



TOWN OF BETWEEN, GEORGIA

AN ORDINANCE FOR THE PURPOSE OF SETTING FORTH STANDARDS AND PERMISSIBLE USES DESIGNED TO CONSERVE AND PROTECT THE NATURAL, ECONOMIC, AND SCENIC RESOURCES WITHIN THE JURISDICTIONAL BOUNDARIES OF THE TOWN OF BETWEEN, GEORGIA

Adopted



ZONING ORDINANCE Town of Between Georgia

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ZONING ORDINANCE Town of Between Georgia

ORDINANCE NO. _____

An ordinance repealing the October 16, 1995 adopted **ordinance** and amendments dated August 5, 1996, December 11, 2001 and September 1, 2006 for the regulation of zoning and enacting a new zoning ordinance providing for the zoning of property within the jurisdictional boundaries of the Town of Between, Georgia.

ARTICLE 1: Purpose and Enactment

Section 1.1 Objectives

This ordinance is for the purpose of setting forth standards and permissible uses designed to conserve and protect the natural, economic and scenic resources of the Town of Between; health, aesthetics, morals, convenience, order, prosperity and general welfare; to provide adequate light and air; to prevent the overcrowding of land; to promote desirable living conditions and stability of neighborhoods ; to facilitate the adequate provision of transportation, water , sewerage, schools, parks, and other public requirements by dividing the Town of Between into districts of such size and shapes as may be best suited to carry out the purposes of the legislative act and of this ordinance.

Section 1.2 Legislative Authority

The Mayor and Council of the Town of Between, Georgia, under the authority of Article IX, Section 2, Paragraph 4 of the Constitution of the State of Georgia and Chapter 66, Title 36 of the Official Code of Georgia Annotated , and for the purpose of promoting the health, safety, morals, convenience, order, prosperity, or the general welfare of the Town of Between and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and to avoid overcrowding of land and undue concentration of population; to facilitate the adequate provision of transportation, water , sewerage, schools, parks, and other requirements, hereby ordain and enact into law the Official Zoning Ordinance for the Town of Between, Georgia.

Section 1.3 Method of Regulation

The Mayor and Council of the Town of Between, Georgia, as authorized by the Constitution of the State of Georgia, adopt zoning regulations for the following purposes: to define certain words used therein; to create zone boundaries; to regulate the location of trades, professions, businesses, and industries; to regulate the density in distribution of population; to provide for the gradual elimination of nonconforming uses of land, buildings and structures; to provide for the method of administration, amendment and enforcement; to provide for the imposition of penalties for violations; to repeal conflicting ordinances and resolutions; and for other purposes.

Section 1.4 Jurisdiction

This zoning ordinance shall govern the use of all land and development within the incorporated limits of the Town of Between, Georgia.

ARTICLE 2: Short Title

This Ordinance shall be known and may be cited as The Zoning Ordinance for the Town of Between, Georgia.

ARTICLE 3: Definition of Terms

Except as otherwise provided herein, all words shall have their customary dictionary meaning. The present tense includes the future tense. The singular number includes the plural and the plural includes the singular. The word *person* includes a firm, corporation, association, organization, trust or partnership. The word *lot* includes plot or parcel. The word *building* includes structure. The word *shall* is always mandatory. The words *used* or *occupied*, as applied to any land or building, shall be construed to include the words intended, arranged, or designed to be used or occupied. The word *used* shall be deemed also to include designed, intended, or arranged to be used. The term *erected* shall be deemed also to include constructed, reconstructed, altered, placed, or moved. The words *land use* and *use of land* shall be deemed also to include building use and use of building. The word *adjacent* means nearby and not necessarily contiguous. The word *map* means the Official Zoning Districts Map for the Town of Between, Georgia.

When used in this Ordinance, the following words and phrases shall have the meaning given in this Section.

ACCESSORY BUILDING or USE: A subordinate building or use customarily incidental to the principal use of the land and located on the same lot with the main building or use.

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

ALTERATION: Any change in the supporting member of a building, any modification or change in construction, any addition which increases the area or height, any change in use of or movement of a building from one location to another, or any increase in the amount or volume of space used for any activity.

ANIMAL SHELTER: A public or private facility exclusively for the temporary housing of stray and/or unwanted domestic animals.

APARTMENT BUILDING: A multi-family dwelling unit located on a parcel of land under single ownership consisting of three (3) or more single-family dwelling units separated by fire resistant walls as required by the Building Code of the Town of Between, Georgia.

APARTMENT: A suite of two (2) or more rooms and a bath which is designed according to the building codes specified in O.C.G.A. § 8-2-20, and is also designed or intended for occupancy by one (1) family doing its cooking therein, or by one (1) person doing his or her cooking therein. For zoning purposes, an apartment shall be regarded as a dwelling unit. A structure containing two (2) apartments shall be considered a duplex. A structure containing three (3) or more apartments shall be regarded as a multi-family dwelling.

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APPLICANT: Any person who applies for a rezoning action and any attorney or other person representing or acting on behalf of a person who applies for a rezoning action.

AQUIFER: A layer or formation of rock beneath the Earth's surface that bears significant amounts of groundwater.

AQUIFER RECHARGE AREA: An area of the Earth's surface where water infiltrates the ground, thereby replenishing the groundwater supplies within an aquifer.

