

2000

ZONING ORDINANCE



The City of Sugar Hill, Georgia

Adopted August 1, 2000

Last updated September 09, 2019.

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**The 2000 Zoning Ordinance
of the City of Sugar Hill, Georgia**

**Article 1 and 2
Enactment and Short Title**

TITLE

An Ordinance of the City of Sugar Hill, Georgia, Regulating the Location and Use of Buildings, Structures, and Land for Residence, Trade, Industry, and other Purposes: the Height and Size of Buildings, and Other Structures: The Size of Yards: and the Density of Population: Creating Districts for said Purposes and Establishing the Boundaries Thereof: Defining certain Terms Used Herein: Providing for the Method of Administration and Amendment: Providing for a Zoning Board of Appeals and Defining its Powers and Duties: Providing for the Imposition of Penalties for the Violation of Provisions of this Ordinance.

ARTICLE 1.

PREAMBLE AND ENACTMENT CLAUSE

In pursuance of authority conferred by the State of Georgia, and for the purposes of Promoting the health, safety, convenience, order, prosperity, and general welfare of the municipality; lessening congestion in the streets; securing safety from fire, panic, and other dangers; providing adequate light and air; preventing the overcrowding of land; avoiding undue concentration of population; facilitating the adequate provision of transportation, sewerage, schools, parks, and other public requirements; conserving the value of buildings; and encouraging the most appropriate use of land and buildings throughout the municipality; the City Council of the City of Sugar Hill does ordain and enact into law the following Articles and Sections.

ARTICLE 2.

SHORT TITLE

This Ordinance shall be known and may be cited as "The Zoning Ordinance of the City of Sugar Hill, Georgia."

ARTICLE 3.

DEFINITIONS

Except as specifically defined herein, all words used in this Ordinance shall be as defined in The Illustrated Book of Development Definitions (1981, Rutgers). Words not defined herein or in the above book shall be construed to have the meaning given by common and ordinary use, and shall be interpreted within the context of the sentence, Section and Article in which they occur.

For the purpose of this Ordinance, certain words or terms used herein shall be defined as follows:

Words used in the singular include the plural and words used in the plural include the singular.

Words used in the present tense include the future tense.

The word "erected" includes the words "constructed", "moved", "located" or "relocated".

The word "lot" includes the word "plot" or "parcel".

The word "map" or "zoning map" means the Zoning Map of Sugar Hill, Georgia.

The word "person" includes the words "individuals", "firms", "partnerships", "corporations", "associations", "governmental bodies" and all other legal entities.

The word "shall" is always mandatory and never discretionary.

The words "used" or "occupied" include the words "intended, arranged or designed to be used or occupied."

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

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

Adult Entertainment Establishment: An adult book store, an adult business, an adult dancing establishment, an adult mini motion picture theater, an adult motion picture theater, an adult motion picture arcade, an adult video store, an erotic dance establishment, or an escort bureau or introduction service as defined in Section 18-152 of the Sugar Hill Code which definitions are specifically incorporated hereby by reference.

The 2000 Zoning Ordinance of the City of Sugar Hill, Georgia

Article 3 Definitions

Amenity: Aesthetic or other characteristics that increase a development's desirability to a community or its marketability to the public. Amenities may differ from development to development but may include such things as recreational facilities, pedestrian plazas, views, streetscape improvements, special landscaping, or attractive site design.

Animal Hospital. Facility for the treatment and temporary boarding of domestic animals operated under the supervision of a licensed veterinarian. This facility may include the boarding of animals in outside runs or kennels.

Animal Quarters. Any structure which surrounds or is used to shelter, care for, house, feed, exercise, train, exhibit, display or show any animals, other than fenced pasture land for grazing.

Appearance: The outward aspect that is visible to the public.

Automobile Graveyard: Any establishment which is maintained or used for storing, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.

Apartment. A room or suite of rooms used as a dwelling for (1) family which does its cooking therein.

Apartment house. A residential structure containing three (3) or more apartments.

Appropriate: Fitting to the context of a site, neighborhood or community.

Architectural concept: The basic aesthetic idea of a structure, or group of structures, including the site, signs, buildings and landscape development that produces the architectural character.

Architectural features: Functional, ornamental or decorative features integral or attached to the exterior of a structure, including but not limited to roof elements, cornices, eaves, gutters, belt courses, sills, lintels, windows, doors, transoms, fan lights, side lights, chimneys, and elements of exterior embellishment.

Architectural recesses: Portions of a building wall at street level which are set back from the street line so as to create articulation of the building wall and/or to provide space for windows or doors.

Architecture: The art and science of designing and constructing buildings adapted to their purposes, one of which is beauty.

Attractive: Having qualities that arouse satisfaction and pleasure in numerous, but not necessarily all, observers.

Awning: A hood or cover that forms a roof-like structure, often of fabric, metal, or glass, designed and intended for the protection from the weather or as a decorative embellishment, and which projects from the wall or roof of a structure over a window, walk, door, or the like. Awnings may be retractable but are most often fixed with a rigid frame.

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**Article 3
Definitions**

Awning, internally illuminated: A fixed awning covered with a translucent membrane that is, in whole or part, illuminated by light passing through the membrane from within the structure.

Balustrade: A railing consisting of a handrail or balusters.

Basement. That portion of any building for which the finished surface of its floor meets any of the following conditions:

- A. More than six feet below grade.
- B. More than six feet below the finished ground level for more than 50 percent of the total building perimeter; or
- C. More than 12 feet below the finished ground level at any point.

Billboard. A sign larger than 300 square feet which is wholly independent of a building for support.

Boarding or Rooming House. A dwelling in which meals or lodging or both are furnished for compensation to more than two, but not more than ten, non-transient persons.

Body Piercing: The perforation of human tissue, other than ear, for a nonmedical purpose and other than perforation of human tissue by a licensed medical practitioner.

Buffer. Land area used to visibly separate one use from another through screening and distance; to shield or block noise, light, glare, or visual or other conditions; to block physical passage to non-similar areas; or to reduce air pollution, dust, dirt, and litter.

Buffer, Construction. A type of buffer which is temporary and remains in effect during the construction of a project.

Build-to line: An alignment established a certain distance from the curb or right-of-way line to a line along which a building or buildings shall be built.

Buildable area. The portion of a lot remainig after required yards have been provided.

Building. Any structure attached to the ground which has a roof and which is designed for the shelter, housing or enclosure of persons, animals, or property of any kind.

Building bulk: The visual and physical mass of a building.

Building line. A line established in general, parallel to the front street line, side property line, or rear property line between which line and the property line no part of a building shall project.

Buildings, Metal. A structure which has a roof, and which is designed for the shelter, storage, housing or enclosure of persons, animals, or property of any kind and is constructed of exterior metal panels or pieces. This shall not include residential structures intended for occupancy with an exterior finish of aluminum siding where such siding is commonly used for residential structures.

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Built environment: The elements of the environment that are generally built or made by people as contrasted with natural processes.

Cannabidiol: Shall mean a phytocannabinoid derived from the hemp plant which does not exceed the federally defined THC level for hemp, and which is devoid of psychoactive activity.

Cannabidiol store: Shall mean any premises used for the display, sale, distribution, delivery, offering, furnishing or marketing of cannabidiol or cannabidiol related products.

Cannabidiol-related products: Means any product in cream, oil, liquid, capsule, gummy, gel, balm, or any other form containing cannabidiol which is intended for human or animal consumption or topical application. Including any paraphernalia, equipment, device, or instrument that is primarily designed or manufactured for the smoking, chewing, absorbing, dissolving, inhaling, snorting, sniffing, or ingesting by any other means into the body of cannabidiol or cannabidiol-related products such as pipes, punctured metal bowls, bongs, water bongs, electric pipes, e-cigarettes, e-cigarette juice, buzz bombs, vaporizers, hookahs, and devices for holding burning material.

Canopy: A roof-like structure, supported by a building and/or columns, poles, or braces extending from the ground, including an awning, that projects from the wall of a building over a sidewalk, driveway, entry, window, or similar area, or which may be freestanding.

Cattery. Any place that regularly breeds, boards, trains, buys, sells, or trades any cat.

Certificate of Occupancy. A compliance approval or certificate authorized and issued by the City building inspector indicating that the use of the building or land in question is in conformity with this Ordinance, or that a legal variance there from has been approved.

Character: The nature of a building or site.

City Manager. The City of Sugar Hill City Manager or his designee.

Cluster homes. A group of single-family or multi-family housing units sharing common open space in an approved planned unit residential development.

Cohesiveness: Unity of composition among elements of a structure or among structures, and their landscape development.

Common area: Land within a development, not individually owned or dedicated to the public, and designed for the common usage of the development. These areas include green open spaces and yards and may include pedestrian walkways and complimentary structures and improvements for the enjoyment of residents of the development. Maintenance of such areas is the responsibility of a private association, not the public.

Community Shelter. A non-profit, institutional use comprised of a building, institutional in nature, which provides overnight shelter, sleeping accommodations and services, and not otherwise mandated by the State government, for related or non-related individuals for a period of time not to exceed fifteen (15) hours every twenty-four (24) hours.

The 2000 Zoning Ordinance of the City of Sugar Hill, Georgia

Article 3 Definitions

Compatibility: With regard to development, the characteristics of different land uses or activities that permit them to be located near each other in harmony and without conflict; with regard to buildings, harmony in appearance of architectural features in the same vicinity.

Composting Facility, Municipal Solid Waste. An establishment converting municipal solid waste to humus through a controlled process of degrading organic matter by microorganisms.

Composting Facility, Yard Trimmings. An establishment converting yard trimmings to humus through a controlled process of degrading organic matter by microorganisms. This definition does not include composting conducted on a residential lot for home gardening purposes.

Comprehensive Plan. A comprehensive plan, which may consist of several maps, data, and other descriptive matter, for the physical development of the City or any portion thereof, including any amendments, extensions or additions thereto recommended by the Sugar Hill Planning Commission, indicating the general location for major streets, parks or other similar information. The Comprehensive Plan shall be based upon and include appropriate studies of the location and extent of present and anticipated population, social and economic resources and problems, and other useful data. The term "Comprehensive Plan" includes component or functional plans for the City, including but not limited to a plan for land use or a plan for transportation facilities.

Conditional Use. A use which is not automatically permitted by right, but which may be permitted within a zoning district subject to meeting specific conditions contained in this Ordinance or required by the governing body.

Conditional Zoning. The granting or adoption of zoning for a property subject to compliance with restrictions as to use, size, project design or timing of development, stipulated by the City Council of the City of Sugar Hill to mitigate adverse impacts that could be expected without the imposition of such conditions.

Condominium. A condominium is a multiple dwelling in which each dwelling unit is owned or financed by the occupant, but in which halls, entrance ways and underlying lands are owned jointly.

Congregate Personal Care Home. A home for individuals which offers care to sixteen (16) or more persons (See Personal Care Home).

Continuity: The flow of elements or ideas in a non-interrupted manner.

Cornice: A horizontal element member, structural or nonstructural (i.e., molding), at the top of the exterior wall or projecting outward from an exterior wall at the roofline, including eaves and other roof overhang.

Council. The City Council of the City of Sugar Hill, Georgia.

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Customary Home Occupation. An occupation customarily carried on within a dwelling unit for gain or support involving the sale of only those articles, products or services produced on the premise, conducted entirely within the dwelling by members of the immediate family residing in the dwelling unit with equipment customarily used for household purposes and involving no display of articles or products and no outdoor advertising.

Day Care Facility. A structure or portion of a structure wherein is provided care and supervision of persons away from their place of residence for less than twenty-four (24) hours per day on a regular basis for compensation. For the purposes of this Ordinance the term "day care" shall include but not be limited to the terms "nursery school," "early learning center," "pre-kindergarten," "private kindergarten," "play school," "pre-school," "Group Day Care Home," and "Family Day Care Home."

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

Design criteria: A description of appropriate activity that will establish, preserve, or enhance the architectural character and site design and function of a building, structure, or development. Includes standards or requirements to satisfy the purpose of each criteria.

Detail: A small feature or element that gives character to a building.

Development: Redevelopment, rehabilitation and the conversion of raw or vacant land into a different use.

Director. The City of Sugar Hill City Manager or his designee.

Dormer: A window projecting from a roof.

Drive-in restaurant. Any place or premises used for the sale, dispensing, or service of food, refreshments, or beverages to automobiles, including those establishments where customers may eat or drink on the premises.

Duplex. A dwelling containing two and only two dwelling units.

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

Dwelling, Attached. A dwelling containing three or more dwelling units which are joined only by common vertical walls.

Dwelling, Multiple. A dwelling containing three or more dwelling units or designed for occupancy by a fraternity or sorority or by three or more boarders or roomers.

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Dwelling, One-Family. See "Dwelling, Single Family."

Dwelling, Single Family. A dwelling containing one and only one dwelling unit, other than a manufactured home.

Dwelling, Two-Family. See "Duplex."

Dwelling Unit. One or more rooms designed for the occupancy, cooking, and sleeping of one or more persons living as a family.

Dwelling Unit, Efficiency. A dwelling unit consisting of not more than one habitable room together with kitchen or kitchenette and sanitary facilities.

Eave: The projecting lower edges of a roof overhanging the wall of a building.

Eave line: The extension of a roofline beyond the vertical wall of a building.

Entablature is a major element of classical architecture, the superstructure of moldings and bands which lies horizontally above the columns, resting on their capitals.

External design feature: The general arrangement of any portion of structures or landscaping, including the type, and texture of the materials, the type of roof, windows, doors, lights, signs, and fixtures of portions which are open to the public view.

Façade: Typically the front of a building; however, any building square on view is considered a façade (see definitions below).

Façade, front: Any façade with a main public entrance that faces one of the primary streets.

Façade, rear: Any façade without a public entry that does not face a public road.

Façade, side: Any façade without a public entry but facing a public street.

Family. An individual, or two or more persons related by blood, marriage, adoption or guardianship, or a group of not more than four unrelated persons, occupying a single dwelling unit; provided however that domestic servants employed on the premises may be housed on the premises without being counted as a separate family or families. The term "family" does not include any organization or institutional group.

Family Day Care Home. A customary home occupation which provides for no more than six persons who are not residents of the premises, care and supervision by a state of Georgia registered resident adult for less than twenty-four (24) hours per day on a regular basis for compensation.

Family Personal Care Home. A customary home occupation which provides a home for individuals in a family-type residence, non-institutional in character, which offers care to two through six persons (See Personal Care Home).

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Fence. A structural barrier for enclosure, screening or demarcation, presenting a solid face or having openings amongst or between its constituent members; also, a wall separate from or extending from a building.

Fenestration: The organization of windows on a building wall.

Floor Area. The gross heated, finished horizontal area of the several floors of a dwelling unit exclusive of basement, attic, carport, or garage.

Floor Area, Gross. (GFA) The sum of the gross horizontal areas of all enclosed floors of a building, including cellars, basements, mezzanines, penthouses, corridors and lobbies from the exterior face of exterior walls or from the centerline of a common wall separating two buildings, but excluding any space with a floor-to-ceiling height of less than 6 feet 6 inches.

Floor Area Ratio (FAR): Representing the gross floor area of all buildings or structures on a lot divided by the total lot area.

Fur Farm. Any place that regularly breeds and raises rabbits, mink, foxes or other fur or hide-bearing animals for the harvesting of their skins.

Gable: The triangular upper portion of an end wall, underneath a peaked roof.

Garage. An accessory building or portion of a principal building used primarily for vehicle storage.

Gas Recovery/Gas Cogeneration Plant. A facility operating as an accessory use to a landfill which extracts and utilizes landfill gases for the production of energy.

Grade, natural: The existing grade or elevation of the ground surface that exists or existed prior to man-made alterations, such as grading, grubbing, filling, or excavating.

Ground coverage. The area of a zoning lot occupied by a building, but not including paved areas, expressed as a percentage of gross area of the lot.

Group Day Care Home. An occupied dwelling in which the owner-occupant is licensed by the State of Georgia to provide care and supervision for more than six (6), but less than nineteen (19), persons who are not residents of the dwelling. Such care shall be provided for less than twenty-four (24) hours a day on a regular basis for compensation.

Group Personal Care Home. A home for individual persons in a residence or other type building, non-institutional in character, which offers care to seven (7) through fifteen (15) persons (See Personal Care Home).

Habitat: The physical location or type of environment, in which an organism or biological population lives or occurs.

Hard-Surfaced Area or All-Weather Surface. An area which has been packed and covered with gravel and confined by landscaping timbers, railroad cross-ties, brick or rock wall.

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Harmony: A quality that represents an attractive arrangement and agreement of parts of a composition, as in architectural elements.

Hazardous Waste. Solid or liquid waste material resulting from the manufacture or use of pesticides and drugs (other than normal household use); pathological wastes; highly flammable or explosive wastes; toxic wastes; sewage sludges; and other waste material that may be a hazard to the public health, safety or environment, except radioactive waste materials as defined by the State of Georgia.

Hedge: A row of closely planted shrubs, bushes, or any kind of plant forming a boundary.

Height of Building. The vertical distance measured from the mean finished ground level at the front of the building to the highest point of the roof or parapet.

Hobby Breeder. An individual who owns any horse, purebred dog or pedigreed cat, any of which is registered with a national registry for the breed, who may intentionally breed the animal to preserve and further the respective breed with regard to physical and temperamental soundness and in conformance with official breed standards. Hobby Breeding shall be deemed to be a Customary Home Occupation only when the animals and/or their offspring are sold directly to retail purchasers and are not bred or sold for commercial resale, research or other purposes.

Home occupation. See "customary home occupation."

Hotel. A building in which lodging or boarding and lodging are provided for more than twenty (20) persons and offered to the public for compensation and in which ingress and egress to the from all rooms are made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contradistinction to a boarding house, a lodging house, or an apartment.

Industrialized Home. A factory fabricated transportable building consisting of units designed to be incorporated at a building site on a permanent foundation into a structure to be used for residential purposes. An industrialized home or modular home shall be certified by the manufacturer to meet the approval of the State Building Administration Board (SBAB) to meet the same requirements as an on site-built home within The City of Sugar Hill.

Junk. Any old or scrapped copper, brass, rope, rags, batteries, paper, trash, rubber, debris to waste; junked dismantled to wrecked automobiles, or parts therefrom; or iron, steel, and other scrapped ferrous or non-ferrous materials.

Junkyard. Property used for indoor or outdoor storage, keeping or abandonment, whether or not for sale or resale, of junk including scrap metal, rags, paper or other scrap materials, used lumber, salvaged house wrecking and structural steel materials and equipment; or for the dismantling, demolition or abandonment or automobiles or other vehicles or machinery or parts thereof.

Kennel. Any place that regularly breeds, boards, trains, buys, sells, trades or lets for hire any dog.

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Lakes, Existing and Proposed. An inland body of water fed by springs, creeks and surrounding runoff which has a surface area in excess of two acres of water measured at outflow structure elevation. An existing lake is a body of water, formed by a natural or man-made dam, which is not increased as a result of development by more than 25%. A proposed lake is a body of water which is created by a developer or is an existing lake which realizes an increase of 25% or more as a result of development. Any body of water which has a surface area of two acres or less measured at outflow structure elevation shall be considered floodplain for the purpose of calculating required open space.

Land Disturbance Permit. Any permit other than a Building Permit issued by City of Sugar Hill that authorizes clearing or grading activities on a site or portion of a site. Said permit may be a Clearing, Clearing and Grubbing, Grading, or Development Permit as defined in the *City of Sugar Hill Development Regulations*.

Landfill. A method a disposing of waste on land by placing an earth cover thereon. The term "landfill" shall include Construction and Demolition Debris Landfill, Hazardous Waste Landfill, Industrial Waste Landfill, Inert Waste Landfill, Monofill, Municipal Solid Waste Landfill and Private Industry Landfill. The term "landfill" shall not include approved on-site disposal of inert waste at a building, land disturbing, or development site.

Landfill, Construction and Demolition Waste. A landfill in which construction/demolition waste is disposed. Construction/ demolition waste means waste building materials and rubble resulting from construction, remodeling, repair and demolition operations on pavements, houses, commercial buildings and other structures. Such wastes include, but are not limited to, asbestos containing waste, wood, bricks, metal, concrete, wallboard, paper, cardboard, inert waste landfill material and other non-putrescible wastes which have a low potential for groundwater contamination.

Landfill, Hazardous Waste. A landfill in which hazardous waste is disposed. Hazardous waste means any solid waste which has been defined as a hazardous waste in regulations promulgated by U.S. EPA pursuant to the federal act codified as 40 C.F.R. Section 261.3 or by the Georgia Hazardous Waste Management Act.

Landfill, Industrial Waste. A commercially-operated landfill for the disposal of solid waste generated by manufacturing or industrial processes or operations that is not a hazardous waste regulated by the U.S. EPA or the Georgia Hazardous Waste Management Act. Such waste includes, but is not limited to, waste resulting from the following manufacturing processes; electric power generation; fertilizer and agricultural chemicals; food and related products and by-products; inorganic chemicals; iron and steel products; leather and leather products; nonferrous metal and foundry products; organic chemicals; plastics and resins; pulp and paper; rubber and miscellaneous plastic products; stone, glass, clay and concrete products; textiles; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste.

Landfill, Inert Waste. A landfill accepting only wastes that will not or are not likely to cause production of leachate of environmental concern. Such wastes are limited to earth and earth-like products, concrete, cured asphalt, rock, bricks, yard trash, stumps, limbs and leaves. This definition excludes other types of industrial and demolition waste not specifically listed above.

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Landfill, Municipal Solid Waste. A disposal facility where any amount of municipal solid waste, whether or not mixed with or including commercial waste, industrial waste, nonhazardous sludges, or small quantity generator hazardous waste, is disposed of by means of placing an approved cover thereon. Municipal solid waste means any solid waste derived from households, including garbage, trash and sanitary waste in septic tanks and means solid waste from single-family and multi-family residences, hotels and motels, bunkhouses, campgrounds, picnic grounds, and day use recreation areas. The term includes yard trimmings and commercial solid waste but does not include solid waste from mining, agriculture, or silvicultural operations or industrial processes or operations.

Landfill, Private Industry. A landfill which is operated exclusively by and for a private solid waste generator for the purpose of accepting solid waste generated exclusively by said private solid waste generator.

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

Landscaping: The area within the boundaries of a given lot that consists of planting materials, including but not limited to, trees, shrubs, ground covers, grass, flowers, decorative rock, bark, mulch, and other similar materials.

Lane: A public or private street designed for primary access to no more than 25 residential dwelling units, where the residential environment is dominant and traffic is completely subservient.

Livestock. The term "livestock" as used herein shall mean and include cattle, horses, goats, sheep, swine and other hoofed animals; poultry, ducks, geese and other live fowl; and rabbits, mink, foxes and other fur or hide-bearing animals customarily bred or raised in captivity for the harvesting of their skins; whether owned or kept for pleasure, utility or sale.

Loading space. Off-street vehicle parking space reserved for bulk pickups and deliveries.

Lot. A developed or undeveloped tract of land in one ownership legally transferable as a single unit of land.

Lot, Depth. The mean horizontal distance between the front and rear lot lines, measured generally perpendicular to the front lot line.

Lot, Developed. A lot which has erected upon it a building or structure.

Lot, Frontage. See Road Frontage.

Lot, Through. A lot having frontage on two streets that are approximately parallel.

Lot, Undeveloped. A lot which does not have erected upon it a building or structure.

Lot Width. The horizontal distance between the side lines of a lot measured at the minimum required front yard (building setback) line.

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Lot Width (Cul-de-sac). For a lot having the majority of its frontage on a cul-de-sac, the lot width shall be the horizontal distance between the side lines of the lot, measured at the minimum required front yard (building setback) line or at a line parallel to said setback line, which is no more than twice the minimum front yard setback distance from the street.

Manufactured Home. A dwelling which does not meet the standards of an “industrialized home”, but is built to conform to national standards embodied in the National Manufactured Housing Construction and Safety Standards Act of 1974 as amended, 42 U.S.C. 5401, et seq., administered by the United States Department of Housing and Urban Development, transportable in one or more sections, which in the traveling mode, is 8 feet or more in width and 40 body feet or more in length, or when erected on site is more than 320 square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities and includes the plumbing, heating, and electrical systems contained therein.

Manufactured Home Lot. A parcel of land for the exclusive use of the occupants of a single manufactured home.

Manufactured Home Park. A manufactured home park is a parcel of land that has been planned and improved for the placement of manufactured homes for non-transient use under single or corporate ownership.

Massing the overall visual impact of a structure’s volume; a combination of height and width, and the relationship of the heights and widths of the building’s components.

Material change in exterior appearance: A change that will affect either the exterior architectural or environmental features of a building, structure, land use activity, or development site. A material change in exterior appearance shall at minimum include the following: the construction of a new building or structure; the reconstruction or alteration of the size, shape, or façade of an existing building or structure, including any of its architectural elements or details; commencement of excavation for construction purposes; and installation of freestanding walls, fences, steps, and pavements, or other appurtenant features.

Mobile Home. See "Manufactured Home."

Modular Home. See "Industrialized Home."

Modularity: Design composition comprised of a rhythmic organization of parts.

Modulation: A measured setback or offset.

Monofill. A method of solid waste disposal that involves the landfilling of one waste type or wastes having very similar characteristics in a segregated trench or area which is physically separated from dissimilar or incompatible waste. Solid waste means any garbage or refuse; sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material including solid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations and community activities, but does not include recovered materials; solid dissolved materials in domestic

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sewage; solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under 33 U.S.C. Section 1342; or source, special nuclear, or by-product material as defined by the Federal Atomic Energy Act of 1954, as amended.

Monopole Tower. A communications tower consisting of a single pole, constructed without guy wires or ground anchors.

Motel. A building or group of buildings where lodging is provided for more than ten (10) persons and offered to the public for compensation and in which ingress or egress to and from all rooms are made through private entrances.

Natural drainage: Channels formed in the existing surface topography of the earth prior to changes made by unnatural causes.

Natural features: Components and processes present or produced by nature, including soil types, geology, slopes, vegetation, surface water, drainage patterns, aquifers, climate, floodplains, aquatic life, and wildlife.

Non-Conforming Use and Non-Conforming Structure. See Article 8.

Office Park. A development on a tract of land that contains a number of separate office buildings, supporting uses and open space designed, planned, constructed and managed on an integrated and coordinated basis.

Open Space A parcel or area of land set aside, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants and their guests of land adjoining or neighboring such open space. Creditable open space shall not include any portion of an overhead power line easement or a stormwater retention/detention pond which is not part of an existing or proposed permanent lake or recreation area required by the City of Sugar Hill Development Regulations.

Parapet: A low retaining wall at the edge of or along a roof.

Pedestrian-oriented development: Development designed with an emphasis primarily on the street sidewalk and on pedestrian access to the site and building, rather than auto access and parking areas. The building is generally placed close to the street and the main entrance is oriented to the street sidewalk. There are generally windows or display cases along building facades that face the street.

Personal Care Home. A residence or building composed of related or non-related individuals with one or more surrogate parents that function as a single housekeeping unit. All personal care homes shall be approved and licensed by Georgia Department of Human Resources.

Petroleum Products Recycling Center, Accessory. A facility storing, reclaiming or containing used petroleum products which is accessory to an automotive service establishment, industrial establishment or similar use.

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Pet (Household Pet). Any animal owned or kept for pleasure rather than sale, which is an animal of a species customarily bred and raised to live in the habitat of humans and is dependent upon them for food and shelter; except that livestock and wild animals shall not be deemed pets.

Portico: An exterior appendage to a building, normally at the entry, usually roofed.

Principal Use. The primary or predominant purpose for which a lot is occupied and/or used.

Private Deed Restrictions or Covenants. Private deed restrictions or covenants are imposed on land by private land owners. They bind and restrict the land in the hands of present owners and subsequent purchasers. They are enforced only by the land owners involved and not by any city or other public agency.

Proportion: Balanced relationship of parts of a building, signs and other structures, and landscape to each other and to the whole in terms of size, shape, mass and scale.

Putrescible Wastes. Wastes that are capable of being decomposed by microorganisms. Examples of putrescible wastes include, but are not necessarily limited to, kitchen wastes, animal manure, offal, hatchery and poultry processing plant wastes and garbage.

Recovered Materials Processing Facility, Accessory. Any facility utilized for the purpose of collecting household and commercial materials to be recycled including, but not limited to, plastics, glass, paper, and aluminum materials whenever such use is customarily incidental to a shopping center, church, school, multi-family residential development, waste disposal facility or similar use.

Recovered Materials Processing Facility, Principal. Any facility utilized for the purpose of collecting, sorting, processing, and shipping materials to be recycled including, but not limited to, plastics, glass, paper and aluminum whenever such use is principal to the site.

Redevelopment: The reuse of existing developed property. Redevelopment typically requires demolition or rehabilitation of existing buildings or structures on the site or changes to the site itself to accommodate reuse. Redevelopment of former commercial site for office or residential uses is an example, although redevelopment does not always imply a change in use.

Rehabilitation: The improvement of an existing building or structure, which may or may not involve a change in use._

Residential Shelter. A non-profit institutional use comprised of a residential building, which provides two or more beds and other facilities or services, including room and food service facilities and not otherwise mandated by State government for related or non-related individuals. Length of stay of the individuals is presumed to be of a temporary nature. A Shelter must meet the provisions of the Rules for Shelters in Gwinnett County.

Ridge: The peak of a roof. Also, the horizontal member at the peak into which the rafters join.

Road Frontage. The distance on which a parcel of land adjoins a public street or public road right-of-way dedicated to and accepted by the City of Sugar Hill or Gwinnett County for vehicular traffic or

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over which the City of Sugar Hill or Gwinnett County may hold a prescriptive easement for public access, and including designated and numbered U.S. and State highways.

Roof: The cover of a building, including the eaves and similar projections.

Roof line: The contour, shape or outline of a roof.

Roof, flat: A roof having no pitch or a pitch of not more than 2:12.

Roof, pitched: A shed, gabled, or hipped roof having a slope or pitch of at least two foot rise for each 12 feet of horizontal distance.

Salvage Operation and/or Junk Yard. Property used for outdoor storage, keeping, abandonment, sale or resale of junk including scrap metal, rags, paper or other scrap materials, used lumber, tires, batteries, salvage building wrecking and structural steel materials and equipment, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.

Scale: Proportional relationships of the size of parts to one another and to humans.

Scenic vista: A visual panorama with particular scenic value.

Scrap Tire Processing Plant. A facility which grinds, shreds, chops or otherwise processes scrap tires for secondary use.

Screening. A method of shielding or obscuring one abutting or nearby structure or use from another by opaque fencing, walls, berms, densely planted vegetation, or the like.

Sign. Any surface, fabric, device or display which bears letters, numbers, symbols, pictures or sculptured matter, whether illuminated or non-illuminated, designed to identify, announce, direct or inform and that is visible from a public right of way or adjacent property.

Sign Face Area. (SFA) The area as measured by the largest horizontal and vertical dimension of each sign including the lettering, graphics, or background including any extensions and open spaces. If the sign contains no frame or background then the largest vertical and horizontal dimensions of the lettering and graphics shall be used to calculate the SFA.

Sign, Ground. A permanently affixed sign that is anchored to the ground wholly independent of a building for support and mounted to a base at least as wide as the sign's largest horizontal dimension. The base shall extend from the ground to the top of the sign structure and shall be faced with wood, fiber cement siding, brick or stone. High grade e.i.f.s or high grade stucco may be used up to 25% coverage.

Sign, Ground; Height. The distance in vertical feet from the elevation of the adjacent dedicated public street, edge of pavement, to the highest point of the sign structure. For property with an elevation higher than the adjacent public street, the height shall be measured from ground level at base of sign to the highest point of the sign structure. The ground shall not be altered for the sole purpose of providing additional sign height.

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Sign, Multi-Message. Signs that are designed to change the message or copy on the sign face mechanically or electronically.

Sign, Project Informational. During any development project or building project, one sign may be placed at the entrance to the project site. No such sign shall be more than ten feet high or larger than thirty-two (32) square feet in size. Except that during the construction of any project within a residentially zoned area no such sign shall be more than three (3) feet high or larger than six (6) square feet in size.

Sign, Portable. Signs which are attached to vehicles, trailers, movable structures, or attached to sign structures which are not securely anchored into the ground, or any sign which may be transported or is designed to be transported. Except signs painted or permanently affixed to a single motor vehicle or trailer with an aggregate total of less than 12 square feet of sign face area.

Sign Structure. The structure to which a sign is mounted. Includes, footings, supporting base, frame and finish materials.

Sign, Temporary. A sign of a non-permanent nature.

Sign, Wall. A sign applied to or mounted to the wall or surface of a building or structure, the display surface which does not project more than six (6) inches, in any direction, from a wall of such a building or structure. The total lettering on one side of a building or structure shall constitute one wall sign.

Solid Waste. Putrescible and non-putrescible wastes, except water-carried body waste, and shall include garbage, rubbish, ashes, street refuse, dead animals, sewage sludges, animal manures, industrial wastes, abandoned automobiles, dredging wastes, construction wastes, hazardous wastes and any other waste material in a solid or semi-solid state not otherwise defined in these regulations.

Solid Waste Transfer Station. Any facility which collects, consolidates, and ships solid waste to a disposal facility or processing operation.

Special Exception. A "Special Exception" is a use listed in the Zoning Ordinance as permitted if it meets stated conditions and is approved by the Zoning Board of Appeals after a public hearing.

Special Use. A "Special Use" is a use listed in the Zoning Ordinance as being permitted if it meets stated conditions and is approved by the City Council of The City of Sugar Hill.

Story. That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. A basement of a building shall not count as a story if the upper surface of the first floor above such basement complies with all of the following: 1) Is less than seven (7)

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feet above grade; 2) Is less than seven (7) feet above finished ground level for more than fifty (50) per cent of the perimeter of the building; and 3) Is less than twelve (12) feet above the ground level around the entire building perimeter.

Street. A thoroughfare that affords the principal means of access to abutting property.

Street, Collector. A street shown as such in the Gwinnett County Comprehensive Plan or the City of Sugar Hill Comprehensive Plan, which is on file in the office of the City of Sugar Hill Planning and Development Department. The primary purpose of a Collector Street is to collect and distribute traffic between the Local Streets and the Major and Minor Arterial Streets and to provide access to adjacent properties.

Street furniture: Those features associated with a street that are intended to enhance the street's physical character and use by pedestrians, such as benches, trash receptacles, planting containers, pedestrian lighting, kiosks, etc.

Street hardware: Objects other than buildings or street furniture that are part of the streetscape. Examples are: non-pedestrian street light fixtures, utility poles, traffic lights and their fixtures, fire hydrants, etc.

Street, Local Nonresidential. A surface street intended primarily to provide local access to adjacent, existing, or planned commercial or industrial development and not through traffic.

Street, Local Residential. A surface street intended primarily to provide local access to adjacent residential development and not for through traffic.

Street, Major Arterial. A street shown as such in the Gwinnett County Comprehensive Plan or the City of Sugar Hill Comprehensive Plan, which is on file in the office of the City of Sugar Hill Planning and Development Department. The primary purpose of a Major Arterial Street is to carry longer trip length segments and larger volumes of traffic to, from and through the City.

Street, Major Thoroughfare. Any public street, existing or proposed, which is shown in the Comprehensive Plan as an arterial or major collector.

Street, Minor Arterial. A street shown as such in the Gwinnett County Comprehensive Plan or the City of Sugar Hill Comprehensive Plan, which is on file in the office of the City of Sugar Hill Planning and Development Department. The primary purpose of a Minor Arterial Street is to carry medium length trip segments and moderate volumes of traffic to, from and through the City.

Street, Principal Arterial. A street shown as such in the Gwinnett County Comprehensive Plan or the City of Sugar Hill Comprehensive Plan, which is on file in the office of the City of Sugar Hill Planning and Development Department. The primary purpose of a Principal Arterial Street is to carry very long trip length segments and very large volumes of traffic to, from and through the City.

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Streetscape: The appearance and organization along a street of buildings, paving, plantings, street hardware, street furniture, and miscellaneous structures.

Structure. Anything constructed or erected on the ground or attached to something on the ground.

Subdivision. A tract of land which has been divided into two (2) or more lots, all fronting on a public street, and offered for sale as individual lots.

Surface Treated Area. An area which has been covered with asphalt or concrete.

Telecommunications Facilities. Refers to antenna and towers, either individually or together.

Tattoo: An indelible mark, figure, or decorative design introduced by insertions of dyes or pigments into or under the subcutaneous portion of the skin or by the production of scars upon the body of a live human.

Tattooing: The practice of applying a tattoo(s) upon the body of a live human.

Tattoo and Body Piercing Establishment: A facility where tattooing and body piercing is practiced or where the business of tattooing is conducted or any part thereof.

Through-street: A public or private street within a large-parcel redevelopment that connects a transit corridor to: (a) another public or private street within the large-parcel redevelopment; (b) a public or private street abutting the site; or (c) another property with through-access to another public or private street.

Tobacco store: Shall mean any premises used for the display, sale, distribution, delivery, offering, furnishing or marketing of tobacco or tobacco related products.

Tobacco-related products: Means any product in leaf, flake, plug, liquid, or any other form, containing nicotine derived from the tobacco plant, or otherwise derived, which is intended to enable human consumption of the tobacco or nicotine in the product. Including any paraphernalia, equipment, device, or instrument that is primarily designed or manufactured for the smoking, chewing, absorbing, dissolving, inhaling, snorting, sniffing, or ingesting by any other means into the body of tobacco or tobacco-related products such as pipes, punctured metal bowls, bongs, water bongs, electric pipes, e-cigarettes, e-cigarette juice, buzz bombs, vaporizers, hookahs, and devices for holding burning material. The term “tobacco-related product” exclude any product that has been specifically approved by the United States Food and Drug Administration (FDA) for sale as a tobacco/smoking cessation product or for other medical purposes, where such product is marketed and sold solely for such an approved purpose. Lighters and matches shall be excluded from the definition of tobacco-related products.

Tower. Means a structure, such as a lattice tower, guy tower, or monopole tower, constructed as a free-standing structure or in association with a building, other permanent structure or equipment, on which is located one or more antennae intended for transmitting or receiving digital, microwave, cellular, telephone, or similar forms of electronic communication. The term includes microwave towers, common carrier towers, and cellular telephone towers.

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Town House. See "Dwelling, Attached."

Vape store: Means any premises used for the display, sale, distribution, delivery, offering, furnishing, or marketing of vape, or vape-related products.

Vape or vape juice: Means any substance that contains compounds containing pharmaceutical grade vegetable glycerin, propylene glycol, nicotine, food-grade flavoring and water, and can be used to deliver nicotine, cannabidiol, synthetics or other substances to a person inhaling from the device.

Vape-related products: Means any product or device that employs an electronic heating element, power source, electronic circuit, battery, or other electronic, chemical, or mechanical means to produce a vapor that delivers nicotine, synthetics, or other substances to a person inhaling from the device, including electronic cigarettes, electronic cigars, electronic hookahs, electronic bong, electronic pipes, vape, vape juice and similar products or devices, whether manufactured, distributed, marketed, or sold as such.

Variance. A relaxation of the terms of the Sugar Hill Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property, and not as a result of the action of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship.

Veterinary Clinic. Facility for the treatment of domestic animals, operated under the supervision of a licensed veterinarian. The boarding of animals is limited to short-term care incidental to the clinic use and does not take place in outside runs or kennels.

View corridor: The line of sight identified as to height, width, and distance of an observer looking toward an object.

Viewshed: The area within view from a defined observation point.

Waste Incineration Facility. Any facility which reduces waste volume by burning at a high temperature for a specified period of time. This term excludes air curtain destructors used for the on-site burning of yard trimmings and wood wastes at a building, land disturbing, or development site.

Wild Animal. Any living member of the animal kingdom, including those born or raised in captivity; but excluding human beings, livestock, dogs and cats, rodents, hybrid animals that are part wild, captive-bred species of common cage birds and aquarium-kept fish, amphibians and reptiles.

Yard. An open space on a lot situated between the principal building or use on the lot and a lot line, and unoccupied by any structure except as otherwise provided herein.

Yard, Front: An open, unoccupied space on the same lot with a principal building or use, extending the full width of the lot and located between the street line and the front line of the

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building projected parallel to the street to the side lines of the lot. Corner lots shall be considered to have two front yards. No other lot may have two front yards. Through lots shall have a front and rear yard to be determined by the Director of Planning and Development.

Yard, Rear. An open space on the same lot with a principal building or use, unoccupied except by an accessory building or use, extending the full width of the lot and located between the rear line of the lot and the rear line of the building or use projected to the side lines of the lot.

Yard, Side. An open, unoccupied space on the same lot with a principal building or use, located between the building or use and the side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.

ARTICLE 4.

ZONING DISTRICTS & USE PROVISIONS

Section 400. District Designations.

For the purposes of this Ordinance, the City of Sugar Hill, Georgia is divided into zoning districts designated as follows:

AF Agricultural-Forest District provides for agriculture, forestry, very low density residential development, and limited other uses under specific conditions.

RS-200 Low Density Single-Family Residential District provides for twenty thousand (20,000) square foot minimum lot sizes.

RS-175 Low Density Single-Family Residential District provides for seventeen thousand five hundred (17,500) square foot minimum lot sizes.

RS-150 Low Density Single-Family Residential District provides for fifteen thousand (15,000) square foot minimum lot sizes.

The three (3) Low Density Single-Family Residential Districts include existing low density residential areas and vacant or open areas where similar residential development is appropriate. The regulations for these districts are designed to encourage low density one-family residential development, protected from the depreciating effects of small lot development and excessive density.

RS-100 Medium Density Single-Family Residential District provides for ten thousand (10,000) square foot minimum lot sizes. This district includes areas of medium density residential development. The regulations for this district are designed to take advantage of the greater economy and convenience afforded by more intensive development but still retain some of the open aspects of a detached dwelling unit district.

RS-72 Medium Density Single-Family Residential District provides for seven thousand two hundred (7,200) square foot minimum lot sizes. This district includes areas of medium density residential development. The regulations for this district are designed to encourage more compact development in appropriate transitional areas particularly between existing residential and non-residential development.

MH Mobile Home Park District provides for the transient and permanent uses of residential mobile home units within the City in mobile home parks located on un-subdivided parcels which have single ownership control. Mobile home subdivisions are not permitted.

R36 Medium Density Mixed Residential District provides for one and two family dwellings, attached dwellings or small-scale multiple dwellings in close proximity to activity or employment centers as well as regional transportation corridors such as Highway 20, Peachtree Industrial Boulevard and Buford Highway. The regulations for this district are designed to provide an area where individuals and families may establish homes in an environment which satisfies their needs for convenience and economy.

This zoning district is to be located where public water supply and waste water treatment facilities are available or can be obtained and where there is convenient access to collector streets, major thoroughfares or state or interstate highways. The purpose of this district is to promote more efficient utilization of land and creativity in architectural and engineering design favoring traditional neighborhood design principles without maximizing density.

