructed will be affordable or low-moderate income housing as determined by the Zoning Administrator.	+2 for each 10%, max 5 pts	
9. The developer has set aside a significant or environmentally sensitive area for interpretive or educational purposes.	+1 for each acre, max 5 pts	
10. The development proposes a greenway connected from the proposed development to an existing public park or trail system.	+1	
11. The development includes traffic mitigation measures such as additional road capacity or traffic signalization that exceeds a proportion attributed to the needs of the development.	+1 for each \$20,000 in value, max 5 pts	

26.6 Appeal.

Any person aggrieved by a decision of the Troup County Board of Commissioners relative to a specific development may appeal the decision within 30 days to Troup County Superior Court.

ARTICLE 27

DEVELOPMENT RATING SYSTEM (POINT SYSTEM)
FOR AGRICULTURAL, AGRICULTURAL/RESIDENTIAL AND LAKESIDE
RURAL RESIDENTIAL ZONING DISTRICTS

27.1 Title.

This article shall be known and may be cited as the "Development rating system (point system) for Agricultural, Agricultural/Residential or Lakeside Rural Residential zoning districts".

27.2 Purpose.

The purpose of this article is to establish a land use management system using a rating procedure whereby points are awarded during a development review process for meeting standards and criteria established by this article.

The land use guidance system established in this article is intended to promote the health, safety, and general welfare of the community by development patterns that protect and preserve the rural character of Troup County.

The rating system for the agricultural, agricultural/residential and lakeside rural residential zoning districts is based on environmental sustainable improvements to the development that protect and preserve natural resources such as water quality, air quality, wildlife habitat and/or topographic feature (steep slope, rock outcropping, streams, historic site, etc.).

27.3 Applicability and Procedures.

No private development, unless specifically exempted, shall be approved for overall density or density bonus until application has been submitted and reviewed by the Zoning Administrator, Troup County Planner, Troup County Engineer, Fire Marshal, Troup County Health Department and one member of the Board of Zoning Appeals/Planning Commission.

In the Agricultural, Agricultural/Residential or Lakeside Rural Residential all development in compliance with the adopted Troup County Subdivision Regulations as appears in Appendix C of the Code of Ordinances for Troup County shall be considered as complying with the minimum score requirements. The review process for development approval shall follow the procedures as outlined in the latest adopted subdivision regulations.

In order to qualify for an overall density and/or density bonus the points in table 27.1 shall be considered and the development shall be rated from 10--20 points. Any number of points awarded from 11--15 will allow an overall density and 16--20 shall be a pro-rated density bonus of no more than ten percent. When overall densities are approved, development standards for setbacks shall conform to the zoning district appropriate for the lot size.

No land use disturbance permit shall be issued for any development until and unless said development has complied with all requirements of this article.

27.4 Exemptions.

Minor subdivisions, as defined in the adopted Troup County Subdivision Regulations as appears in Appendix C of the Code of Ordinances for Troup County shall be exempt from the provisions of this article. Rural residential zoning district subdivisions are exempt from these criteria, but are subject to the requirements of Article 25 Development and design standards. All subdivisions of land including minor subdivisions are subject to Article 25.

27.5 Point Rating System of Development Criteria.

The Board of Commissioners shall use the following system in its review of development applications not exempted by this article.

Table 27.1

Point Rating System of Development Criteria for Agricultural, Agricultural/Residential and Lakeside Rural Residential Zoning Districts

Criteria	Points Available	Score for Development
The developer proposes a community water system that would prevent the drilling of individual wells on the site.	+4	
The developer proposes to increase stream buffers beyond the required 25' to at least 75'.	+4	
The development proposes to provide a greenway constructed to local standards and connected from the proposed development site to an existing or future public park or trail system.	+4	
The proposed development proposes extending the road to at least one adjacent property for future development.	+3	
The proposed development is designed to utilize only interior lots with no exterior lots requiring driveways on existing county, state or federal roads.	+4	
The proposed development discovers a wildlife habitat (see definition of wildlife habitat in Article III Definitions of this zoning ordinance) that would be destroyed by the conventional layout of the subdivision. The development proposes to leave the portion of the habitat inside the development undisturbed.	+3 for each habitat	

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Criteria	Points Available	Score for Development
The proposed development reserves an area for passive and at least one active recreation area as required in SFMD Option C.	+2	
Restricts site clearing to conservative building envelope and necessary roads and utilities.	+3	
The proposed development discovers and additionally protects a stream, Heritage Tree Stand, rock outcropping or other topographical feature that if destroyed by the development would be inconsistent with the Troup County comprehensive plan's goal of preserving and protecting natural resources.	+2 for each acre	

27.6 Appeal.

Any person aggrieved by a decision of the Troup County Board of Zoning Appeals/Planning Commission or the Troup County Board of Commissioners relative to a specific development may appeal the decision to Troup County Superior Court.

ARTICLE 28

LEGAL STATUS

28.1 Introduction. This ordinance is not intended to interfere with or annul any easement, covenant, or other agreement between parties. However, where this ordinance imposes a greater restriction upon the use of property or by private easements, covenants, or agreements, the provisions of this ordinance shall govern. Whenever other ordinances or parts of ordinances require greater restrictions than those required by this ordinance such ordinances or parts of ordinances shall govern.

28.2 Conflicting Regulations. All ordinances and parts of ordinances, regulations, or laws passed by the County Commission of Troup County, Georgia, in conflict herewith, are hereby repealed. All ordinances or parts of ordinances not specifically in conflict herewith are hereby continued in force and effect.

28.3 Validity. Should any part, section, or provision of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of any remaining portion of this ordinance.

28.4 Adoption Date. The Zoning Ordinance of Troup County, Georgia is adopted after advertisement in the manner provided by law, by Troup County, Georgia, at a public meeting held this _____ day of _____, 20_____.

28.5 Effective Date. Enforcement of these regulations shall be administered and become effective on the _____ day of _____, 20_____.

28.6 All amendments, rewording for clarity and other changes included in this edition were approved, following a public hearing on _____, 20_____, advertised in the LaGrange Daily News, by Troup County, at a regular meeting on _____ and became effective on _____.

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