AQUIFER RECHARGE AREAS, SIGNIFICANT: Areas mapped by the Department of Natural Resources in Hydrologic Atlas 19 (1989 edition). Mapping of recharge areas is based on outcrop area, lithology (chemical nature and form of the rock), soil type, and thickness, slope, density of lithologic contacts, geologic structure, presence of karst topography (sinkholes, caves, and fissures associated with limestone and other carbonate rocks), and potentiometric surfaces.

AUTOMOBILE SALES LOT: An open premises arranged, designed, or used for storage and display for sale of any motor vehicle or any type of trailer.

BED AND BREAKFAST: A dwelling unit, other than a motel or boarding house, or portion thereof, where short-term lodging rooms and meals are provided to the public for compensation. The operator of the Bed and Breakfast shall live on the premises. Meals shall be provided only to individuals paying for lodging rooms.

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

BOARDING HOUSE: A building, other than a hotel, where for compensation and/or by pre-arrangement, lodging and meals are provided. Such dwelling shall contain no more than five (5) guest rooms. The number of persons receiving such lodging and meals shall not exceed twenty (20) persons at any one time.

BUFFER AREA: A landscaped area, identified on the site plan, established to protect one type of land use from another land use that is incompatible. This area shall be in addition to any required area yard, and height requirements for the zoning district as specified in Article 8.

BUILDING, HEIGHT OF: The vertical distance measured from the average finished grade at its juncture with the structure to the highest point of the roof structure of a flat, gable, hip and gambrel roofs; and to the deck line of a mansard roof.

BUILDING, INSPECTOR: The Building Inspector or other officer so designated by the Mayor and Council, Town of Between.

BUILDING LINE: A line, parallel to the street line, beyond which the foundation wall and any roofed porch, vestibule or other such portion of a building shall not project.

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BUILDING, PRINCIPAL: A building in which is conducted the principal use of the lot on which the structure is situated.

BUILDING: Any structure, either permanent or temporary, above or below ground, having a roof or other covering, and designed, built or used as a shelter or enclosure for persons, animals, or property of any kind, including tents used for the purposes of a building.

BUSINESS ENTITY: Any corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust.

CAMPAIGN CONTRIBUTION: A contribution as defined in paragraph (6) of O.C.G.A. §21-5-3.

CEMETERY: Any plot of ground, churchyard, building, mausoleum, or other enclosure used for the burial of deceased persons.

CHURCH: See RELIGIOUS INSTITUTION.

CLUB OR LODGE: A building in which organized fraternal, recreational, social or educational meetings are conducted on a regular non-profit basis. Fraternal organizations must provide proof to the Mayor and Council that they have received recognition and sanction from a parent group or organization. A private club must provide proof to the Mayor and Council that its membership is limited by either: (a) the use and operation of an amateur athletic facility, including, but not limited to, golf courses, tennis courts, shooting ranges or swimming pools; or (b) residency in a particular subdivision, condominium, apartment project or other residential development.

CITY OFFICIAL: The Mayor and any member of the Council.

CLINIC: An establishment where patients, who are not lodged overnight, are admitted for examination and treatment.

CLUB: Buildings and facilities owned or operated by a corporation, association, or persons for social, educational or recreational purposes, but not primarily for profit or to render a service to the general public.

COMPREHENSIVE PLAN: The Comprehensive Plan for Walton County and the cities of Between, Good Hope, Jersey, Loganville, Monroe, Social Circle, and Walnut Grove as adopted and as may be amended.

CONDITIONAL USE PERMIT: The permit issued as a precondition to allowing any conditional use in a zoning district.

CONDITIONAL USE: A use which is not permitted inherently but which may be permitted within a zoning district subject to approval by the Mayor and Council.

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CONDOMINIUM: An estate in real property consisting of an undivided interest with other purchasers in the common grounds together with a separate interest in a dwelling unit located on the common grounds.

COUNCIL: The Mayor and Council of the Town of Between, Georgia.

CONVALESCENT HOME: A facility for three (3) or more unrelated aged or ill persons not operating as the functional equivalent of a family, that provides food, shelter, and medical care for compensation in addition to meeting the physical, emotional, and social needs of such unrelated aged or ill persons.

CONVENIENCE STORE: Any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same and having a gross floor area of less than two thousand four hundred (2,400) square feet.

COUNTY: Walton County, Georgia.

DENSITY: The number of dwelling units permitted per net acre of land. (Gross acre less streets, easements, water, open space, etc.)

DISTRICT: A section of the Town of Between, Georgia, within which the zoning regulations are uniform.

DRY CLEANERS: A business that provides for the cleaning of laundry, excluding self-service, and contains on the premises, equipment necessary for the processing of laundry.

DWELLING, MULTI-FAMILY: A structure containing at least three (3) dwelling units designed for residential use by three (3) or more families living independently of each other. This shall include apartments but not group, row, condominiums, or townhouses.

DWELLING, SINGLE-FAMILY, ATTACHED: One (1) of two (2) or more dwelling units designed and arranged for residential use, having a common or party wall separating such individual dwelling units. This shall not include apartments or duplex but shall include group, row, condominiums, and townhouses.

DWELLING, SINGLE-FAMILY, DETACHED: A structure containing not more than one (1) dwelling unit designed for residential use surrounded by open space on the same lot, which meets or exceeds the following standards:

1. Minimum width in excess of sixteen (16) feet.
2. Minimum square footage required by the zone in which located.
3. The roof shall have a minimum 5:12 roof pitch and shall have a surface of wood shakes, asphalt composition, wood shingles, concrete, fiberglass or metal sheets, slate, built up gravel materials, or other materials approved by the Mayor and Council.
4. The exterior siding materials shall consist of wood, masonry, concrete, stucco, Masonite, metal or other materials of like appearance.