OI Office-Institutional District provides for limited commercial and institutional land uses where traffic, noise and congestion are minimized. This district is established to provide a location for offices, institutions and limited related retail business and service activities in buildings of high character in attractive surroundings. Distributive functions such as loading, unloading, storage, packaging and un-packaging shall be limited to ten (10) percent of the total building area and five (5) percent of the total lot area.

HSB Highway Service Business District provides for limited uses of commercial land adjacent to major traffic arteries. Established to provide locations for retail trade establishments compatible with surrounding residential and office-institutional areas, and for business activities which primarily cater to the traveling public. The HSB District requires individual free-standing structures, larger yard areas, greater setbacks, and lower building densities than are permitted in the General Business District.

BG General Business District provides for a wide range of retail land service establishments in a central business environment. Intended to provide adequate space in appropriate locations along major streets, thoroughfares and at intersections for various types of business use. These uses should include the retailing of major goods and services, general office facilities and public functions that would serve a community area of several neighborhoods. Development of uses in the district characteristically occupies a larger area than in the HSB district because it is intended to serve a greater population and to offer a wider range of services. Orientation and expansion of this district should occur as an increase in depth at major intersections rather than as a strip-like extension along the street or thoroughfare.

LM Light Manufacturing District provides for most heavy commercial and light industrial uses which can meet rigid standards for control of noise, odor, and other off-site disturbance. Comprised of lands that are located on or have ready access to a major street or state highway and are well adapted to industrial development but whose proximity to residential makes it desirable to limit industrial operations and processes to those that are not objectionable by reason of the emission of noise, vibration, smoke, dust, gas, fumes, odors or radiation and that do not create fire or explosion hazards or other objectionable conditions. This district limits industrial, manufacturing and warehousing uses to those which are wholly conducted indoors. The LM district is established to provide a location for those heavy commercial and light industrial operations which demonstrate characteristics that are able to meet comparatively rigid specifications for nuisance-free operation.

HM-1 Heavy Manufacturing District limits industrial, manufacturing and warehousing uses to those which are wholly conducted indoors, with the exception of outdoor storage which is screened and situated in a required side or rear yard. Comprised of lands that are located on or have ready access to a major street, as defined herein, and are well adapted to industrial development, but whose proximity to residential or commercial zoning district makes it desirable to limit industrial operations and processes to those that are not objectionable by reason of the emission of noise, vibration, smoke, dust, gas, fumes, odors, or radiation and that do not create fire or explosion hazards or other objectionable conditions. This district limits industrial, manufacturing and warehousing uses to those which are wholly conducted indoors, with the exception of outdoor storage which is screened and situated in a required side or rear yard.

HM-2 Heavy Industry District provides a location for those industrial operations and processes that are not public nuisances and are not dangerous to the health, safety or general welfare, but should be located adjoining major streets and rail lines.

Section 401. Location and Boundaries of Zoning Districts.

The location and boundaries of the zoning districts are hereby established as shown on the map entitled, "Zoning Map of the City of Sugar Hill, Georgia," which is hereby made a part of this Ordinance, which may be amended from time to time, and which shall be kept on file in the Sugar Hill City Hall where it shall be available for public inspection. Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be published, the Official Zoning Map located in City Hall shall be the final authority as to the current zoning status of the city.

Section 402. Interpretation of Zoning District Boundaries.

Where uncertainty exists with respect to the location of the boundaries of any zoning district shown on the Zoning Map of the City of Sugar Hill, Georgia, the following rules shall apply:

- (1) Where a Zoning District boundary is shown on the zoning map as approximately following a corporate limits line, a lot line or the centerline of a street, highway, railroad right-of-way or such lines extended, then such lines shall be construed to be the district boundary line.
- (2) Where a Zoning District boundary line is shown on the zoning map as being set back from a street, highway or railroad right-of-way, and approximately parallel thereto, then such district boundary line, unless otherwise specifically indicated, shall be construed as being at the scaled distance from the centerline of such street, highway or railroad right-of-way and as being parallel thereto.
- (3) Where a Zoning District boundary line divides a lot, the location of the line shall be the scaled distance from the lot lines. In this situation, the requirements of the Zoning District in which the greater portion of the lot lies shall apply to the balance of the lot, except that such extension shall not include any part of a lot that lies more than fifty (50) feet beyond the Zoning District boundary line.
- (4) In the case of a through lot fronting on two approximately parallel streets, that is divided by a Zoning District boundary line paralleling the streets, the restrictions of the Zoning District in which each frontage of the through lot lies shall apply to that portion of the through lot.

Section 403. Uses Not Listed.

For any use not listed in this Ordinance, the City Manager shall determine the proper requirements by classifying the proposed use among the uses which are listed and assigning the use or appropriate zoning districts. Such decision may be appealed under Article 15, Section 1505.

Section 404. Uses in Each Zoning District.

This section identifies the specific uses to which land and structures may be put in the various zoning districts, including uses allowed by right, uses allowed by right subject to certain restrictions, uses for which special use approval is required, uses for which special use approval is required and subject to certain restrictions as well as Temporary Uses.

A principle use is the specific, primary purpose for which land or a building is used. Principle uses are shown in Table 4.1.

An accessory use is permitted on a property in conjunction with a principle use and is incidental to the principal use and shall not exist independent of the principle use. Accessory uses are shown in Table 4.2.

A customary residential accessory use is a use or structure commonly associated with a principal residential use. Customary residential accessory uses and structures are shown in Table 4.3.

404(a) Allowed uses.

Principal and accessory uses allowed by right are identified on Tables 4.1, 4.2 and 4.3 by the letter code “A”.

404(b) Allowed uses with restrictions.

Principal and accessory uses allowed only if certain restrictions and conditions are met are identified on Tables 4.1, 4.2 and 4.3 by the two letter code “A-R”.

404(c) Special uses.

Principal and accessory uses allowed only by special use approval are identified on Tables 4.1, 4.2 and 4.3 by the two letter code “SU”. Special uses may be allowed subject to special use approval procedures as set forth in the Special Use Permits and Special Use Permit Procedure sections of this ordinance.

404(d) Special uses with restrictions.

Principal and accessory uses allowed only by special use approval and only if certain restrictions and conditions are met are identified on Tables 4.1, 4.2 and 4.3 by the three letter code “SU-R”. Special uses with restrictions may be allowed subject to special use approval procedures as set forth in the Special Use Permits and Special Use Permit Procedure sections of this ordinance.

404(e) Temporary uses.

A use allowed for a limited duration which shall discontinue upon expiration of the specified time period. Temporary uses are only allowed subject to restrictions and are identified on Table 4.1, 4.2 and 4.3 by the two letter code “T-R”.

Section 405. Requirements for approval of a temporary use permit.

- a. Written permission of the property owner is provided.
- b. Shall not be located within 50 feet of any public right-of-way.
- c. Adequate parking, ingress and egress are provided on site or written permission is obtained if provided on an adjoining property.
- d. A temporary use permit is applied for and approved by the City Manager.
- e. All other requirements for licenses and regulations of the City of Sugar Hill shall be met.

- f. Unless otherwise specified, no such temporary use permit shall be issued within six (6) months of approval for a prior temporary use permit on the same property.
- g. Unless otherwise specified, a temporary use permit shall expire after 20 days; however, a ten (10) day extension may be granted by the City Manager.

Section 406. Restrictions on principal uses.

Any use shown on Table 4.1 with the codes “A-R”, “SU-R” or “T-R” shall be subject to the restrictions contained in this section, unless otherwise noted or specifically waived as a condition of zoning. These restrictions shall apply in any zoning district where each particular use is shown as an allowed use with restrictions (A-R), a special use with restrictions (SU-R) or temporary use with restrictions (T-R).

Use	Restrictions
Adult day center.	The facility must be properly licensed through the Georgia Department of Community Health and shall comply with all applicable federal and state regulations.
Adult entertainment establishment.	1. An adult entertainment establishment shall be located no closer than 1,000 feet from another parcel of land with an adult entertainment establishment.
	2. An adult entertainment establishment shall be located on property which is no closer than 1,000 feet from any parcel of land which is zoned for residential use.
	3. An adult entertainment establishment shall be located no closer than 1,000 feet from any parcel of land upon which any establishment licensed to sell alcoholic beverages in the City of Sugar Hill.
	4. An adult entertainment establishment shall be located on a parcel of land having at least one hundred (100) feet of road frontage.
	5. For the purposes of these standards, distance shall be by airline measurement from property line, using the closest property lines of the parcels of land involved. The term "parcel of land" means any quantity of land capable of being described by location and boundary that is designed and used or to be used as a unit.

Agricultural building, Customary.	Includes commercial greenhouses and one and two-family tenant houses, subject to all of the yard requirements of the zoning district.
Agricultural use, Customary.	Includes farm ponds, fishing lakes, forestry, plant nurseries, except the raising of livestock or poultry.
Brew Pub	Subject to all local, state and federal regulations and licensing requirements. No outdoor storage. Shall be limited to restaurants that brew and sell 25% or more of their own beer for on-premise consumption.
Body art establishment.	<p>1. A body art establishment shall not be located closer than 1500 feet to any tract or parcel of land which has a residential use or zoning as measured by the most direct route of travel on ground starting at the nearest public entrance of the body art establishment in a straight line to the nearest project access improvement(s) serving the subject property, sidewalk, parking area, street, road or highway along the most direct route by way of the nearest project access improvement(s), sidewalk, parking area, street, road, or highway to the nearest property line of any parcel which has a residential use or zoning. In addition, no body art establishment shall be located within the Town Center or Central Business District overlay zoning districts.</p> <p>2. No body art establishment shall be licensed to sell alcoholic beverages within the City of Sugar Hill. A body art establishment shall not be located closer than 500 feet to any establishment which is licensed and authorized to sell alcoholic beverages within the City of Sugar Hill as measured by the most direct route of travel on ground starting at the public entrance of the body art establishment in a straight line to the nearest project access improvement(s) serving the subject property, sidewalk, parking area, street, road or highway along the most direct route by way of the nearest project access improvement(s), sidewalk, parking area, street, road, or highway to the nearest public entrance of any establishment which is licensed and authorized to sell alcoholic beverages.</p> <p>3. No body art establishment shall be located within 1500 feet of any other body art establishment as measured by the most direct route of travel on ground starting at the public entrance of the body art</p>

	<p>establishment in a straight line to the nearest project access improvement(s) serving the subject property, sidewalk, parking area, street, road or highway along the most direct route by way of the nearest project access improvement(s), sidewalk, parking area, street, road, or highway to the nearest public entrance of any other body art establishment.</p> <p>4. All body art procedures shall be performed only within a body art parlor which is fully enclosed from all other areas within a body art studio by a minimum eight feet height opaque wall and an opaque door. No person under the age of 18 shall be allowed within a body art parlor except by written permission of a parent or legal guardian with proper identification and accompanied by said parent or legal guardian.</p> <p>5. Required parking and all public entrances shall be limited to the front yard and front of the entrance.</p> <p>6. Product advertisement, display, or other promotional material shall not be shown or exhibited so as to be visible to the public from the exterior of the structure, including the interior of windows.</p> <p>7. A body art establishment shall be subject to the rules and requirements of all other current and future pertinent federal, state, and local ordinances.</p> <p>8. Hours of operation shall be limited to the hours between 10:00 AM and 10:00 PM.</p>
<p>Building material sales with outdoor storage.</p>	<p>All areas containing outdoor storage shall be subject to the same setback and screening requirements found under the restrictions associated with an “outdoor storage yard”. Outdoor storage of bulk landscape materials such as mulch, soil, sand, gravel, stone and similar materials shall be prohibited within 1,000 feet of a residential use.</p>
<p>Bulk storage tanks (argon, carbon dioxide, helium and nitrogen).</p>	<p>Up to 12,000 gallons per tank with no more than two (2) tanks on the property. No above ground tanks shall be allowed if the tank is within 500’ of any residential use. All facilities shall be permitted and constructed in accordance with all other applicable regulatory requirements.</p>

Bulk storage tanks (including natural gas or fuel).	No above ground tanks shall be allowed if the tank is within 500' of any residential use. All facilities shall be permitted and constructed in accordance with all other applicable regulatory requirements.
Bulk storage tanks (oxidizer gases).	Up to 3,000 gallons per tank with no more than one (1) tank on the property. No above ground tanks shall be allowed if the tank is within 500' of any residential use. All facilities shall be permitted and constructed in accordance with all other applicable regulatory requirements.
Cannabidiol Store	<ol style="list-style-type: none"> 1. No more than 10% or 120 square feet whichever is less of the floor area of a building or business location shall be used for the display, sale, distribution, delivery, offering, furnishing, or marketing of cannabidiol or cannabidiol-related products. 2. Sales from cannabidiol or cannabidiol-related products shall not exceed twenty-five percent (25%) of the business's aggregate retail sales. 3. Shall not be located within 1,500 feet, measured property line to property line, from a school (public or private), childcare facility, youth center, community center, recreational facility, park, church or religious institution, hospital, or other similar uses where children regularly gather. 4. Shall not be located within 1,300 feet, measured property line to property line, from another cannabidiol store, tobacco store. 5. Only the display, sale, distribution, delivery, offering, furnishing or marketing of cannabidiol or cannabidiol-related products from hemp producers properly licensed in accordance with all federal, state and local regulations shall be allowed.
Cattery.	Provided that no animal quarters are located closer than 200 feet to any property line.
Car Wash	Commercial conveyor car washes where the car moves on a conveyor belt during the wash. The driver of the vehicle can remain in the vehicle or wait outside of the vehicle. A minimum of 50% of the water utilized must be recycled.

Cemetery.	1. Shall front only on a collector street, major street or state highway. The entrance and exits shall be only from the street on which it fronts.
	2. Shall be bordered by a ten (10) feet wide buffer strip along all of its exterior property lines not bordering the frontage street and not extending into the required front yard. The buffer strip shall be planted with evergreen trees and shrubs that grow at least eight (8) feet tall and provide an effective visual screen.
	3. The cemetery is included in a preliminary subdivision plat approved by the City Manager.
Charitable or non-profit event, Temporary.	Not to exceed six (6) events in 12 months. Each separate event shall not exceed four (4) days.
Childcare facility.	Must comply with all state day care and health department requirements. At least one hundred (100) square feet of outdoor play area shall be available for each child occupying the play area at any one time. Groups of children may be rotated if necessary so that one hundred (100) square feet per child is provided at all times. Play area shall be surrounded by a permanent wall or fence having a height of at least four (4) feet. Includes daycare, nursery school and kindergarten facilities.
Christmas tree sales, Temporary.	Shall be allowed between November 15 and December 31.
Church, temple and synagogue, restricted.	1. Shall be located on a site of not less than five (5) acres with 250 feet of road frontage.
	2. The buildings shall be located not less than 50 feet from any street and not less than 30 feet from any side or rear property line.
	3. If adjacent to residentially-zoned property, a buffer of at least 50 feet wide shall be provided along the property lines adjacent to said zoning, provided, however, that this buffer may be reduced to no less than 20 feet in width adjacent to the sanctuary building or "Sunday School" educational building and parking related to these buildings.

	4. A church, temple or synagogue located in a manufactured building may be erected on the property for a period not to exceed three (3) years.
Composting facility, wood chipping and shredding and yard trimmings.	1. Composting materials shall be limited to tree stumps, branches, leaves, and grass clippings or similar putrescent vegetative materials, not including animal products, inorganic materials such as bottles, cans, plastics, metals, or similar materials.
	2. The facility shall not be located within 1,000' of any property used or zoned for residential.
	3. Along the entire road frontage (except for approved access crossings), provide a three-foot high landscaped earthen berm with a maximum slope of 3 to 1 and/or a minimum six-foot high, 100 percent opaque, solid wooden fence or masonry wall. The landscaped berm shall consist of a staggered double row of evergreen and semi-evergreen trees and shrubs; must not contain more than 30% of a single species and shall provide an effective visual screen of at least 20' at maturity. The fence/wall or berm must be located outside of any public right-of-way and interior to any landscaped strip. The finished side of a fence/wall shall face the exterior property lines.
Crematorium.	The facility shall not be located within 1,000' of any property used or zoned for residential use.
Dwelling, Attached; Dwelling, Multiple; Dwelling, Single Family; and Dwelling, Two-Family.	1. Simple massing is preferred and should be used with stoops, porches, galleries, arcades, roof eaves, and balconies to provide expressive character over excessive articulation of building massing and shape. Roof lines shall not be overly complex and should typically not overlap. The overall length:height ratio on facades shall be simple proportions 1:1, 2:1, 3:2 or 4:3. 2. Windows and façade articulations should be placed in a regular pattern and relate to doors, columns, and other façade articulations. 3. If used, shutters shall be sized exactly half the size of the window. Curved shutters must match the curve of the window. Shutters must be mounted directly to the casing with proper shutter hardware. 4. The following architectural design conditions are

	<p>prohibited: Material changes on outside corners. Recessed front porches. More than two principal building materials. Chimneys on outside walls that do not extend completely to the ground.</p> <p>5. Attached front entry garage doors shall be recessed from the building line a distance of at least 1/4 the depth of the principal building and shall be no more than 9' in width.</p> <p>6. Architecture and building arrangement shall generally conform to the design guidelines published in Appendix C.</p> <p>7. Minimum of 15% greenspace shall be incorporated into the common areas of developments over five (5) acres. Stream buffers and wetlands may be counted toward the required greenspace. Required greenspace shall include a minimum tree density of 8 units per acre.</p> <p>8. Permitted exterior building and cladding materials shall be limited to brick, stone, fiber cement siding, hard coat stucco, and cedar or other durable hardwood siding.</p>
Equipment rental, sales and service (Commercial & Industrial).	1. Equipment or rental vehicles shall not be parked or stored in the required front yard.
	2. The storage area for the vehicles or equipment to be rented shall be screened by an opaque fence at least six (6) feet high.
	3. The storage areas shall be located no closer than 100 feet from any side or rear property lines zoned residential and shall be appropriately landscaped and maintained.
Farmer's market or fruit and vegetable stand.	For the sale of products and commodities produced on the premises provided that any structure for such sales shall be located no closer than 35 feet to any property line.
Fruit and vegetable stand, Temporary.	Shall not exceed 3 months.
Fuel pumps.	No closer than 15 feet to the right of way and not closer than the existing setback of any residential structure on abutting lots on either the frontage or a side street.
Fur farm.	Provided that no animal quarters are located closer than 200 feet to any property line.

Growler Shop	Subject to all local, state and federal regulations and licensing requirements. Shall be limited to a business establishment for the sale or refilling of malt beverages, craft beers or hard cider for consumption at a location other than the licensed premises.
Kennel.	Provided that no animal quarters are located closer than 200 feet to any property line.
Landfill.	1. A minimum 200-foot natural, undisturbed buffer shall be provided between all active waste burial areas and exterior property lines except for approved perpendicular access and utility crossings.
	2. The facility shall not be located within 1,000' of any property used or zoned for residential use.
	3. A minimum 75-foot natural, undisturbed buffer shall be provided between non-waste disposal operations and exterior property lines except for approved perpendicular access and utility crossings.
	4. The limits of any 100-year floodplain or a stream buffer of 200 feet, whichever is greater, shall be preserved as natural, undisturbed area except for approved perpendicular access and utility crossings.
	5. The entire site shall be fenced with a minimum six-foot high chain link security fence.
	6. The landfill shall be located on or have direct private access to a road designated on the Long Range Road Classification Map as a major collector, minor arterial, major arterial or principal arterial.
	7. The applicant shall include with the special use permit application a report detailing the phasing of the landfill and plans for closure and reclamation.
	8. The following waste disposal/recycling facilities shall be permitted as accessory uses to landfills meeting the above standards: Composting, Municipal Solid Waste, Composting, Yard Trimmings, Gas Recovery/Gas Cogeneration Plant, Recovered Materials Processing Facility and Solid Waste Transfer Stations.
Lodge, dormitory, fraternal and social organization with housing.	1. Shall be located on a major or collector street;
	2. Buildings shall be located not less than fifty (50) feet from any property line.

	3. A buffer strip at least ten (10) feet wide shall be provided along the side and rear property lines, planted with evergreen trees and shrubs that provide an effective visual screen.
Microbrewery	Subject to all local, state and federal regulations and licensing requirements. No outdoor storage. Shall be limited to a brewery that produces less than 15,000 barrels of beer.
Mobile building.	Temporary while permitted or special uses are under construction. Not to exceed six months.
Mobile home park.	1. Location. A mobile home park shall front for a sufficient distance to provide safe access upon a State Highway, a Major Thoroughfare, a Collector Street or a local access road paralleling an expressway and shall have access and egress only on such road.
	2. Street Access Requirements. The entrance road to a Mobile Home District development shall have a minimum right-of-way width of 60 feet with a minimum pavement width of 28 feet. The entrance road shall have a turning radius from the highway of at least 30 feet and the entrance road shall extend at least 100 feet into the Mobile Home District development.
	3. Size. A Mobile Home District development shall have a minimum buildable area of at least 20 contiguous acres.
	4. Density. A Mobile Home District development shall have a density of not more than six (6) mobile home lots per buildable acre.
	5. Mobile Home Lots. Each mobile home shall be located on a separate mobile home lot as shown on a development plan for the Mobile Home Park meeting the following:
	a. Each mobile home lot or space shall be directly accessible from an approved internal paved park driveway not less than twenty (20) feet in width. No direct access to mobile home lots or spaces from public streets shall be permitted.

	<p>b. Mobile homes shall be separated from each other by not less than twenty (20) feet end to end and twenty-five (25) feet side to side. No portion of any mobile home shall be within fifteen (15) feet of the park boundary.</p>
	<p>6. Recreation and Other Community Facilities. Not less than eight (8) percent of the gross area of the Mobile Home District development shall be devoted to recreation and other community use facilities. Each recreation space shall have a minimum area of 10,000 square feet.</p>
	<p>7. HUD Mobile Home Court Development Guide. The Mobile Home District development shall meet the standards of the "Mobile Home Court Development Guide", as set forth in the above-titled pamphlet, FHA G4200.7, published January, 1970, which is hereby made a part of this Ordinance, as well as the requirements of the City of Sugar Hill Zoning Ordinance and the Standard Building Code. If there are any differences in the above two sets of requirements, the most stringent shall apply.</p>
	<p>8. No site construction shall be undertaken and no permits shall be issued until a site development plan that meets the requirements of the Development Regulations of City of Sugar Hill and the requirements of this Zoning Ordinance has been approved.</p>
	<p>9. Certificates of Occupancy. No Certificate of Occupancy for the placing of a mobile home in a Mobile Home Park development shall be issued until at least 50 mobile home lots have been developed in accordance with an officially approved site development plan and are ready for occupancy.</p>
	<p>10. Skirting or Underpinning. All mobile homes shall be skirted or similar measures must be provided for on the mobile home.</p>
	<p>11. Addresses. All mobile homes shall be clearly marked with an address visible from the access roadway.</p>
	<p>12. Pedestrian Access. Each unit shall have an all-weather surface providing access to the main entrance.</p>

<p>Mobile home, manufactured home industrialized home.</p>	<p>1. Shall be located in an approved mobile home park or lawfully existing mobile home subdivision.</p>
	<p>2. All mobile homes or manufactured homes installed within the corporate boundaries of the City of Sugar Hill must bear an approval seal of H.U.D., and shall be built on a permanent foundation with proper connections to the required utilities including the plumbing, heating, and electrical systems contained therein.</p>
	<p>2. All mobile homes or manufactured homes must be installed by a state licensed mobile home installation contractor in compliance with the rules and regulations for manufactured housing of the State Commissioner of Insurance.</p>
	<p>3. Each mobile home or manufactured home shall be inspected and approved by the City building official for compliance with applicable ICC building codes as well as ordinances and regulations of the City of Sugar Hill.</p>
<p>Outdoor storage yard, except junk yard or salvage operation.</p>	<p>1. Set back from the property line(s) at least five (5) feet</p>
	<p>2. Screened by an opaque fence with a height of at least six (6) feet where adjacent to developed property on which outdoor storage is prohibited.</p>
	<p>3. Set back from the screening fence, where required, at least five (5) feet.</p>
	<p>4. Screened by an additional landscape strip at least five (5) feet wide along the length of the property line where the outdoor storage area is adjacent to developed properties on which outdoor storage is prohibited or adjacent to public right-of-way. Said landscape strip shall consist of at least a staggered double row of evergreen and semi-evergreen trees and shrubs native or adapted to the area. Trees shall be 6' tall at time of planting. Plantings shall be arranged to provide an effective visual screen of at least 20' in height at maturity. Buffer must not contain more than 30% of a single species and must be shown on a landscape plan approved by the City Manager prior to receiving any permit or certificate of occupancy.</p>

Quarry.	1. A quarry for the removal of minerals and other natural materials, together with necessary buildings, machinery and appurtenances thereto.
	2. Quarry areas being excavated shall be entirely enclosed within a fence located at least ten (10) feet back from the edge of any excavation and of such constructions and height as to be demonstrably able to exclude children and animals from the quarry area.
	3. The operators and owners of the quarry present to the Mayor and Council an acceptable comprehensive plan for the reuse of the property at the cessation of the quarry operations.
	4. In the case of an existing quarry, an extension of the quarry operations beyond the areas being quarried or approved for quarrying at the effective date of this Zoning Ordinance of the City of Sugar Hill, Georgia, shall be permitted and shall not be considered a new operation provided that said extension does not extend to within one thousand (1,000) feet of a residential or commercial Zoning District boundary line.
Recovered materials processing facility, recycling station.	1. Activities shall be limited to collection, sorting, compacting and shipping.
	2. Along the entire road frontage (except for approved access crossings), provide a three-foot high landscaped earthen berm with a maximum slope of 3 to 1 and/or a minimum six-foot high, 100 percent opaque, solid wooden fence or masonry wall. The landscaped berm shall consist of a staggered double row of evergreen and semi-evergreen trees and shrubs; must not contain more than 30% of a single species and shall provide an effective visual screen of at least 20' at maturity. The fence/wall or berm must be located outside of any public right-of-way and interior to any landscaped strip. The finished side of a fence/wall shall face the exterior property lines.
	3. The facility shall not be located within 1,000' of any property used for or zoned for single family residential use.
	4. Lighting for such facilities shall be placed in such a fashion as to be directed away from any nearby residential areas.

	5. Materials collected shall not be visible and shall be deposited in a bin or bunker. All sorting and collection bins shall either be enclosed and have chutes available to the public or be located inside a fully-enclosed building.
	6. No outdoor storage of un-containerized materials shall be allowed.
Rental, moving trucks and vans.	1. Equipment or rental vehicles shall not be parked or stored in the required front yard.
	2. The storage area for the vehicles or equipment to be rented shall be screened by an opaque fence at least six (6) feet high.
	3. The storage area shall not be located closer than 100 feet to any side or rear property lines zoned residential and shall be appropriately landscaped and maintained.
Salvage operation or junk yard.	1. The junkyard shall not be located closer than three hundred (300) feet to a commercial zoning district boundary line or 1000' to any property used or zoned for residential.
	2. The junkyard is completely enclosed with an opaque fence not projecting into the right-of-way of any roadway adjoining said junkyard, not less than eight (8) feet high and in no case less than such height as will effectively screen all storage and other operations from view.
	3. The junkyard shall not be located closer than one thousand (1,000) feet to the nearest edge of the right-of-way of any major arterial roadway. Within this subpart "major arterial roadway" is defined as any roadway, street or thoroughfare within the City limits of Sugar Hill, Georgia, having a right-of-way of one hundred (100) feet or greater.

	<p>4. Along the entire road frontage (except for approved access crossings), provide a three-foot high landscaped earthen berm with a maximum slope of 3 to 1 and/or a minimum six-foot high, 100 percent opaque, solid wooden fence or masonry wall. The landscaped berm shall consist of a staggered double row of evergreen and semi-evergreen trees and shrubs; must not contain more than 30% of a single species and shall provide an effective visual screen of at least 20' at maturity. The fence/wall or berm must be located outside of any public right-of-way and interior to any landscaped strip. The finished side of a fence/wall shall face the exterior property lines.</p>
<p>Shelter, commercial.</p>	<p>Shall contain a minimum of three (3) acres of land and at least one hundred (100) feet of road frontage measured by airline measurement from property line, using the closest property lines of the parcels of land involved. The term "parcel of land" means any quantity of land capable of being described by location and boundary, designated and used or to be used as a unit.</p>
<p>Tobacco Store</p>	<ol style="list-style-type: none"> 1. Shall not be located within 1,500 feet, measured property line to property line, from a school (public or private), childcare facility, youth center, community center, recreational facility, park, church or religious institution, hospital, or other similar uses where children regularly gather. 2. Shall not be located within 1,300 feet, measured property line to property line, from another tobacco store. 3. No operator or owner shall knowingly allow or permit a minor, not accompanied by his or her parent or legal guardian, to enter or remain within any tobacco store.
<p>Utility structure.</p>	<ol style="list-style-type: none"> 1. Such as electric transformer stations, telephone exchanges, gas regulator stations, water and wastewater pumping stations, and water tanks may be located in any zone as necessary to serve the public interest.
	<ol style="list-style-type: none"> 2. Any building or structure, except a surrounding fence, shall be set back at least thirty (30) feet from any property line.
	<ol style="list-style-type: none"> 3. The facility shall be completely surrounded by a woven wire fence at least eight (8) feet high.

	4. When located in any residential zoning, the facility shall be furnished with a planted buffer not less than ten (10) feet wide to create an effective visual screen on all sides bordering residential or office-institutional property.
	5. The facility may not be used for office space, storage space, or for the storage of vehicles or equipment.
Veterinary Clinic, restricted.	Facilities contained entirely indoors except fenced areas for no more than 3 animals to be supervised by staff at all times.
Veterinary clinic or hospital, agricultural.	No portion of a building, structure, outdoor run/pen, used to house or exercise animals shall be located closer than 200 feet to any property line.
Wild animals, raising and keeping.	The owner or custodian of such wild animals shall obtain an appropriate permit and meet all the requirements of the State of Georgia and other applicable regulatory requirements. No animal quarters shall be located closer than 200 feet to any property line.
Wine Bar	Subject to all local, state and federal regulations and licensing requirements. No outdoor storage. A bar or restaurant where wine sales comprise 50% or more of the alcohol sales for on-premise consumption.

Section 407. Restrictions on accessory uses.

No accessory use or structure shall be taller than or erected on a lot prior to the construction of the principal building(s) or use(s) to which it is accessory. Except driveways, mailboxes or landscaping, no accessory use or structure shall be located within a public right-of-way. All accessory uses and structures shall be set back at least five (5) from any lot line.

Any use shown on Tables 4.2 or 4.3 with the codes “A-R”, “SU-R” or “T-R” shall be subject to the restrictions contained in this section, unless otherwise noted or specifically waived as a condition of zoning. These restrictions shall apply in any zoning district where each particular use is shown as an allowed use with restrictions (A-R), a special use with restrictions (SU-R) or temporary use with restrictions (T-R).

<p>Accessory building, minor.</p>	<p>Shall be less than 240 square feet of floor area and shall be finished to match the exterior of the principal building(s). Buildings larger than 120 square feet shall be constructed of wood, fiber-cement, brick or stone siding. Buildings allowed within the front or side yard by special use approval shall be constructed of wood, fiber-cement, brick or stone siding; finished to match the exterior of the principal building(s); shall meet the minimum setback from right-of-way and side yard requirements for the underlying zoning district; and shall be maintained in accordance with all other applicable city ordinances and regulations.</p>
<p>Accessory building, major.</p>	<p>All accessory buildings 240 square feet of floor area or more shall be constructed of wood, fiber-cement, brick or stone siding; finished to match the principal building's exterior; shall meet the minimum setback from right-of-way and side yard requirements for the underlying zoning district; shall be setback at least ten (10) feet from the rear property line; and shall be maintained in accordance with all other applicable city ordinances and regulations.</p>
<p>Accessory Dwelling Unit</p>	<ol style="list-style-type: none"> 1. No more than one accessory dwelling unit per primary dwelling unit. 2. The primary dwelling unit shall be owner-occupied. 3. The accessory dwelling unit shall contain at least 400 square feet of heated living space. 4. The height of the building containing the accessory dwelling shall not exceed the height of the principal dwelling. 5. The accessory dwelling shall be constructed with the same or similar and compatible exterior style, materials, roof type and slope, doors, window style and proportions, color, trim and landscaping as the principal dwelling. 6. The windows of an accessory dwelling unit shall not be directly opposite windows of a principal

	<p>dwelling on an abutting lot unless screened by a fence, wall or hedge, or separated by more than 50 feet.</p> <p>7. An accessory dwelling unit shall contain a kitchen and at least one, but no more than two, bedrooms and at least one full bathroom.</p> <p>8. An accessory dwelling unit shall have at least one paved off-street parking space dedicated for the use, in addition to any parking spaces for the primary dwelling unit.</p> <p>9. An accessory dwelling shall have a separate electrical meter and service panel with main disconnect.</p> <p>10. An accessory dwelling shall have a backflow preventer and shut-off valve on the potable water service line.</p>
Basketball goal.	Adjacent to driveway.
Bulk storage tanks, Accessory (Diesel or Bio-diesel).	No above ground tanks shall be allowed if the tank is within 500' of any residential use. All facilities shall be permitted and constructed in accordance with all other applicable regulatory requirements. Restricted to 1,000 gallons for use by the principal business, No retail sales or distribution allowed.
Bulk storage tank, Accessory (Propane).	Dispensers for transferring fuel to a secondary tank shall not be allowed within 75' of any residential use. Total tank capacity shall not exceed 1,000 gallons. Use shall be limited to the principal residence or business, No retail sales or distribution. All tanks and appurtenances shall be screened from view with fencing or landscaping to be approved by the City Manager. Installation shall be permitted and constructed in accordance with all other applicable regulatory requirements.
Café, accessory.	Shall not occupy more than 50% of the principal use or structure.
Child care facility, located within a church.	Must comply with all state day care and health department requirements. At least one hundred (100) square feet of outdoor play area shall be available for each child

	occupying the play area at any one time. Groups of children may be rotated if necessary so that one hundred (100) square feet per child is provided at all times. Play area shall be surrounded by a permanent wall or fence having a height of at least four (4) feet.
Child care facility.	Must comply with all state day care and health department requirements. At least one hundred (100) square feet of outdoor play area shall be available for each child occupying the play area at any one time. Groups of children may be rotated if necessary so that one hundred (100) square feet per child is provided at all times. Play area shall be surrounded by a permanent wall or fence having a height of at least four (4) feet.
Compressed Natural Gas Refueling Appliance	Slow fill type only. Use shall be limited to the principal residence or business. No retail sales or distribution allowed. Dispenser and appurtenances shall be screened from view with fencing or landscaping to be approved by the City Manager. Installation shall be permitted and constructed in accordance with all other applicable regulatory requirements.
Convenience retail business.	Shall not occupy more than 50% of the principal use or structure.
Driveway, single family residential parking area.	Not to exceed 30% of the front yard or 20% of the rear yard.
Home occupation, customary.	Refer to Section 607.
Outdoor storage associated with garden supply center, plant nursery and greenhouse.	All areas containing outdoor storage shall be subject to the same setback and screening requirements found under the restrictions associated with an “outdoor storage yard”. Outdoor storage of bulk landscape materials such as mulch, soil, sand, gravel, stone and similar materials shall be prohibited within 1,000 feet of a residential use.
Recreational facility, residential neighborhood.	1. Public and semipublic playgrounds, parks, lakes, and buildings, operated on a non-profit basis for recreational and public community purposes only.

	2. Special use permit shall not be required for such facilities if they are to be located on an area reserved or dedicated for such use on a final recorded subdivision plat.
Recreational vehicle, boat or trailer.	No more than a total of two (2) may be stored outdoors on the property in compliance with all other applicable sections of this Ordinance.
Sales event, temporary outdoor.	Only allowed as an accessory activity in association with a principal use that is an existing lawfully permitted business located on the premises. Shall not exceed 20 days. For example, sidewalk, parking lot or tent sales.
Vegetable garden.	Not to exceed 30% of front yard.

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A-R=Allowed with restrictions

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T-R=Temporary use and subject to restrictions

Principal Uses	Zoning Districts												
	AF	RS150, RS175, RS200, RS100	RS72	R36	MH	OI	HSB	BG	LM	HM1	HM2		
Adult day center.						A-R	A-R	A-R	SU-R	SU-R	SU-R		
Adult entertainment establishment.										A-R	A-R		
Agricultural building, customary.	A-R												
Agricultural use, customary.	A-R												
Agriculture and horticulture except the raising of livestock.									A	A	A		
Aircraft factory.												A	
Alcoholic beverage plant or distillery.												A	
Appliance repair shop.								A	A	A	A		
Art gallery.						A	A	A	A	A	A		
Art shop.								A	A	A	A		
Asphalt plant.												SU	
Assembly plant (durable goods).												A	
Assembly plant (non-durable goods).									A	A	A		
Automatic teller machine (freestanding).							SU		A	A	A		
Automobile body repair shops.											A	A	
Automobile inspection services.							SU	SU	A	A	A		
Automobile repair shops or tire stores.											A	A	
Automobile sales lots (new or used).							SU	SU					
Automobile service station.											A	A	
Baking plants.									A	A	A		
Banks and other financial institutions.						A	A	A	A	A	A		
Barber and beauty shops.		SU	SU		A		A	A					
Boarding and rooming houses.				SU				A					
Body art establishment.								SU-R					
Book or stationery stores.							A	A					
Brew pub.								A-R	A-R	A-R	A-R		
Building material sales with outdoor storage.							SU-R	SU-R	A	A	A		
Building material yard including milling operations.											A	A	
Building supply, indoor retail store.								A					
Bulk storage tanks (argon, carbon dioxide, helium and nitrogen).											SU-R	SU-R	
Bulk storage tanks (including natural gas or fuel storage).												SU-R	
Bulk storage tanks (oxidizer gases).											SU-R	SU-R	

Table 4.1 - Permitted Uses

Amended 10-12-2020

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T-R=Temporary use and subject to restrictions

Principal Uses	AF	RS150, RS175, RS200	RS100	RS72	R36	MH	OI	HSB	BG	LM	HM1	HM2
Cabinet shops and furniture manufacturing.										A	A	A
Cannabidiol Store								SU-R				
Car wash.								SU-R	SU-R	A-R	A-R	A-R
Cattery.	A-R											
Cemetery.	SU-R											A
Charitable or non-profit event.	T-R						T-R	T-R	T-R	T-R	T-R	T-R
Check cashing service.								SU	SU			
Chemical plant.												A
Child care facility.					A-R	A-R	SU-R	A-R	A-R	A-R	A-R	A-R
Christmas tree sales.	T-R							T-R	T-R	T-R	T-R	T-R
Church, temple and synagogue, restricted.	A-R	A-R	A-R		A-R	A-R						
Church, temple and synagogue, unrestricted.	SU	SU	SU		SU	SU	A	A	A	A	A	A
Cold Storage Plant or commercial cold storage.										SU	A	A
Composting facility, wood chipping and shredding and yard trimmings.											SU-R	A-R
Concrete or masonry plant.												A
Contractor office (e.g. building, construction, HVAC, electrical, etc).									A	A	A	A
Convenience retail store (with or without fuel pumps).								A	SU-R			
Crematorium.												A-R
Cultural facility.							A	A	A			
Dance studio.								A	A	A	A	A
Department store.									A			
Depot or passenger terminal (bus, rail).										A	A	A
Distribution center.										A	A	A
Dwelling, Attached (townhouse).				A-R	A-R							
Dwelling, Multiple (apartment house and condominium).				SU-R	A-R							
Dwelling, Single-Family.	A	A	A	A-R	A-R	A-R						
Dwelling, Two-Family (Duplex).				A-R	A-R							
Dye casting works.												A
Electronic sales and service.								A	A			
Equipment rental, indoor sales and service (Home and Garden).										A	A	A

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Principal Uses	AF	RS150, RS175, RS200, RS100	RS72	R36	MH	OI	HSB	BG	LM	HM1	HM2
Equipment rental, sales and service (Commercial & Industrial).										A-R	A-R
Explosives, plant or storage.											SU
Event facility.	SU-R	SU-R					SU	SU	SU	SU	SU
Farmers' market or fruit and vegetable stand.	A-R										
Feed processing facility.											A
Fertilizer plant.											A
Fishing club.	A										
Fireworks sales.							SU-R				
Fitness center, health club.								A	A	A	A
Florist.							A	A			
Foster home.				A							
Fruit and vegetable stand.							T-R	T-R			
Funeral home.											A
Fur farm.	A-R										
Furniture rental or sales establishments.							A	A			
Garden supply center and greenhouse.							A	A	A	A	A
Gift shop.							A	A			
Golf course & golf driving range (except mini golf).	A										
Grocery store, food store.							SU	A			
Group and congregate personal care home.						SU	A	A			
Group day care home.	SU	SU									
Growler Shop.							A-R	A-R	A-R	A-R	A-R
Half-way house.				A							
Hardware store.							A	A	A	A	A
Hobby shop.							A	A			
Hospital, clinic, convalescent home.									A	A	A
Hotel, motel.						SU	A	A	A	A	A
HVAC equipment dealer.									A	A	A
Ice cream shop.							A	A			
Ice manufacturing or packing plant.									A	A	A
Industrialized home. (Refer to "Mobile home" in Section 405.)					A-R						
Institutional house for the handicapped.				A							

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Principal Uses	AF	RS150, RS175, RS200, RS100	RS72	R36	MH	OI	HSB	BG	LM	HM1	HM2
Interior decorating shop.							A	A			
Jewelry store.							A	A			
Kennel.	A-R								A	A	A
Laboratory, medical or dental.									A	A	A
Laboratory, research and testing.									A	A	A
Landfill.											SU-R
Lodge, dormitory, fraternal and social organization with housing.				A-R							
Lodge, fraternal and social organization, no housing.						A	A	A	A	A	A
Machine shop.									A	A	A
Manufactured home. (Refer to "Mobile home" in Section 405.)					A-R						
Manufacturing, outdoor.											A
Massage establishment.							SU	SU			
Mausoleum.											A
Meat processing or packaging except slaughtering, poultry killing, packing and dressing.										A	A
Metal smelting, forging works.											A
Microbrewery.								SU-R	A-R	A-R	A-R
Mini-warehouse, personal storage warehouse.							SU	SU	A	A	A
Mobile building.							A-R	A-R	A-R	A-R	A-R
Mobile home.					A-R						
Mobile home park.					A-R						
Mobile home or mobile building leasing or sales (new and used).										A	A
Mortuary.											A
Movie studio.									A	A	A
Museum.						A	A	A	A	A	A
Music store.							A	A			
Music studio.							A	A			
Newspaper and printing facility.								A	A	A	A
Nursing and convalescent home.						A	A	A			
Office, professional or business.						A	A	A	A	A	A
Orphanage.				A							

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Principal Uses	AF	RS150, RS175, RS200, RS100	RS72	R36	MH	OI	HSB	BG	LM	HM1	HM2
Outdoor storage yard, except junkyard or salvage operation.										A-R	A-R
Paper or pulp mill.											SU
Park and other similar public and semi-public building and land use.	A	A	A	A	A	A	A	A	A	A	A
Parking lot and garage.						SU	SU	SU	SU	SU	SU
Pawn Shop.								SU			
Pest control or extermination business.									A	A	A
Petroleum refinery or processing plant.											SU
Pharmacy.							A	A	A	A	A
Photo processing plant.									A	A	A
Photography shop and studio.							A	A	A	A	A
Plant nursery (wholesale or retail).									A	A	A
Plant nursery providing lawn and garden supplies and plants.							A	A			
Plastics extrusion plant.									A	A	A
Plumbing equipment dealer.									A	A	A
Plumbing, electrical, pool and home building supply showroom and sales center (provided there is no outdoor storage associated with the use).								A			
Printing, bookbinding, publishing plant.									A	A	A
Psychic reading, fortune telling, astrology, phrenology, palmistry, clairvoyance or related commercial practice.									A		
Quarry.											SU-R
Radio and television repair shop.							A	A			
Radio or television station and transmitter.									A	A	A
Radio, recording or television studio, broadcasting station and facility.									A		
Railroad repair and storage yard.											A
Railroad sidings, maintenance and terminal facility.									SU	SU	A
Recording or rehearsal studio.							A	A	A	A	A
Recovered material processing, recycling station.										A-R	A-R
Recreation facility, indoor.						SU	SU	A	A	A	A
Recreation facility, outdoor (e.g. miniature golf, driving range, water slides, drive in theater).						SU	SU	SU			

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Principal Uses	AF	RS150, RS175, RS200, RS100	RS72	R36	MH	OI	HSB	BG	LM	HM1	HM2
Rental, moving trucks and vans (E.g. Ryder and U-Haul).										A-R	A-R
Rental, passenger vehicles (Cars, trucks and vans).							SU	SU		A	A
Research and testing facility.						A	A	A			
Restaurant.							A	A			
Retail business and service stores except food store.							A	A			
Retail sales showroom and warehouse store.									A	A	A
Retail shopping center over 50,000 square feet gross floor area.							A	A	A	A	A
Retirement community (To include nursing home, cafeteria, care facilities and accessory uses).				A		SU	SU	SU			
Rubber tire retreading plant.											A
Salvage operation or junk yard.											SU-R
School, Business college or business school operated as a business enterprise.						A	SU	SU	A	A	A
School, Educational facility, trade or vocational school.						A	SU	SU	A	A	A
Scrap tire processing plant.											SU
Shelter, commercial.								SU-R			
Shelter, residential and community.				SU		SU	SU		A	A	A
Shoe store and shoe repair shop.							A	A			
Shopping center, including food store.							SU	A			
Small appliance repair shop.							A	A	A	A	A
Soft drink bottling and distribution plant.										A	A
Spa establishment.							SU	SU			
Solid waste transfer station.											SU
Stadium, concert hall, amphitheater. (County Board of Education Schools excepted)										SU	A
Sugar refinery.											A
Tannery, leather processing.											A
Taxi or limousine service.								A	A	A	A
Telephone exchange building.									A	A	A
Theater and other place of entertainment and amusement enclosed in a building.							A	A			
Title pawn sales.								SU			

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Principal Uses	AF	RS150, RS175, RS200, RS100	RS72	R36	MH	OI	HSB	BG	LM	HM1	HM2
Tobacco Store								A-R			
Transportation terminal for freight.									SU		
Transportation terminal for passengers.								A			
Truck and bus sales, leasing, repair (heavy truck/tractor trailer).										A	A
Truck terminal.										A	A
Upholstery shop.									A	A	A
Utility office.							A	A			
Utility station including water and wastewater treatment facility, building and grounds for storage of vehicles, equipment, and materials.											
Utility structure.	A-R	A-R	A-R		A-R	A-R	A-R	A-R			
Veterinary clinic, restricted.								A-R			
Veterinary clinic, office, hospital, and laboratory.						SU			A	A	A
Veterinary clinic or hospital, agricultural.	SU-R										
Waste incineration facility.											SU
Weather service station.									A	A	A
Wholesaling and warehousing.									A	A	A

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Accessory Uses	AF	RS150, RS175, RS200	RS100	RS72	RM	MH	OI	HSB	BG	LM	HM1	HM2
Accessory building / use, customary residential.	A-R ⁽¹⁾	A-R ⁽¹⁾	A-R ⁽¹⁾		A-R ⁽¹⁾	A-R ⁽¹⁾						
Beauty parlor or barber shop.	SU	SU	SU		SU							
Bulk storage tanks, (Diesel or Bio-diesel).										A-R	A-R	A-R
Bulk storage tanks, (Liquefied Petroleum and Natural Gas).	A-R	A-R					A-R	A-R	A-R	A-R	A-R	A-R
Café.							A-R	A	A	A	A	A
Caretaker or watchman quarters.								SU		A	A	A
Convenience retail business.							A-R			A	A	A
Child care facility located in a church.	SU-R	SU-R	SU-R		SU-R	SU-R	SU-R	SU-R	SU-R	SU-R	SU-R	SU-R
Child care facility.			SU-R		A-R		A-R	A-R	A-R	A-R	A-R	A-R
Compressed natural gas refueling appliance.	A-R	A-R	A-R	A-R	A-R	A-R	A-R	A-R	A-R	A-R	A-R	A-R
Dwelling Unit, Accessory.	A-R	A-R	A-R	A-R	A-R	A-R						
Dwelling Unit, Efficiency.			A-R	A-R	A-R							
Fireworks sales event, Temporary Outdoor.								A-R				
Fuel pumps.								A-R	SU-R		A-R	A-R
Home occupations, customary.	A-R ⁽²⁾	A-R ⁽²⁾	A-R ⁽²⁾	A-R ⁽²⁾	A-R ⁽²⁾	A-R ⁽²⁾						
Household pets, raising and keeping.	A	A	A		A							
Laundrette.						A						
Maintenance shop (fleet vehicles).										A	A	A
Outdoor recreation.							TU	TU	TU	TU	TU	TU
Office associated with wholesaling and warehousing.										A	A	A
Outdoor storage associated with garden supply center, plant nursery and greenhouse.								SU-R	A-R			
Parking lot.	A	A	A	A	A	A	A	A	A	A	A	A
Parking structure.					A		A	A	A	A	A	A
Pharmacy.							A	A	A	A	A	A
Recreational facility, residential neighborhood.		A-R	A-R		A-R	A-R						
Residential or community shelter associated with a church.	SU	SU	SU		SU							
Retail shop associated with a bakery.										A	A	A
Sales event, temporary outdoor.								T-R	T-R	T-R	T-R	T-R
Service facilities associated with automotive sales lots (new or used).								SU	SU			
Notes:												
(1) Refer to Table 4.3 for restrictions.												
(2) Refer to Section 607 for restrictions.												

Table 4.2 - Accessory Uses

Amended 7-9-18

Table 4.3 - Customary Residential Accessory
Uses and Structures

Table 4.3 includes a list of customary residential accessory uses indicating whether each use is allowed by right; allowed with restrictions; allowed as a special use or allowed as a special use with restrictions within the front, side and rear yard for all property zoned AF, RS-200, RS-175, RS-150, RS-100, CSD, RM and MH:

(Unless otherwise noted, refer to Section 406 for restrictions.)

Use/Structure	Front	Side Yard	Rear Yard
Wall, Fence	A-R ⁽¹⁾	A-R ⁽¹⁾	A-R ⁽¹⁾
Mail Box	A	A	
Lamp Post	A	A	A
Landscaping	A	A	A
Basketball Goal	A-R	A	A
Driveway, Single Family Residential Parking Area	A-R	A	A-R
Vegetable Garden	A-R	A	A
Terrace, Patio	A	A	A
Arbor	A	A	A
Swimming Pool			A
Dog Run/Pen/House			A
Tennis Court			A
Playground Equipment		A	A
Recreational vehicle, boat, trailer		A-R	A-R
Accessory building, minor. (Less than 240 sq. ft.)	SUP-R	SUP-R ⁽²⁾	A-R ⁽²⁾
Accessory building, major. (240 sq. ft. or more.)	SUP-R	SUP-R ⁽²⁾	A-R ⁽²⁾

Note:

(1) Refer to section 700 for restrictions.

(2) For the purposed of this section, on corner lots and/or lots with multiple frontages, the city Manager shall have the authority to determine which of the side yards may be considered a rear yard for the placement of a customary residential accessory use.

A = Allowed by right.

A-R = Allowed with restrictions.

SU = Special use permit required.

SU-R = Special use permit required and subject to restrictions.

Updated: 7-10-17 kbl

ARTICLE 5.

APPLICATION OF REGULATIONS

Section 500. Use, Occupancy and Construction.

No building or structure, or land shall hereafter be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved or altered except in conformity with the regulations of this Ordinance.

Section 501. Height and Density.

No building or structure shall hereafter be erected, constructed, reconstructed or altered to:

1. Exceed the height limits.
2. House a greater number of families per acre or occupy a smaller lot area per family than are herein required.
3. Have narrower or smaller front, rear or side yards than are herein required.

Section 502. Reduction in Lot Size.

No lot shall be reduced in size so that lot width or depth, size of yards, lot area per family or any other requirement of this Ordinance is not maintained. This limitation shall not apply when a portion of a lot is acquired for a public purpose or for unbuildable lots used exclusively for subdivision identification signage or subdivision entrance landscape features.

Section 503. Yards and Other Spaces.

No part of a yard or the off-street parking or loading spaces that are required in connection with any building or use for the purpose of complying with the regulations of this Ordinance shall be included as part of the yard or off-street parking or loading spaces required for another building, except as specifically provided herein. No part of a lot which is flooded by a 100-year recurrence interval storm event may be counted as part of the required minimum lot area.

Section 504. Minimum Lot Size for Residential Septic Tank Use.

No single-family residence which is to be served by a septic tank shall be permitted on a lot containing less square footage than the square footage required by the Gwinnett County Board of Health in order for the property to be effectively served by septic tank. This restriction on lot size does not apply to residential developments served by a properly approved and permitted community sewer system. In no event shall any single family residence to be served by a septic tank be allowed on a lot of less square footage than required in the Zoning District Classification.

Section 505. Only One Principal Building or Use on a Lot.

Within residential districts, only excepting group developments, not more than one (1) principal building or structure or use and its customary accessory buildings and uses shall be permitted on any lot.

In non-residential districts, more than one (1) structure housing a principal permitted use may be erected on a single lot, provided that yard and other requirements of this Ordinance shall be met for each structure as though it were on an individual lot.

Section 506. Street Frontage Requirement.

No building or structure shall hereafter be erected on a lot that does not abut for at least thirty (30) feet upon an open street which shall be a publicly dedicated and maintained street except that this restriction will not apply in the BG, General Business District.

Section 507. Classification of Streets.

For the purpose of this Ordinance, all of the streets, roads and highways in the City of Sugar Hill and Gwinnett County are classified as local streets, minor or major collector streets, minor, major, residential or principal arterial streets and freeways. These same streets and roads will also be known as interstate routes, U.S. or State routes, county roads and local street or roads.

The classification of each street in Sugar Hill is shown on the Official Road Classification Map of the City of Sugar Hill, Georgia which shall be kept on file in the City Hall.

ARTICLE 6.

GENERAL PROVISIONS

Section 600. Reserved.

Section 601. Vision Clearance at Intersections.

All street intersections shall be maintained in accordance with the City of Sugar Hill Development Regulations Section 9.6.8 Obstructing Visibility at Intersections.

Section 602. Approvals for Residential Subdivision, Business, and Industrial Developments on State Highways.

For all residential subdivision, business and industrial developments fronting on a State Highway, no building or development permits shall be issued until the approval of the Georgia Department of Transportation has been obtained by the applicant on entrances and exits, curb radial, drainage and other matters that are the appropriate concern of the Department.

Section 603. City Approvals that are Required.

All City approvals that are required for the use of the land and structures and for the location and operation of businesses and industries shall be obtained by the applicant and transmitted by him with his request for a development permit, building permit, or an occupancy certificate.

Section 604. Erosion and Sedimentation Control.

All developments within the City of Sugar Hill, Georgia shall comply with current erosion and sedimentation control regulations of the City of Sugar Hill, Georgia, and with the rules and regulations of the Environmental Protection Division, Department of Natural Resources, State of Georgia.

Section 605. Outdoor Storage.

The outdoor storage of inoperative automobiles, machinery, equipment, used building materials, trash, solid waste, appliances and similar items and materials shall be limited to junk yards and to those commercial enterprises requiring short-term storage of items being repaired.

Outdoor Storage of materials or equipment, sold or used in conjunction with an approved permitted use. The permitted use which has outdoor storage must be located in a Zoning District which permits outdoor storage.

Section 606. Annexation.

Any land subsequently annexed to the City of Sugar Hill shall be classified as to zoning district or districts at the time of annexation. The Planning Commission shall review the proposed annexation and shall report its recommendations for zoning of the properties involved to the City Council within sixty (60) days of a request

for recommendation. The City Council shall advertise for the conduct of at least one (1) public hearing in connection with any annexation.

Section 607. Requirements for Customary Home Occupations.

In addition to the limitations imposed on "Customary Home Occupation" under "Article 3, Definitions", the following requirements shall be met:

1. The home occupation shall be carried on only by a member or members of the family residing in the residence.
2. To the extent that there is any sale of any item or service related to the home occupation, no sale of that item or service may occur on or adjacent to the premises unless this use has been granted a Special Use Permit by the City Council after receiving recommendations from Planning Commission and following a public hearing.
3. The home occupation shall not involve group instruction or group assembly of people on the premises.
4. There shall be no exterior evidence of the conduct of a home occupation and shall be conducted only within the enclosed living area of the home (including basement, if any). There shall be no display or storage of products, materials, or machinery where they may be visible from the exterior of the residence.
5. The conduct of the home occupation shall neither increase the normal flow of traffic nor shall it increase either on-street or off-street parking.
6. No equipment may be utilized or stored in the conduct of the home occupation except that which is normally used for purely domestic or household purposes. Said items may only be those produced on the premises or incidental supplies necessary for and consumed in the conduct of the home occupation. Samples, however, may be kept on the premises but neither sold nor distributed from the residence.
7. There shall be no signs advertising the home occupation.
8. No more than 25 percent of the dwelling unit may be used for conducting the home occupation.
9. One business vehicle used exclusively by the resident is permissible. This vehicle must be parked in a carport, garage, side yard, or rear yard. This vehicle shall be no larger in size than a pick-up truck, panel truck, or van, nor have a carrying capacity of more than one and one-half tons.
10. The home occupation shall not create disturbing or offensive noise, vibration, smoke, dust, odor, radio, or television interference, voltage fluctuations or unhealthy or unsightly conditions; (Whether the disturbance is sufficient to invoke the prohibition of this section shall be determined by comparing the occupation caused disturbance to noises, smoke, odors, etc., that are commonly found in a residential neighborhood, such as children playing, yard maintenance, tools, etc.)

11. Accessory home occupation may not serve as headquarters or dispatch centers where employees come to the site and are dispatched to other locations;
12. All home occupations shall be subject to the periodic inspections by the Department of Planning and Development or its designee;
13. The Department of Planning and Development must approve all businesses/occupational/home occupational licenses which shall be recertified annually;
14. Deliveries to the home occupation shall be made by passenger vehicles, mail carriers, or step vans (UPS, Federal Express, etc.) and must not restrict traffic circulations;
15. Deliveries to the home occupation through tractor-trailers or vehicles with over six wheels shall be prohibited;
16. The following uses shall be permitted provided they meet the above standards.
 - i. Instructional, dance, or tutoring services within an enclosed building, but limited to four pupils at one time.
 - ii. Arts and crafts, artistic studios, including painting, sculpture, composing, writing, and related crafts such as weaving, rug work, dressmaking, canning, baking, and lapidary.
 - iii. Office service, including word processing, book keeping, transcribing, data entry, and telephone answering services.
 - iv. Barber and beauty shops. Said business shall operate only between the hours of 8:00 a.m. and 8:00 p.m. All local and state licenses as well as any other necessary permits must be obtained prior to the business being open. The business shall consist of no more than one beauty/barber chair, and no more than two customers shall be permitted at one time.
 - v. The accommodation of no more than two (2) boarders or roomers.
 - vi. The care of not more than six (6) children for compensation.
17. A customary home occupation specifically does not include the following:
 - i. Florist or flower shop
 - ii. Tearooms and restaurants
 - iii. Tourist homes, boarding houses, or rooming houses
 - iv. Fish hatcheries, worm farms, or bait houses
 - v. Convalescent and nursing homes

- vi. Kennels and animal hospitals
- vii. Clinics and hospitals
- viii. Retail Sales
- ix. Firewood sales.

18. Other similar uses as approved by the Director, Planning and Development.

Section 608. Architectural and Design Standards.

A. COMMERCIAL, INDUSTRIAL, OFFICE, INSTITUTIONAL, MANUFACTURING and MULTI-FAMILY DESIGN STANDARDS

1. Objectives and Findings

In an effort to maintain high quality, long-lasting and sustainable development within the City of Sugar Hill, the City hereby adopts the following design guidelines and standards for all newly constructed buildings within RM, OI, HSB, BG, LM, HM-1 and HM-2 zoning districts. These guidelines are intended to enhance the visual aspect and livability of the entire city. These guidelines will foster architectural diversity and interest, yet achieve and maintain a consistent, durable and pleasing aesthetic/visual quality.

Each building should be created as an enduring feature of the City's built and natural environment contributing to the productivity of our economy, social/civic network and ecological condition. The use of quality local materials is encouraged in order to minimize the operational and environmental cost over the life of each building. A typical building exterior shall require little maintenance and achieve a life span of at least 80 years. Nostalgic replications of any building shall be avoided.

The use of building materials should create a consistent and traditional architectural identity for each building/development. Traditional architecture may include the use of brick, pitched roofs, low-profile signage and subdued colors. For large commercial/retail buildings, variations in facade, roofline and depth shall be provided to lend the appearance of multi-tenant occupancy and reduce the perceived scale of such a building.

2. Grandfathering and Adoption

The following design guidelines and standards for all newly constructed non-residential or multifamily buildings within RM, OI, HSB, BG, LM, HM-1 and HM-2 zoning districts. Any project within the City that has received or applied for a building permit by the date of adoption of these requirements shall be allowed to proceed under the previous requirements. In addition to applicable provisions outlined in Article VIII of the 2000 Zoning Ordinance relating to nonconforming uses, any building addition or enlargement to a lawfully constructed building shall not be subject to these requirements.

3. Building Plans

All building plans submitted as an application for a building permit should clearly indicate all of the proposed building materials and colors for each facade as described herein. The plans should clearly show the location, dimensions and calculate the amount/percentages of all building materials per facade.

The following design standards are primarily based upon the City's zoning categories. However if a use is permitted in a more intensive zoning district, building material allocations shall be used for the less intensive classification (e.g. a professional office in a BG zoning district shall use the building material allocations in Table I for OI categories.)

4. Definitions

Arcade: As used herein, an arcade is a covered entry feature /structural canopy extending along the front facade of a commercial building.

Building: Any structure having a roof supported by walls and intended for the shelter, housing or enclosure of any individual, process, equipment, goods or materials of any kind.

Facade: A vertical exterior face or elevation of a building.

Front facade: Any facade with a public entry which faces a public right-of-way.

Rear facade: Any facade without a public entry that does not face a public right-of-way. A rear facade may be technically classified as a side facade.

Side facade: Any facade without a public entry but facing a public right-of-way or any facade with a public entry but not facing a public right-of-way. A side facade typically connects a front facade with a rear facade.

5. General Architectural Requirements

a. If provided, dumpsters shall be screened to a height of eight feet with an opaque screen on all sides. Screening wall must be finished with brick and/or stone. All dumpster screens must be arranged for easy access, located behind the principal building they serve and enclosed with an opaque gate finished to complement the walls of the enclosure. Dumpsters may be located alongside the principal building they serve provided that the dumpster is 75' away from any neighboring building or use.

b. All ground mounted mechanical, HVAC and like systems shall be screened from public street view on all sides by an opaque wall or fence made of brick, stone or appropriate landscaping.

- c. For all commercial/retail buildings, roof mounted mechanical, HVAC and like systems shall be screened on all sides from areas of lower elevation than the building's roof line.
- d. Contrasting accent colors on any single facade shall be limited to no more than 10% of the total wall area for any single facade.
- e. Permanently mounted neon lights shall not be allowed.
- f. Buildings located on out parcels shall be constructed using similar architectural themes as the principal building with which they are associated.
- g. Back-lit awnings, roof mounted lights, and/or roof mounted flag poles are not permitted. Satellite dishes shall be located and painted to blend with the background as much as practical.
- h. Each project shall seamlessly relate in form, materials and scale to its neighborhood and site while remaining unique in overall character and style. Each building design shall be made up of a compatible combination of these traditional architectural elements or similar elements: low pitched gable roofs; exposed beams or bracing under gables; prominent lintels and sills; open front porticos; prominent columns, posts and/or pilasters; gabled dormers; exposed rafters; wide eaves; brick or stone masonry foundation walls.
- i. Bright or vibrant colors of orange, purple, pink, bright green, violet or other similar hues which are considered to be visually obtrusive or otherwise inconsistent with the intent of the design guidelines are not permitted. The exterior color scheme shall be shown for all exterior elevations and included with the building plans.
- j. All site utilities shall be located underground.
- k. Roll-up type cargo bay doors shall be limited to the side or rear of buildings located in OI, HSB and BG zoning districts.

6. Building Materials

The following building materials may be used and combined to create a consistent, attractive, interesting and long-lasting building design within the general architectural requirements. The quantity and type of building materials are outlined below.

- a. Allowed Building Materials:
 - i. Brick – Painted brick and simulated brick veneers which are intended to imitate masonry exteriors are not permitted;
 - ii. Stone – Natural stone such as, but not limited to, granite, limestone, and marble are allowed building materials. Terra cotta, cast stone, cultured stone are also acceptable. Painted stone or mass produced sheets of simulated stone which are intended to imitate masonry exteriors are not permitted;

- iii. Glass – Reflective or glass tinted more than 20% is not permitted;
 - iv. High grade fiber cement siding;
 - v. High grade stucco / E.I.F.S (Exterior Insulation & Finish Systems);
 - vi. Split Face Block;
- b. Ratios and Amounts of Allowed Building Materials:

The following tables outline the allowed building materials for uses within each zoning category within the City of Sugar Hill:

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Table 1 - Allowed Building Materials - Buildings under 30,000 square feet Gross Floor Area (GFA)

Zoning Category	Brick	Stone (Cultured or Natural?)	Glass	Tilt/ Pre-Cast	Stucco / EIFS		Concrete Block/CMU		Split-Face Block		Siding		Metal	Tile
					Front	Side/Rear	Front/Side	Rear	Front/Side	Rear	Front	Side/Rear		
RM	Yes	Yes	No	No	Max. 20% per Facade	Max. 25% per Facade	No	No	No	No	Max. 20% per Facade	Max. 20% per Facade	No	No
OI	Yes	Yes	Yes	No	Max. 20% per Facade	Max. 25% per Facade	No	No	No	No	No	No	No	No
HSB	Yes	Yes	Yes	No	Max. 20% per Facade	Max. 25% per Facade	No	No	No	No	No	No	No	No
BG	Yes	Yes	Yes	No	Max. 20% per Facade	Max. 25% per Facade	No	No	No	No	No	No	No	No
LM	Yes	Yes	Yes	No	Max. 20% per Facade	Max. 25% per Facade	No	No	No	No	No	No	No	No
HM-1	Yes	Yes	Yes	No	Max. 20% per Facade	Max. 25% per Facade	No	No	No	No	No	No	No	No
HM-2	Yes	Yes	Yes	No	Max. 20% per Facade	Max. 25% per Facade	No	No	No	No	No	No	No	No

Table II - Allowed Building Materials - Buildings with 30,000 - 150,000 square feet GFA

Zoning Category	Brick	Stone (Cultured or Natural?)	Glass	Tilt/ Pre-Cast	Stucco / EIFS		Concrete Block/CMU		Split-Face Block		Siding		Metal	Tile
					Front	Side/Rear	Front/Side	Rear	Front/Side	Rear	Front	Side/Rear		
LM	Yes	Yes	Yes	No	No	No	No	No	Yes	Yes	No	No	No	No
HM-1	Yes	Yes	Yes	No	No	No	No	No	Yes	Yes	No	No	No	No
HM-2	Yes	Yes	Yes	No	No	No	No	No	Yes	Yes	No	No	No	No

NOTES:

Table III - Allowed Building Materials – Buildings or common developments with more than 150,000 square feet GFA

Zoning Category	Brick	Stone (Cultured or Natural?)	Glass	Tilt/ Pre-Cast	Stucco / EIFS		Concrete Block/CMU		Split-Face Block		Siding		Metal	Tile
					Front/Side	Rear	Front/Side	Rear	Front/Side	Rear	Front	Side/Rear		
BG	Yes	Yes	Yes	Yes*	Max. 30% per Facade	No	No	Yes#	Yes	Yes	No	No	No	No
LM	Yes	Yes	Yes	Yes*	Max. 30% per Facade	No	No	Yes#	Yes	Yes	No	No	No	No
HM-1	Yes	Yes	Yes	Yes*	Max. 30% per Facade	No	No	Yes#	Yes	Yes	No	No	No	No
HM-2	Yes	Yes	Yes	Yes*	Max. 30% per Facade	No	No	Yes#	Yes	Yes	No	No	No	No

NOTES:

Allowed only on rear facades of single buildings or common developments larger than 150,000 square feet gross floor area and must be finished to match building's primary color. Rear building wall must be screened from adjacent right of way, residential uses, retail uses or service uses by an opaque landscape buffer to consist of multiple staggered rows of evergreen and semi-evergreen trees and shrubs native or adapted to the area. Trees shall be 6' tall at time of planting. Plantings shall be arranged to provide an effective visual screen of at least the height of the wall at maturity. Buffer must be shown on a landscape plan to be approved by Planning and Development prior to receiving any permits.

* Exterior walls must be constructed and finished in accordance with all other provisions of the Architectural and Design Standards. Acceptable finish treatments shall include any of the allowed building materials from Table III adapted for use in a tilt / pre-cast wall application.

c. Accent/Trim Exterior Building Material

Small amounts of building materials such as wood, tile, etc., may be used to enhance the elevation of the building or for decorative elements but should not exceed 10% of total wall area per facade.

d. Facade Calculations

With the exception of accent/trim materials, there shall be no more than two primary building materials used. When a material is restricted as a percentage in Table I or Table II, such as stucco or siding, the building material may not be considered a primary building material or be combined with another restricted building material. The allowed facade materials shall not apply to windows, glass-front windows, entry doors and/or roll-up doors. The amount of permitted material shall be calculated using the gross square footage of wall area per facade. A building material that is allowed (such as brick) may be used in any percentage throughout the structure. A material that is restricted (such as stucco and split face block) is allowed as a maximum percentage. For example, a building has a front facade with a gross facade area of 1,200 square feet with 400 square feet consisting of windows and doors. Begin with 1,200 square feet for required building material calculations. In this case, the front facade of a building in BG zoning district with a wall area of 1,200 square feet shall have no more than 300 square feet of stucco on the front facade [ex. $(1,200 \times 25\% = 300)$]. The balance shall be brick or other allowed material.

i. For buildings with less than 15,000 square feet GFA, multi-pane windows shall be used in individual window openings, rather than large glass sheets.

ii. Mirrored glass with a reflection greater than twenty (20%) percent and glass curtain walls shall be prohibited.

iii. For buildings with less than 15,000 square feet GFA, window areas shall not extend down to the floor line. A wall of not less than 2' in height shall separate the floor from the bottom of the window frame.

iv. Building facades shall be visually divided into segments through articulation of the façade achieved by methods such as but not limited to variation in building materials, roof line, building setback, the use of additional window bays, pilasters. The segments shall be determined based on the length of the façade as shown:

<u>Façade Length</u>	<u>Maximum Segment Length</u>
50' – 150'	50'
151' – 300'	75'
301' +	150'

7. Roof Requirements

a. Pitched Roofs

All one-story buildings less than 10,000 gross square feet must have a pitched roof (between 3:12 and 12:12). If a pitched roof is not possible, a combination of flat roof and pitched roof shall be required. Provide a pitched roof on front and side of the building to screen view of any flat roof. Cover arcades, canopies, porches, balconies and other similar features with a pitched roof. Materials for pitched roofs shall be limited to architectural dimensional grade asphalt shingles, natural slate, natural terra cotta, natural wood shake, or factory finished enamel metal roofing. The use of copper enamel standing seam metal roofing is the signature treatment for buildings in Downtown Sugar Hill.

b. Mansard Roofs

Mansard roofs shall have a maximum pitch of 12:12 with a minimum 12 foot vertical surface length.

c. Flat Roofs

Flat roofs may be of any material that meets local codes. If factory finished metal flashing is used the color must be subdued to blend with other materials used in the construction of the roof. All buildings with flat roofs shall include parapet articulation on the front façade(s) of such building. There shall be roof articulations/offsets at a minimum of one per each 120 linear feet of length by a change in the top line of the parapet. Additional articulation may occur at any lesser distance. If the front facade is less than 120 linear feet, then a minimum of one roof articulation must occur.

d. Other

Drive under canopies for gasoline pumps may have flat roof with vertical or factory formed facing of finished sheet metal.

8. Arcade / Structural Canopy for Retail Commercial Buildings

For all commercial retail/service buildings, a covered entry shall be provided at the front of the building. The arcade or canopy shall provide covered areas for relief from the weather and extend from the building a minimum of five feet. They shall be designed in a manner which adds architectural variation and a sense of depth to the façade.

9. Alternate Review

This Ordinance is intended to be followed as outlined above. In the event the intent of this Ordinance can be achieved with minor deviations which do not substantially impact the goals or intent of this Ordinance, the Director of the City of Sugar Hill Department of Planning and Development has the authority to modify the specific provisions. If substantial modifications or changes are necessary, any

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person, firm, group or organization may apply for relief from these requirements to the City Council in accordance with article 15 of the Zoning Ordinance.

Any application for an alternate architectural arrangement shall be accompanied with proposed elevations, building materials, and/or renderings necessary for the City Council to make a determination whether the alternate proposal meets the intent of these requirements. The City Council, as part of an approval, may include conditions, modifications or requirements necessary to mitigate any part of their decision. The City may establish filing requirements, fees and deadlines as needed.

10. Severability

Any requirement set forth herein deemed unconstitutional, vague, illegal and/or otherwise unenforceable in a court of law shall not invalidate the subject Ordinance and all other provisions and requirements thereto shall remain in full force and effect.

Section 609. Minimum Floor Area Requirements.

All dwelling units shall have a minimum heated finished living area, excluding a basement, attic, carport or garage, as provided for in Article 9. Use Provisions for each residential zoning classification of this Ordinance.

Section 610. Area, Yard and Height Requirements.

When developing under any Zoning Classification the requirements of area, yard, and height requirements shall be met.

In all districts, the height requirements must be met unless the applicant is granted a Special Use Permit by the City Council after receiving recommendations from the Planning Commission and after a public hearing. Provided, however, that an increase in height of less than fifteen (15) feet for any structure may be requested under the provisions of Article 14, Section 1400 as an Administrative Variance when no increase is involved in the number of stories which would otherwise be permitted under the applicable zoning district.

Section 611. Flood Hazard.

Except for stormwater retention facilities, no structures or obstruction to storm water flow shall be erected within the limits of the maximum flood elevation of 100-year recurrence interval storm.

Section 612. Frontage on Corner Lots.

On lots having frontage on more than one (1) street that intersects in front of the lot, the minimum front yard shall be provided for each street.

Section 613. Junked Automobiles.

Any automobile, truck, vehicle or trailer of any kind or type, without a valid license plate attached thereto, shall not be parked or stand on any private property or public roads and is hereby found to create a condition tending to reduce the value of private property, to promote blight and deterioration, and invite plundering and vandalism, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects, and to be injurious to the health, safety, and general welfare and, when on county streets, to create a traffic hazard and endanger public safety.

This Section shall not be the exclusive regulation of abandoned, wrecked, dismantled, or inoperative vehicles or contrivances within the City Limits of Sugar Hill but shall be supplemental and in addition to the other regulations and regulatory codes, ordinances, statutes, or provisions of law heretofore and hereinafter enacted by City, County, State, or other legal entity or agency having jurisdiction.

A. Conditions describing a Junked Vehicle.

An inoperative or junk condition shall include, but not be limited to any automobile, vehicle, trailer of any kind or type, or contrivance or part thereof, the condition of which is one or more of the following:

1. Wrecked.
2. Dismantled.
3. Partially dismantled.
4. Inoperative.
5. Abandoned.
6. Discarded.
7. One which does not have a valid license plate attached thereto.

B. Junked Automobiles which would be permitted within the City Limits of Sugar Hill.

The following conditions allow the parking or standing of a junked vehicle on any property within the City of Sugar Hill.

1. One or two junked vehicle(s) enclosed within a building on residentially zoned property provided the occupant of the home is in the process of reconditioning the vehicle(s) for his or her personal use.
2. It shall be on the premises of a business enterprise operated in a lawful manner for the purpose of repairing, reconditioning or remodeling of the vehicles in conformance with the requirements for an automobile impoundment yard, an automobile repair garage, or other

such similar use. Such vehicles shall not be stored for the purpose of salvage of parts but shall be in continual process of repair or reconditioning.

3. It shall be on the premises of a business enterprise operated in a lawful manner and licensed as a junk yard under the provisions of this Ordinance.

Section 614. Prohibited uses.

Uses of land and buildings which are incompatible with existing and future development within the city limits of the City of Sugar Hill and are prohibited in all districts. The Planning Commission and the Board of Zoning Appeals do not have the authority to grant variances or special exceptions for these prohibited uses. Prohibited uses are as follows:

1. The keeping or raising of livestock or poultry, whether for domestic or commercial purposes. The keeping of no more than five (5) rabbits or the keeping of no more than one (1) pure bred Vietnamese pot belly pig, provided said animals are kept purely for domestic purposes to be used as pets shall not be prohibited by this Section provided that the animals are maintained in accordance with the following provisions:
 - (1) The animals may not be raised for or offered for sale to the public.
 - (2) The property on which the animal is being kept or raised must be located in an AF, RS-100, RS-150, RS-175 or RS-200 Zoning District, must be used for single-family residential purposed or agricultural purposes.
 - (3) The pens, hutches or other facilities in which a rabbit or pure bred Vietnamese Pot belly pig are maintained must be maintained in a clean and sanitary manner in accordance with all health department regulations. All such facilities must be set back at least 30 feet from all property lines. Each rabbit must have separate quarters. All rabbit quarters or hutches shall have a minimum floor space of at least four (4) square feet and a maximum floor space of sixteen (16) square feet per rabbit. The floor surface shall consist of half solid wood and half rabbit wire.
 - (4) Anyone raising or maintaining rabbits or pure bred Vietnamese pot belly pigs must keep all such animals in the rear yard and the rear yard of the property on which said animals are maintained must be separated from adjacent properties by a six foot high solid wood or chain link fence. Off spring may be kept a maximum of six weeks.

No administrative variance shall be granted regarding the provisions of this subsection and the Zoning Board of Appeals shall not be authorized to grant variances regarding the provisions of this subsection.

1. Yards for the sale, transfer, or temporary holding of livestock.
2. Poultry killing, plucking, and dressing.

3. Meat packing, slaughtering, eviscerating, and skinning.
 4. Rendering of byproducts of slaughtering and killing animals or poultry.
 5. The use of equipment which causes off-site radio or television interference.
2. Vape Store.

ARTICLE 7.

EXCEPTIONS AND MODIFICATIONS

Section 700. Fences and Walls.

Fences or walls shall be permitted in any zoning district subject to the following requirements:

A. Location & Visibility.

1. No fence or wall shall obstruct the view of adjoining property owners entering or leaving the public/private street, nor obstruct the visibility at street intersections (refer to Development Regulations 9.6.8).
2. A fence or wall may be placed up to the applicant's property side or rear lot line, but shall not encroach onto adjacent property or any easement without written permission from the property owner or easement holder.
3. Fences or walls along a public or private street shall be setback a minimum of three (3) feet from the property line.
4. Encroachment within a drainage easement shall require approval of a Drainage Easement Agreement in a form approved by the City Manager.
5. No fence or wall shall be placed or permitted in the public right-of-way. It is in violation of this Ordinance to place any fence or wall within the public right-of-way and it shall be removed immediately.
6. Adequate provisions shall be made for access of normal utility service (including but not limited to garbage collection as well as water, gas and electricity meters and cutoffs), mail delivery and emergency responders.

B. Design Standards.

1. Fences shall be constructed of durable weather proof materials such as wood, brick, stone and metal.
2. Walls shall be constructed of wood, concrete, concrete block, brick, stone or cultured stone. Concrete or concrete block that is visible from adjacent property shall be painted or stained.
3. All parts of a fence or wall visible from adjacent property shall be colored to compliment the principal building and shall be finished with natural wood colors, white, beige, ivory, cream, off-white, black or dark green. Chain link type fences may be unfinished if constructed of galvanized metal.
4. The finished side shall face the exterior of the property.

5. Woven wire, chain link or metal mesh fences placed along a public or private street shall be screened by landscaping between the fence and property line subject to approval by the City Manager.

C. Maintenance.

1. The fence or wall shall be maintained by the property owner(s) at all times, in appearance and structural integrity.
2. All fences and walls shall be maintained in good condition, so as to present a neat and orderly appearance. Peeling, flaking, chipped or fading exterior surfaces shall be eliminated and refinished. The City Manager may cause to be removed after due notice any fence which shows gross neglect, becomes dilapidated, or is subject to removal under any other provision of this Ordinance.

D. Electrified Fences.

1. Electrified fences shall be limited to a side and rear yard and shall be enclosed by at least a four (4) foot high perimeter fence.
2. Electrified fences shall not extend above exterior perimeter fence.
3. Fence chargers shall be a commercially made Underwriters' Laboratories (UL) approved device retailed for safe residential use around adults and small children. Maximum output shall be limited to .50 joules.
4. The installation of an electric fence shall be clearly indicated by a warning sign placed at 100' intervals along the outer perimeter or at least one on each side and rear lot line to be approved by the City Manager.
5. Adequate provisions shall be made for access of normal utility service (including but not limited to garbage collection as well as water, gas and electricity meters and cutoffs), mail delivery and emergency responders such that the charging device and fence can be disabled or bypassed for entry.

E. Walls or fences in a Residential Zoning District.

Fences and walls located within a residential zoning district shall be subject to the following additional requirements:

1. No such fence or wall shall be constructed with: barbed wire, razor wire, spikes, glass, tires, junk or other discarded materials.

2. Maximum height is eight (8) feet. Engineered retaining walls higher than eight (8) feet may be permitted upon approval of an administrative variance.
3. The maximum height of a fence or wall in the front yard shall be four (4) feet subject to visibility requirements above. For the purposes of this section, on corner lots and/or other lots with multiple frontages, the City Manager shall determine which yard is considered a front and which yard is considered a side. All fences shall be subject to the visibility requirements above and the City Manager may impose conditions pertaining to the location and design of any fence within a front yard in order to maintain a tasteful appearance that is visually consistent with other nearby properties. Chicken wire, hog wire, or welded wire mesh may only be used as a backing on the interior side of an approved wooden picket or rail fence and shall be securely attached. Hog wire backing shall not contain barbed wire.
4. Chicken wire, hog wire or welded wire mesh may only be used as a backing on the interior side of an approved wooden picket or rail fence and shall be securely attached. Hog wire backing shall not contain barbed wire.

Section 701. Structures Excluded from Height Limitations.

The height limitations of this Ordinance shall not apply to church spires, belfries, flagpoles, monuments, cupolas, domes, ornamental towers, nor to observation towers not intended for human occupancy, water towers, transmission towers, radio or television towers or aerials (other than as provided in Article 13.5), chimneys, smokestacks, conveyors, derricks, parapet walls extending not more than four (4) feet above the roof line of the building, or to necessary mechanical roof appurtenances.

Section 702. Substandard Lots of Records.

Any lot of record existing at the time of the adoption or amendment of this Ordinance, which has an area or a width that is less than is required by this Ordinance, may be used, subject to the following exceptions and modifications:

1. Adjoining lots. When two (2) or more adjoining lots of record with continuous frontage are in one (1) ownership at any time after the adoption or amendment of this Ordinance and such lots, individually, have an area or width that is less than required by this Ordinance, such groups of lots shall be considered as a single lot or several lots of the minimum width and area required in the district in which they are located.
2. Individual lot that does not meet the minimum lot size requirements. Except as set forth in subsection (1) of this section, in any district in which single-family dwellings are permitted, any lot of record existing at the time of adoption or amendment of this Ordinance, which has an area, width or depth less than that required by this Ordinance, may be used as a building site for single-family dwelling.

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 Zoning Board of Appeals is hereby authorized to reduce the side yard requirements for such lot the

minimum amount necessary for a reasonable dwelling, but in no case shall each of the side yards be less than five (5) feet in width.

Section 703. Reduction of Front Yard Requirements for Dwellings.

The front yard requirements of this Ordinance for dwellings shall not apply on any lot where the average depth of the front yard of existing buildings located wholly or in part within one hundred (100) feet on each side of such lot within the same block or zoning district and fronting on the same side of the street is less than the minimum required front-yard depth. In such cases, the depth of the front yard on such lot may be less than the required front-yard depth but shall not be less than the average of the front yards of the aforementioned existing buildings.

Section 704. Temporary Buildings.

A temporary building or buildings for use in connection with a construction project or land subdivision development shall be required to acquire a temporary permit for a period of six (6) months. If the temporary building or buildings is needed for a period beyond six (6) months, re-application may be made at the end of the six (6) month period.

Section 705. Permitted Encroachments upon Required Setbacks.

Cornices, eaves, chimneys, landings, porches, bay windows, or other similar architectural features may extend into the required front, side, and rear yard provided such extensions do not exceed three (3) feet. Decks and patios may extend into the side or rear yard but no closer than five (5) feet from any property line. Steps and landings may extend into the required setbacks provided such extensions do not exceed ten (10) feet for the front yard and three (3) feet for side yards. Steps and landings may extend into the rear yard, but, no closer than five (5) feet from the property line. Canopies, covered entrances or walkways for non-residential day care facilities, churches, or other similar uses may extend into the required side or rear yard provided such extension does not exceed three (3) feet and may extend into the required front yard provided such extensions do not extend to a point any closer than fifteen (15) feet from the street right-of-way line or future right-of-way line as designated on the Long Range Road Classification Map of the City of Sugar Hill or Gwinnett County, whichever is greater. However, canopies over pump islands or over sidewalks may extend up to the street right-of-way line or future right-of-way line as designated on the Long Range Road Classification Map of the City of Sugar Hill or Gwinnett County, whichever is greater.

ARTICLE 8.

NON-CONFORMING USES

Section 800. Continuance of Non-conforming Uses.