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5. Be attached to a permanent foundation.
6. Be constructed according to standards established either by the State Minimum Standard Codes as amended from time to time or the International Code Council if locally adopted for site-built homes, or the National Manufactured Housing Construction and Safety Standards Act for manufactured homes, or the State of Georgia Industrialized Buildings Act for residential industrialized buildings. Each of these codes shall be applicable to the specific structure to which it applies.

DWELLING, TWO-FAMILY DUPLEX: A structure containing two (2) dwelling units designed and arranged for residential use by two (2) families living independently of each other.

DWELLING UNIT: A building or a portion of any building designed and arranged for living quarters for one (1) family and having cooking facilities, but not including units in motels, boarding houses or like uses, except as otherwise specified.

EASEMENT: A grant of one (1) or more property rights by the owner to, or for the use by, the public, a corporation, or another person or entity.

FAMILY: One (1) or more persons permanently occupying a dwelling unit and living as a single housekeeping unit, as distinguished from persons occupying a boarding house, group home, or as herein defined.

FAMILY DAY-CARE HOME: A private dwelling operated by any person who receives pay for supervision and care, for fewer than twenty-four (24) hours per day, without transfer of legal custody, of three (3) but not more than six (6) children under eighteen (18) years of age who are not related to such person and whose parents or guardians are not residents in the same private residence.

FAMILY MEMBER: The spouse, mother, father, brother, sister, son, step-son, daughter, step-daughter, grandchild, or great grandchild of the property owner.

FINANCIAL INTEREST: All direct ownership interests of the total assets or capital stock of a business entity where such ownership interest is ten (10) percent or more.

FLOOR AREA : The sum of the gross horizontal areas of the total number of floors of a building measured from the exterior faces of the exterior walls or from the centerline of the walls separating two buildings, including stairwells and elevator shafts, but not including: attic space providing headroom of less than seven (7) feet; unusable basement or cellar space not used for retailing; uncovered steps or fire escape; open porches; accessory water or cooling towers; accessory off-street parking spaces; or accessory off-street loading berths.

FRONTAGE STREET: The street coincident to the front boundary line.

FRONTAGE: The distance for which the front boundary line of the lot and the street line are coincident. For the purpose of corner lots, any side of a lot adjacent to a street shall be considered frontage.

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GARAGE. PARKING: A building or portion thereof designed or used for storage of motor-driven vehicles, and at which motor fuels and oils may be sold, and in connection with which may be performed general automotive servicing as distinguished from automotive repairs.

GARAGE. PRIVATE: An accessory building or a portion of a main building used for the parking or storage of automobiles of the occupants of the main buildings. A carport shall be considered as a private garage.

GARAGE. REPAIR: A building and premises designed or used for the purpose of service or commercial repair of motor vehicles, provided that all the body work and painting shall be conducted within fully enclosed buildings and provided further that the storage of junk, wrecked vehicles, dismantled parts or supplies shall be solely for the purpose of repairing motor vehicles and not as a salvage or junkyard business, and provided that the storage of junk, wrecked vehicles, dismantled parts or supplies shall not be visible beyond the premises.

GASOLINE SERVICE STATION: Any area of land, including structures thereon, used for the retail sale of gasoline or oil, automobile accessories and incidental services including facilities for lubricating, hand or automatic washing and cleaning, or otherwise servicing automobiles, but excluding painting or major repairs.

GROUNDWATER RECHARGE AREA: See AQUIFER RECHARGE AREA.

HEALTH DEPARTMENT: Walton County Health Department

HOME OCCUPATION: An occupation or profession conducted entirely within a dwelling, which is clearly incidental and secondary to the use of the dwelling for residential purposes and which does not change the character thereof, and in connection with which there is no display, no stock-in-trade nor commodity sold or stored on the premises; and where only those persons residing on the premises and not more than two (2) outside employee(s) are employed specifically in connection with the home occupation. A home occupation does not allow for access by the public.

HOME OFFICE: An office use conducted entirely within a dwelling which is carried on by the occupant thereof and no other individual, and which is clearly incidental and secondary to the use of the dwelling for residential dwelling purposes. The office may be for the purpose of service or trade workers who customarily work at various locations, such as electricians, plumbers, appraisers, real estate salespersons, or individuals who work at home, such as writers or computer programmers. There shall be no changes which would alter the character of the dwelling or reveal from the exterior that the dwelling that it is being used in part for other than residential purposes. The office shall be limited to one room of the dwelling and shall not exceed more than three hundred (300) square feet in area. Home Office shall not include any business which involves the sale, manufacture or repair of merchandise on the premises. Home Offices shall also not include any business requiring access by the public, including, but not limited to, customers, clients or vendors. No outside storage or display, including signs, is permitted and no one other than family members who reside on the premises may be employed in the office.

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INDUSTRIALIZED BUILDING: Any structure or component thereof which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof. Industrialized Buildings are constructed and regulated in accordance with the Industrialized Buildings Act, Ga. L. 1982, pp. 1637- 1643 (O.C.G.A. § 8-2-110, et, seq).

INSTITUTION: A non-profit corporation or a non-profit establishment.