The lawful use of any building or structure or land existing at the time of the enactment or amendment of this Ordinance may be continued, even though such use does not conform with the provisions of this Ordinance, except that the non-conforming use shall not be:

1. Extended to occupy a greater area of land.
2. Extended to occupy a greater area of a building or structure unless such additional area of the building or structure existed at the time of the passage or amendment of this Ordinance and was clearly designed to house the same use as the non-conforming use occupying the other portion of the building or structure.
3. Re-established after discontinuance for one (1) year.
4. Changed to another or different non-conforming use.

Section 801. Continuance of a Non-Conforming Building or Use.

A non-conforming building or use existing at the time of the enactment or amendment of this Ordinance may be retained except as follows:

1. No building or structure other than a single-family detached dwelling may be enlarged, or altered except in conformance with this Ordinance but it may be repaired to the extent necessary to maintain it in a safe and sanitary condition.
2. No building or structure other than a single family detached dwelling shall be rebuilt or altered after damage if the cost of the repair or alteration will exceed 50% of the value of the structure prior to the damage. Any such structure shall be brought into conformity with this ordinance. A single family detached dwelling which has been damaged as a result of fire, flood, wind, earthquake or other natural disaster or any accident may be rebuilt, altered or repaired structure contains at least as many square feet of heated space as the dwelling which was damaged or destroyed.

Section 802. Amortization and Discontinuance.

Certain uses of land, buildings, and structures have an adverse affect on the orderly development of the community and on the general health and welfare of the citizens. Such uses can reasonably be required to cease after a reasonable time, irrespective of the general rules governing non-conforming uses as presented in Sections 800 and 801. The following uses shall be removed, discontinued or made conforming within the specified amortization period. Said amortization period shall commence upon the serving of written notice to the Owner by the City:

1. Fences, walls and foliage which might constitute a hazard by virtue of impairing sight distances at a curve or intersection shall be made conforming within one (1) calendar year.
2. Outdoor advertising signs and billboards shall conform within eight (8) years.
3. All provisions in business or industrial districts of this Ordinance setting forth specifications for the operation of a business or industry requiring fencing or visual screening shall conform within three (3) calendar years.
4. Non-conforming open storage operations, such as truck parking, automobile wrecking or salvage, salvage material storage and similar uses shall conform within two (2) calendar years.
5. Mobile home parks and mobile home subdivisions shall conform within three (3) calendar years.

Section 803. Validity of Previously Issued Permits and Approvals.

No provision of this Zoning Ordinance shall be construed to affect the validity of any of the following:

1. Any building permit lawfully issued prior to the adoption of this Ordinance, or any Amendment thereto, provided that all time constraints and any procedures for extension specified by such permit shall be observed.
2. Any grading permit lawfully authorized prior to the adoption of this Ordinance, or any Amendment thereto, provided that all time constraints and any procedures for extension specified by such permit shall be observed.
3. Any development permit lawfully authorized prior to the adoption of this Ordinance, or any Amendment thereto, upon approval of relevant construction drawings; and such development may proceed to record provided that all time constraints and conditions relating to the approval are observed, and that the lot size and construction of buildings shall be in accordance with the area and dimensional requirements existing on the date of such approval.

ARTICLE 9.

LOT AND BUILDING DIMENSIONAL STANDARDS

Section 900. Purpose.

This section sets out the standards that control lot size, placement of buildings and structures and intensity of development for all lots within the city limits.

Section 901. Lot area and residential density.

All property on which a residential use is to be located shall meet or exceed the lot area and density requirements shown on Table 9.1 for the zoning district in which the property is situated.

Section 902. Lot area and non-residential density.

All property on which a non-residential use is to be located shall meet or exceed the lot area requirements shown on Table 9.1 for the zoning district in which the property is situated.

Section 903. Floor area provisions.

The minimum building floor area required for a dwelling unit within each zoning district is shown on Table 9.1.

Section 904. Minimum lot width.

The minimum lot width for a lot within each zoning district is shown on Table 9.1.

Section 905. Minimum setbacks, principal buildings.

All principal buildings shall be set back from the right of way and all other lot lines no less than the distance shown on Table 9.1.

Section 906. Minimum setbacks, accessory buildings.

For accessory buildings 240 square feet or less, refer to section 600. Accessory buildings having a gross floor area more than 240 square feet shall be subject to the same setbacks required for principal buildings as shown on Table 9.1.

Section 906. Building and structure heights.

The maximum height of all buildings and structures in each zoning district, except as otherwise noted, shall be as shown on Table 9.1.

Section 907. Maximum Lot Coverage.

The maximum lot coverage by principal and accessory buildings is shown as a percentage of the lot area in Table 9.1.

Table 9.1 – Lot and Building Dimensional Standards

Dist.	Min. Lot Area (Sq. Ft.)	Max. Density ⁽⁶⁾ (Units / Acre)	Min Dwelling Unit Size (Sq. Ft.) Single Story / Two Story or more	Min. Lot Width (Ft.)	Setback from			Min. ⁽⁵⁾ Side Yard (Ft.)	Min. ⁽⁵⁾ Rear Yard (Ft.)	Max. Height (Ft.)	Max. % of Lot Coverage ⁽¹⁾
					Right-of-way (Ft.) Major Street	Collector Street	Street				
AF	40,000 ⁽²⁾	1.5	2,000 / 2,400	100	60	50	20	35	35	30	
RS-200	20,000 ^(2,3)	1.8	2,000 / 2,400	100	45	35	10	35	35	40	
RS-175	17,500 ^(2,3)	2.1	1,900 / 2,200	100	45	35	10	35	35	40	
RS-150	15,000 ^(2,3)	2.5	1,700 / 2,000	100	45	35	10	35	35	40	
RS-100	10,000 ^(2,3)	3.7	1,600 / 1,800	70	45	35	10	30	35	40	
RS-72	7,200 ^(2,3)	6	1,600 / 1,800	55	45	35	10 ⁽⁹⁾	30	35	80 ⁽¹⁰⁾	
R36	Varies, Refer to Appendix C.	8 ⁽⁴⁾	Varies, Refer to Appendix C.	Varies, Refer to Appendix C.						80 ⁽¹⁰⁾	
MH	20 Acres	-	600	40	30	20	10	5	35	35	
OI	10,000 ⁽²⁾	-	-	50	50	40	10	30	35	N/A	
HSB	10,000 ⁽²⁾	-	-	70	50	40	10	30	45	N/A	
BG	NONE	-	-	60	40	30	10 ⁽⁷⁾	30 ⁽⁷⁾	45	N/A	
LM	NONE	-	-	100	50	50	20	20	50	N/A	
HM-1	NONE	-	-	100	50	40	20	20	70	N/A	
HM-2	43,560 ⁽²⁾	-	-	100	50	50	20	20	50	N/A	

- 1 Includes principal and accessory buildings but not pavement areas. Not applicable (N/A) to non-residential zoning categories. Maximum % lot coverage shall be controlled by engineering and site design requirements found in the city's Subdivision Regulations and other applicable land use policies.
- 2 No portion of any lot which is flooded by a 100-year recurrence interval storm event may be counted as part of the required minimum lot area.
- 3 No subdivision lot which contains less than fifty percent (50%) of the minimum lot area required by the applicable Zoning District or eight thousand (8,000) square feet, whichever is greater, located above the base flood elevation shall be approved. All area above the flood elevation used to satisfy this requirement shall be contiguous and shall not be separated by any flood area.
- 4 Maximum density may be increased to twelve (12) units per acre if the project includes driveways and garages with alley access only and at least one on-street parking for 30% of the total number of units.
- 5 Buffer zones are required in addition to side and rear yard where an office-institutional, business, manufacturing or industrial use abuts a residential District and where a multi-family or mobile home use abuts a single-family residential District.
- 6 Density calculations shall exclude 50% of the land that is within a flood hazard area or within an electrical transmission, natural gas or petroleum pipeline easement.
- 7 Side yard required only if a butting a District requiring side yards.
- 8 The minimum setback adjoining a residential Zoning District is one hundred twenty (120) feet.
- 9 Side yard only required between dwellings which do not share a common wall.
- 10 For fee simple lots surrounded by common property outside of the building footprint the maximum lot coverage applies to the gross land area of the project or subdivision.

ARTICLE 10.

OVERLAY ZONING DISTRICTS

Section 1000. Planned Unit Developments.

The purpose of planned unit developments is to encourage the best possible site plans and building arrangements under a unified plan of development rather than under lot-by-lot regulation. The developer benefits from better land utilization, economy in the provision of roads and utilities and flexibility in design. The City gains the advantages of variety in building types, compatibility of uses and optimum community development. Review of the development plan by the Sugar Hill Planning and Zoning Commission provides an opportunity to assure that the development will be in harmony with the character of the neighborhood in which the development is located.

The planned unit development is not intended to encourage greater density of development but rather to encourage ingenuity and resourcefulness in land planning. The planned unit development is, furthermore, not intended to enhance the value of the property for speculative purposes. Approval of a planned unit development is therefore conditional, and if construction is not commenced within one (1) year, and pursued in an orderly manner toward completion, the Mayor and City Council may, upon written notice to the property owner, abolish the Zoning or reduce the size of the tract to fit the scope of actual development.

A. Types of Planned Unit Development.

The following types of planned unit developments are authorized by this Ordinance. They are required to have the minimum acreage indicated:

1. Planned Residential Development (PRD) – Ten (10) acres.
2. Senior Residential Development (SRD) – Five (5) acres.

B. Ownership Control.

The land area of a planned unit development shall be a contiguous land area to consist of all property within its exterior boundaries and shall not include any islands. For purposes of this Section, an island is defined as any property in which its aggregate external boundaries abut the surrounding property contained in the planned unit development. Upon application for a PUD, all land within the land area of the planned unit development must be owned by the same individual, corporation or other legal entity. Individual properties in a planned unit development may be sold after a plat has been recorded, with the properties subject to private deed covenants that assure the continuance of the planned unit development as originally approved and developed.

C. Standards Applying to All Planned Unit Developments.

All planned unit developments shall meet the following standards and such other requirements as are set forth with respect to each of the permitted types of planned unit developments:

1. The development shall be compatible with the topography of the land and shall preserve any unusual topographic or natural features.
2. The development shall not adversely affect developed or undeveloped neighboring properties.

3. The development shall utilize design and development features that would not be possible by the application of lot-by-lot Zoning District regulations.
4. Water, sewerage, and street facilities shall be adequate for the proposed development or there shall be a definite proposal for making them so.
5. Yards: The yard requirements of the Zoning District in which the planned unit development is located may be waived by the Mayor and Council except along the exterior boundaries of the development. Buffer zone requirements shall be met.
6. Height: The height limitation of the Zoning District in which the planned unit development is located may be waived by the Mayor and City Council.
7. Off-street parking and loading and unloading requirements: The off-street parking and loading and unloading requirements of this Zoning Ordinance shall be met.

D. Standards Applying to Planned Residential Developments.

1. Location. A planned residential development may be located within any residential Zoning District if it meets all the required standards for planned residential developments.
2. Permitted uses. A planned residential development may contain single-family detached houses, condominiums, attached single-family houses, customary home occupations and customary residential accessory building and uses.
3. Common open space requirements. In a residential planned unit development, the lot size may be reduced from the general lot size for that district at the discretion of the Mayor and City Council. For all lots in a residential planned unit development the developer shall reserve five hundred fifty (550) square feet per lot for open space. In addition to the five hundred fifty (550) square feet per lot, the developer shall reserve an amount of land equivalent to the reduction in any lot size for open space to be preserved and maintained for its scenic values, passive recreation or conservation purposes. (Example: Lot size required by underlying zoning district is 10,000 sq. ft. A request for an 8,000 sq. ft. lot requires a set aside of 2,550 sq. ft. of open space [2,000 sq. ft. for equal offset from 10,000 sq. ft. plus 550 sq. ft. for the dwelling unit on the lot]).
 - i. The required open space shall not include areas devoted to public or private streets and parking areas.
 - ii. Up to one-half of the required open space may be located in a 100-year floodplain or an existing lake.
 - iii. The required open space shall be left in its natural state as passive greenspace unless otherwise approved by the City Council.
 - iv. If requested by the City, the owner of the planned residential development shall deed to the city the land set aside as required open space.
 - v. If the City does not require that the land be deeded to it, then the open space shall be deeded to a property owner's association comprised of residents of the planned

residential development for the benefit of the residents. The organization of the property owner's association and its adequate financing for the discharge of its responsibilities shall be assured through acceptable private deed covenants tied to the land.

- vi. In the event the property owner's association fails to maintain the common open space properly, the City may serve written notice upon the property owner's association and upon the residents and owners of the planned residential development setting forth the manner in which the organization has failed to maintain the common open space in a reasonable condition. Said notice shall include a demand that such deficiencies of maintenance be corrected within thirty (30) days thereof, and shall state the date and place of a hearing thereon which shall be held within fifteen (15) days of the notice. The deficiencies are not corrected within the said thirty (30) days, the City, in order to preserve that taxable values of the properties within the planned residential development and to prevent the common open space from becoming a public nuisance, may enter upon said common open space and maintain the same for one (1) year and thereafter until the property owner's association is prepared to provide proper maintenance. The cost to such maintenance by the City shall be assessed against the properties within the plan residential development that have a right of enjoyment of the common open space and shall become a tax lien upon said properties.
4. General private deed covenants. The entire planned residential development shall be included within private deed covenants tied to the land assuring the continuance of the planned residential development in accordance with approved plans and development.
5. Minimum lot sizes. The minimum lot sizes of the Zoning District in which the planned residential development is located may be waived by the Mayor and Council provided that any lot touching the exterior boundary of the development shall meet the minimum frontage and minimum square footage requirements for the underlying Zoning District.
6. Gross density. Except where noted herein, the overall maximum density of a planned residential development shall not exceed the density of the zone in which it is located.

E. Standards Applying to Senior Residential Development.

A Senior Residential District (SRD) is designed to serve the housing need of adults who are 55 years of age or older. It is recommended that these districts be located in areas that facilitate pedestrian access to nearby commercial goods and services, and/or amenities/cultural facilities. These areas are intended to function as communities with parks and open spaces. At least 80% of the occupied units shall be occupied by at least one person who is 55 years of age or older. The other 20% is not intended as a set aside for younger residents and efforts should be made to minimize the number of units that do not meet this requirement.

1. Location. An SRD shall be located within an RS100 or RM Zoning District.

2. Permitted Uses. Detached or attached single-family homes, villas/town homes, attached residences, plus customary residential accessory building and uses. A combination of these housing units may be used, but each type of permitted use must be clustered within the development and not randomly situated. The development plans shall indicate what type of housing units are to be located within the development.
3. Common open space requirements. No less than twenty-five (25) percent of the site acreage shall be set aside as open space, and no more than 50% can be in a Flood Hazard area, as identified by Sugar Hill Floodplain Management Ordinance.
4. Minimum lot sizes. The minimum lot sizes of the Zoning District in which the planned residential development is located may be waived by the Mayor and Council provided that any lot touching the exterior boundary of the development shall meet the minimum frontage and minimum square footage requirements for the underlying Zoning District.

5. Area and dimensional standards:

Within the SRD, the following requirements shall be met for detached homes:

- Maximum gross density – 5 units per acre.
- Minimum lot area – No minimum.
- Minimum lot width – 45 feet (45')
- Minimum front yard – Fifteen feet (15')
- Maximum front yard – Twenty five feet (25')
- Minimum side yard – Five feet (5')
- Minimum rear yard – Twenty feet (20')

Within the SRD, the following requirements shall be met for attached homes:

- Maximum density: Eight (8) units per acre or twelve (12) units per acre where driveway access is from an alley or otherwise from the rear of the lot.
- Lot Area – No Minimum.
- Lot Width – No Minimum.
- Internal Road Frontage – No Minimum.
- External Road Frontage For Overall Development – Fifty feet (50')
- Minimum unit width: Twenty feet (20')
- Minimum internal front yard – Fifteen feet (15')
- Maximum internal front yard – Twenty five feet (25')
- Minimum distance between buildings – Fifteen feet (15')
- Minimum rear yard – Twenty feet (20')
- An opaque landscape buffer of twenty-five feet (25') shall be maintained and planted along the exterior of the development where it abuts residential zoned property of a lower density.

6. Site and Architectural Design Standards:

- i. A 10' landscape strip shall be provided on the property adjacent to all public right-of-way on the exterior/perimeter of the development. The landscape strip may incorporate natural

vegetation, a landscaped berm, picket type fence with brick or stone columns every 30 feet or a decorative brick or stone wall.

- ii. Street trees shall be planted in the right-of-way, a minimum of two feet (2') from back of curb and spaced equal distance between street lights. Street trees shall be planted no more than fifty feet (50') apart and no closer than twenty five feet (25') from street intersections. The tree plan shall be prepared by a registered Landscape Architect or other certified professional in accordance with the Buffer, Landscape and Tree Ordinance.
 - iii. All grassed areas shall be sodded.
 - iv. Homes/Buildings shall be constructed of traditional design with brick, stone, fiber cement horizontal siding or fiber cement shakes/shingles. No vinyl or metal siding shall be permitted.
 - v. All attached dwelling units shall have a minimum 850 square feet for 1 bedroom villas/town homes; 1,000 square feet for two bedroom units/homes; and 1,200 square feet for three or more bedroom units/homes. Detached dwellings to have a minimum of 1,400 square foot heated space.
 - vi. All dwellings shall be provided at least a single-car garage.
 - vii. Provide six-foot (6') wide sidewalks at six feet (6') from the back of the curb and street trees adjacent to both sides of interior streets or private driveways. Reference the City's Development Regulations for design standards. All sidewalks shall comply with the Americans with Disabilities Act (ADA) as applicable.
 - viii. A system of paved six-foot (6') wide multi-use paths shall be constructed to connect greenway/open space areas, outdoor amenities/recreation areas, homes, clubhouse, and other amenities.
 - ix. A four-foot (4') wide walkway, constructed of concrete, shall extend from the sidewalk to the steps, stoop, or porch of all homes. Reference the City's Development Regulations for design standards. All sidewalks shall comply with the Americans with Disabilities Act (ADA) as applicable.
 - x. Street lights within the subdivision shall be located seventy-five (75') apart, on average.
7. Building Standards for Accessibility. All dwellings shall incorporate accessibility standards which shall include the following:

- i. A step-free feature to at least one entrance of the unit and levered door handles on all doors.
 - ii. Minimum thirty six inch wide, clear passage doorways throughout the unit.
 - iii. Wheelchair, step-free access and 5' turnaround radius to the following areas, at a minimum: kitchen; dining area; entertainment area (e.g., living room/den, great room, etc.); at least one bedroom; at least one full bathroom; and laundry room with washer/dryer connection.
 - iv. The installation of full sheets of ¾" plywood blocking in all bathrooms to allow for future installation, if necessary, of grab bars.
 - v. Levered faucets and anti-scald valves at all sinks.
 - vi. Drawers in all lower cabinets rather than shelves. Pull out shelving for all other cabinets. C-pulls instead of knobs.
 - vii. Gas sensors near all appliances, smoke and burglar alarms for the hearing impaired.
 - viii. Luminous light switches at 42" height.
8. **Mandatory Homeowner's Association.** A mandatory homeowners association shall be incorporated which provides for building and grounds maintenance and repair, insurance and working capital. Said association shall publish and adhere to policies and procedures that demonstrate that the community is intended to provide housing for persons 55 years of age and older including maintaining surveys or affidavits verifying compliance with 55 years of age and older occupancy requirements as permitted by 42 U.S.C. Section 3607, (b)(2)(c) of the Federal Fair Housing Act and implementing regulations. Said association shall also include declarations and bylaws including rules and regulations, which shall at a minimum regulate and control the following:
- i. Restriction on homes being occupied, with at least 80% of the occupied units occupied by at least one resident who is age 55 years of age or older.
 - ii. Restrictions on persons under 18 years of age permanently residing in the community.

F. Justification of Planned Unit Development.

Applications seeking a zoning or rezoning to a Planned Unit Development shall contain a statement or statements explaining the following:

1. How the design of the proposed PUD encourages ingenuity and resourcefulness in land planning.

2. How and why the design does not encourage greater density of development.
3. How the development is compatible with the topography of the land.
4. What natural features and unusual topography exist on the land and how the design preserves those features and topography.

G. Site Plan Specific and Substantial Compliance with Approved Site Plan.

Land that is zoned to a planned unit development classification shall be conditioned upon the site or concept plan submitted to and approved by the Mayor and City Council at the time of the public hearing on the zoning request. Any change that substantially alters the site or concept plan approved by the Mayor and Council shall be considered a change in conditions of zoning and shall be resubmitted for approval by the Mayor and City Council. For the purposes of this Section, a substantial change shall include but not be limited to any change that increases the number of lots, the number of buildings or the density of the development, any reduction of lot sizes, setbacks or required buffers, changes of access locations or roadway structure other than as required by the state or county agencies for safety purposes.

H. Covenants and restrictions.

Legally binding covenants and/or deed restrictions tied to the land shall apply to all PRD and SRD units that will bind the applicant, any assignee, mortgagee, or buyer, and all other parties that receive title to the property. No deed for sale or transfer of any housing unit shall be drafted or offered until and unless it contains restrictions approved by the Director of Planning and Development that are consistent with the requirements of this Section. The grantor must state in any deed or instrument conveying title to a PRD or SRD housing unit, that the property conveyed is a PRD or SRD housing unit and is subject to the restrictions contained in this Section. No covenant involving a development containing a PRD or SRD housing unit shall be recorded until and unless it contains restrictions approved by the Director of Planning and Development that are consistent with the requirements of this Section, with such modifications as he or she may deem necessary to carry out the purposes of this Article. Such review and approval shall be completed within thirty (30) calendar days following date of submission of such documents to the Director of Planning and Development. Failure of the Director of Planning and Development to respond within the thirty (30) calendar-day period shall constitute approval of the documents. The Director of Planning and Development may take legal action to stop or cancel any transfer of any property permitted in this district if any party to the transfer does not comply with all requirements of this Section.

Section 1001. TOWN CENTER OVERLAY DISTRICT

The following provisions shall apply to all property inside the Town Center Overlay District (TCO) as delineated on the Town Center Overlay District Boundary Map, which is attached as Exhibit 1 and incorporated by reference.

The TCO is an overlay zoning district. The land use regulations applicable to the underlying zoning remain in full force and effect except where superseded herein. When there is a provision not expressed in the underlying zone, or where a provision hereof is in conflict with the underlying zone, the provision of the overlay district shall govern.

A. Purpose and Intent

In preparing a Town Center Master Plan under the Atlanta Regional Commission (ARC) Livable Centers Initiative (LCI) program, the City surveyed its constituents and found that the people of Sugar Hill have widely shared values related to protection of the visual environment and enhancement of the pedestrian experience Downtown. Those surveys revealed the community's collective affinity for traditional architecture consistent with late 19th century to early 20th century American styles and the original small town feel of business districts from that era. These regulations are therefore based on the visual sensibilities of the average person in the community as well as widely accepted standards for ensuring a universally positive experience for Downtown Sugar Hill visitors, residents and businesses.

Attractive and integrated architectural and urban design features tend to improve an area's image, raise overall property values, attract new businesses and residents, as well as enhance the quality of life. Furthermore, visual harm to a widespread pattern of community preference as well as damage to the economic, architectural and social infrastructure of the City can occur without the imposition of the provisions of this Ordinance, which places limitations on or prohibits altogether certain uses, structures, and practices that would be out of harmony or incongruent with the distinctive character or visual features of the surrounding area.

In order to establish a regulatory framework that addresses these issues this section establishes an overlay zoning district for Sugar Hill that sets up design standards and a design review process for any new construction or material change in exterior appearance to existing structures within the TCO.

B. Exceptions

Variances shall be processed in accordance with Article 15 of the City of Sugar Hill Zoning Ordinance.

C. Severability

Any requirement set forth herein deemed unconstitutional, vague, illegal and/or otherwise unenforceable in a court of law shall not invalidate the remainder of this Section and all other provisions and requirements of this Section shall remain in full force and effect.

D. Use Provisions.

1. **Maximum Building Height.** Maximum building height shall be 4 stories with a maximum of 50 feet.
2. **Mixed Use.** Mixed uses are encouraged within the TCO. Refer to Section 1003 Mixed Use Developments.
4. **Special Uses along Principal Arterial Corridors.** Georgia Highway 20 (Hwy 20) and Peachtree Industrial Boulevard (PIB) intersect each other near the western edge of the TCO. While these regionally important arterial roadways create significant challenges for development within the TCO

they move a large amount of people and goods around Downtown Sugar Hill on a daily basis. In consideration of the heavy volume and higher speeds of vehicular traffic along these corridors adequate provisions should be granted to facilitate appropriate commercial development which addresses the needs of our traveling consumers while promoting pedestrian oriented development patterns within Downtown Sugar Hill. Therefore, the uses shown below in table 1001.D.4 shall only be allowed if granted a special use permit by the City Council provided that the property abuts Hwy 20 or PIB for at least 350 feet of continuous frontage, does not interfere with the safe and normal flow of traffic, is not within 1,320 feet of Hillcrest Street, has an existing commercial driveway permit from the state or county Department of Transportation, is not within 1,320 feet of a similar use along the same direction of travel and meets the specific conditions associated with each use as shown in table 1001.D.4. In addition to the criteria set forth in Article 17 of this Zoning Ordinance, in deliberating a special use permit under this section, the Council shall consider the:

- a. Appropriateness of the use based on the development of surrounding properties;
 - b. Any benefit or harm to the surrounding properties and the TCO as a result of the use; and
 - c. Whether the use is consistent with the intent of the TCO and this section.
5. Prohibited Uses. Unless otherwise noted, the following uses shall be prohibited within the TCO: Adult entertainment businesses/facilities; automotive sales lots and associated service facilities; automobile repair shops and tire stores including lubrication or tune up centers; truck stops; service stations; boarding and rooming houses; contractors equipment depot; restaurants with drive-through service; equipment rental; facilities engaging in the business, trade, or profession of psychic reading, fortune telling, astrology, phrenology, palmistry, clairvoyance, or related practices; adult novelty retail stores; pawn shops; body art establishment; cannabidiol store; vape store; vehicle or emission inspections; warehousing; mini-warehouse/personal storage facilities; moving van or truck rental and taxi/limousine queue lots. If any of the above listed uses exist within the TCO prior to the adoption of this Ordinance, those uses shall, upon the adoption of this Ordinance become non-conforming uses, shall comply with and be governed by Article 8 of the Zoning Ordinance.

Table 1001.D.4 – Special Uses along Principal Arterial Corridors and Associated Conditions

Use:	Conditions:
1. Convenience store, with or without fuel pumps.	Signs are prohibited on fuel pumps, canopy and other accessory structures. Vehicle washing facility is prohibited. Fuel pumps and associated canopy shall be located in the side or rear yard. Outdoor display of items for sale are prohibited.

2. Farmer’s market.	Outdoor storage is prohibited.
3. Fruit and vegetable stand.	Operation shall be limited to daylight hours on Fridays, Saturdays and Sundays. Outdoor storage is prohibited. Shall only be approved in conjunction with a lawfully approved principal use.
4. Microbrewery.	Outdoor storage is prohibited. Must include a restaurant and/or tap room.
5. Rental, passenger vehicles.	Vehicles for lease shall be parked in a designated parking stall and shall count toward maximum parking ratio for the general business use category.
6. Restaurant, with drive through service.	Shall incorporate outdoor dining into site design. Provide at least one outdoor seat for every five indoor seats or a minimum of 12 outdoor seats.

E. Design Criteria and Standards.

These design criteria and standards shall be used to evaluate every development, redevelopment, rehabilitation and building project whether new or a material change in exterior appearance on all properties located within the boundary of the TCO.

1. Design Criteria – Architectural Design:

Each individual building or project must contribute to a consistent architectural identity for the TCO by using traditional forms, authentic materials and quality craftsmanship. For illustrative examples of style and detail refer to Appendix A Downtown Sugar Hill Character Preference Guide, attached and incorporated by reference.

Standards:

- i. New construction or any material change in exterior appearance of an existing building shall be compatible in appearance with the detailing of other nearby buildings in window shape, cornice lines, masonry work, building outline, color, scale and similar architectural or external design features.
- ii. Trademarked, branded, franchise, stylized and/or corporate architecture that is standardized or otherwise generic in nature shall not be permitted.
- iii. Nostalgic copies of exterior elevations shall be avoided while achieving the desired traditional feel.

- iv. Each building shall be designed with a similar scale and reconciled to the proportions of nearby buildings.
- v. First floor building elements and facades shall be limited to details that are of a pedestrian scale. Upper floors may incorporate elements of a larger scale for appreciation from the street and moving vehicles. Refer to Appendix B Excerpts from Designing Downtown by the Georgia Department of Community Affairs Office of Downtown Development, attached and incorporated by reference, for guidelines on treatment of the traditional Three-Part Façade.
- vi. Facades shall be varied such that slight recesses and projections create interplay of light and shadow contributing to the dimension and interest of each facade.
- vii. Single use buildings in excess of 50,000 GFA shall be prohibited.

2. Design Criteria - Skyline:

The design and construction of every building must contribute to a desirable skyline when viewed from the street level or at a distance. Variations in rooflines must be created from one building to the next to produce a desirable rhythmic appearance to the skyline.

Standards:

- i) No structure, signage, poles, statuary or similar appendages may protrude beyond the roofline of any building.
- ii) All antennae must be screened from view from any view point from ground level.
- iii) Parapets and entablature must include some architectural detail. Uniform planes created with little detail may not be used in the roofline or upper façade of any building.
- iv) Roof mounted electrical, mechanical and other similar systems or utility/service areas shall be screened and incorporated into the design of the building and/or hidden from public view when viewed from any public space or street level.

3. Design Criteria – Building Materials:

Buildings must be designed and constructed as enduring features of the Downtown built environment using quality materials. Building exteriors should be designed to require little maintenance and to achieve a life span greater than 80 years. Architectural elements within the streetscape should be characterized by a higher level of detail than materials above the first floor.

Standards:

- i) Allowed building materials for non-residential and mixed-use buildings shall be brick, stone, glass, high grade architectural metal panels, high grade fiber cement siding (up to 30% of any facade) and high grade EIFS for cornice only (up to 10% of any facade) or similar products approved by the Design Review Board..
- ii) Roofs shall be non-reflective concrete or clay tiles, asphalt shingles, thick textured composition shingles or factory finished standing seam metal panels. Appendix A provides the approved color palette.
- iii) Stamped concrete imitating masonry or other similar treatment shall be prohibited.
- iv) Materials such as tile, stone, copper flashing, metal and wood may be considered for accent materials to make up no more than 10% of any facade.
- v) The following materials are prohibited on the finished exterior of all buildings: exposed plywood, particle board, unfinished foundation walls, concrete masonry units, vinyl siding, fiberglass siding, plastic siding and faux masonry.
- vi) All exterior elevations on residential buildings shall be finished with brick, stone, fiber cement siding or similar product as approved by the Design Review Board.

4. Design Criteria - Signage:

Signage must be compatible in style, composition, material, color and detail of the buildings they serve.

Standards:

- i) Signs must not block or alter architectural elements of the building on which they are mounted as well as neighboring buildings.
- ii) Window signage must not cover more than 30% of the glazed area of the window. For the purposes of this section, a window sign shall be defined as a wall sign placed within a window.
- iii) Signage projecting from the building must be no greater than 15 square feet. Signs may project horizontally from the building to a maximum of four feet (4'). No sign shall project beyond the curb line of the public street, alley or other access driveway.
- iv) No sign shall extend higher than the roof line of the building.
- v) The lowest point of any projecting sign may not be closer than 10 feet to the surface of the sidewalk directly beneath the sign.

- vi) Window Signs. Commercial buildings located at the street level shall be allowed to permit up to 16 square feet of sign face area upon the window(s) of any façade facing the street. Each individual business or occupied tenant space (whichever is less) shall be allowed no more than a total aggregate of 16 square feet window sign face area. For the purposes of this section a window sign shall be defined as a wall sign. Such window signs shall be subject to the requirements of Article 13 Signs but shall not be counted toward the maximum sign face area for wall signs. Window signs shall not cover more than 30% of the glazed area of any window.

- vii) Door Signs. Commercial buildings located at the street level shall be allowed to permit up to four (4) square feet of sign face area upon each entry door of the façade facing the street level entrance. Each individual business or occupied tenant space (whichever is less) shall be allowed no more than a total aggregate of eight (8) square feet door sign face area. For the purposes of this section, a door sign shall be defined as a wall sign. Such door sign(s) shall be subject to the requirements of Article 13 Signs but shall not be counted toward the maximum sign face area for wall signs.

F. Design Review and Approval Required

1. Design Review Authority within the TCO

The Mayor and City Council shall act as the Design Review Authority for all design review applications within the TCO.

The Council is authorized to receive, consider, approve, approve with conditions, table, request more information or deny applications for Certificate of Design Review as required by this Ordinance. In granting a design review approval, the Council may impose such requirements and conditions with respect to the location, construction, maintenance and operation of any use or building, in addition to those expressly set forth herein, as may be deemed necessary for the protection of adjacent properties and the public interest.

2. Design Review and Approval Required

Within the TCO, no new construction of any building or land improvement; no material change in exterior appearance of any existing building, structure or activity; nor any other type of development shall be allowed until an application for design review has been approved by the Council in accordance with the provisions of this Ordinance and all other applicable ordinances and regulations.

Building permit or land disturbance permit applications may be filed simultaneously with a design review application; however, no permits shall be issued prior to approval of the design review application by the Council.

3. Application Requirements

All applications for design review approval shall be made as required by the City Manager and shall at minimum contain the following information:

- i) Elevation Drawings, Color and Material Samples. Every application or review involving the construction of a new building or structure, alterations, and/or additions to existing structures shall be accompanied by exterior elevation color renderings, drawn to scale and signed by an architect, engineer or other appropriate professional. These shall be submitted in sufficient number of copies as required by the City Manager. Said exterior elevation color renderings shall clearly show in sufficient detail the exterior appearance and architectural design of proposed change(s) to buildings or structures and new construction, as applicable. Each application shall also indicate proposed materials, textures and colors, and provide samples of materials and colors.
 - ii) Photographs. All applications shall be accompanied by photographs of all sides of the existing building(s) or structure(s) affected, and of adjoining properties. Photographs shall be submitted in printed copy and in digital form unless otherwise specified by the City Manager.
 - iii) Site Plan and Landscaping Plan. For every application, a plot plan or site plan, drawn to scale, shall be submitted which shows all improvements affecting appearances, such as walls, walks, terraces, plantings, tree protection areas, accessory buildings, signs, lights, and other elements.
 - iv) Fee. A fee, as may be established by the Mayor and City Council, shall be submitted for said application.
 - v) Additional Information. The City Manager may reasonably require any additional information to be submitted with the application.
4. Criteria for Acting on Design Review Applications

In reviewing applications for design review, the Council shall consider the appropriateness of the design of any building or any proposed material change in exterior appearance in the context of the following criteria:

- i) Consistency with any adopted design guidelines for the type of development, and/or the proposed use.
- ii) The nature and character of the surrounding areas, and the consistency and compatibility of the proposed application with such nature and character.
- iii) The general design, character and appropriateness of design, scale of buildings, arrangement, texture, materials, and colors of the structure in question and the relation of such elements to similar features of structures in the immediate surrounding area, site, and landscaping.
- iv) As long as the interior arrangement or use will not have any effect on exterior architectural features and complies with the standards herein it will not be considered.
- v) The following are other grounds for considering a design inappropriate.
 - Character foreign to the area.

- Arresting and spectacular effects.
- Violent contrasts of material or color, or intense or lurid colors.
- A multiplicity or incongruity of details resulting in a restless and disturbing appearance.
- The absence of unity and coherence in composition not in consonance with the density and character of the present structure or surrounding area.

5. Action by the Council

Once a Certificate of Design Review application is determined complete and is accepted by the City Manager, it shall be forwarded to the Council for consideration at its next scheduled meeting. If the City Manager fails to accept or reject an application within 30 calendar days of receipt it shall be deemed accepted and forwarded to the Council for consideration at its next scheduled meeting. The Council may approve the application and direct the City Manager to issue a Certificate of Design Review if it finds that the proposed material change in exterior appearance or development would not have a substantial adverse effect on the aesthetic or architectural significance and value of adjacent and nearby properties, and if the Council finds the application is consistent with the criteria for acting on applications above. The Council may suggest alternative courses of action it thinks proper and conditionally approve the application if the applicant agrees to the conditions, or the Council may deny the application as submitted. In the event the Council rejects an application, it shall state its reason(s) for doing so and the City Manager shall transmit a record of such action and reason(s) for rejection, in writing, to the applicant. The Council may also table the application or request more information. The applicant, if he or she desires, may make modifications to the plan(s) and may resubmit the application.

6. Enforcement and Appeals

Refer to Article 14. Administration, Enforcement, Penalties and Remedies for inspection and enforcement procedures.

Refer to Article 15. Variances and Appeals for procedures and filing requirements. Except applications for design review of a sign which shall follow the procedures and filing requirements for administrative variance.



Exhibit 1

**Town Center Overlay
Boundary Map**

1 inch = 1,000 feet

Section 1002. CENTRAL BUSINESS DISTRICT OVERLAY

The following provisions shall apply to all property inside the Central Business District (CBD) as delineated on the Central Business District Boundary Map, which is attached as Exhibit 2 and incorporated by reference.

The CBD is an overlay zoning district. The land use regulations applicable to the Town Center Overlay District (TCO), the Central Business District (CBD), as well as the underlying zoning remain in full force and effect except where superseded herein. When there is a provision not expressed in the TCO or underlying zone, or where a provision hereof is in conflict with the TCO or underlying zone, the provision of the CBD overlay district shall govern.

A. Purpose and Intent

To further the goals of the Downtown Sugar Hill LCI Study and to foster development of the city center that contributes to the function and feel of traditional small town business districts prominent throughout this region during the late 19th century to the early 20th century. To recreate this feeling by using traditional block patterns characterized by common side walls, building fronts abutting the sidewalk and on street parking; breaking up large blocks; optimizing multi-modal connectivity and incorporating small public gathering spaces.

In order to establish a regulatory framework that creates this traditional small town urban character; promotes compact mixed use growth; supports community development and the need for walkable, pedestrian oriented public and commercial spaces; provides incentives and removes barriers to redevelopment, rehabilitation and revitalization of vacant and underutilized properties in the area this section establishes an overlay zoning district for Sugar Hill that provides for an appropriate mix of uses, establishes standards of development to facilitate urban forms and sets up a design review process for any new construction or material change in appearance to existing structures within the CBD.

B. Exceptions

Variances shall be processed in accordance with Article 15 of the City of Sugar Hill Zoning Ordinance.

C. Severability

Any requirement set forth herein deemed unconstitutional, vague, illegal and/or otherwise unenforceable in a court of law shall not invalidate the remainder of this Section and all other provisions and requirements of this Section shall remain in full force and effect.

D. Use Provisions.

1. **Maximum Building Height.** Maximum building height shall be a maximum of 70 feet except as shown below:



2. **Prohibited Uses.** Unless otherwise noted, the following uses shall be prohibited within the CBD: Adult entertainment businesses/facilities; automotive sales lots and associated service facilities; automobile repair shops and tire stores including lubrication or tune up centers; truck stops; service stations; boarding and rooming houses; contractors equipment depot; restaurants with drive-through service; equipment rental; facilities engaging in the business, trade, or profession of psychic reading, fortune telling, astrology, phrenology, palmistry, clairvoyance, or related practices; adult novelty retail stores; pawn shops; body art establishment; cannabidiol store; vape store; vehicle or emission inspections; warehousing; mini-warehouse/personal storage facilities; moving van or truck rental and taxi/limousine queue lots. If any of the above listed uses exist within the CBD prior to the adoption of this Ordinance, those uses shall, upon the adoption of this Ordinance become non-conforming uses, shall comply with and be governed by Article 8 of the Zoning Ordinance

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Article 10 Planned Unit Developments

3. Permitted Uses. The following uses shall be permitted on all properties within the CBD and shall supersede or replace the underlying zoning district's permitted uses as shown in Table 4.1.

1. Art gallery.
2. Art shop.
3. Bakery shop.
4. Bank.
5. Barber and beauty shop.
6. Bed and breakfast inn.
7. Bike Shop
8. Book or stationery store.
9. Cafe.
10. Cafeteria.
11. Church, temple, synagogue or mosque.
12. Cultural facility.
13. Dance studio.
14. Day care facility.
15. Financial service/institution.
16. Fitness center.
17. Florist.
18. Food store.
19. Furniture store.
20. Gift shop.
21. Growler shop.
22. Hardware store.
23. Health club.
24. Hobby shop.
25. Hotel.
26. Ice cream shop.
27. Interior decorating shop.
28. Jewelry store.
29. Lodges, fraternal and social organization.
30. Movie studio.
31. Museum.
32. Music store.
33. Music studio.
34. Office.
35. Pharmacy.
36. Photo studio.
37. Public and private educational institution offering general education courses, including nursery school and kindergarten. Business college or school operated as a business enterprise.
38. Recording / rehearsal studio.
39. Recreation facility, indoor. (Such as bowling alley, skating rink, shooting range and movie theater.)
40. Residential or community shelter.
41. Restaurant.
42. Retail store.
43. Retirement community.
44. Shoe repair shop.
45. Shoe store, retail.
46. Spa.
47. Theater.
48. Trade / vocational school.
49. Upholstery shop.
50. Vet clinic.
51. Wine bar.

4. Conditional Uses. The following uses shall be permitted on all properties within the CBD provided the associated conditions are met.

Use:	Conditions:
1. Single Family Residential.	<p>Shall be limited to townhome, row house, or zero lot-line building type. Refer to Appendix A.</p> <p>Minimum density = 4 dwelling units per acre, Maximum density = 12 dwelling units per acre.</p> <p>Density shall be calculated by dividing the number of residential units by the difference in land area of the development in acres devoted to non-residential uses from the total site area. Where total property area = A. Non-residential area = N. Count of residential units = R. Density = $R / (N-A)$.</p>
2. Multi-Family Residential.	Shall be limited to mid-rise, courtyard building type (Refer to Appendix A): Minimum FAR = .5:1, Maximum FAR = 2:1
3. Customary residential accessory structures and uses.	Refer to Section 600. Accessory Uses or Structures for location requirements and conditions.
4. Brew Pub	No outdoor storage. Shall be limited to restaurants that brew and sell 25% or more of their own beer for on-premise consumption.
5. Microbrewery	No outdoor storage. Must include a restaurant or tap room.
6. Craft Distillery	No outdoor storage. Must include a restaurant or taproom.

5. Special Uses. Each of the following uses shall be allowed only as a special use permit (approved by Mayor and City Council in accordance with the special use requirements in Article 17 of the Zoning Ordinance) on all properties within the CBD and shall supersede or replace the underlying zoning district's special uses entirely.

Use:

1. Boarding house.
2. Dormitory.
3. Event facility.
4. Group or personal care home.
5. Half-way house.
6. Hospital, clinic, convalescent home.
7. Nursing home.
8. Manufactured home.
9. Orphanage.