KENNELS: Any location where four (4) or more adult dogs, cats, rabbits or other domestic animals are kept for the purpose of boarding, caring for, raising, grooming, breeding, training or sale, except litters of animals of not more than six (6) months of age, is carried on for commercial purposes within Town of Between.

KINDERGARTEN: A school for pre-elementary school children ranging in age from four (4) through six years, which operates for less than four (4) hours per day.

LAUNDROMAT: A business that provides home-type washing, drying, and/or ironing machines and/or coin operated dry cleaning machines.

LAUNDRY AND DRY-CLEANING PICK-UP: A business that provides only for the convenience of taking and picking up of laundry, which does not have any equipment for processing of the laundry or dry cleaning.

LOADING SPACE: A space within the main building or on the same lot, providing for the standing, loading or unloading of trucks and other carriers.

LODGING HOUSE: See BOARDING HOUSE

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

LOT, DOUBLE FRONTAGE: A lot having a frontage on two (2) public streets that do not intersect at a point abutting the property.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINE, REAR: The rear lot line is generally opposite the front lot line. If the rear lot line is less than ten (10) feet in length or if the lot comes to a point at the rear, the rear lot line shall be deemed to be a line parallel to the front lot line, not less than ten (10) feet long, and lying wholly within the lot and farthest from the front lot line.

LOT OF RECORD: A lot which is part of a subdivision, a plat of which has been recorded in the records of the Walton County Superior Court; or a parcel of land where the deed has been recorded in the same office.

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LOT WIDTH: The horizontal distance between one side lot line and the other side lot line measured at the minimum front setback line.

LOT: A parcel of land occupied or capable of being occupied for a use, by a building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same, and having frontage on a street; or a developed or undeveloped tract of land in one ownership legally transferable as a single unit of land. A lot shall have a separate tax parcel reference number designated in the office of the Walton County Tax Commissioner and/or the Walton County Tax Assessor.

LUNCH COUNTER: A retail establishment where the preparation and serving of food is not the principal business of the retail establishment, defined as not generating the largest percentage of gross sales or occupying the largest percentage of the retail floor area. Food served in said establishment shall be unpackaged, in individual servings, and in a ready-to-consume state. Customers shall be served while seated at tables or counters located within the building.

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

MANUFACTURED HOME PARK: Any lots on which are customarily parked two (2) or more manufactured homes for a period exceeding thirty (30) days.

MANUFACTURED HOME: A structure defined by and constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 as amended, 42 U.S.C. § 5401. The definition at the date of adoption of this part is as follows:

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

MANUFACTURING, PROCESSING AND ASSEMBLING: The mechanical or chemical transformation of materials or substances into new products. The land uses engaged in these activities are usually described as plants, factories or mills and characteristically use power driven machines and materials handling equipment. Establishments engaged in assembling component parts of manufactured products are also considered under this definition if the new product is neither a fixed structure nor other fixed improvement. Also included is the blending of materials such as lubricating oils, plastic resins or liquors.

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MEMBER OF THE FAMILY: The spouse, mother, father, brother, sister, son, or daughter of a city official for purposes of Article XV only (Disclosure of Financial Interests).

MINI-WAREHOUSE: A group of buildings or building that contain(s) varying sizes of individual, compartmentalized stalls or lockers used for storage, including accessory office, but not including retail sale on the premises, commercial repair or other services, manufacturing or any other commercial use.

MODULAR HOME: A factory fabricated transportable building consisting of units designed to be incorporated at a building site on a permanent foundation into a permanent structure to be used for residential purposes and bearing a seal of compliance with regulations of the Southern Building Code Congress International, the Georgia Industrialized Building Act, or the National Manufactured Housing Construction and Safety Standards Act, as amended.

MOTEL: A building or a group of buildings containing guest rooms and having separate outside entrances for each guest room. Includes such terms as auto court and motor lodge but not boarding house as defined in this section. To be used primarily for automobile transients.

NON-CONFORMING LOT: A lot, the area, width, or other characteristics of which fails to comply with applicable regulations and which was of record and in full compliance with all applicable federal, state and local laws, rules and regulations prior to the enactment of these or other regulations applicable thereto, but which does not comply with the requirements of these regulations.

NON-CONFORMING STRUCTURE: Any building or structure which does not conform to applicable regulations hereunder governing the type, bulk, location, height or size of buildings or structures permitted in the district, which building or structure was lawfully in existence and in full compliance with all applicable federal, state and local laws, rules and regulations, and for which all required federal, state and local permits had been issued, prior to the adoption of these or other regulations applicable thereto, but which does not comply with the requirements of these regulations.

NON-CONFORMING USE: A use of land, building or premises existing at the time of the enactment of this Ordinance, or at the time of a zoning amendment, which does not conform to the regulations of the district in which it is located.

NURSING HOME: A facility for three (3) or more unrelated ill or aged persons not operating as the functional equivalent of a family, that provides food, shelter, and medical care for compensation in addition to meeting the physical, emotional, and social needs of such unrelated aged or ill persons.

OPEN SPACE: A yard area which is not used for or occupied by a driveway, off-street parking, loading space, drying yard or refuse storage space.

OPPONENT: Any person who opposes a rezoning action or any attorney or other person

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representing or acting on behalf of a person who opposes a rezoning action.

OPPOSE: To appear before, discuss with, or contact, either orally or in writing, a Between official and argue against a rezoning action.

PERMITTED USE: Any use by right which is specifically authorized in a particular zoning district.

PERSON: An individual, partnership, committee, association, corporation, labor organization, or any other organization or group of persons.