10. Parking garage.

6. Mixed Use.

Two or more of the allowed uses, conditional uses and special uses may be present and allowed subject to the following restrictions and all other zoning and development requirements unless specifically exempted by this Section. No zoning buffers will be required between parcels within the Central Business District or between parcels within the Central Business District and parcels directly outside of the boundaries.

- a. Residential or office uses in buildings containing retail or other uses are encouraged and the acreage on which such buildings are located may be used in either or both classifications for density purposes.

7. Special Uses along Principal Arterial Corridors. The CBD is bounded on two sides by Georgia State Route 20 (SR20) and Peachtree Industrial Boulevard (PIB). While these regionally important arterial roadways create physical limits to the development and expansion of the CBD they move a large amount of people and goods around Downtown Sugar Hill on a daily basis. In consideration of the heavy volume and higher speeds of vehicular traffic along these corridors adequate provisions should be granted to facilitate appropriate commercial development which addresses the needs of our traveling consumers while promoting pedestrian oriented development patterns within Downtown Sugar Hill. Therefore, the uses shown below in table 1002.D.7 shall only be allowed if granted a special use permit by the City Council provided that the property abuts Hwy 20 or PIB for at least 350 feet of continuous frontage, does not interfere with the safe and normal flow of traffic, is not within 1,320 feet of Hillcrest Street, has an existing commercial driveway permit from the state or county Department of Transportation, is not within 1320 feet of a similar use along the same direction of travel and meets the specific conditions associated with each use as shown in table 1002.D.7. In addition to the criteria set forth in Article 17 of this Zoning Ordinance, in deliberating a special use permit under this section, the Council shall consider the:

- a. Appropriateness of the use based on the development of surrounding properties;
- b. Any benefit or harm to the surrounding properties and the CBD as a result of the use; and
- c. Whether the use is consistent with the intent of the CBD and this section.

Table 1002.D.7 – Special Uses along Principal Arterial Corridors and Associated Conditions

Use:	Conditions:
1. Convenience store, with or without fuel pumps.	Signs are prohibited on fuel pumps, canopy and other accessory structures. Vehicle washing facility is prohibited. Fuel pumps and associated canopy shall be located in the side or rear yard. Outdoor display of items for sale are prohibited.
2. Farmer’s market.	Outdoor storage is prohibited.
3. Fruit and vegetable stand.	Operation shall be limited to daylight hours on Fridays, Saturdays and Sundays. Outdoor storage is prohibited. Shall only be approved in conjunction with a lawfully approved

	principal use.
4. Structured parking.	If directly adjacent to the street, at least 80% of the front façade(s) at street level shall include retail, office or restaurant use(s).
5. Rental, passenger vehicles.	Vehicles for lease shall be parked in a designated parking stall and shall count toward maximum parking ratio for the general business use category.
6. Restaurant, with drive through service.	Shall incorporate outdoor dining into site design. Provide at least one outdoor seat for every five indoor seats or a minimum of 12 outdoor seats.

E. Design Criteria and Standards.

These design criteria and standards shall be used to evaluate every development, redevelopment, rehabilitation and building project whether new or a change in appearance on all properties located within the boundaries of the CBD.

1. Design Criteria – Physical Relationship to Streetscape:

All forms of ground transportation are important to the urban infrastructure of Downtown Sugar Hill and access to all modes to include auto, pedestrian, bus and bicycle should be encouraged. Providing for transportation choices allows our less mobile citizens to get around with dignity and may reduce congestion in and around Downtown.

Standards:

- i) All lots shall share a frontage line with a street or square; lots fronting a square shall be provided rear alley access.
- ii) All buildings adjacent to Alton Tucker Blvd and West Broad St must align with the sidewalk edge and have their principal orientation toward the street except to accommodate features that enhance the pedestrian experience and contribute to the character of the streetscape such as outdoor dining areas, exhibition spaces for art, gathering space for events or lines such as a ticket window, gardens, courtyards or similar recessed features.
- iii) Buildings shall be set back from the right-of-way between zero (0) and twelve (12) feet. Porches, canopies and awnings may extend into the front setback up to six (6) feet but shall not encroach into the right-of-way or within 6’ of back of curb. No front loading attached garages shall be permitted. All attached garages shall be side or rear entry. Zero (0) foot side setbacks are allowed for attached residential dwellings and nonresidential buildings. Detached residential dwellings shall be subject to the underlying zoning district’s setback requirements.
- iv) New structures shall fit in with the surrounding buildings. Refer to Appendix B for suggested guidelines on siting new buildings.
- v) Large scale single use facilities such as conference spaces, theaters and athletic facilities shall generally occur behind or above smaller scale uses of pedestrian orientation. Such facilities may exceed maximum first floor area standards if so sited. No structure shall exceed 30,000 square feet as a single use.
- vi) Parking structures adjacent to a street shall be oriented with its shortest dimension along the street frontage and shall include facilities for commercial or office space at the ground level for at least 50% of the frontage. A landscaped pedestrian plaza shall make up any remaining frontage.

- vii) All development shall coordinate pedestrian and vehicular circulation patterns with adjacent buildings and sites as well as interconnect with existing adjacent sidewalks. Where development adjoins undeveloped properties, the sidewalk for the new project shall terminate at the property line at a point where the next project can continue the sidewalk along the public right-of-way with little difficulty in vertical or horizontal transition.
- viii) Access connections shall be required where deemed essential to provide circulation or access to important civic uses such as churches, schools, parks, transportation and other critical community facilities.
- ix) Mechanical and electrical equipment, solar collectors, satellite dishes, dumpsters, compactors, storage tanks, utility meters, valves, vents and other similar equipment shall be located to the rear of the building or otherwise concealed from public street view.
- x) Adjacent to public streets and dedicated pedestrian walkways, chain link, razor wire, barbed wire, corrugated metal, plastic, exposed concrete and exposed concrete block walls and fences are prohibited.
- xi) Walls and fences shall have vertical articulation at least every 40 linear feet.

2. Design Criteria – Pedestrian Experience:

Providing a visual connection to the civic uses from the commercial uses inside each building and more private uses on upper floors may increase the level of awareness and self-policing among the users of Downtown Sugar Hill. This additional interaction will contribute to the sense of safety for the pedestrian community, residents and business owners.

Standards:

- i) Building facades longer than 40 feet shall be visually divided into segments of no more than 20 feet through articulation of the façade achieved through methods such as but not limited to architectural recesses, breaks in materials, additional window bays, variation in roof line, and building setback.
- ii) Streetscape elements such as benches, trash receptacles, fencing and/or bike racks shall match the finish, style, design, material and quality of the approved City of Sugar Hill streetscape elements found in Appendix A, which is attached hereto and incorporated herein by reference. Dining tables and chairs in outdoor seating areas shall be maintained clean and in good condition so as to present a neat and orderly appearance. All metal and wood furniture shall be finished to preserve their natural color or match colors from the exterior color palettes shown in Appendix A. Wood furniture may be stained to preserve their natural texture and color. All other furniture shall match the exterior color palettes shown in Appendix A.
- iii) A lighting plan for the site including standard data and design details showing location, character and light coverage shall be approved by the City Manager. Proposed lighting appurtenances must be visually compatible with the approved City of Sugar Hill street lights found in Appendix A.
- iv) A minimum of 50% of the street facing facades on the ground level shall be transparent through windows and doors.
- v) A minimum of 40% of all facades on the upper floors shall contain windows or balconies.
- vi) Reflective or glass tinted more than 30% is not permitted. No glass may be more than 30% opaque.

- vii) Awnings, canopies or overhangs shall be integrated into the building design for all pedestrian ways.
- viii) Awnings or similar type structures must be constructed of durable, protective and water repellant materials. Plastic or fiberglass awnings are not permitted.
- ix) Awnings must project a minimum of 42" from the building and are limited to segments of eight feet (8') in length.
- x) Awnings may serve as sign panels for businesses provided the total sign area on the awning is included in the calculations for the wall signs on the associated façade.
- xi) Discharge of water along the surface of a walkway is prohibited. e.g. storm water from gutters, condensate from air conditioning units, etc.
- xii) All new or relocated utilities shall be placed underground.
- xiii) Dumpsters shall be screened on all sides by a minimum six-foot high brick or stone wall with access via an opaque metal gate (chain link gates are not permitted).
- xiv) Service and loading areas shall be located to restrict visibility from and otherwise conflict with public streets, sidewalks and neighboring uses.
- xv) Sidewalk displays related to a licensed business shall only be permitted directly in front of the subject business location and shall not project into the sidewalk more than three (3) feet and shall not otherwise obstruct pedestrian or ADA accessible travel ways.
- xvi) Maximum block length = 500'.

3. Design Criteria – Vehicular and Pedestrian Access:

Vehicular access and parking should be adequate while serving to enhance the overall pedestrian experience. Size and location of off street parking lots should be small and limited to the rear of the businesses they serve.

Standards:

- i) Sidewalks are required on all streets except for alleys.
- ii) Sidewalks adjacent to Alton Tucker Boulevard and West Broad Street shall be 15 feet in width.
- iii) All other sidewalks shall be at least six (6) feet wide.
- iv) A combination of off-street, on-street (10% Max.) and shared parking (10% Max.) may be used for off-street parking requirements as long as no required parking space is more than 700 feet from an entrance to the building, unit, suite and/or space it serves.
- v) Except parking structures, off street parking areas should not abut the street and/or sidewalk.

- vi) All development shall accommodate ADA accessible, safe and continuous pedestrian walkways to and through parking areas.
- vii) 25' minimum width inter-parcel access easements are required along the rear portion of each property to accommodate 24' minimum width inter-parcel driveway for two-way traffic.
- viii) Front and rear entrances for the public shall be provided for each building.
- ix) Garages, carports and/or parking areas that serve residential uses must be located in a rear yard.

4. Design Criteria - Signage:

Signage must be compatible in style, composition, material, color and detail of the buildings they serve.

Standards:

- i) Signs must not block or alter architectural elements of the building on which they are mounted as well as neighboring buildings.
- ii) Signage projecting from the building must be no greater than 15 square feet. Signs may project horizontally from the building to a maximum of four feet (4'). No sign shall project beyond the curb line of the public street, alley or other access driveway.
- iii) No sign shall extend higher than the roof line of the building.
- iv) The lowest point of any projecting sign may not be closer than 10 feet to the surface of the sidewalk directly beneath the sign.
- v) Window Signs. Commercial buildings located at the street level shall be allowed to permit up to 16 square feet of sign face area upon the window(s) of any façade facing the street. Each individual business or occupied tenant space (whichever is less) shall be allowed no more than a total aggregate of 16 square feet window sign face area. For the purposes of this section a window sign shall be defined as a wall sign. Such window signs shall be subject to the requirements of Article 13 Signs but shall not be counted toward the maximum sign face area for wall signs. Window signs shall not cover more than 30% of the glazed area of any window.
- vi) Door Signs. Commercial buildings located at the street level shall be allowed to permit up to four (4) square feet of sign face area upon each entry door of the façade facing the street level entrance. Each individual business or occupied tenant space (whichever is less) shall be allowed no more than a total aggregate of eight (8) square feet door sign face area. For the purposes of this section, a door sign shall be defined as a wall sign. Such door sign(s) shall be subject to the requirements of Article 13 Signs but shall not be counted toward the maximum sign face area for wall signs.
- vii) Sandwich Boards and Display Boards. For the purposes of this Section a sandwich board is defined as a free standing sign structure, which is not permanently anchored to the ground, consisting of two sign faces

set up back to back in a triangle shape. For the purposes of this Section a display board is defined as a wall sign. Commercial buildings located at the street level may display either a sandwich board or display board without the requirement of a permit, subject to Section 1309 Maintenance and Appearance. Such sign must be located within ten (10) feet of the business entrance and shall provide a clear path of at least five (5) feet along the adjacent sidewalk as not to obstruct pedestrian traffic or otherwise create a safety hazard. Maximum dimensions for a sandwich board are 24 inches wide by 42 inches high. Maximum height for a display board shall be 80 inches. No such sign face shall be more than six (6) square feet sign face area. No more than 12 square feet sign face area shall be allowed per business address. Each sign shall clearly and legibly indicate the address to which business it belongs. Such signs may only be displayed during business hours and must be secured indoors while the business is closed.

F. Design Review and Approval Required

1. Design Review Authority within the CBD
The Mayor and City Council shall act as the Design Review Authority for all design review applications with the CBD.
The Council is authorized to receive, consider, approve, approve with conditions, table, request more information or deny applications for Certificate of Design Review as required by this Ordinance. In granting a design review approval, the Council may impose such requirements and conditions with respect to the location, construction, maintenance and operation of any use or building, in addition to those expressly set forth herein, as may be deemed necessary for the protection of adjacent properties and the public interest.
2. Design Review and Approval Required
Within the CBD, no new construction of any building or land improvement; no material change in exterior appearance of any existing building, structure or activity; nor any other type of development shall be allowed until an application for design review has been approved by the Council in accordance with the provisions of this Ordinance and all other applicable ordinances and regulations.
Building permit or land disturbance permit applications may be filed simultaneously with a design review application; however, no permits shall be issued prior to approval of the design review application by the Council.
3. Application Requirements
All applications for design review approval shall be made as required by the City Manager and shall at minimum contain the following information:
 - i) Elevation Drawings, Color and Material Samples. Every application or review involving the construction of a new building or structure, alterations, and/or additions to existing structures shall be accompanied by exterior elevation color renderings, drawn to scale and signed by an architect, engineer or other appropriate professional. These shall be submitted in sufficient number of copies as required by the City Manager. Said exterior elevation color renderings shall clearly show in sufficient detail the exterior appearance and architectural design of proposed change(s) to buildings or structures and new construction, as applicable. Each application shall also indicate proposed materials, textures and colors, and provide samples of materials and colors.
 - ii) Photographs. All applications shall be accompanied by photographs of all sides of the existing building(s) or structure(s) affected, and of adjoining properties. Photographs shall be submitted in printed copy and in digital form unless otherwise specified by the City Manager.
 - iii) Site Plan and Landscaping Plan. For every application, a plot plan or site plan, drawn to scale, shall be submitted which shows all improvements affecting appearances, such as walls, walks, terraces, plantings, tree protection areas, accessory buildings, signs, lights, and other elements.
 - iv) Fee. A fee, as may be established by the Mayor and City Council, shall be submitted for said application.

- v) Additional Information. The City Manager may reasonably require any additional information to be submitted with the application.
4. Criteria for Acting on Design Review Applications
In reviewing applications for design review, the Council shall consider the appropriateness of the design of any building or any proposed material change in exterior appearance in the context of the following criteria:
- i) Consistency with any adopted design guidelines for the type of development, and/or the proposed use.
 - ii) The nature and character of the surrounding areas, and the consistency and compatibility of the proposed application with such nature and character.
 - iii) The general design, character and appropriateness of design, scale of buildings, arrangement, texture, materials, and colors of the structure in question and the relation of such elements to similar features of structures in the immediate surrounding area, site, and landscaping.
 - iv) As long as the interior arrangement or use will not have any effect on exterior architectural features and complies with the standards herein it will not be considered.
 - v) The following are other grounds for considering a design inappropriate.
 - Character foreign to the area.
 - Arresting and spectacular effects.
 - Violent contrasts of material or color, or intense or lurid colors.
 - A multiplicity or incongruity of details resulting in a restless and disturbing appearance.
 - The absence of unity and coherence in composition not in consonance with the density and character of the present structure or surrounding area.
5. Action by the Council
Once a Certificate of Design Review application is determined complete and is accepted by the City Manager, it shall be forwarded to the Council for consideration at its next scheduled meeting. If the City Manager fails to accept or reject an application within 30 calendar days of receipt it shall be deemed accepted and forwarded to the Council for consideration at its next scheduled meeting. The Council may approve the application and direct the City Manager to issue a Certificate of Design Review if it finds that the proposed material change in exterior appearance or development would not have a substantial adverse effect on the aesthetic or architectural significance and value of adjacent and nearby properties, and if the Council finds the application is consistent with the criteria for acting on applications above. The Council may suggest alternative courses of action it thinks proper and conditionally approve the application if the applicant agrees to the conditions, or the Council may deny the application as submitted. In the event the Council rejects an application, it shall state its reason(s) for doing so and the City Manager shall transmit a record of such action and reason(s) for rejection, in writing, to the applicant. The Council may also table the application or request more information. The applicant, if he or she desires, may make modifications to the plan(s) and may resubmit the application.
6. Enforcement and Appeals
- Refer to Article 14. Administration, Enforcement, Penalties and Remedies for inspection and enforcement procedures.
- Refer to Article 15. Variances and Appeals for procedures and filing requirements. Except applications for design review of a sign which shall follow the procedures and filing requirements for administrative variance.

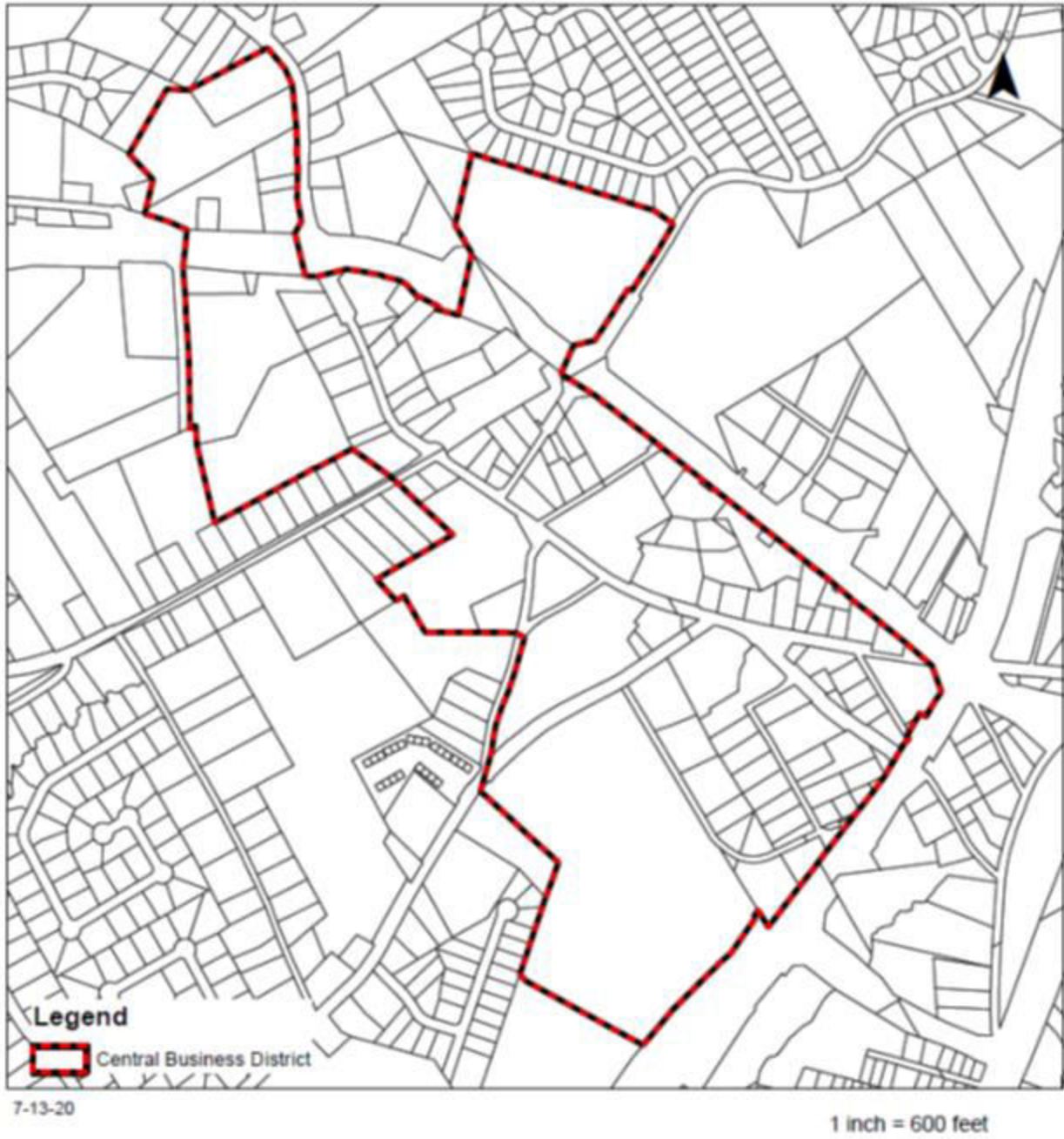


Exhibit 2
Central Business District Boundary Map

1" = 500'

Section 1003. MIXED USE DEVELOPMENTS

A. Intent and Purpose.

The Mixed Use Development Districts are established for the following purposes:

1. To encourage larger scale mixed use development which will produce a logically organized and compatible set of land uses resulting in a higher overall quality of development than if accomplished in incremental unplanned stages.
2. To allow a mixture and/or density of land uses not otherwise allowed in an established zoning district; by careful site planning the appropriate site improvements are incorporated into the plan that establish compatible relationships between uses within the site and uses adjacent to the site.
3. To encourage creative site design which seeks to preserve the open space and unique environmental features, conserve energy through efficient building design and clustering, efficiently use the land, and increase the efficiency of public service delivery.
4. To be applied in a manner consistent with the Land Use Plan for the City of Sugar Hill.

B. General Conditions.

An area may be considered for rezoning to a Mixed Use Development District if any one of the following conditions exists:

1. The characteristics of the specific site plan and uses proposed for the subject property would only be compatible with the surrounding area if the development were limited to those plans and uses as submitted.
2. Separate land uses, which would not otherwise be permitted to locate within the same zoning district, are proposed for development on one or more adjacent parcels under single ownership.
3. Exceptions or variation from the size, setback, frontage, density, uses or other standards which are required in the conventional zoning districts are being proposed as a part of a planned development.

C. Uses Within a Mixed Use Development.

Any use allowable inherently or by City Council approval in the conventional zoning districts set forth herein may be proposed for inclusion in Mixed Use Development. Each proposed use should be consistent in application with the intent and purpose of the conventional zoning districts in which it is allowed. Only the specific uses proposed in an application and approved shall be allowed in the district. Any addition of uses, change of plans, or increase in size or density shall require a separate amendment to the original approved Mixed Use Development and shall follow the same administrative process as any other amendment. Initial approval of a Mixed Use Development by the City of Sugar Hill does not mean that subsequent amendments to that Mixed Use Development carry any requirement to be approved. Unless otherwise stated in this section, the development standards and land uses which are presented with an application for amendment shall, if approved, become the standards for the subject property and as such shall become a part of these zoning regulations.

D. Required Report and Plans.

The plans required for inclusion in an application shall be prepared by a registered engineer, architect, land surveyor or landscape architect, proof of which shall be their official registration seal appearing on the plans submitted. Each Mixed Use Development shall consist of a written report and a set of site plans prepared in accordance with the following guidelines:

Written Report. A written report shall be submitted which will explain the type, nature, size, intent, and characteristics of the proposed development. This report shall include, where applicable:

1. General description and location.
2. The physical and socio-economic reasons as to why the uses proposed in the planned development would provide a better overall use of this property over the current zoning.
3. The proposed provision of utilities, including water, sewer and drainage facilities.
4. The proposed methods for protection of abutting properties.
5. The proposed densities and total number of acres or square footage for each allowable type of land use, including public facilities and common open space or recreational areas.
6. The proposed maintenance and ownership agreements for any streets and common open spaces not proposed for dedication to the City of Sugar Hill.
7. The proposed standards of development, including restriction on the use of the

property, setback requirements and proposed restrictive covenants.

8. The names and mailing addresses of all adjoining property owners.
9. Additional relevant data as required by the City Manager.

Required Site Plans.

A detailed site plan prepared by a registered engineer, architect, land surveyor or landscape architect shall be required for all Mixed Use Developments. The required site plan shall include as a minimum the following information:

1. A survey of the property indicating all property dimensions, property size, adjoining owners, scale, north arrow and tie in point to a known location (road intersection/land lot corner, etc.)
2. Topography with contour intervals no greater than 20 feet.
3. Lakes, ponds, and floodplains and the sources of floodplain data.
4. Proposed subdivision of the property, streets, ingress and egress to each building site, internal access and circulation (both pedestrian and auto), off-street parking areas, and public facilities and open areas.
5. Storm water detention areas.
6. The proposed architectural style and siting of all structures.
7. Lot lines, sizes, setbacks and proposed location, shape, size, height and lot coverage of all structures.
8. Floor plans and elevations of all typical units.

Administrative Review.

All of the above identified requirements of the written report and site plan, as well as any other requirements of this zoning ordinance, shall be met before the Mixed Use Development rezoning request is presented to the Planning Commission for its review and recommendation. Specific requirements of the administrative review process are as follows:

1. The City Manager shall be responsible for reviewing the written report and site plan, and verifying the adequacy of both to appear on the Planning Commission agenda.

2. The City Manager shall periodically prepare, post and distribute a timetable for his review and verification of the required exhibits.
3. Neither the Planning Commission, Director, nor any other appointed official shall possess the authority to waive any of the written report or site plan requirements.
4. An applicant for a Mixed Use Development re-zoning may present a written request to the City Council to waive individual requirements of the written report or site plan; however, a separate request must be submitted for each requested waiver, and must include a specific and valid reason as to why the waiver is necessary. Economic hardship shall not constitute or be considered as a valid reason for a waiver request.

E. Types of Mixed Use Developments.

Commercial Office Districts (COD)

1. A commercial office district must abut either Peachtree Industrial Boulevard or Nelson Brogdon Boulevard for a distance of at least 250 feet.
2. The site proposed for a COD classification must contain an area of fifty (50) acres or more unless specifically approved by the City Council due to special and unusual circumstances. In no case shall the minimum size be less than thirty (30) acres.
3. A commercial office district is intended to provide for the possibility of a relatively large scale Mixed Use Development which combines a variety of commercial office and institutional uses, incorporates innovative concepts of efficiency and land use, public service delivery, energy conservation and environmental preservation. The COD shall make maximum use of natural features and through proper site planning measures shall be designed to substantially conform to the existing character and development pattern of the surrounding area.
4. Uses allowed inherently. The following uses are those specifically permitted in a COD:
 - a. All uses allowed inherently in the HSB, BG, and OI classifications with the exceptions of the following uses: auto repair shops or tire stores including lubrication or tuneup centers (full service and self service); convenience stores; gasoline stations, service stations, and carwashes; group and congregate personal care homes; mobile buildings; automotive sales lots and associated service facilities (new or used); boarding and rooming houses; equipment rental; mini warehouse/personal storage facilities; moving van or truck rental facilities; taxi/limousine service; transportation terminals for passengers; facilities engaging in the business trade or professional of psychic reading, fortune telling, astrology, phrenology, palmistry, clairvoyance, or other related practices, mortuaries, cemeteries and mausoleums.
5. Restriction of the allowable uses. The following is a set of restrictions placed on the above listed inherently allowed uses:
 - a. A minimum of 10% of the land area contained in the development shall be

dedicated or set aside as common open space. The uses inherently allowed in HSB and BG contained in the COD shall not exceed 75% of the land area.

Uses inherently in the OI district shall not exceed 75% of the land area.

6. Additional requirements. Where a COD abuts an AF, RS150, RS175, RS200, or RS100 district, said COD shall contain a 50 foot wide undisturbed or densely landscaped buffer along the abutting property lines. The fifty foot buffer requirements shall be added to the side or rear yard requirements and shall be left or planted in such a manner as to create a visual screen between the development and the adjacent residential areas.

Commercial Office Residential District (COR)

1. A commercial office residential district must abut Nelson Brogdon Boulevard for a distance of at least 250 feet.
2. The site proposed for a COR classification must contain an area of fifty (50) acres or more unless specifically approved by the City Council due to special and unusual circumstances. In no case shall the minimum size be less than twenty (20) acres.
3. The intent of the commercial office residential district is to provide for the possibility of a relatively large scale, Mixed Use Development which combines commercial office, institutional, and residential uses, which incorporates innovative concepts of efficiency and land use, public services delivery, energy conservation, and environmental preservation.
4. Uses allowed inherently. Two or more of the following uses shall be present and allowed inherently within the development:
 - a. All uses inherently allowed in the following districts: RS200, RS 175, RS150, RS 100, RM, OI, HSB, and BG provided that the following uses shall not be allowed: auto repair shops or tire stores including lubrication or tuneup centers (full service and self service); convenience stores; gasoline stations, service stations, and carwashes; group and congregate personal care homes; mobile building; automotive sales lots and associated service facilities (new or used); boarding and rooming houses; equipment rental; mini warehouse/personal storage facilities; moving van or truck rental facilities; taxi/limousine service; transportation terminals for passengers; facilities engaging in the business trade or profession of psychic reading, fortune telling, astrology, phrenology, palmistry, clairvoyance, or other related practices, mortuaries, cemeteries and mausoleums.
5. Restrictions of the allowable uses: The following is a set of restrictions placed on the above listed inherently allowed uses:
 - a. A minimum of 20% of the land area shall be dedicated or set aside as common openspace. Amenity packages for the residential portions of the development may be included within the 20% open space requirements.

- b. Uses inherently permitted in the RM district may not exceed 20% of the land area.
- c. Uses inherently allowed in the RS 200, RS 175, RS 150, and RS 100 districts shall not exceed 60% of the total land area.
- d. Total residential uses for the development shall not exceed 65% of the total land area.
- e. Uses inherently permitted in the OI district shall not exceed 50% of the land area.
- f. Uses inherently allowed in the HSB and BG district shall not exceed 50% of the land area.
- g. The maximum density of the residential portion of the development shall not exceed 6 units per acre. Density shall be calculated by dividing the number of residential units by the number of acres of the development allotted to residential development. Any acreage included in the open space requirement shall not be included for density requirements. The area included for density requirements also shall not include more than 50% of any flood plain or stream buffer area.

F. General Provisions.

1. The City Manager is authorized to approve minor changes to Mixed Use Developments without submitting the changes to the Mayor and Council. Minor changes include increases in lot sizes, decreases in density or the number of lots or residential units, street modifications that are required by Gwinnett County Department of Transportation or the Georgia Department of Transportation for safety reasons and which do not affect the general street layout or number of access points to the development, and minor adjustments to layout required as a result of engineering data not available at the time of the approval of the plan by the Mayor and Council and which does not significantly change the development or adversely impact any adjacent properties. Any major changes in the development and the site plan approved as part of the approval of the development shall be resubmitted to the Mayor and Council as a zoning change and shall require approval of the Mayor and Council. Major changes include, but are not limited to, reductions in lot sizes, changes in the wording of any zoning conditions specifically approved by the Mayor and Council, increase in density or the number of lots; street modifications that would affect adjacent properties, change the basic street structure of the development or change the number of entry or exits to the development, or other changes deemed by the Director of Planning and Development to constitute major changes.
2. A site plan shall be incorporated into each ordinance approving a Mixed Use Development and shall be a condition of zoning. Any changes to the site plan which constitute a major change as described above shall constitute a change in zoning and

shall require a submittal to the Mayor and Council. If changes are made at the time of approval of the zoning which require changes to the site plan submitted and reviewed by the Mayor and Council, the Mayor and Council may provide in its ordinance for the necessary changes to be made and submitted to the City Manager for approval. Upon such approval by the City Manager, a copy of the revised and approved site plan shall be submitted to the Mayor and Council at their next monthly meeting and placed on the agenda for acceptance and ratification by the Mayor and Council.

3. At the time of approval of the development, the Mayor and Council may place appropriate conditions on the development which requires the sequencing of the development. By way of example, the Council may require that no more than 50% of the residential development be completed and occupied before at least 25% of the commercial or office development is completed and occupied.

Section 1004. CONSERVATION SUBDIVISION DISTRICT (CSD)

A. Purpose.

To encourage the development of residential communities, that are density neutral, designed to preserve and protect environmental resources, scenic vistas, and natural and cultivated landscaped.

To enhance land, water, air, and tree/vegetation resources by minimizing the area of land disturbance, reducing impervious surface, optimizing stream buffers, preserving vegetation cover and encouraging the provision of open space.

To reduce infrastructure maintenance costs as a result of efficient community design.

To provide open space and pedestrian linkages and wildlife corridors among residential communities and to encourage recreation opportunities.

To preserve significant historical and archeological features.

To preserve and protect contiguous undeveloped areas within the development.

B. Applicability.

This district may be requested utilizing the public sanitary sewer system. Any conditions of zoning or special use approval of the underlying district shall also be observed (exception: lot area, width or quantity). For properties which are submitted for rezoning to CSD, the applicant shall declare the intent to utilize this district at the time of application and the application shall be accomplished by a Concept Plan and Existing Features Site Analysis Plan meeting the requirements of this section.

C. Permitted Uses.

Those uses permitted in the RS-100 zoning district are permitted, not including Special Uses.

D. Existing Features Site Analysis Plan.

At the time of development, or if a zoning action is proposed, an Existing Features Site Analysis Plan, sealed by a registered engineer, registered architect or registered landscape architect, analysis is to identify areas that are most significant for open space designation. However, preliminary meeting(s) with the City Manager prior to a formal submittal is required. The Plan shall include at least the following information;

Delineation of streams, 100-years floodplains and wetlands to include the source of this information.

Topography contours at intervals no greater than 4 feet.

Identification of tree lines, woodlands, open fields or meadows.

Delineation of tree resource areas by type such as hardwood, pines or mixed; and old or new growth.

Delineation of steep slope areas (i.e. greater than 25%).

Identification of historical or archeological features.

Identification of significant wildlife habitats and scenic vistas as identified by the Georgia Department of Natural Resources or the Comprehensive Plan.

Identification of existing structures and easements.

Identification of open space in adjacent developments.

E. Concept Plan.

At time of development, a Concept Plan shall be submitted by the developer for review and approval in accordance with the requirements and procedures of the Development Regulations. If a zoning action is proposed, the rezoning site plan shall include the following information:

Delineation and specifications of open space including calculations and exclusions; and any “pocket parks,” “greens,” or trail system to be constructed.

A typical detail on the plan including dwelling size, lot width, building setback lines, off-street parking, street trees, sidewalks, and street pavement and right-of-way width.

Lot width average, area and percent of floodplain specifications in tabular form; and density calculations (gross and net).

F. Open Space Requirements.

In order to qualify for this overlay district, open space shall meet the following requirements:

Delineation.

Priority shall be given in delineating open space areas as those areas of significance identified in the Existing Features Site Analysis Plan.

Undeveloped and Natural.

Open space shall remain undeveloped and natural except for the provision of non-motorized passive recreation opportunities such as running, walking, biking, and similar outdoor activities. Exceptions: “pocket parks,” “greens,” “retention ponds”, and “underground storm water facility” in open space. A “pocket park” or “green” is a landscaped area larger than 0.33 acres constructed for community gathering or play or visual enhancement. “Pocket Parks” or “greens” shall not exceed 10% of the total open space. At least 75 percent of the open space shall be in a contiguous tract. The open space should adjoin any neighboring areas of open space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected open space. Additionally, the open space shall maintain a minimum width of 20 feet in all areas.

Exclusions.

Excluded from meeting the minimum amount of open space are the following:

- i. Proposed Permanent Lakes, streams, ponds etc.: No more than 30% of land area located within a proposed lake may be credited.

Recreation Area Improvements.

Impervious surfaces in recreation areas shall not be credited.

Easement.

Land area within power or gas pipeline easements shall not be credited.

Other.

Land area devoted to public or private streets or any land that has been, or is to be, conveyed to a public agency via a purchase agreement for such uses as parks, schools, or other public facilities shall not be credited.

Ownership:

Open space shall be owned in fee-simple by a mandatory property owner's association; or third party(s) approved in advance by the City Council prior to transfer of land ownership. The developer shall record the deed to the open space prior to, or concurrent with, the recording of the first final subdivision plat. An access easement following the alignment of future public streets is acceptable. However, "pocket parks" or "greens" may be deeded concurrent with the unit or phase of the final subdivision plat of which it is a part.

Property Owner's Association:

The property owner's association bylaws or covenants, at a minimum, shall contain the following provisions:

i. Governance of the association by the Georgia Property Owner's Association Act (OCGA Section 44-2-220 et. Seq.) or a successor to that Act that grants lien rights to the association for maintenance expenses and tax obligations.

Responsibility for maintenance of the open space.

Responsibility for insurance and taxes.

Automatic compulsory membership of all lot purchasers and their successors; and compulsory assessment.

Conditions and timing of transferring control of the association from the developer to the lot owners.

Guarantee that the association will not be dissolved without the advance approval of the City Council.

Maintenance:

The property owner's association, or other entity approved in advance by the City Council, shall be responsible for the continuous maintenance of buffers, open space, recreation area, common areas, and detention ponds etc.

Conservation Surety:

Open space delineated in the concept plan shall be permanently protected by the developer's conveyance of an undivided fee simple interest in the open space to the mandatory property owner's association referenced in Section 902A.6.d., and to each of the individual lot owners of the new subdivision. The deed conveying the open space pursuant to this paragraph shall be recorded and delivered to the property owner's association prior to the approval of the final plat for the first phase of the subdivision. In addition, the final plat for each phase of the Subdivision shall contain the following statement:

"open space delineated on this plat is permanently protected and shall remain undeveloped and natural subject to certain exceptions contained in Sugar Hill's Conservation Subdivision Overlay District regulations."

In addition, the deed conveying the open space shall contain the following language:

"The land conveyed herein shall remain permanently protected open space shall not be cleared or developed except in accordance with Section 902A6.b. of the Zoning Ordinance of the City of Sugar Hill.

The developer's deed to the mandatory property owner's association shall contain a statement that the interest conveyed in the deed runs with the land and benefits all future lot owners within the subdivision."

G. Density.

The subdivisions in CSD district shall not exceed maximum net density in the underlying district, and provide at least the percent of open space defined in §902 A. 6., as stated below:

RS-100	3 units/acre with 40% open space
	4 units/acre with 50% open space

H. Development Requirements.

Subdivisions in this overlay district shall meet the following requirements unless a Special Use Permit is submitted and approved by the City Council:

- a. Minimum subdivision Size: 10 contiguous acres.
- b. Lot Area: Minimum lot size 5,000 sq. ft., except that each building lot shall not contain more than 20% of its area within the 100-year floodplain elevation.
- c. Average Lot Width: The average width of all building lots shall be at least 60 feet.

Exceptions: Lots that abut non-overlay properties shall meet the standard width requirement of the underlying district; or, open space at least 50 feet wide shall be provided.

- d. Minimum Road Frontage per Lot: 40 feet.

Exceptions: Road frontage may be reduced to 20 feet for lots with frontage upon cul-de-sac or “eyebrow cul-de-sac” turnaround.

- e. Minimum Yard Area (Setback):

Front: 20 feet. Exception: The front yard set back may be reduced to 5 feet if dwellings are provided side or rear entry garages. To qualify for the reduced setback on a corner lot, side entry garages must be located to the side adjacent to an abutting lot.

Rear: 20 feet.

Side: 5 feet.

- f. Exterior Project Street Frontage Open Space Strip:

50 feet in width (not part of any building lot). Landscape entry features such as fences and walls may be allowed in the open space strip.

- g. Maximum Height: 35 feet.

- h. Minimum Floor Area: Each dwelling unit shall have a minimum heated finished living area, excluding a basement, attic, carport or garage, as follows:

One Story: 1,600 square feet.

Two Story: 1,800 square feet.

- i. Sodded Yards: All grassed areas on dwelling lots shall be sodded.

- j. Garages: Each dwelling unit shall have two-car garage.

- k. Street Trees: Street trees, in accordance with the requirements of the Buffer, Landscape, and Tree Ordinance, shall be provided.
- l. Underground Utilities: Utilities shall be located underground.

I. Administrative Variance.

The City Manager may approve an administrative variance for a project developing in phases to allow clearing and grading for the whole project provided that the site is stabilized and the developer undertakes best management practices and complies with all soil erosion and sedimentation control measures applicable to the project. The City Manager may approve an administrative variance for setbacks, lot sizes, lot area or reduction of open space. Said administrative variances shall not exceed a reduction of more than ten percent of the area required by the ordinance and shall be granted only if the applicant demonstrates in writing a hardship or justification for said variance in accordance with the standards set forth in Section 1505 (3) of this ordinance.

ARTICLE 11.

OFFSTREET PARKING

Section 1100. Off-Street Automobile Parking and Loading and Unloading Spaces Required.

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

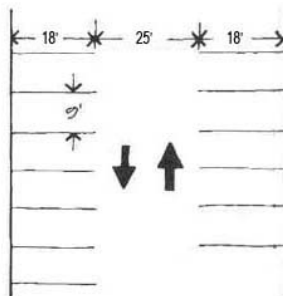
Any building or use that is subsequently enlarged shall meet the off-street parking and loading and unloading space requirements of this Ordinance for the original building plus the addition made.

Section 1101. Plan and Design Standards.

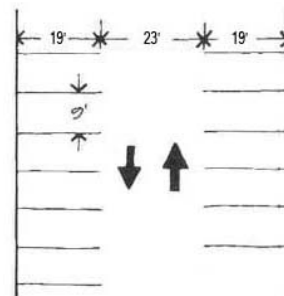
The following are required plan and design standards for off-street parking and loading and unloading spaces:

1. Each automobile parking space shall be not less than nine (9) feet wide and nineteen (19) feet deep when used with twenty-three (23) feet wide interior driveways or eighteen (18) feet deep when used with twenty-five (25) feet wide interior driveways or single row parking bays. A maximum of one foot six inches of the required parking stall dimension may overhang a grassed area. This overhang cannot be over a sidewalk or right-of-way and must be arranged in such a way as to allow adequate front-to-front parking.

Double Row Parking Bay w/ 18' Parking Stalls



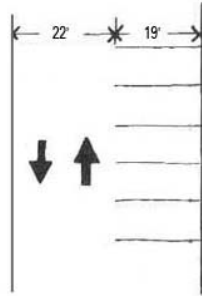
Double Row Parking Bay w/ 19' Parking Stalls



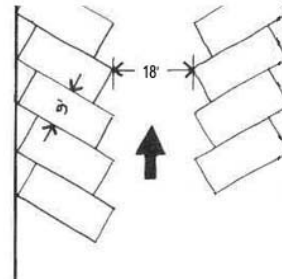
2. Compact spaces. Up to 30% of the total required parking spaces may be reduced in size (8' x 16') for compact vehicles. The compact parking spaces shall be clustered together. Each row or pair of rows shall be indicated by a sign at each end. No sign face shall exceed one and one-half (1 1/2) square feet, aggregate total sign face shall not exceed three (3) square feet. No such sign shall be taller than 8' height. Parking lots larger than 250 spaces shall provide 30% compact spaces.

3. Interior driveways. Interior driveways, when used with ninety degree angle parking, shall be at least twenty-two (22) feet wide for each single row parking bay; when used with sixty degree angle parking, shall be at least eighteen (18) feet wide for one-way traffic and twenty (20) feet for two-way traffic. When used with parallel parking or when there is no parking, interior driveways shall be at least ten (10) feet wide for one-way traffic and at least twenty (20) feet wide for two-way traffic.

Single Row Parking Bay w/ 19' Parking Stalls



Single Row Parking Bay
w/ 60 deg. Angled Parking Stalls



4. Improvement of Off-Street Parking Lots. All off-street parking lots, whether public or private, for five (5) or more passenger or commercial vehicles required to be licensed for over-the-road use, including trailers, shall meet the following standards:

- a. They shall be graded to insure proper drainage, , installed on an approved four (4) inch graded aggregate base with a two (2) inch top course of concrete, asphalt, or other approved paving method. The parking lot shall be maintained in good condition free of weeds, dust, trash and debris. Alternative paving methods such as porous concrete/asphalt shall be constructed to minimum standards per American Society for Testing and Materials (ASTM) and shall provide a maintenance schedule for approval and recording.

Exception: Within HM-1 and HM-2 Zoning Districts, Storage Yards for off-road construction equipment (no vehicle licensing required) may have a graveled surface and shall provide the following:

- i. maintained to a uniform depth of at least two (2) inches of crusher run or stone aggregate not larger than #57 stone; and
 - ii. kept free of debris, weeds and uneven holes or depressions; and
 - iii. be contained with concrete vertical curbing or minimum twelve inch height earthen berm; and
 - iv. graded to ensure rain water runoff flows into a detention facility as designed.
- b. Outdoor lighting facilities shall be so arranged that the source of any light is concealed from public view and from adjacent residential properties and does not interfere with traffic.

- c. They shall not be used for the sale, repair, dismantling or servicing or storing of any vehicle, equipment, materials or supplies.
 - d. Each parking space shall be clearly demarcated by a painted stripe no less than three (3) inches wide running the length of each of the longer sides of the space or by curbing or by other acceptable method which clearly marks and delineates the parking space within the parking lot.
 - e. One-way traffic aisles shall be clearly marked with directional arrows on the pavement.
 - f. The boundary of off-street parking lots with 6 or more parking spaces shall have their perimeter enclosed by concrete curb and gutter. Parking lots with less than 6 parking spaces may be constructed without curb and gutter but shall provide wheel or bumper guards and comply with the all stormwater management requirements.
5. Location of required off-street parking spaces on other property. If the required automobile off-street parking spaces cannot reasonably be provided on the same lot on which the principal use is conducted, such spaces may be provided on other off-street property lying not more than four hundred (400) feet from the main entrance to the principal use. In this situation, the applicant shall submit, with his application for a building permit or occupancy permit, an instrument duly executed and acknowledged, which accepts the permanent availability of such off-street parking facilities to serve his principal use.
 6. Sharing of required off-street parking spaces. . A shared parking analysis shall be performed by the applicant based on the Parking Generation Manual (latest edition) by Institute of Transportation Engineers (ITE) and submitted to the City for review and approval. If approved, than the applicant shall prepare a written agreement acceptable to the City Manager and approved by all property owners. The agreement must be written to survive future changes in ownership in perpetuity, unless the agreement is dissolved with approval by the City Manager. It shall be an obligation running with the title to the property and shall be binding on the current property owners and their successors. The agreement shall be recorded at the Clerk of Superior Court, Gwinnett County.
 8. Off-street loading and unloading spaces. Off-street loading and unloading spaces shall have access from a public alley or, if there is no alley, from a public street. The space shall be so located that it causes a minimum of interference with the free movement of vehicles and pedestrians over a street, sidewalk or alley.
 9. Provision for Surplus Parking. The maximum parking space allowance may be exceeded by 25% if constructed in the form of an approved porous concrete/asphalt, grassed paving system or other pervious system approved by the City Manager. The maximum parking space allowance may be exceeded in any amount when contained in a parking deck and/or underground parking structure.

**The 2000 Zoning Ordinance Article 11 Off-Street Automobile Parking,
of the City of Sugar Hill, Georgia Loading and Unloading Spaces**

Section 1102. Required Number of Off-Street Parking Spaces.

The following are the minimum and maximum number of off-street parking spaces required. For uses not specifically listed, the off-street parking requirements shall be those of the most similar use as determined by the City Manager. Parking spaces for the handicapped shall be required by Georgia State Law and shall be included in the calculation of the overall parking provided.

Refer to Table 11.1 – Required Number of Off-Street Parking Spaces.

For uses not specifically categorized/listed then the applicant shall prepare a Parking Study based on the ITE manual, for review and approval by the City Manager.

Section 1103. Off-Street Loading and Unloading Spaces.

Any use which requires deliveries or shipments shall provide sufficient off-street loading and unloading space so that no public street, alley or access to any parking area is made unsuitable for passage by such activities.

For every newly established retail, wholesale, service and industrial use larger than 10,000 square feet, space shall be provided as indicated for the loading and unloading of vehicles off the public street or alley. These requirements may be met by a combination of methods including physical location and scheduling. Such spaces shall have access to an alley or, if there is no alley, to a street. Minimum loading and unloading space requirements are:

- | 1. Gross Building Area (Square Feet) | Minimum Number of Spaces |
|--------------------------------------|--------------------------|
| 10,001 – 100,000 | 1 |
| 100,001 – 200,000 | 2 |
| 200,001 – 350,000 | 3 |
- 1 space for each additional 100,000 square feet or portion thereof shall be provided for buildings or common developments in excess of 350,000 square feet.
2. For retail and service uses, each space must be at least ten (10) by thirty (30) feet.
 3. For wholesale business and industry, each space must be at least ten (10) by fifty (50) feet.
 4. Bus and truck terminals. Sufficient space to accommodate the maximum number of buses or trucks to be stored or be loaded or unloaded at the terminal at any one (1) time.

Section 1104. Commercial Vehicle Parking.

1. Except as provided herein no commercial vehicle shall be allowed to park in any RS-200, RS-175, RS-150, RS-100, RM or MH district, or property used as residential, either on property so zoned or on the streets abutting such property on Monday through Friday between 7:00 p.m. and 7:00 a.m. or on Saturdays or Sundays.

2. Any commercial vehicle under 13,001 Gross Vehicle Weight Rating (GVWR) shall be allowed to be parked in a carport, driveway, garage or within a side yard or rear yard on an approved driveway expansion area in accordance with other sections of this Ordinance.
3. This section shall not apply with regard to any vehicle in an enclosed building or so located upon the premises as not to be readily visible from any public place or from any surrounding private property.
4. This section shall not apply to school buses parked on school property and church buses or other not-for-profit organization uses parked on the property of the church or other not-for-profit organization.
5. As used in this section, commercial vehicles specifically include the following:
 - a. Any vehicle with a gross vehicle weight rating in excess of 13,000 pounds.
 - b. Any vehicle, other than a motor home, having more than two (2) axles.
 - c. Any motorized construction equipment, except when located on private property on which related construction has a valid permit.
 - d. Any vehicle designed to carry more than fifteen (15) passengers.
 - e. Any vehicle or trailer registered to a business entity.
 - f. Any vehicle with a graphic advertising a business activity, service or product that may be seen from the public right of way or private street.
 - g. Any other vehicle used in a commercial manner as determined by the City Manager or his designee.

Section 1105. Administrative Variance.

In instances where an applicant shows specific and valid reasons why the requirements of Section 1102 or Section 1103 cannot reasonably be met, and where a reduction of not more than ten percent (10%) in such requirements will not adversely affect the spirit or intent of this Article, the City Manager may administratively grant such reduction.

In instances where an applicant submits a study showing specific and valid reasons why the requirements of Section 1102 are not reasonable based upon the *Parking Generation Manual* by ITE (Institute of Traffic Engineers) the City Manager may administratively grant such reduction as requested.

Section 1106. Parking Single family Residential.

This section shall apply to all single family residential zoning classifications, which include the following classifications: AF, RS-100, RS-150, RS-175, RS-200, PRD, CSD, and Residential-Use properties (non-conforming). Parking any motor vehicle, boat, RV, trailer or camper top shall not be allowed in the front yard, side yard or rear yard of a residence unless said motor vehicle, boat, RV, trailer or camper top is parked on a concrete, asphalt or gravel driveway.

**The 2000 Zoning Ordinance Article 11 Off-Street Automobile Parking,
of the City of Sugar Hill, Georgia Loading and Unloading Spaces**

Therefore, it shall be unlawful to park any motor vehicle, boat, RV, trailer or camper top on the grass, lawn or dirt areas in the yard of any residential structure located within the corporate boundaries of the City of Sugar Hill. No more than thirty-five percent (35%) of a combination of the front, side and rear yards may consist of a concrete, asphalt or gravel drive way or parking area and the remaining percentage shall be grass or landscaped areas.

USE	Min. # of Parking Spaces per Unit	Max. # of Parking Spaces per Unit	Unit
Residences and Accommodations			
Single Family Dwelling Unit	2	-	Dwelling
Multi Family	1	-	Unit
Rooming/Boarding House	0.75	1	Bedroom
Hotel / Motel	1.25	1.75	Room
Hospital / Nursing Home	0.25	1	100 sq. ft. GFA
Retail, Sales and Service			
Food Stores, General Business, Automotive Sales/Service, Offices, Institutional, Banks, Commercial or Personal Services.	1	1.5	300 sq. ft. GFA
Restaurant, Night Clubs, Taverns and similar establishments serving food or beverages and providing patron use area.	1	2	100 sq. ft. GFA
Restaurant - Drive in without area for patron use.	1	1.5	100 sq.ft. GFA
Educational			
Public or Private Schools	2	2.5	Classroom, plus 1 space for every 4 of the capacity of largest assembly area.
Technical and Trade schools, Business schools, University	10	12.5	Classroom, plus 1 space for every 4 of the capacity of largest assembly area.
Day Care	.1	.125	100 sq. ft. GFA
Service and Community			
Beauty Parlors / Barber Shops	1.5	2	Per grooming chair
Gasoline Service	0.25	0.50	100 sq. ft GFA, including service bays, wash tunnels, and retail areas.
Lodges, Clubs and Community Centers	0.50	0.65	100 sq.ft. GFA
Funeral Home and Services	25	31.25	Per each viewing room
Entertainment and Recreation			
Adult Entertainment Establishment	1.5	2	100 sq. ft. GFA
Golf Course	3	3.75	Hole, plus
Dining Area	1	1.25	3 seats in dining/bar area
Private Residential Recreation / Common Areas	0.75	1.25	Per 5 lots
Private Recreation Centers			
a. Indoor facility	.4	.5	100 sq. ft. GFA
b. Outdoor area.	20	25	Acre
Other			
Place of Worship	1	1.25	4 seats in largest assembly room
Public Assembly with fixed seating	1	1.25	3 seats in largest assembly room
Public Assembly without fixed seating	4	6	100 sq.ft. GFA
Manufacturing / Industrial			
Light Manufacturing & Assembly	1	1.25	1,000 sq. ft. GFA
Heavy Manufacturing	1	1.25	2,000 sq.ft. GFA
Wholesale and Warehousing	1	1.25	2,000 sq.ft. GFA not including office space

* GFA = Gross Floor Area Sq.ft. = square feet.

** Parking analysis' shall be rounded to the nearest whole number.

Table 11.1 – Required Number of Off-Street Parking Spaces

ARTICLE 12.

BUFFERS AND SCREENING

Section 1200. Buffer Between Dissimilar Districts and Construction Buffers.

A buffer shall be required for the following:

1. Where nonresidential districts are contiguous with residential districts, or where multi-family or mobile home districts are contiguous with single-family residential districts, the parcel of land shall have a buffer along any rear and side property lines abutting a residential district.
2. All residentially zoned property to be developed as single family residential subdivisions shall have a minimum twenty (20) foot enhanced landscape strip along any rear property lines abutting an existing single family residential zoned parcel.

Section 1201. Plan Requirements.

All buffers shall be designated on the appropriate permit application(s) and indicated on the required site plan or final subdivision plat.

Section 1202. Buffer and Screening Standards.

All buffer areas and screening shall be established in accordance with the following requirements:

1. Buffers and landscape strips shall be established and maintained along required property lot lines in accordance with the landscaping policies and standards of *The Buffer, Landscape and Tree Ordinance of The City of Sugar Hill* and any additional specifications that may be approved by the City Council. In the event the buffer includes a utility or pipeline easement, a minimum buffer of no less than 20 feet in width will be required outside the easement. In no case will the buffer be less than 20 feet except as may be permitted in Section 1204.
2. Buffers shall meet the minimum width requirements for dissimilar districts as shown in the "Minimum Buffer Requirements" table (Section 1205).
3. Screening shall be established within any buffer along the entire length of the side and rear lot lines. However, this screening requirement may be adjusted in order to observe the sight distance required in the Development Regulations or as a Condition of Zoning, Special Use, or Variance approval or as approved by the City Manager.
4. Screening may be required where a non-residential use abuts a public street across from a residential district. However, this screening requirement may be adjusted in order to observe the sight distance required in the Development Regulations or as a Condition of Zoning, Special Use, or Variance approval or as approved by the City Manager.
5. Structures, including driveways, parking facilities, or retaining walls shall be located a minimum of five (5) feet from any buffer.

**The 2000 Zoning Ordinance
of the City of Sugar Hill, Georgia**

**Article 12
Buffers and Screening**

Section 1203. Other Screening Requirements.

Screening and/or buffers shall be required for purposes of obscuring features such as dumpsters, rear entrances, utility and maintenance structures, and loading facilities.

Section 1204. Administrative Variances to Buffer and Screening Requirements.

A. Administrative Reductions in Required Distances.

The width of buffers as required in Section 1205 may be reduced by no more than 20 percent, as appropriate, by the City Manager, if and only if,

1. It is clearly demonstrated that existing topography and/or vegetation within the reduced area achieve the purpose and intent of this Article; or
2. It is clearly demonstrated that for topographic reasons, a fence, wall and/or other screening device required herein could not possibly screen activities conducted on ground level from view from the normal level of a first story window on any lot in a residential district abutting the use.

B. Administrative Allowance for Disturbance of Buffers.

The natural undisturbed buffers as required in Section 1205 may be disturbed, if approved as appropriate, by the City Manager, if and only if,

1. It is demonstrated the equivalent width of buffer shall be re-established through appropriate plantings and landscaping, and the adjoining residential property is not developed, or
2. The adjoining property owners grant written permission for such disturbance.

**The 2000 Zoning Ordinance
of the City of Sugar Hill, Georgia**

**Article 12
Buffers and Screening**

Section 1205. MINIMUM BUFFER REQUIREMENTS.

	AF, RS-200	RS-175	RS-150	RS-100	RS-72	R-36	MH
AF RS-200 RS-175 RS-150 RS-100	N/A	N/A	N/A	N/A	N/A	N/A	N/A
RS-72	N/A	N/A	N/A	N/A	N/A	N/A	N/A
R-36	50'	50'	50'	50'	N/A	N/A	N/A
MH	75'	75'	75'	75'	N/A	N/A	N/A
OI	50'	50'	50'	50'	35'	20'	50'
LM	50'	50'	50'	50'	50'	50'	50'
HM1	75'	75'	75'	75'	75'	75'	75'
HM2	100'	100'	100'	100'	100'	100'	100'
HSB	50'	50'	50'	50'	35'	20'	50'
BG	75'	75'	75'	75'	50'	35'	75'

Notes:

- (1) The Mayor & Council may establish or increase the minimum buffer as a condition of rezoning or as a condition to a Special Use Permit.
- (2) The Board of Appeals may increase the minimum buffer required as a condition to granting a variance request.

ARTICLE 13.

SIGNS

Section 1300. Purpose and Intent.

It is hereby declared that the aesthetic and safety interests of the City of Sugar Hill are reasonably promoted by the provisions of this article. Accordingly, it is the intent and purpose of this article to provide for the orderly and harmonious display of signs within the community; to avoid the erection of displays which produce deleterious and injurious effects to adjacent properties and to the natural beauty of the environment; to provide for the safety of the traveling public by limiting distractions, hazards, and obstructions; to minimize visual clutter and encourage a positive visual environment within the City; and to promote the mental and physical health, safety, and welfare of the public.

The regulations and requirements herein set forth shall be the minimum requirements to promote the health, safety, morals and general welfare of the public and to protect the character of the City of Sugar Hill.

The purpose and intent of these regulations is to create the legal framework for a comprehensive and balanced system of signage to improve and enhance the aesthetic environment of the City and to avoid the visual clutter that is potentially harmful to traffic and to the appearance of the community. The City Council of the City of Sugar Hill finds that the regulations set forth herein will improve the visual appearance of the City by limiting the number and size of signs within the corporate limits, consistent with constitutional guarantees, while continuing to provide an effective means of communication.

Section 1301. General Provisions.

Except as specifically excluded from the provisions of this Ordinance, it shall be unlawful for any person to post, display, substantially change, or erect a sign without a permit. A sign permit shall not be required for a change in the copy of a sign for which a permit has been lawfully issued, provided no electrical connections are disturbed or modified and the size or weight of the sign is not increased.

Section 1302. Permit Application.

Applications for sign permits required above shall be filed by the sign owner or his agent with the City Manager upon forms furnished by the City.

A. Said application shall describe and set forth the following, and any additional information as may be requested by the City Manager upon forms furnished by the City. The application shall comply with and be processed in accordance with the provisions of this section.

1. The type and purpose of the sign as defined in this Ordinance.
2. The cost of construction of the sign.
3. The street address of the property upon which subject sign is to be located and the proposed location of subject sign on subject property. In the absence of a street address, a method of location acceptable to the City Manager shall be used.

4. Sign face area (SFA) per sign and total aggregate SFA per sign structure.
 5. Scaled drawings showing the size and location of the sign, property lines, set backs, easements, and existing buildings.
 6. Signs that exceed 100 square feet of surface area or exceed the height of 15 feet shall be designed and stamped by a Professional Engineer licensed in the state of Georgia. Designs shall include the effective projected area wind load calculations for the appropriate wind speed region as well as any electrical power components, anchoring and footing details.
 7. The name(s) and address(es) of the owner(s) of the real property upon which the subject sign is to be located.
 8. Written consent of the property owner, or his agent, granting permission for the placement and/or maintenance of subject sign.
 9. The name, address and phone number of the sign contractor.
 10. Proof of payment of occupation tax for the current year by the sign owner and contractor, if appropriate.
- B. Upon the receipt of a signed permit application containing all the information set forth in Subsection A, the Department of Planning and Development of the City of Sugar Hill shall promptly conduct an investigation and review of the application, the proposed sign and the property described in the application. The City Manager shall grant or deny the sign permit within 30 days from the date the completed application is submitted.

If after review and investigation as required herein, it is determined that the application meets the requirements contained in this ordinance, the permit shall be issued.

If after review and investigation as required herein, it is determined that the application fails to meet the requirements contained in this ordinance, the permit shall be denied and the City Manager shall provide the applicant with written notice of the denial and reasons for the denial. The written notice of denial shall be obtained in person from the Department of Planning and Development of the City of Sugar Hill after 30 days. If, after 60 days, the applicant has not picked up the written notice of denial it shall be sent by certified mail to the address of the applicant as designated on the application.

Any person denied a sign permit under the provisions of this section may file a written appeal of the denial to the City Council in accordance with the provisions of Article 15 of this Ordinance.

Section 1303. Expiration Date.

A sign permit shall become null and void if the sign for which the permit was issued has not been completed within six months after the date of issuance, provided, however, that a six-month extension of the permit shall be granted if an additional permit extension fee has been paid prior to the expiration date of the initial permit.

Section 1304. Sign Permit Fees.

No permit shall be issued until the appropriate application has been filed with the City Manager or his designee and fees have been paid as established by the City Council from time to time.

Section 1305. Non-conforming Signs.

1. Any sign which does not conform to the requirements of this Sign Ordinance shall either be removed or shall be subject to Article 8 of this Ordinance.
2. No sign, whether conforming or non-conforming, shall be modified except in accordance with the provisions of this Ordinance.

Section 1306. Signs and Sign Devices Prohibited.

For aesthetic and safety reasons, the following types of signs are prohibited in all zoning districts of the City of Sugar Hill.

1. Portable signs.
2. Signs on public right-of-way.
3. Signs which contain or are in imitation of an official traffic sign or signal or contain the words "stop", "go", "slow", "caution", "danger", "warning", or similar words, except for construction signs and barricades and except when the words are incorporated in the permanent name of a business.
4. Signs which change copy at intervals more frequently than once every 20 seconds. Transition time between automatic copy changes shall take no more than one (1) second. Copy shall remain static except during transition between copy changes.
5. Signs attached to any street signs or markers, traffic control signs or devices, or attached to or painted on any utility pole or structure, tree, rock, shrub, plant or other natural object or feature.
6. Any sign placed or erected on a property without the permission of the owner.
7. Signs which physically rotate or move at intervals more frequently than once every 20 seconds.
8. Signs mounted above the roof line or on any part of the roof.
9. Signs that emit sound.
10. Multi-Message signs within 100 feet of a single family detached residential use.

The City of Sugar Hill shall be empowered to remove or cause to be removed at the owner's expense all prohibited signs.

Section 1307. Special Permit for Temporary Signs or Devices.

- A. Temporary signs shall only be permitted by issue of a temporary sign permit for a period not to exceed 30 consecutive days. No such permit shall be issued for the same address within two months of the termination date of the last permit. The aggregate total sign face area for all temporary signs shall not exceed the maximum sign face area allowed in accordance with Sections 1311 of this Ordinance.
- B. The following temporary devices shall be permitted only by issue of a special permit allowing use of this type of device for a period not exceeding 14 consecutive days. No such special permit shall be issued for the same address within four months of the termination date of the last permit. A fee as established from time to time by the City Council shall be charged for each such special permit.
 1. Air or gas filled devices.
 2. Balloons or streamers.
 3. Search lights and similar devices.

The permit may contain such restrictions as to size, height, and location as the City Manager deems appropriate to keep said temporary devices in compliance with the general restrictions and goals of this Ordinance.

Section 1308. Signs Exempt from Specified Provisions of this Ordinance.

In all zoning classifications, the following signs may be erected without the requirement of a permit, subject to Section 1309 Maintenance and Appearance:

1. Any sign not prohibited by section 1306, provided that the sign(s) shall not exceed thirty six (36) inches in height, six (6) square feet area per sign face and 12 square feet aggregate total sign face area per lot and provided the sign has been erected with the permission of the property owner. No such sign shall be less than two (2) square feet in SFA.
2. During any development project or building project, multiple signs may be placed at each entrance to the project site as shown on the approved plans. No such sign(s) shall exceed the sign face area limits allowed in accordance with section 1311 of this Ordinance. All such signs shall be removed from the premises once the permits are completed, expired or revoked.

Section 1309. Maintenance and Appearance of Signs.

1. All signs shall be maintained in good condition, so as to present a neat and orderly appearance. Peeling, flaking, chipped or fading paint shall be eliminated and surfaces refinished. The City Manager may cause to be removed after due notice any sign

which shows gross neglect, becomes dilapidated, or is subject to removal under any other provision of this Article or any other provision of this Ordinance.

2. The City Manager shall give the owner ten (10) days to correct the deficiencies or to remove the sign or signs. This notice shall be in writing. This decision shall be subject to appeal to the City Council in accordance with Article 15 of the Zoning Ordinance. If the Owner refuses to correct the deficiencies or remove the sign following a final decision on any appeal, the City Manager shall have the sign removed at the expense of the Owner.
3. Any sign located in the public right-of-way in violation of this Ordinance may be removed immediately.

Section 1310. Illumination of Signs.

Only permanent signs shall be allowed to be illuminated provided they meet the following conditions:

1. Sign lights must be focused, directed and arranged so as to avoid the creation of a traffic or safety hazard. Sign lights must also be focused, directed and arranged so as to avoid creating a nuisance for the occupants of adjacent property.
2. All lighting must be installed in accordance with all applicable building and electrical codes adopted and enforced by the City.
3. No sign shall give off light, which glares, blinds, or has any other adverse effect on traffic or adjacent properties. Illuminated signs shall be prohibited within 100 feet of a single family detached residential use.
4. No sign shall operate at brightness levels of more than 0.20 foot candles above ambient light levels as measured at a distance of 125 feet perpendicular to the sign face.
5. No sign that is within the line of sight of a residentially occupied property shall operate at brightness levels of more than 0.10 foot candles above ambient light levels as measured from any portion of such residential property.

Section 1311. Signs Permitted and Regulated in Zoning Districts.

Any sign not specifically permitted in a zoning district as provided under this Section, shall be prohibited in that district, unless otherwise specifically provided for under this Article.

- A. The following types of signs shall be permitted and regulated within the AF, RS-200, RS-175, RS-150, RS-100, RM and MH zoning districts:

1. A maximum of two (2) ground sign structures may be placed at the entrance to any neighborhood, one on either side of the street located on an individual lot. Such neighborhood entrance signs shall be constructed primarily of brick or stone masonry.

Total aggregate SFA shall not exceed 24 square feet in size per entrance intersection. No such sign shall be more than eight (8) feet in height. Each ground sign shall be mounted to a sign structure that extends from the bottom edge of the sign flush to the ground and is at least as wide as the largest horizontal dimension of the sign. If a lawfully permitted building exists on the property then the sign structure shall be constructed of the same or similar primary building materials and finishes. Submit plans for approval according to the specifications in Section 1302 of this Article.

2. Lots with frontage along Cumming Hwy (GA State Route 20), Peachtree Industrial Boulevard or Buford Highway (GA State Route 13) shall be allowed one (1) ground sign structure within each lot frontage. Such a sign shall be constructed of a durable and rigid sign face supported by minimum three and one half (3 ½) inch by three and one half (3 ½) inch wood posts pressure treated, painted white, black, dark green or dark brown in color. Such signs shall not exceed six (6) feet in height, 16 square feet area per sign face and 32 square feet aggregate total SFA per lot. No such sign face shall be less than twelve (12) square feet SFA.
- B. The following signs shall be permitted and regulated in the O-I, HSB, and BG zoning districts:
1. Ground signs.
 - a. Each lot shall be limited to one (1) sign structure within each lot frontage unless otherwise noted. Except through lots, on which, one (1) sign structure may be located within the rear yard. Ground signs shall be setback from the right-of-way at least five (5) feet and from the edge of all roads and sidewalks a distance greater than or equal to its height. Common developments with gross floor area in excess of 50,000 square feet and more than 800' of continuous road frontage shall be allowed a maximum of two (2) ground sign structures within said frontage separated by a distance of at least 500'.
 - b. Each ground sign shall be mounted to a sign structure that extends from the bottom edge of the sign flush to the ground and is at least as wide as the largest horizontal dimension of the sign. If a lawfully permitted building exists on the property then the sign structure shall be constructed of the same or similar primary building materials and finishes.
 - c. Each ground sign shall be subject to the following height and size restrictions based on the lawfully permitted gross floor area (GFA) of the building(s) on each lot:

Gross Floor Area (s.f.)	Maximum Height (ft.)	Maximum SFA per sign structure. (s.f.)	Maximum SFA per lot. (s.f.)
0 - 10,000	12	80	120
10,001 - 50,000	12	100	150
50,001 - 100,000	20	160	300
100,001 - 200,000	20	200	400
200,001 or more.	20 (1)	300	600

(1) For large common developments with a gross floor area in excess of 200,000 square feet: maximum height of sign can be 30 feet provided it is setback at a distance equal to its height from the edge of the closest street.

2. Wall signs.

- a. No wall sign shall project more than twelve (12) inches from the building or structure.
- b. No sign(s) shall cover more than 25% of any individual window pane.
- c. More than one wall sign may be allowed on each facade up to the Maximum SFA per Facade.
- d. The maximum SFA per building façade shall be a percentage of the façade area as shown:

Facade	Max. SFA Per Facade
Front	5% of façade area.
Side	3% of façade area.
Rear	1% of façade area.

For the purposes of this section, to calculate façade area, multiply the horizontal length of the façade as measured from the exterior face of exterior wall(s) or from the centerline of common wall(s) separating buildings by the vertical height of the occupied story.

3. Multi-message signs may be permitted as ground signs subject to the following additional requirements:

- a. Multi-message signs are prohibited within 100 feet of a single family residential use.
- b. No more than one multi-message sign shall be permitted on a single lot.
- c. Copy shall not change at intervals more frequently than once every 20 seconds. Transition time between automatic copy changes shall take no more than one (1) second. Copy shall remain static except during transition between copy changes.

- d. Multi-message signs are subject to the illumination standards found in Section 1310 of this Ordinance.
- 4. Incidental Sign. A sign which is wholly independent of a building consisting of a durable and rigid sign face supported by minimum three and one half (3 ½) inch by three and one half (3 ½) inch wood posts pressure treated, painted white, black, dark green or dark brown in color may be permitted in addition to the above ground signs. Such signs shall not exceed six (6) feet in height, 16 square feet area per sign face and 32 square feet aggregate total SFA per lot. No such sign face shall be less than twelve (12) square feet SFA.
- C. The following signs shall be permitted and regulated in the LM, HM-1 and HM-2 zoning districts:
 - 1. Ground signs.
 - a. Each lot shall be limited to one (1) sign structure within each lot frontage unless otherwise noted. Except through lots, on which, one (1) sign structure may be located within the rear yard. Ground signs shall be setback from the right-of-way at least five (5) feet and from the edge of all roads and sidewalks a distance greater than or equal to its height. Common developments with gross floor area in excess of 50,000 square feet and more than 800' of continuous road frontage shall be allowed a maximum of two (2) ground sign structures within said frontage separated by a distance of at least 500'.
 - b. Each ground sign shall be mounted to a sign structure that extends from the bottom edge of the sign flush to the ground and is at least as wide as the largest horizontal dimension of the sign. If a lawfully permitted building exists on the property then the sign structure shall be constructed of the same or similar primary building materials and finishes.
 - c. Each ground sign shall be subject to the following height and size restrictions based on the lawfully permitted gross floor area (GFA) of the building(s) on each lot:

Gross Floor Area (s.f.)	Maximum Height (ft.)	Maximum SFA per sign structure. (s.f.)	Maximum SFA per lot. (s.f.)
0 - 10,000	12	80	120
10,001 - 50,000	12	100	150
50,001 - 100,000	20	160	300
100,001 - 200,000	20	200	400
200,001 or more.	20 (1)	300	600

(1) For large common developments with a gross floor area in excess of 200,000 square feet: maximum height of sign can be 30 feet provided it is setback at a distance equal to its height from the edge of the closest street.

2. Wall signs.

- a. No wall sign shall project more than twelve (12) inches from the building or structure.
- b. No sign(s) shall cover more than 25% of any individual window pane.
- c. More than one wall sign may be allowed on each facade up to the Max. SFA per Facade and Total SFA per Tenant Space.
- d. The maximum SFA per building façade shall be a percentage of the façade area as shown:

Facade	Max. SFA Per Facade
Front	5% of façade area.
Side	3% of façade area.
Rear	1% of façade area.

For the purposes of this section, to calculate façade area, multiply the horizontal length of the façade as measured from the exterior face of exterior wall(s) or from the centerline of common wall(s) separating buildings by the vertical height of the story.

- 3. Multi-message signs may be permitted as ground signs or wall signs subject to the following additional requirements:
 - a. Multi-message signs are prohibited within 100 feet of a single family residential use.
 - b. No more than one multi-message sign shall be permitted on a single lot.
 - c. Copy shall not change at intervals more frequently than once every 20 seconds. Transition time between automatic copy changes shall take no more than one (1) second. Copy shall remain static except during transition between copy changes.
 - d. Multi-message signs are subject to the illumination standards found in Section 1310 of this Ordinance.
- 4. Incidental Sign. A sign which is wholly independent of a building consisting of a durable and rigid sign face supported by minimum three and one half (3 ½) inch by three and one half (3 ½) inch wood posts pressure treated, painted white, black, dark green or dark brown in color may be permitted in addition to the above ground signs. Such signs shall not exceed six (6) feet in height, 16 square feet area per sign face and 32 square feet aggregate total SFA per lot. No such sign face shall be less than twelve (12) square feet SFA.

5. Billboards:

- a. The dimensions of the sign shall not exceed 400 square feet in size (total aggregate sign face area) and 30 feet in height. Double sided signs are allowed but the total of both sides shall not exceed the maximum square footage. The billboard shall be supported by a single pole painted brown, dark green or black in order to blend into its surroundings. Between the bottom edge of the sign and the ground beneath it there shall be a clearance of at least 15 feet.
- b. No billboard shall be located within 1500 feet of another billboard or within 500 feet of the property line of any property zoned AF, RS-200, RS-175, or RS-100.
- c. In order to construct a billboard under the standards of this provision, the applicant is required to have a property interest in the site large enough for a Fall Zone. A Fall Zone is defined as an area large enough and set back far enough from any buildings, structures, or property lines equal to 133 percent of the height of the entire structure in every direction. Within the Fall Zone, no buildings or other structures may be constructed.
- d. Trees may not be removed or trimmed for the purpose of construction, maintenance or improvement to the visibility of a billboard.
- e. Each billboard site shall have a designated driveway access point which is shown on the site plan presented with the application. The applicant shall have a property interest specifically providing for ingress and egress to the site. The ingress and egress driveway shall be paved and two additional paved parking spaces shall be provided for inspection, maintenance and supervision of the billboard.
- f. Flashing, blinking, animated, running and neon lights are prohibited.
- g. Any structure extending beyond the face of any billboard, excluding the aprons is specifically prohibited.
- h. Billboards shall not change at intervals more frequently than once every 20 seconds. Transition time between automatic copy changes shall take no more than one (1) second. Billboards shall remain static except during transition between copy changes.
- i. No more than one billboard shall be allowed per lot not to exceed maximum allowable SFA as shown below. Billboards shall not be permitted on any site also containing a ground sign.
- j. Each billboard shall be subject to the following height, setback and size requirements:

Type of Sign	Maximum Height (ft.)	Setback from Right-of-Way (ft.)	Maximum Sign Face Area (SFA) per lot (s.f.)
Billboard	30	40	400

Section 1312. Administration and Enforcement.

The provisions of this Article shall be administered and enforced by the City Manager. Any requests for a variance altering the conditions of this Sign Ordinance shall be filed with the City Council in accordance with Article 15 of the Zoning Ordinance.

In interpreting the provisions of this Article, nothing shall be construed to regulate the content of the message displayed on any sign. All signs may display a noncommercial message in addition to, or in lieu of, any other message. It is the intent of this Article to regulate the size, height, and location of signs to accomplish the purposes set forth in Section 1300.

ARTICLE 13.5.

STANDARDS FOR TELECOMMUNICATIONS ANTENNAE AND TOWERS

SECTION 1351. PURPOSES. This ordinance is designed and intended to balance the interests of the residents of the City of Sugar Hill, telecommunications providers, and telecommunications customers in the siting of telecommunications facilities within the City of Sugar Hill so as to protect the health, safety and integrity of residential neighborhoods and foster, through appropriate zoning and land use controls, a competitive environment for telecommunications carriers that does not unreasonably discriminate among providers of functionally equivalent services and shall not prohibit or have the effect of prohibiting the provision of personal wireless services, and so as to promote the City of Sugar Hill as a proactive city in the availability of wireless telecommunications service. To that end, this ordinance shall:

- A. Provide for the appropriate location and development of telecommunications facilities to serve the residents and businesses of the City of Sugar Hill;
- B. Protect the City of Sugar Hill's built and natural environment by promoting compatible design standards for telecommunications facilities;
- C. Minimize adverse visual impacts of telecommunications facilities through careful design, siting, landscape screening and innovative camouflaging techniques;
- D. Avoid potential damage to adjacent properties from tower or antennae failure through engineering and careful siting of telecommunications tower structures and antennae;
- E. Maximize use of any new and existing telecommunications towers so as to minimize the need to construct new towers and minimize the total number of towers throughout the City;
- F. Maximize and encourage use of alternative telecommunication tower structures as a primary option rather than construction of additional single-use towers; and
- G. Encourage and promote the location of new telecommunications facilities in areas which are not zoned for residential use.

SECTION 1352. DEFINITIONS. As used in this ordinance, terms shall have the meanings indicated in Article 3 of the City of Sugar Hill Zoning Ordinance.

SECTION 1353. EXCLUSIONS. The following shall be exempt from this ordinance:

- A. Any tower and antenna under seventy (70) feet in total height and owned and operated by an amateur radio operator licensed by the Federal Communications Commission;
- B. Any device for over-the-air reception of television broadcast signals, multi-channel multi-point distribution service or direct broadcast satellite service; or
- C. Any telecommunications facilities located on property owned, leased or otherwise controlled by the City of Sugar Hill provided a license or lease authorizing telecommunications facility has been approved by the governing body.
- D. Any monopole tower and antenna up to seventy (70) feet in total height except as set forth in Section 1354.D. of this Ordinance.
- E. Any antenna located on any existing structure. (i.e. existing towers, watertanks, buildings, utility poles, street lights, etc.
- F. Any antenna located on a new or existing utility pole to include poles used for lighting for City owned recreation facilities (i.e. ball fields, tennis courts, etc.) or on new structures properly permitted (i.e. bell towers, steeples, clock towers, street lights, etc.)
- G. Any monopole tower and antenna one hundred (100) feet or less located in an electrical substation.
- H. Any telecommunications facilities operative on the effective date of this ordinance.

SECTION 1354. PLACEMENT OF TELECOMMUNICATIONS FACILITIES BY ZONING DISTRICT.

- A. In Light Industrial (HM-1) and Heavy Industrial (HM-2) zoning districts telecommunications facilities shall be allowed as a use by right. Telecommunications towers are permitted as a use by right up to a height of 120 feet following design review and approval by the Director. Telecommunications towers greater than 120 feet in height shall require a Special Use Permit. An additional 20 feet may be allowed by right for towers, which provide proof of three (3) or more companies locating on the same tower.
- B. In General Business (BG) and Light Manufacturing (LM) zoning districts antennas shall be allowed as a use by right on existing structures. New towers and antennas greater than seventy (70) feet in height shall be allowed if permitted by a Special Use Permit approved by the City Council following design review by the Director. Monopole towers up to a height of seventy (70) feet shall be permitted.

- C. In Highway Service Business (HSB) and Office-Institutional (OI) zoning districts, telecommunications facilities greater than fifty (50) feet shall be allowed if permitted by a Special Use Permit approved by the City Council following design review by the Director. Telecommunications towers fifty (50) feet or less are permitted.
- D. Except as set forth in this section or listed as an “exclusion” in Section 1353, A.,B,C,E,F,G of this Ordinance, telecommunication facilities shall not be permitted in Low Density Single Family Residential (RS-150, RS-175, RS-200, PUD), Medium Density Single Family Residential (RS-100), Residential Multi Family (RM), or Mobile Home Park (MH) zoning districts . Telecommunications facilities shall be allowed only if the applicant provides evidence that such placement is a technological necessity in order for the applicant to be in compliance with federal law; upon such evidence, such use shall be allowed if approved with a Special Use Permit by the City Council following design review by the Director.
- E. Telecommunications facilities outside the guidelines listed above may only be built upon approval of a Special Use Permit except for variances to the Zoning Ordinance setbacks for a specific zoning district which shall be presented to the Zoning Board of Appeals unless the request is part of a Special Use Permit application which is presented to the City Council.

SECTION 1355. PREFERRED LOCATION SITES.

- A. Publicly used structures: Publicly used structures are preferred locations throughout the city because they appear in virtually all neighborhoods, are dispersed throughout the city, and due to their institutional or infrastructure uses are generally similar in appearance to or readily adaptable for telecommunications facilities. Therefore, telecommunications facilities should be less noticeable when placed on publicly used structures than when placed on commercial or residential structures. Publicly used structures include facilities such as police or fire stations, libraries, community centers, civic centers, courthouses, utility structures, water towers, elevated roadways, bridges, flag poles, schools, hospitals, clock or bell towers, light poles and churches.
- B. Co-Location Sites: Any existing site on which a legal wireless telecommunications facility is currently located shall be a Preferred Location Site regardless of the underlying zoning designation of the site, provided, however, that locations which meet this criteria shall be subject to the design and siting components of this ordinance and co-location sites shall not become an “antenna farm” or otherwise be deemed by the Director or the governing authority to be visually obtrusive.

- C. Industrial and Commercial Structures: Wholly industrial and commercial structures such as warehouses, factories, retail outlets, supermarkets, banks, garages, or service stations shall be Preferred Locations particularly where existing visual obstructions or clutter on the roof or along a roof line can and will be removed as part of the installation of the telecommunications system.
- D. Mixed Use Buildings in Planned Development Districts: Mixed use buildings (housing above commercial or other non-residential space) are also Preferred Location sites.

SECTION 1356. REQUIREMENTS FOR TELECOMMUNICATIONS FACILITIES.

- A. General Requirements for All Telecommunications Facilities: The requirements set forth in this Section shall govern the location and construction of all telecommunications facilities governed by this ordinance.
 - 1. Building Codes and Safety Standards: To ensure the structural integrity of telecommunications facilities, the owner of a telecommunications facility shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for such telecommunications facilities that are published by the FCC as amended from time to time. Owners of telecommunications facilities shall conduct periodic inspections of such facilities at least once every three years to ensure structural integrity. Inspections shall be conducted by a structural engineer licensed to practice in Georgia. The results of such inspection shall be provided to the Director.
 - 2. Regulatory Compliance: All telecommunications facilities must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the state or federal government with the authority to regulate communications towers and antennae. If such standards and regulations are changed then the owners of the telecommunications facilities governed by this ordinance shall bring such communications towers and antennae into compliance with such revised standards and regulations within the date established by the agency promulgating the standards or regulations.
 - 3. Security: All telecommunications facilities shall be enclosed by decay-resistant security fencing not less than six (6) feet in height and shall be equipped with an appropriate anti-climbing device. This requirement may be waived by the Director if it is deemed that this would produce negative visual clutter or obstruct a view corridor.
 - 4. Lighting: No illumination is permitted on telecommunications facilities unless part of a approved public lighting program or required by the FCC, FAA or other state or federal agency of competent jurisdiction in which case the

Director may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding uses and views.

5. Advertising: No advertising is permitted on telecommunications facilities.
6. Visual Impact:
 - a. Telecommunications facilities shall, subject to applicable standards of the FAA or other federal or state agencies, be maintained with a galvanized metal finish, painted a neutral color, or painted and/or textured to match the existing structure so as to reduce visual obtrusiveness.
Telecommunications facilities located in residentially zoned areas shall be painted in a neutral color or textured to match the existing environment to minimize visual obtrusiveness. If federal or state regulations require, telecommunication facilities shall maintain a galvanized steel finish or other required finish.
 - b. If an antenna is installed on a structure other than a tower and is generally visible to the public, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to , or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible. Roof mounted antennas shall be made visually unobtrusive by screening to match existing air conditioning units, stairs, elevator towers, or other background.
 - c. Antennas mounted on architecturally significant structures or significant architectural details of the building shall be covered by appropriate casings, which are manufactured to match existing architectural features found on the building.
 - d. Where feasible, antennas can be placed directly above, below or incorporated with vertical design elements of a building to help in camouflaging.
 - e. Towers or roof mounted antennas shall not be placed in direct line with significant view corridors, as designated by the City of Sugar Hill or by any state or federal law or agency. For purposes of this ordinance a significant view corridor shall be defined as an area to be kept free of obstructions or structures which interfere with the view of any scenic area, or historic building or area. A view corridor shall be established by ordinance of the City of Sugar Hill, by zoning restrictions adopted in accordance with the ordinances of the City of Sugar Hill, or by any state or federal law or agency in accordance with provisions of federal laws or duly adopted regulations.