PERSONAL CARE HOME: Any dwelling, whether operated for profit or not, which undertakes through its ownership or management to provide or arrange for the provision of housing, food service, and one or more personal service for two (2) or more adults who are not related to the owner or administrator of such home by blood or marriage. Personal services include, but is not limited to, individual assistance with or supervision of self-administered medication and essential activities of daily living such as eating, bathing, grooming, dressing, and toileting.

PLANNING COMMISSION: The Town of Between Planning Commission.

PLAT: A sketch, map or survey of a lot, tract or parcel of land including lot lines, street rights-of-way and easements with the dimensions of these features inscribed thereon.

PLAYSCHOOL: A school for pre-kindergarten children ranging in age from three (3) to four (4) years of age which operates for less than four (4) hours per day.

POLLUTION SUSCEPTIBILITY: The relative vulnerability of an aquifer to pollution from chemical spills, leaching of pollutants from dump site, or other human activities.

POLLUTION SUSCEPTIBILITY MAPS: Maps prepared by the Georgia Department of Natural Resources (DNR) that show the relative susceptibility of aquifers to pollution. Pollution susceptibility maps categorize the land areas of the State into areas of high, medium, and low groundwater pollution potential.

PRINCIPAL USE: The primary purpose for which land or a building is used.

PROFESSIONAL: When used in connection with use and occupancy, a use or occupancy by persons generally engaged in rendering personal, executive, sales, or administrative services or activities, including accountants, architects, professional engineers and land surveyors, doctors, lawyers, insurance offices, real estate offices, religious organizations, stock brokers and administrative agencies considered professional in character. The term, however, does not include repairs or sales of tangible personal property stored or located within the structure nor any use which would create any loud noise or noxious odors within Town of Between.

PROPERTY INTEREST: The direct ownership of real property, including any percentage of

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ownership less than total ownership.

PUBLIC UTILITY: An entity engaged in regularly supplying the public with some commodity or service which (1) is of public consequence or need, such as electricity, gas, water, transportation, or telephone services, (2) are regulatory and controlled by a state or federal regulatory commission, and (3) often have the power of eminent domain.

REAL PROPERTY: Any tract or parcel of land and, if developed, any buildings or structures located on the land.

RECREATIONAL VEHICLE: A vehicular type unit primarily designed for recreation, camping, travel or seasonal use which has its own motive power or is mounted on or towed by another vehicle. The basic entities are: travel trailer, folding camping trailer, park trailer, truck camper, motor home and specialty motor vehicles which are divided into two categories (1) custom van conversions and (2) customized vehicles. A recreational vehicle which is owned or rented by its occupant, who is a guest of the owner or tenant of the property where the recreational vehicle is located, shall be allowed in all districts, excluding the Business and Manufacturing District, for up to ten (10) consecutive days.

RELIGIOUS INSTITUTION: A religious institution that has been granted 501(c) tax exempt status by the Internal Revenue Service and whose property is deemed tax exempt by the Walton County Tax Assessor.

RESTAURANT, DRIVE-IN: An eating and/or drinking establishment which caters to motor-driven vehicle business where the person being served consumes his food and/or drink while sitting in a motor driven vehicle, as opposed to a restaurant serving exclusively inside an enclosed building.

RESTAURANT, FAST-FOOD: An establishment that offers quick food service, which is accomplished through a limited menu of items already prepared and held for service, or prepared, fried, or griddled quickly, or heated in a device such as a microwave oven. Orders are not generally taken at the customer's table and food is generally served in disposable wrapping or containers.

RESTAURANT: An establishment at which food and beverages is sold for consumption on the premises, generally in an enclosed building. However, a snack bar or refreshment stand at a public or non-profit community swimming pool, playground, or park operated solely for the convenience of patrons of the facility shall not be deemed a restaurant.

REZONING ACTION: An action by the Mayor and Council of the Town of Between, Georgia, adopting an amendment to the zoning ordinance that has the effect of rezoning real property from one zoning classification to another.

RIGHT-OF-WAY LINE: The outside boundary of a right-of-way, whether such right-of-way be established by usage, recorded easement, deed, dedication or by an official right-of-way map of

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Town of Between, Georgia.

RIGHT-OF-WAY: That area, distinguished from an easement, which is owned in fee-simple title by Town of Between or other government entity, for the present or future use of roads, streets, and highways, together with its drainage facilities and other supporting uses and structures.

ROOMING HOUSE: A building where paid lodging is provided for three (3) but not more than twenty (20) persons and with no meals served.

SCHOOL: A public or private facility that provides a curriculum of elementary and secondary academic instruction.

SCREENING: A method of shielding, obscuring or buffering one use or building from another use or building by fencing, walls, beams, densely planted vegetation, natural vegetation or other means; a visual and acoustical barrier which is of such nature and density that provides year-round maximum capacity from the ground to a height of at least eight (8) feet or that screens structures and activities from view from the normal level of a first story window on an abutting lot.

SETBACK: The minimum horizontal distance between the right-of-way line, or the lot line of an adjacent lot and the front, rear or side lines of a building on the lot with setback restriction. The term "required setback" means a line beyond which a building is not permitted to extend under the provisions of this ordinance establishing minimum depth and widths of yards.

SHOPPING CENTER: A group of commercial establishments, planned, and developed as a unit, with common off-street parking provided on the property.

SITE Built: A structure constructed on-site with approved building materials, inspected periodically during construction, and constructed according to the locally adopted building codes.