- f. Any equipment shelter or cabinet must be concealed from public view or made compatible with the architecture of the surrounding structures or placed underground. Equipment shelters shall be screened from public view and may use landscaping or materials and colors consistent with the surrounding structures. The shelter or cabinet must be regularly maintained.
7. Landscaping:
 - a. Landscaping shall be used to effectively screen the view of the tower compound from adjacent public ways, public property and residential property.
 - b. Native vegetation on the site shall be preserved to the greatest practical extent. The applicant shall provide a site plan showing existing significant vegetation to be removed, and vegetation to be replanted to replace that lost.
 - c. The Director may waive or modify the landscaping requirement where lesser requirements are desirable for adequate visibility for security purposes or for continued operation of existing bona fide agricultural or forest uses such as farms, nurseries and tree farms. In certain locations where the visual impact of the tower would be minimal, such as remote agricultural or rural locations or developed heavy industrial areas, the landscaping requirement may be modified or waived by the Director.
8. Maintenance Impacts. Equipment at a transmission facility shall be automated to the greatest extent possible to reduce traffic and congestion. Where the site abuts or has access to a collector and local street, access for maintenance vehicles shall be exclusively by means of the collector street. Access drives and maintenance vehicle parking shall be paved unless the requirement is waived by the Director.
9. Principal, Accessory and Joint Uses:
 - a. Accessory structures used in direct support of a tower shall be allowed but not be used for offices, vehicle storage or other outdoor storage. Mobile or immobile equipment not used in direct support of a tower facility shall not be stored or parked on the site of the tower.
 - b. Towers may be located on sites containing another principal use in the same build able area. Joint use of a site is prohibited when a proposed or existing principal use includes the storage, distribution or sale of volatile,

flammable, explosive or hazardous materials such as propane, gasoline, natural gas and dangerous chemicals.

10. Lot Size and Setbacks:

a. The site shall be of a size and shape sufficient to provide an adequate setback from the base of the tower to any property line abutting a residential district, public property, or public street. Such setback shall be sufficient to:

- (1) Provide for an adequate vegetative, topographic or other buffer as required in Section 1356 (A)(7);
- (2) Preserve the privacy of surrounding residential property; and
- (3) Protect adjoining property from the potential impact of tower failure by being large enough to accommodate such failure on the site, based on the engineer's analysis required in Section 1357 (B)(1)(d)(iv.).

11. The proposed project must not disrupt the overall community character. For purposes of this ordinance, the term overall community character shall be determined by applying the criteria set forth in Section 1707 of Article 17 of the Zoning Ordinance of the City of Sugar Hill, Georgia.

B. Additional Requirements for Towers:

1. Site location and development shall preserve the preexisting character of the surrounding buildings and land uses and the zone district as much as possible. Wireless communication towers shall be integrated through location and design to blend in with existing characteristics of the site to the extent practical (i.e. camouflaging through integration with structures or appearance such as artificial trees, etc.).
2. Existing on-site vegetation shall be preserved or improved, and disturbance of the existing topography shall be minimized, unless such disturbance would result in less visual impact of the site to the surrounding area.
3. At a tower site the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment. (i.e. artificial tree appearance, steeples, decorative fencing, etc.)
4. Towers greater than 70 feet in height shall not be located any closer than 1500 feet from an existing tower unless technologically required or visually

preferable as determined by the Zoning Board of Appeals through a variance request.

5. When a tower is adjacent to a residential use, it must be set back from the nearest residential lot line a distance equal to one hundred and thirty-three percent (133%) its total height.
6. Towers shall not be sited where they will create visual clutter or negatively affect specific view corridors as designated by the City of Sugar Hill or any state or federal law or agency.
7. Placement of more than one tower on a lot shall be permitted, provided requirement number 4 above is met along with all setback, design and landscape requirements as to each tower. Structures may be located as close to each other as technically feasible, provided tower failure characteristics of the towers on the site will not lead to multiple failures in the event that one fails.

SECTION 1357. APPLICATION PROCEDURES.

A. Special Use Permits:

1. A request for a Special Use Permit shall be initiated by application to the Director and handled in accordance with the Special Use Permit provision of Article 17 of the City of Sugar Hill Zoning Ordinance. The applicant may obtain a Special Use Permit pursuant to the City of Sugar Hill Zoning Ordinance provided that all of the requirements of Section 1356 have been satisfied and further, that the benefits of and need for the proposed tower are greater than any possible depreciating effects and damage to the neighboring properties.
2. In granting a special use permit, the City Council may impose additional zoning conditions to the extent determined necessary to buffer or otherwise minimize adverse effects of the proposed tower or antenna on surrounding properties.

B. General Application Requirements for All Building and Special Use Permits.

Application for a building permit or special use permit for any telecommunications facility shall be made to the Director. An application will not be considered until it is complete. The following information shall be submitted when applying for any Building Permit, Special Use Permit or other permit or variance included in this ordinance:

1. Basic Information:

- a. Site plan or plans to scale specifying the location of telecommunications facilities, transmission building and/or other accessory uses, access, parking, fences, landscaped areas; and adjacent land uses.
- b. Landscape plan to scale indicating size, spacing and type of plantings required in Section 1356 (7)(A).
- c. An Impact Statement fully describing the effects that the proposed telecommunications facility will have on the environment and surrounding area including the impacts on adjacent residential structures and districts, impacts on structures and sites of historic significance and impacts on streetscapes and significant view corridors. The Impact Statement shall include a description of anticipated maintenance needs for the telecommunications facility, including frequency of service, personnel needs, equipment needs, and traffic noise or safety impacts of such maintenance.
- d. Report from a professional structural engineer licensed in the State of Georgia, documenting the following:
 - i. Telecommunications facility height and design, including technical, engineering, economic, and other pertinent factors governing selection of the proposed design;
 - ii. Total anticipated capacity of the telecommunications facility, including number and types of antennae which can be accommodated;
 - iii. Evidence of structural integrity of the tower structure (i.e. Engineers statement that structure is built to meet or exceed Standard Building Code); and
 - iv. Structural failure characteristics of the telecommunications tower(s) over seventy (70) feet and demonstration that site and setbacks are of adequate size to contain debris.
 - v. Setbacks for telecommunication tower(s) seventy (70) feet and less shall not be closer to a residential structure than 133% of the height of the tower.
- e. A definition of the area of service to be served by the antenna or tower and whether such antenna or tower is needed for coverage or capacity.
- f. The identity of a community liaison officer to resolve issues of concern to neighbors and residents relating to the construction and operation of the facility. Include name, address, telephone number, facsimile number and electronic mail address, if applicable.

- g. The existing towers and tall structures located within the geographic service area should be identified on a map along with written justification at to the need for a new tower in place of an existing structure.
2. A map indicating all existing tower and antennae sites located within the City and within two (2) miles of the City boundaries.
3. The applicant must provide any other information which may be requested by the Director, City Council, or Zoning Board of Appeals to fully evaluate and review the application and the potential impact of a proposed telecommunications facility.

C. Grant or Denial of Permit:

1. The Director shall review the completed application for a Building Permit or Special Use Permit and shall issue a grant or denial of a Building Permit or forward the application for consideration for a Special Use Permit pursuant to Article 17 of the Zoning Ordinance of the City of Sugar Hill within a reasonable time.
2. Any decision to deny a building permit or Special Use Permit pursuant to Article 17 of the Zoning Ordinance of the City of Sugar Hill shall be supported by substantial evidence in a written record.

SECTION 1358. CO-LOCATION. Application and owner shall allow other future wireless communications companies including public and quasi-public agencies using similar technology to collocate antenna equipment and facilities on the tower unless specific technical constraints prohibit said co-location. Applicant may negotiate any type of agreement for co-location but shall not charge fees, which are so unreasonable as to prohibit co-location.

SECTION 1359. APPEALS. Appeals from any decision of the Director shall be to the Zoning Board of Appeals pursuant to Article 15 of the Zoning Ordinance of City of Sugar Hill. Any decision on a request to build a tower or for a Special Use Permit for a tower shall be in writing, and any denial of any such request or Special Use Permit shall be supported by substantial evidence and a written record.

SECTION 1360. NUISANCES. Telecommunications facilities, including, without limitation, power source, ventilation and cooling, shall be operated at all times within the limits of the City of Sugar Hill Noise Ordinance, shall not be operated so as to cause the generation of heat that adversely affects a building occupant and shall not be maintained or operated in such a manner as to be a nuisance.

SECTION 1361. REMOVAL OF ANTENNAE AND TOWERS. All

telecommunications facilities shall be maintained in compliance with standards contained in applicable building and technical codes so as to ensure the structural integrity of such facilities. If upon inspection by the Director or his designee any such telecommunications facility is determined not to comply with the minimum Standard Building Code or to constitute a danger to persons or property, then upon notice being provided to the owner of the facility and the owner of the property if such owner is different, such owners shall have thirty (30) days to bring such facility into compliance. In the event such telecommunications facility is not brought into compliance within thirty (30) days, the City may provide notice to the owners requiring the telecommunications facility to be removed. In the event such telecommunications facility is not removed within thirty (30) days of receipt of such notice, the City may remove such facility and place a lien upon the property for the costs of removal or seek costs incurred through court action. Delay by the City in taking action shall not in any way waive the City's right to take action. The City may pursue all legal remedies available to it to insure that telecommunications facilities not in compliance with the minimum Standard Building Code standards or which constitute a danger to persons or property are brought into compliance or removed. The City may seek to have the telecommunications facility removed regardless of the owners' or operator's intent to operate the tower or antenna and regardless of any permits, federal, state or otherwise, which may have been granted.

SECTION 1362. ABANDONED TOWERS.

- A. Any telecommunications facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned, whether or not the owner or operator intends to make use of it or any part of it. The owner of a telecommunications facility and the owner of the property where the facility is located shall be under a duty to remove the abandoned telecommunications facility. If such antenna and/or tower is not removed within sixty (60) days of receipt of notice from the City notifying the owner(s) of such abandonment, the City may remove such tower and/or antenna and place a lien upon the property for the costs of removal or seek costs incurred through court action. The City may pursue all legal remedies available to it to insure that abandoned telecommunications facilities are removed. Delay by the City in taking action shall not in any way waive the City's right to take action. The City may seek to have the telecommunications facility removed regardless of the owners' or operator's intent to operate the tower or antenna and regardless of any permits, federal, state or otherwise, which may have been granted.
- B. If the owner of an abandoned tower or antenna wishes to use such abandoned tower or antenna, the owner first must apply for and receive all applicable permits and meet all of the conditions of this ordinance as if such tower or antenna were a new tower or antenna.

SECTION 1363. PRE-EXISTING TOWERS/NON-CONFORMING USE.

- A. All telecommunications facilities operative on the effective date of this ordinance shall be allowed to continue their present usage as a non-conforming use and shall be treated as a non-conforming use in accordance with Article 8 of the Zoning Ordinance of the City of Sugar Hill. Routine maintenance, including replacement with a new tower or antenna of like construction and height, shall be permitted on such existing telecommunications facilities. New construction other than routine maintenance shall comply with the requirements of this ordinance. The Director may approve the addition of twenty (20) feet to any existing tower whereby it can be shown that this would provide for co-location and eliminate the need for a new tower and it is determined that adequate site area exists for the location of any equipment buildings. Approval of an additional twenty (20) feet applies to all zoning districts, however, additions greater than twenty (20) feet shall require a Special Use Permit.
- B. A telecommunications facility that has received City approval in the form of either a building permit or special use exception, but has not yet been constructed or placed in operation shall be considered an existing telecommunications facility so long as such approval is current and not expired.
- C. Placement of an antenna on a non-conforming structure shall not be considered an expansion of the non-conforming structure.

SECTION 1364. COORDINATION WITH FEDERAL LAW. Whenever the Governing Authority finds that the application of this ordinance would unreasonably discriminate among providers of functionally equivalent services or prohibit or have the effect of prohibiting the provision of personal wireless services, a Special Use Permit waiving any or all of the provisions of this ordinance may be granted.

SECTION 1365. SEVERABILITY.

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

ARTICLE 14.

ADMINISTRATION, ENFORCEMENT, PENALTIES AND REMEDIES

Section 1400. Zoning Enforcement Officer.

The City Manager is hereby authorized and directed, on behalf of the City Council of the City of Sugar Hill, Georgia, to administer and enforce this Ordinance. Such authority shall include the right to order, in writing, the remedy of any condition found in violation of this Ordinance, and the right to bring legal action in all courts of competent jurisdiction to ensure compliance with its provisions, including injunction, mandamus, abatement or other appropriate action or proceeding.

The powers and duties of the City Manager include:

1. Examining and approving applications pertaining to the use of land, buildings, or structures when the applications conform with provisions of this Ordinance.
2. Authorizing issuance by the city of all building permits and certificates of occupancy, and keeping permanent records thereof.
3. Conducting such inspections of buildings, structures, and uses of land as are necessary to determine compliance with the provisions of this Ordinance.
4. Maintaining permanent and current records of the Zoning Ordinance including maps and amendments.
5. If the City Manager shall find that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of its provisions.
6. The City Manager may revoke a permit or approval issued under this Ordinance where there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based or upon determination that the conditions of the permit or this Ordinance were violated.
7. The City Manager shall have the power to grant variances (except for density and use variances) from the development standards of this Ordinance where, in his opinion, the intent of the Ordinance can be achieved and equal performance obtained by granting a variance. The authority to grant such variances shall be limited to variances from the following requirements:

- a. Front yard or side yard adjacent to public street – variance not to exceed ten (10) feet.
- b. Side yard – variance not to exceed five (5) feet.
- c. Rear yard – variance not to exceed ten (10) feet.
- d. Height – variance not to exceed fifteen (15) feet, provided that no increase in the height for a sign may be granted nor may the variance result in an increase in the number of stories than would otherwise be allowed under the applicable zoning district.
- e. Buffers – the dimensions or screening treatment of a buffer as required under Article 12 may be reduced as specified in said section, provided, however, that no buffer required as a condition of zoning shall be modified.
- f. Parking under Article 11 and demarcation of parking spaces – parking spaces may be left unmarked, provided all of the following conditions are present:
 - 1) The parking lot must be designated to serve only a multi-family residential project which is designed and intended for rental occupancy.
 - 2) The parking lots must be designed in relation to internal circulation system such that the areas reserved for parking are easily identified and clearly distinct from the interior driveways because of their location, design, orientation, or configuration, such as in parking areas with a single interior driveway having parking spaces located perpendicular to and along the sides of the access driveway, allowing the curbing to delineate the exterior dimension of the single parking bay.
 - 3) Approval for the elimination of the striping has been obtained by the applicant in writing from the Fire Services Division of the Gwinnett County Fire Department.
- g. Accessory structures allowed within the front yard – accessory structures may be allowed within the front yard of residential zoning districts provided all the following conditions are met:
 - 1) The residentially-zoned property contains at least three acres.
 - 2) The accessory structures are limited to a swimming pool, garage/carport, barn, storage building, or other similar structures.
 - 3) The accessory structure is set back a minimum of 100 feet from the right-of-way and located no closer than 40 feet to any side property line. (If the accessory use is for animal quarters, this must be a minimum of 100 feet from any property line.)

- 4) The accessory structure shall be screened with walls, fences, or suitable landscaping so that it is not visible from the street.
- h. A single accessory structure may be allowed within the side yard of a corner lot or other lots with multiple frontages provided all the following conditions are met:
 - 1) The accessory structure is limited to a garage, carport, gazebo or storage building and meets all other requirements for an accessory structure.
 - 2) The accessory structure meets all the minimum setback requirements for the underlying zoning district.
 - 3) The accessory structure shall be screened with walls, fences, or suitable landscaping so that it is not visible from the street.
- i. Any other use or requirement which is specifically listed as an administrative variance within any section of this Zoning Ordinance.

Section 1401. Building Permit Required.

Unless otherwise exempted by this ordinance or City Code, no building or other structure shall be erected, moved, added to or structurally altered without a Building Permit issued by the City Manager. No Building Permit shall be issued except in conformance with the provisions of this Ordinance and the current building code.

All applications for Land Disturbance Permits, and Building Permits for uses other than one-family and duplex dwellings shall be accompanied by plans, drawn to scale, showing the actual dimensions of the lot to be built upon, the sizes and the locations on the lot of any existing buildings or structures, the shape, size, height, use and the location on the lot of the building or structure to be erected, moved, added to or structurally altered and such other information as may be necessary to provide for the enforcement of this Ordinance. These applications and plans shall conform to the requirements of the *City of Sugar Hill Development Regulations*.

Section 1402. Certificate of Occupancy Required.

A Certificate of Occupancy issued by the City is required prior to the use or occupancy of:

1. Any lot or change in the use thereof.
2. A building hereafter erected or a change in the use of an existing building.
3. A change in any lawful non-conforming use. The Certificate of Occupancy shall state specifically wherein the non-conforming use fails to meet provisions of this Ordinance.

No Certificate of Occupancy shall be issued unless the lot or building or structure complies with all the provisions of this Ordinance.

A record of all Certificates of Occupancy shall be kept on file at the City and a copy shall be furnished, on request, to any person having a proprietary or tenancy interest in the building or land involved.

Section 1403. Fees.

The City Council shall establish a schedule of fees, charges, and expenses and a collection procedure for building permits, certificates of occupancy, appeals, and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the Planning and Development Department and may be altered and amended by the City Council, from time to time, to cover the costs of administration of this Ordinance.

Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

Section 1404. Construction Progress

If no substantial construction progress has been made within six (6) months of the date of issuance of the building permit, the permit becomes invalid. The permit may be re-issued only upon completion of the application procedure outlined in Sections 1402 and 1403 of this Ordinance.

Section 1405. Penalties for violation.

Any person, firm or corporation convicted by a court of competent jurisdiction of violating any provision of this Ordinance shall be guilty of violating a duly adopted Ordinance of City of Sugar Hill, and shall be punished either by a fine of not less than twenty-five dollars nor more than five hundred dollars, or by confinement in the County jail for a total term not to exceed sixty (60) days, or both.

Section 1406. Alternative Sentences or Penalties.

The court shall have the power and authority to place any person found guilty of a violation of this Ordinance on probation and to suspend or modify any fine or sentence. As a condition of said suspension, the court may require payment of restitution or impose other punishment allowed by law.

Section 1407. Remedies.

If any building or structure is erected, constructed, moved, added to, demolished, structurally altered, maintained, or used in violation of this Ordinance, any appropriate authority, or any property owner whose property would be damaged by such violation may file a written complaint with the City Manager stating fully the causes and basis for the complaints. The City Manager shall properly record such complaint, shall immediately investigate, and shall take action thereon as provided by this Ordinance. Nothing herein shall, however, prevent any person from instituting injunction, mandamus, or other appropriate action in proceeding to stop the violation in the case of such building, structure, or land.

ARTICLE 15.

VARIANCES AND APPEALS

Section 1501. Power to Hear Appeals and Grant Variances

The Council shall have the following powers:

1. To hear and decide appeals when it is alleged there is error in any order, requirement, decision or determination made by the City Manager in the enforcement of this Zoning Ordinance or the Construction/Building and Technical Codes adopted by the City Council.
2. To hear and decide requests for Special Exceptions of the Zoning Ordinance.
3. To authorize, upon appeal in specific cases, such variances from the terms of the Zoning Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the Zoning Ordinance will, in an individual case, result in unnecessary hardship, so that the spirit of the Zoning Ordinance shall be observed, public safety and welfare secured and substantial justice done. Such variances may be granted in such individual cases of unnecessary hardship upon a finding by the Council that:
 - a. There are extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape or topography, or
 - b. The application of the Ordinance to this particular piece of property would create an unnecessary hardship, or
 - c. Such conditions are peculiar to the particular piece of property involved;
 - d. Such conditions are not the result of any actions of the property owner, and
 - e. Relief, if granted, would not cause substantial detriment to the public good nor impair the purposes or intent of this Ordinance.

No variance may be granted for a condition of zoning required by the City Council in approving a rezoning application; a use of land or building or structure that is prohibited by this Ordinance; or to permit a use which would result in a greater intensity of development on a property than would otherwise be allowed if no variance were involved.

4. In exercising the above powers, the Council may, in conformity with the provision of this Ordinance, reverse decisions or determinations from which the appeal is taken and, to that end, shall have all the powers of the City Manager from whom the appeal is taken and may issue or revoke or direct the issuance or revocation of a Building or other permit.

Section 1502. Appeals

Appeals to the Council may be taken by any person aggrieved or by any official of the City affected by any decision of the City Manager. Such appeal shall be taken within fifteen days after the decision appealed from by filing with the City Manager and with the City Clerk a Notice of Appeal specifying the grounds thereof. The City Manager shall forthwith transmit to the City Council all the papers constituting the record upon which the action appealed from was taken.

An appeal shall stay all proceedings in furtherance of the action appealed from unless the City Manager certifies to the City Council that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such a case, proceedings shall not be stayed otherwise than by Order of the Council or by a restraining order granted by a court of record on application and notice to the City Manager for good cause shown.

Section 1503. Required Public Hearings

Before the Council acts upon an application for a Variance or a Special Exception, it shall hold a public hearing thereon. The notice of the time and place of such hearing shall be published at least 15 days prior to the hearing in the official organ of the City. At the hearing any party may appear in person or by agent or attorney.

In addition, the City shall erect in a conspicuous place on the property involved a sign which shall contain information as to the Variance or Special Exception applied for and the time and place of hearing. Failure to erect and maintain the sign as specified above shall not invalidate the subsequent determination provided the required notice has been published.

Section 1504. Reapplication

If an application for a Special Exception or Variance is denied by the Council, a reapplication for such Special Exception or Variance may not be made earlier than 12 months from the date of the original application, except as provided in Section 1701.

Section 1505. Appeals from Decisions

Any person or persons severally or jointly aggrieved by any decision of the Council under the powers granted in this Article may present an Appeal to the Superior Court. Such an Appeal to the Superior Court shall be By Writ of Certiorari as specified in the official Code of Georgia except, however, that the Appeal shall be filed within thirty (30) days from the date of the decision of the Council. Upon failure to file the appeal within thirty (30) days, the decision of the City Council shall be final.

ARTICLE 16.

LEGAL STATUS PROVISIONS

Section 1600. Conflict with Other Laws.

Whenever the regulations of this Ordinance require a greater lot width or depth or size of yards or impose other more restrictive standards than are required in or under any other statute or covenants, the requirements of this Ordinance shall govern. Whenever the provisions of any other statute or covenants require more restrictive standards than are required by this Ordinance, the provisions of such statute or covenants shall govern.

Section 1601. Severability.

In the event any article, section, subsection, sentence, clause or phrase of this Ordinance shall be declared, or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other articles, sections, subsections, sentences, clauses or phrases of this Ordinance, which shall remain in full force and effect, as if the article, section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not originally a part thereof. The City Council hereby declares that it would have adopted the remaining parts of the Ordinance if it had known that such part or parts thereof would be declared or adjudged invalid or unconstitutional. The provisions of this Ordinance are declared severable to the maximum extent allowed by law.

Section 1602. Repeal of Conflicting Ordinances.

All Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 1603. No Prejudice to Pending Applications.

Notwithstanding anything to the contrary herein, this Ordinance shall not in any way prejudice or affect any application for rezoning already heard by the Planning Commission of the City of Sugar Hill at the time of adoption of this Ordinance.

Section 1604. No Legality to Nonconforming Uses.

Nothing herein shall be considered to approve or give legality to any nonconforming use which has been discontinued more than six (6) months within the City of Sugar Hill.

Section 1605. Zoning Map of the City of Sugar Hill.

The Zoning Map of the City of Sugar Hill, Georgia dated December 14,2020 is adopted as the Official Zoning Map of the City of Sugar Hill, Georgia. Any property that is located within the municipal boundaries of the City of Sugar Hill that is not shown on the zoning map attached hereto or that is not shown within a specific zoning classification on the zoning map attached hereto shall be classified as Agricultural and Forest (AF). All conditions of zoning that were placed on any land in the City of Sugar Hill at the time of any prior zoning of that property shall be and shall remain in full force and effect.

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A copy of the Zoning Map dated December 14, 2020 and adopted by this ordinance as the Official Zoning Map of the City of Sugar Hill is attached hereto and is incorporated herein by reference. Any annexations or zonings approved after December 14, 2020 are not shown on this map.

Section 1606. Effective Date.

This Ordinance shall take effect; and shall be in force from and after the date of its adoption, the public welfare demanding it.

ARTICLE 17.

AMENDMENTS

Section 1700. Zoning Ordinance and Map Amendment Procedure.

- A. This Ordinance, including the City of Sugar Hill Zoning Maps, may be amended from time to time by the City Council of the City of Sugar Hill, but no amendment shall become effective unless it shall have been proposed by or shall have first been submitted to the Planning Commission for review and recommendation.
- B. If the Planning Commission fails to submit a report within 40 days of its first meeting after it has received an amendment request complete in all respects, it shall be deemed to have given a recommendation of "no comment" on the proposed amendment. However, the Planning Commission and the applicant for an amendment may jointly agree to an extension of the forty-day period.
- C. Before the Planning Commission or the City Council of the City of Sugar Hill enact an amendment, they shall each hold a public hearing thereon. At least fifteen but not more than forty-five days prior to the date of each such hearing, the City Council shall cause to be published within the official organ of the City, a notice of the hearing. The notice shall state the time, place and purpose of the hearing.
- D. If a proposed amendment is for the rezoning of property and involves a change in the zoning classification of 10 or fewer parcels of land, then:
 1. The notice, in addition to the requirements of Subsection C. above, shall include the location of the property, the present zoning classification of the property, and the proposed zoning classification of the property;
 2. A sign containing the information outlined in Section D. 1. above, shall be placed in a conspicuous location on the property not less than fifteen days prior to the date of the hearing; and
 3. The City Council shall give notice of the proposed rezoning by regular mail to the property owner of record and to all abutting property owners of record as shown by Gwinnett County tax records. Such notice shall be mailed at least fifteen days prior to the Planning Commission public hearing and shall include a description of the application and the date, time and place of public hearings.

Notice deposited in the mail with adequate postage thereon and addressed to the last known address of the above-named property owners as shown on Gwinnett County tax records shall be deemed to be adequate compliance with the requirements of this Section.

Section 1701. Initiation of Amendments.

Applications for amendment of the text or maps of this Ordinance may be initiated by Resolution of the City Council, or by motion of the Planning Commission, or by petition of any property owner addressed to the City Council. In the case of a petition for the rezoning of property, such petition shall be submitted by the owner of record of said property, the owner's agent or by a contract purchaser with the owner's written consent.

Any amendment request brought before the City Council by petition of any property owner, cannot be resubmitted by petition of a property owner, in less than six (6) months from the date of hearing by the City of Sugar Hill City Council, unless the petition was allowed to be withdrawn by The City of Sugar Hill Council at the public hearing.

A. Initiation by motion of the City Council or by motion of the Planning Commission.

Once a map amendment is initiated by the City Council or by motion of the Planning Commission, no application for a clearing, grubbing, grading, septic tank, building, development or other similar permit, for the affected property shall be accepted until final action is taken by the City Council on the proposed map amendment. Provided, however, that if the City Council does not take final action on the proposed map amendment within six (6) months from the date of initiation, Permit applications shall again be accepted and reviewed pursuant to existing zoning. And, further provided that such permit applications shall be accepted during the map amendment process if the proposed use is authorized under the same conditions in both the existing and proposed Zoning District.

B. Any applicant seeking a rezoning involving property being annexed into the City of Sugar Hill which contains less than five acres and the requested use of the annexed property is the same as the existing use of said property, a rezoning involving a request for RS100, RS150, RS175, or RS200 which will result in the development of less than three individual building lots, and a rezoning for a non residential zoning classification in which the property that is the subject of the application contains one acre or less and the proposed development on the property will include a non residential building of less than 10,000 square feet shall initiate the rezoning process by submitting a petition.

Such petition shall be submitted by the owner of record of said property, the owner's agent or by a contract purchaser with the owner's written consent. Such petition shall include but not be limited to the following:

1. Petition Application (on form provided by the Department of Planning and Development). The application includes, but not limited to, information on intended use, address of the subject property, Letter of intent, Standards Governing Exercise of the Zoning Power etc.
2. Survey of Property to be considered.
3. Legal Description in hard copy and digital format (Determined by the Director, Planning & Development).

4. Copies of site plan to scale.
5. Any other pertaining information, data, traffic studies, utility studies, drainage studies, elevation drawings, and graphics requested by the Director of Planning for an understanding and evaluation of the project which may not have impact on the surrounding areas.
6. Application for any rezoning other than those set forth above shall be initiated by the filing of a petition.
 - a. Petition Application (on form provided by the Department of Planning & Development).
 - b. Survey of the property to be considered.
 - c. Legal Description and address of property to be considered.
 - d. Petitioners impact analysis and any additional information as required in Section 1703 below.
 - e. Letter of Intent from applicant.
 - f. State the intended use.
 - g. State the number of lots, residential units, density per acre, square footage if proposed for non-residential building, or square feet per acre of total buildings.
 - h. All applications for a rezoning or special use shall be accompanied by a plat prepared and stamped by a registered land surveyor, engineer, architect or landscape architect containing the following information, however, the Director of Planning and Development may waive any requirements(s) or alter any of the following requirements or require any additional information or data necessary for understanding or evaluation of the project.

The site plan shall be clearly legible drawn at a scale of not less than 100 feet to one inch on a sheet size not to exceed 24 inches X 36 inches. The Director of Planning and Development may approved other sheet sizes as deemed appropriate.

- i. Project name;
- ii. Project owner and address (both local and permanent address if different) and telephone number and fax numbers;
- iii. Date, scale and north arrow;
- iv. Vicinity map;

- v. Proposed use of the property to be developed;
- vi. Required yard set backs appropriately dimensioned;
- vii. Total acreage;
- viii. Total number of lots and minimum lot sizes (if applicable);
- ix. Size, location, and names of adjoining existing streets or access drives and proposed right-of-ways and roadways;
- x. Topography with contour interval no greater than 10 feet;
- xi. Proposed method of sewerage disposal (express as a note);
- xii. Property lines and dimension (showing bearings and distances);
- xiii. All contiguous property under the ownership or control of the applicant, except those lands specifically to be excluded. Areas not planned for development at the time of the submittal shall be shown as “Future Developmetn”;
- xiv. Location of ingress and egress points;
- xv. Location of 100 –year floodplain, ponds and other water courses,
- xvi. Dumpster location;
- xvii. Existing and proposed landscaping;
- xviii. Building heights;
- xix. For multi-family and non-residential developments, the approximate location and arrangements of existing buildings, parking areas, and other improvements including stormwater detention areas and all required buffers;
- xx. Location of existing and proposed sidewalks;
- xxi. Existing zoning of the property and adjoining properties;
- xxii. Land lot and district;
- xxiii. Name of person or company preparing the plats;
- xxiv. Boundaries of the Chattahoochee River Corridor and Chattahoochee River Tributary Protection Areas, if applicable;
- xxv. General Development data (in tabular form) for multi-family or non-residential site developments, such as number of residential units, gross square feet of each building, number of parking spaces, etc;

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- xxvi. General development data (in tabular form) for single family developments, such as minimum lot size, floor area of homes, and all relevant conditions of zoning;
- xxvii. Any other data requested by the Planning Director or Planning Commission or City Council necessary for an understanding and evaluation of the project, this additional information may include without limitation, traffic studies, utility studies and drainage studies;
- xxviii. Additional information is required when requesting a Planned Unit Development.

Section 1702. Standards Governing Exercise of the Zoning Power.

The City Council finds that the following standards are relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of property and shall govern the exercise of the zoning power:

- a. Whether a proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby property;
- b. Whether a proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property;
- c. Whether the property to be affected by a proposed rezoning has a reasonable economic use as currently zoned;
- d. Whether the proposed rezoning will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;
- e. Whether the proposed rezoning is in conformity with the policy and intent of the Land Use Plan; and
- f. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed rezoning.

Section 1703. Impact Analysis.

If a proposed amendment is for the rezoning of property and involves a change in the zoning classification of 10 or fewer parcels of land, then:

- 7. The initiating party, if a party other than the City Council or Planning Commission, shall be required to file, with its application for amendment, a written, documented analysis of the impact of the proposed zoning with respect to each of the matters enumerated in Section 1702 above. Such a zoning proposal and analysis shall be a public record.

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- b. The City Manager shall, with respect to each such zoning proposal, investigate and make a recommendation with respect to each of the matters enumerated in Section 1702 above. The City Manager shall make a report of the investigation and recommendations to the Planning Commission and City Council, and this report shall be made part of the public record.
- c. The Planning Commission shall, with respect to each such zoning proposal, investigate and make a recommendation with respect to each of the matters enumerated in Section 1702 above. The Planning Commission shall make a written record of its investigation and recommendations, and this record shall be a public record.

Section 1704. Action by City Council.

Following its public hearing the City Council may:

- a. Adopt the proposed amendment as presented;
- b. Adopt the proposed amendment as revised or supplemented by conditions of approval established by the City Council, said revisions may include, if the proposed amendment is for the rezoning of property, rezoning to the proposed Zoning District with conditions or rezoning to any other less intense Zoning District with or without conditions;
- c. Deny the proposed amendment in whole or in part;
- d. Table the proposal; or
- e. Approve the petition for amendment to be withdrawn with the consent of a majority of the City Council.

Section 1705. Conditional Zoning.

In adopting an amendment to the Zoning Map, or approving a Special Use Permit or a Variance, the City Council may impose special conditions which it deems necessary in order to make the requested action acceptable and consistent with the purposes of the district(s) involved and to further the goals and objectives of the Comprehensive Plan. Such conditions may consist of: setback requirements from any lot line; specified or prohibited locations for buildings, parking, loading or storage areas or other land uses; driveway curb cut restrictions; restrictions as to what land uses or activities shall be permitted; maximum building heights or other dimensions; special drainage or erosion provisions; landscaping or planted area which may include the location, type and maintenance of plant materials; fences, walls, berms, or other buffering provisions or protective measures; preservation of existing trees or other vegetation; special measures to alleviate undesirable views, light, glare, noise, dust or odor; permitted hours of operation; architectural style; a requirement that the existing building(s) be retained; a requirement that developers must build according to the site plans as adopted; a limitation on exterior modifications of existing buildings; or any other requirement that the City Council may deem appropriate and necessary as a condition of rezoning or issuance of a variance or Special Use Permit.

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Such conditions:

1. Shall only be valid if they are included in the motion approving the amendment for adoption;
2. Shall be in effect for the period of time specified in the amendment;
3. Shall be required of the property owner and all subsequent owners as a condition of their use of the property; and
4. Shall be interpreted and continually enforced by the City Manager in the same manner as any other provision of this Ordinance.

Section 1706. Special Use Permits.

The Special Use Permit is designed to be used when:

- a. A Special Use listed under the Zoning District is desired for development and a more intensive Zoning District which contains that use as a use by right would not be appropriate for the property, or,
- b. A Special Use listed under the Zoning District is desired for development and no Zoning District contains that use as a use by right, or,
- c. A unique use not addressed in any Zoning District is desired for development and is not likely to be duplicated within City of Sugar Hill, or,
- d. The density of development may be affected by the height of a building, or,
- e. The neighboring properties may be affected by the height of any structure, and,
- f. The Special Use would be consistent with the needs of the neighborhood or the community as a whole, be compatible with the neighborhood and would not be in conflict with the overall objective of the Comprehensive Plan.

Section 1707. Special Use Permit Procedure.

In order to accommodate Special Uses, the Special Use Permit allows the City Council to approve a Special Use on a particular parcel without changing the general Zoning District. Such approval shall be subject to the requirements set forth below and any additional conditions deemed necessary to ensure the compatibility of the Special Use with the surrounding properties. All Special Use Permit applications shall be for firm development proposals only. The Special Use Permit shall not be used for securing early zoning for conceptual proposals which may not be undertaken for some time. A Special Use Permit application shall be considered only if it is made by the owner of the property or his/her authorized agent. The minimum requirements for a Special Use Permit are:

1. Any uses permitted under a Special Use Permit shall also conform to the requirements of this Ordinance and the Development Regulations for the use as found in the Zoning District.

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2. The application and review process for a Special Use Permit shall be the same as for the Zoning District under which the Special Use is found. In addition to the information and/or site plans which are required to be submitted for the proposed development, additional information deemed necessary by the City Manager in order to evaluate a proposed use and its relationship to the surrounding area shall be submitted. In the review process, particular emphasis shall be given to the evaluation of the characteristics of the proposed use in relationship to its immediate neighborhood and the compatibility of the proposed use with its neighborhood.
3. In the approval process for a Special Use Permit application, the City Council shall consider the policies and objectives of the Comprehensive Plan, particularly in relationship to the proposed site and surrounding area, and shall consider the potential adverse impacts on the surrounding area, especially in regards but not limited to traffic, storm drainage, land values and compatibility of land use activities.
4. If an application is approved and a Special Use Permit is granted, all conditions which may have been attached to the approval are binding on the property. All subsequent development and use of the property shall be in accordance with the approved plan and conditions. Once established, the Special Use shall be in continuous operation. Upon discovery that the operation of the Special Use has or had ceased for a period of 90 days or more and the owner of the property has not requested voluntary termination of the Special Use Permit, the City Manager shall forward a report to the City Council through the Planning Commission which may recommend that action be taken to remove the Special Use Permit from the property.
5. Changes to a Special Use, or development of a site for the Special Use, shall be treated as an amendment to the Special Use Permit and shall be subject to the same application and review process as a new application.
6. The Special Use for which a Special Use Permit is granted shall commence operations or construction within 12 months of the date of approval by the City Council. If, at the end of this 12-month period, the City Manager determines that active efforts are not proceeding toward operation or construction, a report may be forwarded to the City Council through the Planning Commission which may recommend that action be taken to remove the Special Use Permit from the property.
7. An application for a Special Use Permit in a residential district and which use is proposed to operate in a dwelling or as an accessory use to a dwelling is subject to the following additional requirements:
 - a. The Special Use Permit shall be valid for no more than a two-year period. Upon or before the expiration of a Special Use Permit, the owner shall make application to continue the Special Use Permit if continuance is desired. However, after the first two year period the City Council may waive the two year time limitation with the concurrence of the Planning Commission.
 - b. The Special Use shall operate within the dwelling on the property or, if approved by the City Council, in an accessory structure.

**The 2000 Zoning Ordinance
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Amendments**

- c. The exterior character of the dwelling shall be preserved in its residential state and there shall be no outside evidence of the operation of the Special Use to the neighborhood, except for any accessory structure approved by the City Council.
 - d. The owner of the property shall occupy the property and shall operate any business associated with the Special Use.
 - e. The owner of the property shall submit with the application a signed statement in which he/she agrees that the Special Use Permit, if approved, shall automatically terminate in the event that the property is sold, transferred, or otherwise conveyed to any other party, or the business which operates the Special Use is sold, transferred, otherwise conveyed or discontinued. The owner shall also agree to notify the City Manager in writing upon the occurrence of any of these events
 - f. In addition to the information and/or site plans required by this Section, the owner of the property shall submit with the application for a Special Use Permit information regarding the ownership of any business associated with the use, the experience and background qualifications related to the operation of said business, prior similar businesses operated, applicable State of Georgia certifications, licenses and like information.
8. The owner of the property approved for a Special Use Permit, may voluntarily request termination of the Special Use Permit by notifying the City Manager in writing. The City Manager shall notify the City Council through the Planning Commission of the voluntary termination as they occur and shall change the official zoning maps to reflect any voluntary termination. The approval of a Special Use Permit for a specific use which may be operated by a lessee under a private agreement with a lessor in any non-residential district shall not obligate the City Council to be responsible for or be required to resolve any disputes which may arise out of the voluntary termination of the Special Use Permit by the property owner.
 9. The City shall have the right to periodically examine the operation of the specific use to determine compliance with the requirements and any conditions. If the City Manager determines that the requirements and conditions are being violated, a written notice shall be issued to the owner of the property outlining the nature of the violation and giving the owner of the property a maximum of ten (10) days to come into compliance. If after ten (10) days the violations continue to exist, the City Manager shall forward a report to the City Council through the Planning Commission which may recommend that action be taken to remove the Special Use Permit from the property.
 10. Upon approval by the City Council, a Special Use Permit shall be identified on the official zoning maps.
 11. Upon approval by the City Council of a Special Use Permit, the owner of the property shall be issued a notice from the City Manager which states the specific use permitted, the requirements of this Section and any conditions attached to the approval.

**The 2000 Zoning Ordinance
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12. The City shall not issue a Certificate of Occupancy for the specific use unless all requirements and conditions of the Special Use Permit have been fulfilled by the owner of the property.

SECTION 1708. Policies and Procedures. For purposes of this section the terms “zoning decision” shall have the meanings set forth in O.C.G.A. §36-66-3. Prior to making any zoning decision, the City Council shall conduct a public hearing. The public hearing shall be called and a public notice provided in accordance with the provisions of Section 1700 of this Ordinance and in accordance with the provisions of O.C.G.A. §36-66-4. At any such public hearing, the following procedures shall apply:

1. A member of the planning staff will briefly summarize the requested zoning change; and shall respond to any questions from the Mayor or member of the Council regarding the staff recommendations related to the proposed zoning change;
2. The applicant shall be provided an opportunity to be heard, and may present any evidence, information or materials which the applicant desires for the City Council to consider in arriving at its determination;
3. Public comments will be accepted and individuals making public comments may present any evidence, information and/or materials which the individual desires for the City Council to consider in arriving at its determination.
4. The City Council may place reasonable time limitations on the presentation of the applicant and on public comments by individuals in support or opposition to the zoning decision. An equal time period be allowed for presentation of data, evidence and opinion by proponents of the zoning decision and by opponents of the zoning decision, and in no event shall the minimum time period allowed for presentation be less than ten minutes per side.
5. Persons speaking either in support of or in opposition to a zoning decision shall be recognized by the Mayor, shall state their name and address for the public record, and shall present any written documents which they desire to be included in the record of the meeting to the City Clerk.
6. All comments shall be directed to the Mayor and City Council and shall be made in an orderly manner.
7. The applicant and any opponents to the zoning decision shall acquaint themselves with the provisions of §36-67a-3 and shall comply with the provisions of that statute.

Section 1709. Withdrawal of Application for Amendment, Variance or Special Use Permit.

Once an application for an amendment to the zoning map or an application for a Variance or Special Use Permit has been made, the applicant may withdraw such application without prejudice only until such time as the legal advertisement of a public hearing thereon is placed. No application shall be allowed to be withdrawn without action by the City Council after public notice of the public hearing has been placed. All applications, having been advertised, shall be considered by the City Council or Zoning Board of Appeals, as appropriate, and shall receive final action.