STORM SHELTER: A structure or portion of a structure intended to provide protection to human life during periods of danger from storms or other emergencies.

STORY: That portion of a building, other than a cellar, included between the surface of the floor and the ceiling above it.

STREET, HALF: A Street which does not meet the minimum right-of way widths as set forth in this Ordinance.

STREET LINE: The legal line between street right-of-way and abutting property.

STREET: A public or private thoroughfare which affords the principal means of access to abutting property and is classified as follows:

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Arterial: Those streets which serve primarily as major traffic ways for travel through and within the city.

Collector: A street used to carry traffic from the "minor streets" to the "arterial streets" and includes, but is not limited to, the principal entrance and circulation streets of a subdivision.

Minor: A street used primarily for access to the abutting properties.

STRUCTURE: Anything constructed or erected with a fixed location on or in the ground, or attached advertising signs, satellite dishes, and storm shelters.

SUBDIVIDER: Any person who undertakes the subdivision of land as herein defined within the confines of the Town of Between.

SUBDIVISION: All divisions of a tract or parcel of land into two (2) or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale or building development. The division of property by testamentary or intestate division is excluded from this definition.

TOWNHOUSE: A single-family attached dwelling unit which is erected in a row as part of a single building, on adjoining lots, each being separated from the adjoining unit or units by approved fire-resistant party wall or walls extending from the basement or cellar floor to the roof along the dividing lot line. Each unit shall have its own front door which opens to the outdoors, and the units shall have two (2) floors, but without access between adjoining units.

VARIANCE: A minimal relaxation or modification of the strict terms of the height, area, placement, setback, yard, buffer, landscape strip, parking and loading regulations as applied to specific property when, because of particular physical surroundings, shape, or topographical condition of the property, not due to the fault of the owner of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make a profit.

YARD, FRONT: An open, unoccupied space on the same lot with the main building, extending the full width of the lot and situated between the right-of-way line and the front line of the building projected to the side lines of the lot. The depth of the front yard shall be measured between the front line of the building and the right-of-way line. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its largest dimension.

YARD, REAR: An open space on the same lot with the main building, which is unoccupied except possibly by an accessory building and extending the full width of the lot and situated between the rear line of the lot and the rear line of the main building projected to the side lines of the lot.

YARD, SIDE: An open, unoccupied space on the same lot with a main building, situated between the side line of the building and the adjacent side line of the lot extending from the rear line of the

front yard to the front line of the rear yard. If no front yard is required, the rear boundary of the side yard shall be the rear line of the lot.

YARD: A space on the same lot with a main building, such space being open, unoccupied and unobstructed by buildings or structures from ground to sky except where encroachments and accessory buildings are expressly permitted.

ARTICLE 4: General Provisions

Section 4.1 Establishment of Districts

For the purposes of this zoning ordinance, incorporated Town of Between is divided into zoning districts as follows:

- R-1 Single-Family Residential District
- R-2 Two-Family Residential District
- R-3 Multi-family Residential District
- B-1 General Business District
- B-2 Neighborhood Business District
- M Manufacturing District
- GR Groundwater Recharge District
- A-1 Developing Agricultural District
- P-R-D Planned Residential Development
- P-P-D Planned Professional Development
- P-B-D Planned Business Development
- P-M-D Planned Manufacturing Development

Section 4.2 Official Zoning Map

The location and boundaries of the above listed districts are hereby established as shown on a map entitled the Official Zoning Map of the Town of Between, Georgia. This map together with all notations, references and other information shown thereon shall be the official map and is hereby made a part of this Ordinance. This map shall be made a public record and shall be kept permanently in the Town Hall, where the map will be accessible to the general public.

Section 4.3 Map Amendment

If, in accordance with provisions of this Ordinance, changes are made in the district boundaries or other information portrayed in the Official Zoning Map, such changes shall be made on the Official Zoning Map within thirty (30) days after the amendment has been approved by the Mayor and Council together with a numerical entry on the Official Zoning Map referring to the application on file which states the date of the official action and the brief description of the nature of the changes. No amendment to this Ordinance which involved a matter portrayed on the Official Zoning Maps shall become effective until after such change and entry have been made on such map. (See Section 14.1)

No changes of any nature shall be made to the official zoning map or matters shown thereon except in conformity with the procedures set forth in this zoning ordinance. Any unauthorized

change of whatever kind by any person shall be considered a violation of this Ordinance and is punishable as provided by law and this ordinance.

Section 4.4 Rules for Determining Boundaries

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the Official Zoning Map of the Town of Between, the following rules shall apply:

Section 4.4.1 Boundary Indicators

Unless otherwise indicated, district boundaries are indicated as approximately following property lines, lot lines, centerlines of streets, highways, alleys or railroad centerlines of streams, reservoirs, or other bodies of water or civil boundaries and they shall be construed to follow such lines.

Section 4.4.2 Parallel Boundary Indicators

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

Section 4.4.3 Divided Lot Use Classification

Where a district boundary line, as appearing on the Official Zoning Map, divides a lot which is under single ownership at the time of enactment of this Ordinance, the use classification of a larger portion may be extended by the Mayor and Council to the remainder without recourse to the amendment procedure.

Section 4.4.4 Classification of Abandoned Public Artery

Where a public road, street or alley is officially vacated or abandoned, the regulations applicable to the property to which it is reverted shall apply to such vacated or abandoned road, street, or alley.