**The 2000 Zoning Ordinance
of the City of Sugar Hill, Georgia**

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Section 1710. Lapse of Time Requirement for an Amendment, Variance or Special Use Permit
Re-application. The following shall apply to the applicable re-application:

If an application is denied by the City Council, or Zoning Board of Appeals, as appropriate, no application or re-application for the same Zoning Map amendment, Variance, or Special Use Permit affecting the same land or any portion thereof shall be acted upon within twelve (12) months from the date of last action, unless such twelve (12) month period is waived by the City Council or Zoning Board of Appeals as appropriate, and in no case may such an application or re-application be reconsidered in less than six (6) months from the date of that action by the City Council or Zoning Board of Appeals, as appropriate. Administrative variances shall not be subject to this time lapse requirement as outlined in Article 15, Section 1508.

Section 1711. Actions to be Taken if Plans of Property Owner are not Implemented Within
Specified Time Limits.

For any zoning map amendment for which the City Council is not the applicant, and upon which property a development permit, building permit, or certificate of occupancy has not been issued within 12 months of the date of approval of said amendment, the City Council may review the Zoning District classification of the property and determine whether it shall be continued or initiated for rezoning.

Such properties may first be reviewed by the Planning Commission, which shall make such findings and recommendations as it deems appropriate.

A M E N D M E N T S

1. April 9, 2001

Amend Section 1701, Subsection B, Paragraph 8, "Initiation of Amendments, by deleting and replacing its entirety.

2. June 11, 2001

Amended Section 907B by adding 24. Facilities engaging in the business, trade or profession of psychic reading, fortune telling, astrology, premonology, palmistry, clairvoyance, or related practices. The section is further amended by redesignating the paragraph presently following paragraph 23 and being improperly number "1" to be renumbered "25".

3. October 8, 2001

Article 3 adding definition for Adult Entertainment Facility Section 907 Deleting in its entirety subparagraph C 8. Adding Additional subparagraph 15 (a-f) to Section 909 paragraph B.

4. May 13, 2002

Article 6 - Section 608 amended by deleting in its entirety and inserting with Architectural and Design Standards.

5. November 11, 2002

Article 6 - Section 614, subparagraph 1 deleting in its entirety keeping & raising of livestock or poultry replacing with subparagraph 1, subsections 1-4.

6. December 8, 2003

Article 3 - Definition Customary Home Occupation, Delete item #(1 and (2) in its entirety, Article 6 - Section 607, Added items #10 through 18. Article 6 - Section 608, VI Architecture and Design Standards, Added items #E through K, Article 7 - Section 700.2.B. Walls and Fences, Deleted and Added 700. 2. B from I through vi, Added "E", Modified Section 700.1 from City Building Inspector to the Director, Planning and Development.

7. January 12, 2004

Article 17 -Section 1701 B. Redefined the criteria to apply for Annexation and Rezoning and application requirements, Article 9 - Section 902A, Added Section 902A as Conservation Subdivision District (CSD).

The 2000 Zoning Ordinance of the City of Sugar Hill, Georgia

Amendments

8. February 11, 2004

Article 9 - Section 902A, Amendments to 6, and 8b, Conservation Subdivision District (CSD), Article 3 - Definitions Tattoo criteria, Article 9 -Section 910, C. added 13. Tattoo and Body Piercing Establishments.

9. April 12, 2004

Article 15 - deleting in its entirety (ZBA) and replacing with Amendments.

10. June 14, 2004

Article 9 - Amended square footage requirements for Section 900, 901, 902, & 903. Amended Article 8, Section 801 subparagraph 2.

11. April 11, 2005

Article 11 - Section 1106. Added Parking Single Family Residential. Article 6 -Corrected incorrect numbers only under Section 607 Requirements for Customary Home Occupations.

12. June 13, 2005

Article 10 -Section 1001, 1002, 1004, Amended, Added Sections 1008 & 1009

13. August 8, 2005

Article 10 -Section 1004, paragraph 3 deleted in its entirety and replaced.

14. September 12, 2005

Article 6 - Section 608 deleted in its entirety and replaced with new Section 608.

15. October 10, 2005

Article 10.5 - Mixed Use Developments added.

16. February 13, 2006

Section 1605, Zoning Map of the City of Sugar Hill. Adopted new map dated January 17, 2006.

17. September 11, 2006

Section 608. Architectural and design Standards in its entirety and replacing. Amend Section 901A. 902 A, adding a new category entitled. "Maximum Density Per Acre" to the chart contained in that section.

18. April 9, 2007

Article 3 - Definitions: Amended Yard Front.

19 July 9, 2007

Article 6, Section 608 Paragraph A deleted and replaced. Article 13 - Sign Ordinance deleted and replaced. Amended, Definitions for ground sign, project informational sign, and wall sign.

20 September 10, 2007

Article # 11- Delete entirely the text of Article 11, Off Street Automobile Parking and Loading and Unloading Spaces and replacing it with

21. December 10, 2007

Article 9 - Section 902A (6) Open Space Requirements, Added sentences to Undeveloped and Natural section.

22. March 10, 2008

Article 9 - Permitted Uses and Special Use Provisions, under RM, OI, HSB, BG, LM, HM-1, and HM-2 Zoning Districts. Zoning Ordinance Amendment Section 1605 Zoning Map Adoption. Zoning Ordinance Amendment Article 10 -Planned Unit Developments. Zoning Ordinance Amendment, Delete Paragraph B of Section 608, Architectural and Design Standards in its entirety and add Section 911. Town Center Overlay District to Article 9.

23. November 9, 2009

Zoning Ordinance Amendment, Deleted Article 6 – Section 600 & 601 in its entirety and replaced.

24. September 14, 2009

Zoning Ordinance Amendment, Article 9 - Section 909 C 5 & 6 pertaining to Bulk Storage.

25. January 11, 2010

Zoning Ordinance Amendment Article 16, Zoning Map Adoption.

26. April 12, 2010

The 2000 Zoning Ordinance of the City of Sugar Hill, Georgia

Amendments

- Zoning Ordinance Amendment, Article 9, Section 911, Subsection 5d, replaced in its entirety.
- 27. May 10, 2010**
- Zoning Ordinance Amendment, Article 3, Article 13, & Article 14 pertaining to Signs.
- 28. September 13, 2010**
- Zoning Ordinance Amendment, Article 3, & Article 9, Section 904 Subsection 1, Paragraph B, pertaining to Manufactured Homes.
- 29. February 14, 2011**
- Zoning Ordinance Amendment, Article 9, Use Provisions
- 30. June 13, 2011**
- Zoning Ordinance Amendment, Article 13 - Section 1311 & Table in Section 1312 (Billboards)
- 31. December 12, 2011**
- Zoning Ordinance Amendment, Definitions to be incorporated into Article 3, Article 9 - Section 911, Article 9 - Section 912, Updated Cover Page Appendix A, Excerpts from Designing Downtown Appendix B, Updated Exhibit 1, Updated Exhibit 2.
- 32. September 10, 2012**
- Zoning Ordinance Amendment, Article 4, Article 6, Article 9, and Article 10, made Quick Reference Addendum obsolete, updated Table of Contents and Amendment Page.
- 33. March 13, 2013**
- Zoning Ordinance Amendment, Article 7, Section 700 replaced in its entirety. Article 4, Section 406 Accessory Building Minor, and Accessory Building Major replaced in its entirety.
- 34. JUNE 10, 2013**
- Zoning Ordinance Amendment, amended Article 4, Section 404, 405, 406 & 407, Table 4.1, Table 4.2, Article 10, Section 1001, 1002, 1003, and 1004, deleted Article 10.5 Mixed Use and Developments in its entirety, and Article 11 deleted in its entirety and replaced.
- 35. SEPTEMBER 9, 2013**
- Zoning Ordinance Amendment, amended Article 4 to include Auto Sales under HSB as well as title pawn, and pawn shops, and amended Article 10, updated TCO use provisions in accordance with recommendation by City Attorney.

**The 2000 Zoning Ordinance
of the City of Sugar Hill, Georgia**

Amendments

36. NOVEMBER 12, 2013

Zoning Ordinance Amendment, Article 7, Section 700, Subsection E, # 2, and Subsection E, # 3, deleting all contents in its entirety and replacing.

37. DECEMBER 9, 2013

Article 3 Definitions, deleting in its entirety; Sign, Project Informational, and replacing the following definitions; Sign, Ground, Sign, Multi-Message, and Sign, Wall. Amended Article 4, Table 4.3 and replaced in its entirety. Amended Article 10, Section 1001, Town Center Overlay District, Subsection F and replaced in its entirety, and amended Article 10, Section 1002, Subsection F and replaced in its entirety.

38. MAY 12, 2014

Sign Ordinance Amendment, replaced Article 13. Signs in its entirety. Article 10 changes as follows; replaced Paragraph 4, Design Criteria – Signage of Sub-section E. Design Criteria and Standards of Section 1001. Town Center Overlay District, added Paragraph 4. Design Criteria – Signage of Sub-section E. Design Criteria and Standards of Section 1002. Central Business District.

39. JULY 14, 2014

Article 4, Section 406 Restrictions on Principal Uses (Brew Pub, Growler Shop, Microbrewery, Wine Bar) Adding those principal Uses to Table 4.1, and adding those uses and restrictions to Section 1002, Paragraph 5, Conditional Uses.

40. NOVEMBER 10, 2014

Article 4, Section 407. Restrictions on Accessory uses as follows; Inserting ‘Outdoor storage associated with garden supply center, plant nursery and greenhouse’ with restrictions items 1-4.

Amending Article 4, Table 4.2 Accessory Uses as follows. Service facilities associated with automotive sales lots (new or used) is allowed as an accessory use with a Special Use Permit (SU) under General Business (BG). Outdoor Storage associated with garden supply center, plant nursery and greenhouse is allowed as a Special Use with Restrictions (SU-R) under Highway Service Business (HSB). Outdoor storage associated with garden supply center, plant nursery and green house is allowed with restrictions (A-R) under General Business (BG).

41. NOVEMBER 10, 2014

The 2000 Zoning Ordinance of the City of Sugar Hill, Georgia

Amendments

Article 10, Section 1002, Central Business District Boundary Map Revision.

42. JULY 13, 2015

Zoning Ordinance Amendment Table 4.1 & 4.2, Section 406 & 407 Added Firework sales. Zoning Ordinance Amendment – Article 10 TCO & CBD, replaced Section 1001 & 1002, and Appendix A, Downtown Character Preference Guide replacing Fig. 9 and Fig 10.

43. OCTOBER 12, 2015

Article 10, Section 1002, Central Business District Boundary Map Revision.

44: DECEMBER 14, 2015

Zoning Ordinance Amendment Article 7, Fences & Walls. Deleted Article 7, Section 700, subsection E, Paragraph 2 & 3 in its entirety and replaced.

45: MAY 9, 2016

Zoning Ordinance Amendment Article 4, Zoning District and Use Provisions, Amended Section 406, and updated Table 4.1 pertaining to car washes.

46. APRIL 11, 2016

Zoning Ordinance Amendment Article 10, Section 1002. Central Business District Overlay, Amendments pertaining to Parking Garages. (Conditional Uses, Special Uses, and Design Criteria).

47. AUGUST 8, 2016

Zoning Ordinance Amendment Article 10, Section 1000 Purpose of Planned Unit Development, and 1002 Central Business District Overlay. Central Business District Overlay, Amendments pertaining to Parking Garages. (Conditional Uses, Special Uses, and Design Criteria).

48. JULY 10, 2017

Zoning Ordinance Amendment – Articles 4, 7, and 14 related to accessory Uses, including fences, walls, general references and Associated Administrative processes.

49. DECEMBER 11, 2017

Zoning Ordinance Amendment Article 4, Sections 400, District Designations, Section 406, Restrictions on Principal Uses, Section 407, Restrictions on Accessory Uses, Table 4.1 Permitted Uses, Table 4.2 Accessory Uses, and Table 9.1 Lot and Building Dimensional Standards.

50. FEBRUARY 12, 2018

The 2000 Zoning Ordinance of the City of Sugar Hill, Georgia

Amendments

- Zoning Ordinance Amendment Article 3, Definitions, and Article 4, Section 406, and Table 4.1 Permitted Uses pertaining to removal of Tattoo and body piercing establishment and replacing it with Body art establishment, and associated definitions.
51. **May 14, 2018**
Zoning Ordinance Amendment Article 4, Section 406, separation distances from alcohol sales to be measured in a straight line.
52. **June 11, 2018**
Zoning Ordinance Amendment Article 10, Section 1002, Central Business District Boundary Map Exhibit 2 expansion.
53. **July 9, 2018**
Zoning Ordinance Amendment Article 3 Definitions, Article 4, Section 404, Section 406. Restrictions on principal uses (added event facility), Article 10 text changed to Section 1001. Town Center Overlay District, Subsection D, paragraph 4, added “event facility” to Section 1002. Central Business District, Subsection 5 Special Uses, text changes to Section 1002, Subsection D, paragraph 7, replaced Table 4.1, and Table 4.2.
54. **November 13, 2018**
Zoning Ordinance Amendment Article 4, Table 4.1 Permitted Uses (added Art Shop), Article 10, (Special Uses, design criteria, permitted uses, conditional uses, central business district overlay map).
55. **February 11, 2019**
Zoning Ordinance Amendment Section 1605. Zoning Map Amendment.
56. **September 9, 2019**
Zoning Ordinance Amendment Article 10, Section 1002. 4. Conditional uses, added “Craft Distillery”.
57. **November 12, 2019**
Zoning Ordinance Amendment Table 4.1. Added Adult Day Center to list of principal uses, Section 406. Added restrictions on principal uses for Adult day center.
58. **March 9, 2020**
Zoning Ordinance Amendment Article 3, Definitions, Article 4, section 406, article 4, Table 4.1, article 6, Section 614 Prohibited Uses, Article 10, Section 1001 & Section 1002 pertaining to Tobacco, Vape, Cannabidiol Sales.
59. **July 13, 2020**

Zoning Ordinance Amendment Article 10, Section 1002, Central Business District Boundary Map Exhibit 2.
60. **October 12, 2020**

The 2000 Zoning Ordinance of the City of Sugar Hill, Georgia

Amendments

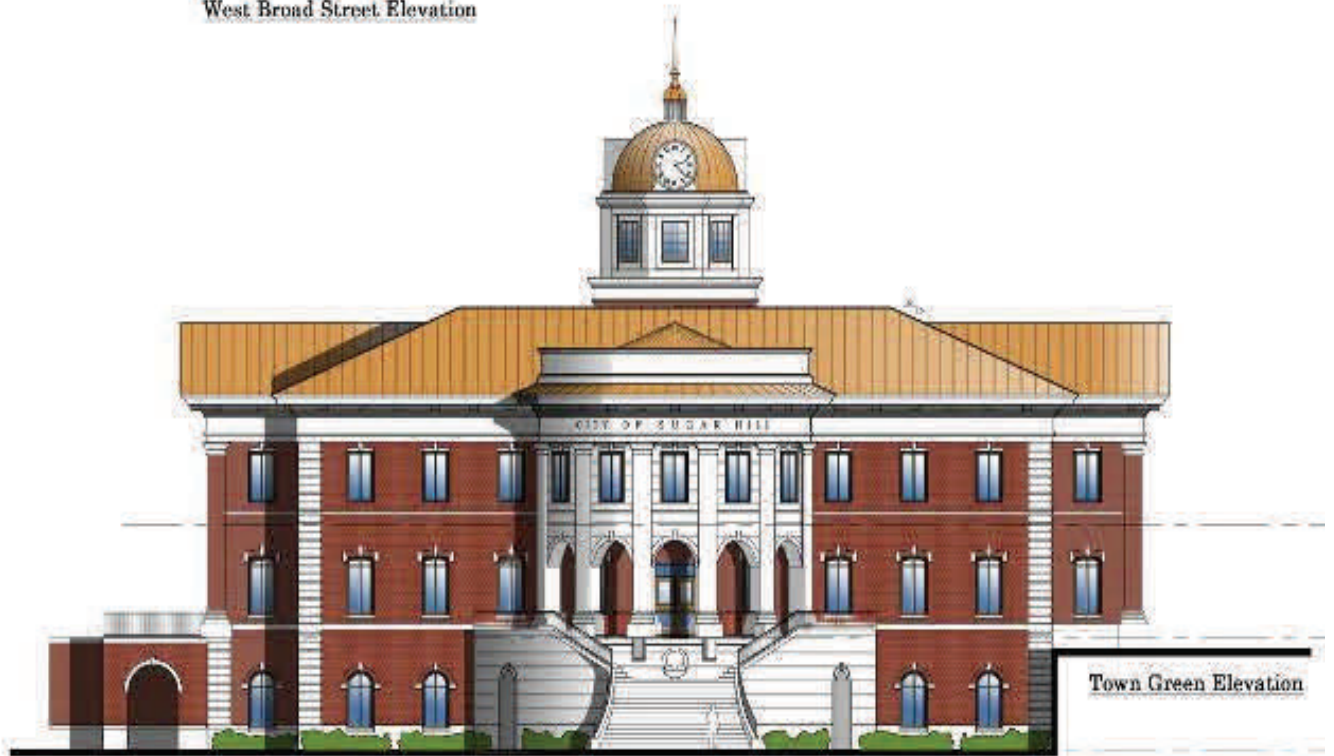
Zoning Ordinance Amendment Article 4, Section 400, District Designations, Section 406. Restrictions on Principal Uses, Table 4.1 Permitted Uses, Table 9.1 Lot and Building Dimensional Standards, and added Appendix C, all pertaining to the R-36 zoning category.

61. December 14, 2020

Zoning Ordinance Amendment Article 2, Article 9, Article 12, Article 16 – Re-Adopt Zoning Map, Buffers, Dimensional Standards and Administrative Corrections.



West Broad Street Elevation



Town Green Elevation

Appendix

Downtown Sugar Hill Character Preference Guide

Through surveys and questionnaires **the citizens have expressed a general preference for traditional style and detail.** Each individual building or project must contribute to a consistent architectural identity for the TCO by using traditional forms, authentic materials and quality craftsmanship. Refer to Appendix A, on file with the Department of Planning and Development, to see illustrative examples of desirable style and detail.



Fig. 1— Illustrative Purposes Only



Fig. 2—Illustrative Purposes Only



Fig. 3—Illustrative Purposes Only



Fig. 4—Illustrative Purposes Only



Fig. 5—Illustrative Purposes Only



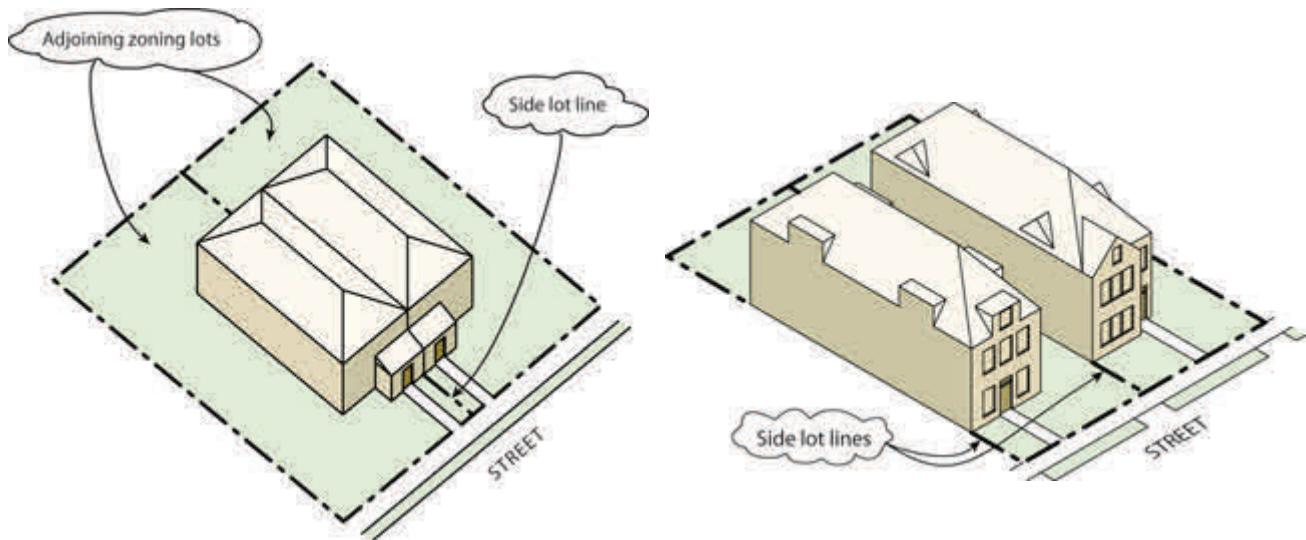
Fig. 6—Illustrative Purposes Only



Fig. 7—Illustrative Purposes Only



Fig. 8—Illustrative Purposes Only



Zero Lot Line Single Family Residential



Townhome/Row House

Fig. 9—Illustrative Purposes Only



Mid-Rise Courtyard Building Type



Fig. 10—Illustrative Purposes Only



Fig. 11—Sherwin Williams Exterior Color Preservation Palette.



Fig. 12—Sherwin Williams Exterior Color Palette.

Eggplant



Gray



Black



Copper



Metal Standing Seam Roof Color Selection

Fig. 13—Metal Standing Seam Roof Color Selection

Catalog Number Z H 12 F416 CA BK ACA/2 CA BK GV 100HP MT L B 5 R S G	
Notes	Type

SPECIFICATIONS

POST

Hamilton Series Cast Aluminum Post 16" Dia. Base, Extruded Shaft

- 12'-0" post height
- #Z H 12 F416 CA BK

ARM

ACA Crossarm

- mounts to 3T5 post tenon
- #ACA/2 CA BK

LUMINAIRE

GranVille® Series

- mounts to 3T3 tenon
- #GV 100HP MTL B 5 R S G

ACCESSORIES

None.

INSTALLATION

A door shall be provided in the base for anchorage and/or wiring access. The arm shall slip-fit the post tenon with stainless steel socket set screws.

- 11.00"Ø bolt circle.
- 0.75" x 18" L-type, hot-dip galvanized anchor bolts. 55000 psi.

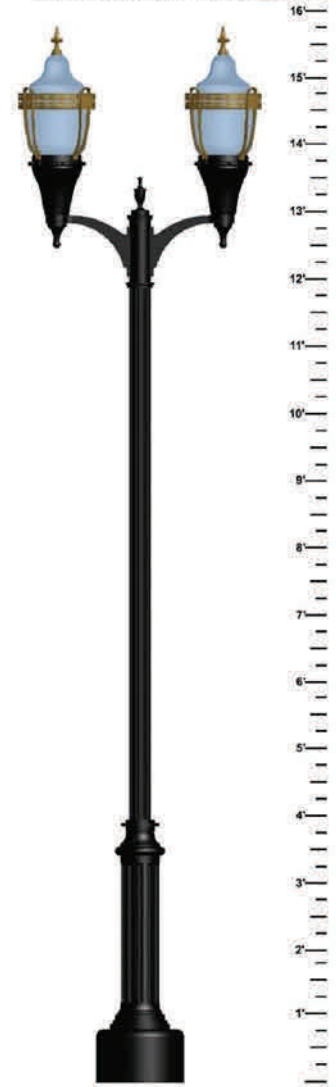
FINISH

All metal parts are finished with a Black polyester powder coat

- #B

**GRANVILLE® LUMINAIRE
ANNAPOLIS SERIES CROSSARM
HAMILTON**

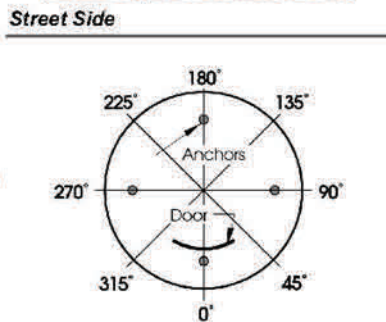
Cast Aluminum Lighting Post



Dimensions

- Overall Street Lamp Height: 16'-10"

Anchorage/Orientation Plan



Wind Loads

Windloading for this post and accessories has been checked for the 80 mph winds where the post will be installed and has passed.

Customer Approval: _____

Job Name: Sugar Hill

Client Name: _____

signature

date

Created By: Mark Zureich

Date: 13-Nov-07

Fig. 14—Approved street light.



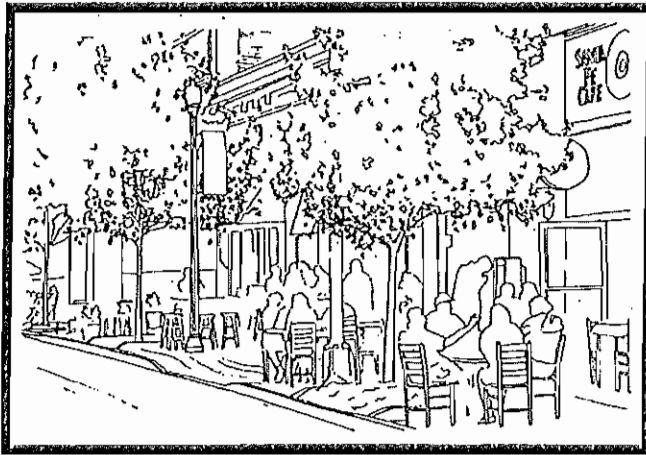
Fig. 15—Illustrative Purposes Only



Fig. 16—Illustrative Purposes Only

Excerpts from

Designing



Downtown

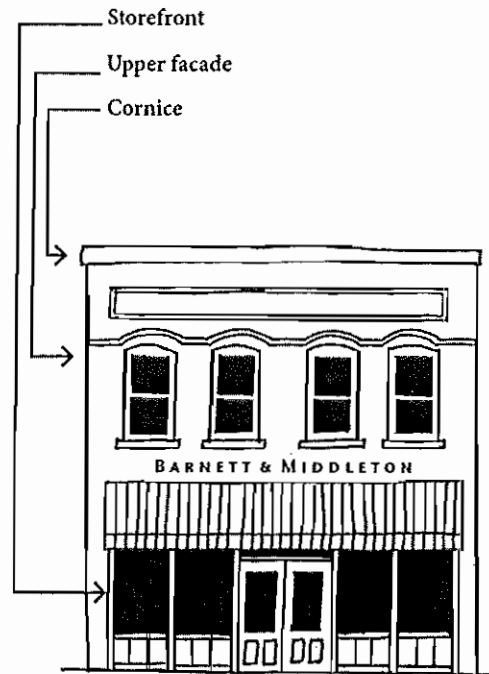
The Three-Part Facade

Most downtown commercial buildings built before World War II have facades made up of three parts: at street level is the storefront, above that is the upper facade, and at the top is the cornice. Each part is critical to the whole; if one is missing, the building will present an odd or incomplete appearance.

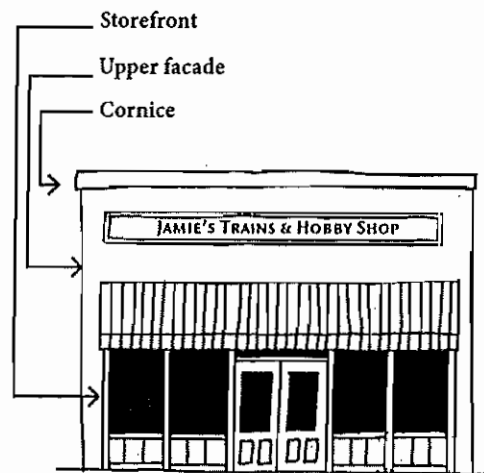
Each part plays a distinct function. The storefront, essentially a large hole in the facade filled with glass, displays the store's products and provides access to the interior. It is what people walking along the sidewalk see more than any other part of the building.

The upper facade, the area between the storefront and the cornice, often presents the overall appearance, or design message, of the building when viewed from a distance. This is where much of the architectural ornament will be found, features such as arches, stone detailing, and insets for business signs. On multi-story buildings there will almost always be windows too.

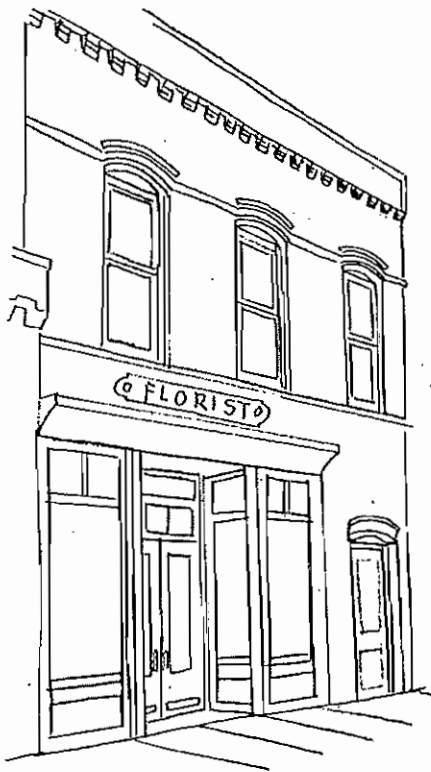
At the top of the upper facade, the cornice provides a cap, a finishing touch, a statement of completeness. Buildings of a century ago often had elaborate cornices, some extending well beyond wall surface. By the middle decades of the twentieth century, cornices had shrunk considerably, sometimes to no more than a thin cap.



The three parts of a historic downtown commercial building are the storefront, the upper facade, and the cornice.



Single-story buildings have the same three parts.



Think of the storefront as a large hole in the front wall that is filled with glass.

Guidelines

- Keep the overall three-part design of the facade intact. For example, don't try to make the storefront look like the upper facade.
- Existing cornices should be kept in place. Repair them as needed.
- Missing cornices can be replaced but it is best to base any replacement on old photos or other good documentation. If replacement of an elaborate cornice cannot be financially justified, use a simplified design that includes the major features of the original.
- The original masonry should be retained on the building. For example, window openings should not be bricked-in, downsized, or enlarged.
- Damaged brick and stone should be repaired or replaced with similar materials.
- Don't sandblast brick. From a distance sandblasted brick may look like an improvement but the cleaning effect is short-lived. Sandblasting hastens the deterioration of brick by removing the hard outer surface, allowing the elements to damage the softer inner part. Such bricks will be also be harder to clean in the future.
- The storefront should continue to be composed primarily of tall display windows and doors. Don't fill it in with solid walls and small windows.
- Storefronts should be recessed a few inches from the outer wall surface. This creates a framing effect which is in keeping with the design of most old commercial structures.
- Ideally the storefront door should be recessed several feet from the rest of the storefront. This is more inviting to the shopper than a door that opens directly from the sidewalk. However, introducing a recessed opening should be avoided if the storefront is historic and doesn't have one.
- Windows should always use clear glass. Avoid tinted or reflective glass.
- Don't put shutters on the building unless old photos indicate that it originally had them. (Few downtown commercial buildings did.)

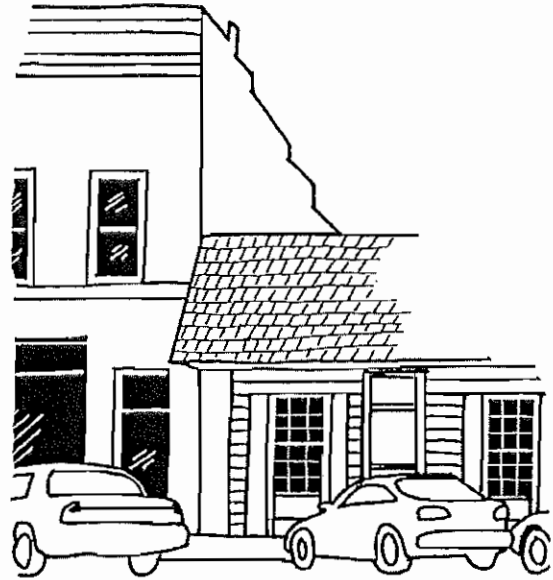
New Buildings

The typical downtown may have significant gaps in its built environment resulting from decades of losses by fire and demolition. Often these present an opportunity for new buildings. Such "infill" can add much to the economic vitality of downtown.

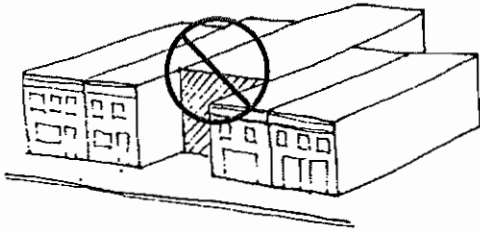
But any new structure needs to fit in with the surrounding buildings. In many downtowns this has not been successfully accomplished. Far too many buildings ignore their neighbors by being too low, too tall, too far from the sidewalk, or otherwise un-neighborly. Cheap construction is common, as are designs that are more appropriate for highway strips and industrial areas, such as standardized prefabricated metal buildings and standard chain store "boxes."

Take a look at early photographs of downtown blocks and you will usually see a certain orderliness in the buildings, a regularity that is less common today. Generally there is a harmony of window, awning, and cornice heights and a rhythm of windows and doors as one looks down the block. Proportions are similar and there will be an overall balance of decorative detail. Each building rises directly from the sidewalk and there will be few, if any, gaps between them.

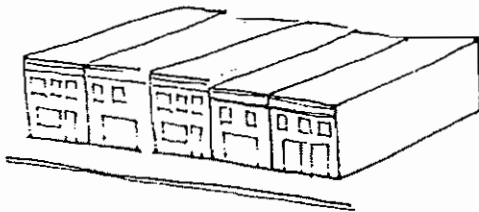
For decades, new downtown buildings were constructed to be good neighbors in a visual sense. That ideal was lost in the mid-20th century. For the continued economic health of downtown, we need to bring it back.



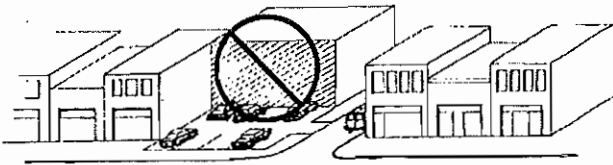
This new building (on the right) doesn't fit into the block because of its fake colonial front, mansard-type shingle awning, and low horizontal orientation. A better infill building would be two floors tall with materials and window heights similar to the building on the left.



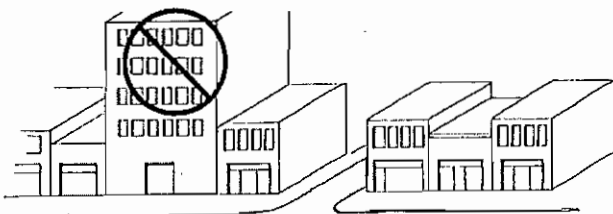
Maintain the existing building setback. Downtown commercial buildings almost always begin at the sidewalk.



Uniform setbacks create a pleasing "wall" along the street.



Because of their high visibility, downtown corners should have buildings on them and not parking lots.



Avoid new buildings that are out of scale with their neighbors.

Guidelines

- Don't surround a new downtown building with parking. Such buildings may be suitable for a highway commercial strip, but not downtown.
- Avoid placing a low one-story building on a downtown block made up of two-storey buildings. Similarly, don't place a tall building adjacent to one-story and two-story buildings. Such odd-height buildings may be more appropriate at the edge of the downtown core.
- Standard corporate designs that might fit well into shopping centers and highway strip commercial areas are usually out of place in downtown.
- New buildings should look new; that is, they should reflect their own time not some earlier historical period.
- A new building should "connect" in a visual sense with the older buildings around it. The new building should be of similar size, scale, and massing as its neighbors and it should have complementary architectural features. For example, cornice lines and window rhythms might be carried over.
- When constructing an addition to a historic downtown building, don't simply copy the older structure. Aim for harmony, but not sameness.
- Building additions should be designed so that if they are removed in the future, the historic building is largely unaffected. For example, the exterior wall of the older structure might become an interior wall of the addition. If the addition is later removed, the old building still has its original exterior wall.
- Keep historic building materials in place if at all possible.
- At least half of the first-floor facade should be composed of clear glass windows and doors.
- Windows of new buildings should be of similar proportions and size as neighboring historic buildings.
- Don't use aluminum, vinyl, or plastic siding on downtown buildings.



Appendix C

Supplemental use provisions and design guidelines for selected residential building types.

City of Sugar Hill,
Georgia

September 2020

Cottage Court

A grouping of small houses which are arranged such that each dwelling enters from a common court. Each entry shall connect to the required public sidewalk via minimum six (6) feet wide sidewalk.

An amenity should be incorporated into each project, which promotes wellness and recreation.

Maximum off-street surface parking is 1.5 spaces per unit.

Landscaping shall be installed in a way to enhance the pedestrian experience. Each development shall provided a minimum of three trees per unit across the site.

Cottage Court Dimensional Standards

Min. Lot Area	600 sq. ft.
Min. Dwelling Unit Size	600 sq. ft.
Setback from Major Street	45 ft.*
Setback from Collector Street	30 ft.*
Minimum Courtyard Width	20 ft.
Min. Side Yard	5 ft. between buildings
Min. Rear Yard	15 ft.
Max. Height	18 ft. to eave

**Setbacks may be reduced by condition of zoning if vehicle parking is not proposed in the front yard to promote alley access.*



Townhouse



The vertical plane of each dwelling unit's primary front and rear façade shall modulate back and forth a minimum of 2 ft. from the vertical plane of the dwelling unit(s) to either side.

Each dwelling unit shall be provided at least 120 sq. ft. of useable private outdoor space.

Minimum fenestration shall be 30% on all front facades.

Each entry shall connect to the required public sidewalk via minimum six (6) feet wide sidewalk.

Units shall be constructed in such a way to create unique character for each dwelling unit in the same building, with cohesive design elements to unify the buildings into the overall development.

Maximum off-street surface parking is 1.5 spaces per unit.

Townhouse Dimensional Standards

Min. Lot Area	1,000 sq. ft.
Min. Dwelling Unit Size	1,000 sq. ft.
Setback from Major Street	45 ft. *
Setback from Collector Street	30 ft. *
Min. Side Yard	20 ft. between buildings
Min. Rear Yard	15 ft.
Max. Height	40 ft. to eave

**Setbacks may be reduced by condition of zoning if vehicle parking is not proposed in the front yard to promote alley access.*

Stacked Duplex/Triplex

Dwelling which consists of two/three dwelling units arranged one above the other, each with an entry from the street. May be arranged in a quad style footprint. Each individual unit shall not exceed 1800 square feet.

Units can be multi-story, not to exceed three stories with a maximum building height of 60 feet.

Off-street parking, if provided, shall not obstruct the common courtyard. Maximum off-street surface parking is 1.5 spaces per unit.

All units shall be accessible by a minimum six (6) foot wide sidewalk, which shall provide access to an adjoining public sidewalk system.

Amenities may be incorporated into the courtyard and applied toward the minimum greenspace, if required.



Stacked Duplex Dimensional Standards

Min. Lot Area	1,000 sq. ft.
Min. Dwelling Unit Size	600 sq. ft.
Setback from Major Street	45 ft. *
Setback from Collector Street	30 ft. *
Minimum Courtyard Width	20 ft. (if provided)
Min. Side Yard	5 ft. / 15 ft. between buildings
Min. Rear Yard	20 ft.
Max. Height	60 ft. to eave

**Setbacks may be reduced by condition of zoning if vehicle parking is not proposed in the front yard to promote alley access.*

Big-house

Big-house units are designed to present differing size units within a single building and resemble a medium to large single-family home. Larger units shall not exceed 1400 square feet. All units must have a minimum of 600 square feet per bedroom for the unit. Buildings may not be less than 2500 square feet total.

Each unit is required to have a separate entrance, with access to a minimum six foot wide sidewalk, which shall connect to the public sidewalk abutting the nearest public road.

Parking if required shall be arranged to the rear or side of each unit.

All lots shall be landscaped with at least two tree density units per building. At least one tree density unit is required in the front yard.

Big-house Dimensional Standards

Min. Lot Area	6,000 sq. ft.
Min. Dwelling Unit Size	600 sq. ft.
Setback from Major Street	45 ft. *
Setback from Collector Street	30 ft. *
Min. Side Yard	10 ft.
Min. Rear Yard	20 ft.
Max. Height	50 ft. to eave



Other, Attached

Buildings with attached dwelling units which do not fall under the cottage court, townhouse, stacked duplex/triplex and big-house categories may contain up to eight (8) dwelling units per building. All units must be a minimum of 600 square feet per bedroom.

Each unit is required to have an internal sidewalk system which shall connect to the public sidewalk abutting the nearest public road.

Other Dimensional Standards

- Min. Lot Area 3,600 sq. ft.
- Min. Dwelling Unit Size 600 sq. ft.
- Setback from Major Street 45 ft. *
- Setback from Collector Street 30 ft. *
- Min. Side Yard 10 ft.
- Min. Rear Yard 20 ft.
- Max. Height 50 ft. to eave





Other, Detached

Detached dwelling units such as zero lot line single family detached are allowed with the following dimensional standards.

Other Detached

Min. Lot Area	7,200 sq. ft.
Min. Dwelling Unit Size	1,600 sq. ft.
Setback from Major Street	45 ft. *
Setback from Collector Street	30 ft. *
Min. Side Yard	10 ft.
Min. Rear Yard	20 ft.
Max. Height	35 ft. to eave



ORDINANCE

Pursuant to the power granted by the Georgia Constitution, the laws of the State of Georgia and the Charter of the City of Sugar Hill, Georgia, and in accordance with the comprehensive plan for development of the City of Sugar Hill, Georgia, the Council of the City of Sugar Hill, hereby ordains that the attached ordinance known as the "2000 Zoning Ordinance of the City of Sugar Hill, Georgia", the zoning maps referenced and incorporated therein, along with the policies and procedures for conducting public hearings and the standards governing the exercise of the zoning powers contained in said ordinance are hereby adopted and enacted.

All conflicting ordinances or resolutions are hereby repealed; provided that nothing herein shall be construed as repealing or modifying the conditions of operation or conditions of site development accompanying those zoning approvals and/or special use permits issued under previous zoning ordinances or resolutions; however, modification or repeal of any such past conditions of approval must be accomplished as provided in this ordinance.

All variances and uses heretofore granted by the Zoning Board of Appeals shall remain in full force and effect, and all terms, conditions and obligations imposed by the Zoning Board of Appeals on any such variances or uses shall remain in effect and be binding. Provisions of prior ordinances shall remain in effect in so far as they are required for the initiation of any proceedings for violations of those ordinances and for the prosecution of any violations previously commenced under those ordinances. This ordinance shall become effective immediately upon its adoption by the Council and its submission to and signing by the Mayor or upon becoming law without the Mayor's signature as provided by the Charter of the City of Sugar Hill.

IT IS SO ORDAINED this 1st day of August, 2000.

Kimberly D. Hill
Councilmember

Gary R. Pritchard
Councilmember

Meg Avery
Councilmember

Councilmember

Councilmember

ATTEST: Shirley J. Hubbs
City Clerk

Submitted to Mayor: 8/1/2000

Approved by Mayor, this 1st day of August, 2000.

Roberta Crabb
Mayor