Section 4.4.5 Undetermined Boundary

In case the exact location of a boundary cannot be determined by the foregoing methods, the Mayor and Council shall, upon application, determine the location of the boundary.

ARTICLE 5: Application of Regulations

Section 5.1 Use

No building, structure, premises, or land use shall hereafter be used or occupied and no building or part thereof shall be erected, extended, enlarged, constructed, moved, or altered except in conformity with the regulations herein specified for the district in which it is located or is to be located in the future.

Section 5.2 Building Height

No building or structure shall hereinafter be erected, constructed or altered so as to exceed the

height limit, or to accommodate or house a greater number of families than are required or specified in the regulations herein for the district in which it is located.

Section 5.3 Lots

No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in size so that lot width or depth, front, side or rear yard, inner or outer courts, lot area per family or other requirements of this Ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for public use within the Town of Between, Georgia.

Section 5.4 Yards

No part of a yard or other open space required for any building for the purpose of complying with the provisions of this Ordinance shall be included as part of a yard or other open space similarly required for another building. Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, cornices, buttresses, ornamental features, chimneys, flues, and eaves, provided such projections shall not extend more than two (2) feet beyond the yard area requirements.

Section 5.5 Minimum Distance between Buildings

The following minimum distances between buildings shall be required unless otherwise specified within this Ordinance. The minimum distance between main buildings located on the same lot or parcel shall be:

| | |
|----------------------------|---------|
| Front to Front Arrangement | 40 feet |
| Front to Rear Arrangement | 50 feet |
| Rear to Rear Arrangement | 30 feet |
| Side to Side Arrangement | 20 feet |
| All other combinations | 20 feet |

There shall be a distance of not less than ten (10) feet between a main and accessory building located on the same lot or parcel. No accessory building shall be located closer than twenty (20) feet to any lot line in any district.

Section 5.6 Number of Buildings

There shall be only one principal building per lot, unless otherwise specified.

Section 5.7 Dwelling Requirements

All dwellings except manufactured homes shall meet requirements of the adopted Building Codes, Plumbing Codes, Electrical Codes, Fire Prevention Codes, and Housing Codes.

ARTICLE 6: General Provisions

Section 6.1 Non-Conforming Buildings and Uses

It is the intent of this Ordinance to recognize that the elimination of existing buildings and structures or uses that are not in conformity with the provisions of this Ordinance is as much a subject of health, safety and general welfare as is the prevention of the establishment of new uses that would violate the provisions of this Ordinance. It is also the intent of this Ordinance to administer the elimination of non-conforming uses, buildings, and structures so as to avoid any

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unreasonable invasion of established private property rights.

Therefore, any structure or use of land existing at the time of the enactment of this Ordinance, and amendments thereto, but not in conformity with its use regulations and provisions, may be continued subject to the following provisions.

Extension. A non-conforming use of land shall be restricted to the lot occupied by such as of the effective date of this Ordinance. A non-conforming use of a building or buildings shall not be extended to include either additional building or land after the effective date of this.

Restoration of Damaged Buildings. Unless otherwise specified, a non-conforming structure that is destroyed through no intent of the owner, where damage equals or exceeds fifty (50) percent of the structure's replacement value as determined by the Building Inspector, may not be reconstructed or restored to the same non-conforming use except upon approval of the Mayor and Council.

Discontinuance. A non-conforming use which became such after the adoption of this Ordinance and which has been discontinued for a continuous period of twelve (12) months, shall not be reestablished and any future use shall be in conformity with the provisions of this Ordinance. Where government action impedes access to land, the time of any resulting discontinuance of a non-conforming use shall not be counted towards the time periods of this section.

Unsafe Structures. Any structure or portion thereof declared unsafe by an appropriate governing authority may be restored to a safe condition, provided the requirements Section 6.1 are met.

Alterations. Any change in a non-conforming building, use, or building site or yard area is subject to the following:

6.1.1 Unsafe Structures

No non-conforming building can be structurally altered, except repairs on or installation of plumbing fixtures required by law; the changing of interior partitions; and interior remodeling.

6.1.2 Alterations

No non-conforming building or lands, except those residential dwellings needing repairs on or installation of plumbing fixtures as required by law, can be substantially added to, moved, or extended in any manner unless such building or land is changed so as to conform with the provisions of this Ordinance.

6.1.3 Extension

Whenever an existing residential dwelling must make repairs on or installation of plumbing fixtures which will force the location of the proposed addition of the dwelling nearer the lot line than the requirements set forth in this Ordinance, the addition to the dwelling shall be allowed to extend to the existing building line but no nearer the property line than any existing portion of the dwelling.

6.1.4 Restoration of Damaged Buildings

Should a non-conforming building be moved, all non-conforming minimum yard requirements, as defined in Article 8 or elsewhere in the ordinance, shall be eliminated.

Section 6.2 Off-Street Automobile Parking General Requirements

Within the Town of Between, off-street automobile storage or parking space shall be provided on every lot on which any permitted or conditional use is established in accordance with this Ordinance. For the purpose of this Ordinance the following general requirements are specified.

6.2.1 Specifications

The term *Off-Street Parking Space* shall mean a space at least eight (8) feet wide and fifteen (15) feet in length with a minimum net area of one hundred twenty (120) square feet, excluding area for egress and ingress and maneuverability of vehicles.

6.2.2 Alternate Parking

If an off-street parking space cannot be reasonably provided on the same lot on which the principal use is conducted, the Building Inspector may permit such space to be provided on other off-street property, provided such space lies within six hundred (600) feet of the property line of such principal use. Such vehicle parking space shall be associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.

6.2.3 Space Requirements

The required number of parking spaces for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use at the same time, except that portion of the parking space required for an existing religious institution whose peak attendance will be at night or on Sundays may be assigned to use which will be closed at night on Sundays.

6.2.4 Modification of Use

Area reserved for off-street parking in accordance with the requirements of this Ordinance shall not be reduced in area or changed to any other use unless the permitted use which it serves is discontinued or modified, except where equivalent parking space is provided to the satisfaction of the Mayor and Council.

6.2.5 Parking Space Requirements Per District

Off-street parking existing at the effective date of this Ordinance in connection with the operation of an existing building or use shall not be reduced to an amount less than hereafter required for a similar new building or use.

Section 6.3 Parking Space Requirements for All Districts

Off-Street automobile storage or parking space shall be provided with vehicular access to a street or alley, and shall be equal to at least the minimum requirements for the specific land use set forth.

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| LAND USE | PARKING REQUIREMENTS |
|---|--|
| DWELLINGS | |
| One and two families | 2 spaces per dwelling unit |
| Multi-family – Reserved for future amendment | |
| 1 bedroom..... | 1.5 spaces per dwelling unit |
| 2 bedrooms..... | 1.75 spaces per dwelling unit |
| 3 bedrooms..... | 2 spaces per dwelling unit |
| Efficiency Apartment | 1 space per dwelling unit |
| Motels | 1 space for each bedroom, plus 1 additional space for each 5 employees on the largest work shift, plus 1 space per 3 persons to the maximum capacity of each public meeting and/or banquet room, plus 50% of the spaces otherwise required for accessory uses (e.g. restaurants and bars) |
| Tourist courts and recreational vehicle parks | 1 space for each guest bedroom or recreational vehicle space, plus 1 additional space for a resident manager or owner |
| Boarding and rooming houses, and dormitories | 1 space for each guest bedroom, plus 1 space for every 3 employees |

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| BUSINESSES | |
|--|---|
| Automobile repair establishments | 1 space for each regular employee, plus 1 space for each 250 sf of floor area |
| Food stores | 1 space for each 200 sf of floor area designated for retail sales only |
| Restaurants, including bars, grills, diners, cafes, taverns, night clubs, lunch counters, and all similar dining and/or drinking establishments | 1 space for each 4 seats provided for patron use, plus 1 space for each 75 sf of floor area provided for patron use but not containing seats |
| Office buildings, including banks, business, commercial and professional offices, and clinics | 1 space for each 300 sf of ground floor area, plus 1 space for each 500 sf of upper floor area |
| General business, commercial or personal service establishments catering to the retail trade, but excluding food stores | 1 space for each 200 sf of floor area designated for retail sales only |
| Government offices | 1 space for each 300 sf of ground floor area, plus 1 space for each 500 sf of upper floor area, plus 1 space for each government vehicle |
| Shopping centers | |
| Less than 100,00 sf..... | 4 spaces for each 1000 sf plus 10 spaces for each 1000 sf of food service area |
| 100,000 – 199,999 sf..... | 4 spaces for each 1000 sf plus 6 spaces for each 1000 sf of food service area |
| 200,000 – 399,000 sf..... | 4 spaces for each 1000 sf |
| 400,000 – 599,000 sf..... | 4 1/2 spaces for each 1000 sf |
| 600,000 or more sf..... | 5 spaces for each 1000 sf |
| Furniture stores | 1 space for each 1,000 sf of gross floor area, but not less than 10 |
| Public utilities; such as telephone exchanges and substations, radio and TV stations, and electric power and gas substations. | A parking area equal to 25% of the gross floor area |

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| INDUSTRIES | |
|--|---|
| Commercial, manufacturing and industrial establishments (not catering to the retail trade) | 1 space for each 3 employees on the maximum working shift, plus 1 space for each company vehicle operating from the premises. |
| Wholesale establishments | 1 space for every 50 sf of customer service area, plus 2 spaces for each 3 employees on the maximum working shift, plus 1 space for each company vehicle operating from the premises. |
| MEDICAL/HEALTH | |
| Hospitals, sanitariums, nursing homes, homes for the aged and similar institutional uses | 1 space for each 4 beds (not including bassinets), plus 1 space for each 4 employees, including nurses, plus 1 space for each hospital vehicle |
| Kennels and animal hospitals. | A parking area equal to 30% of the total enclosed or cover area |
| Medical, dental and health offices and clinics | 1 space for each 200 sf of floor area used for offices and similar purposes |
| Mortuaries and funeral parlors | 5 spaces per parlor or chapel unit, or 1 space per 4 seats, whichever is greater |

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| PUBLIC ASSEMBLY | |
|--|--|
| Religious institutions and other places of worship | Adequate, off-street, paved parking as required by the Mayor and Council |
| Private clubs, lodges, and fraternal buildings not providing overnight accommodations | 1 space for each 5 active members |
| Theaters, auditoriums, coliseums, stadiums and similar places of assembly | 1 space for each 4 seats |
| Libraries and museums | 1 space for each 500 sf of gross floor area |
| Schools, including kindergartens, playschools, and daycare centers. | 1 space for each 4 seats in assembly hall or 1 space for each employee, including teachers and administrators, whichever is greater, plus 5 spaces per classroom for high schools and colleges |
| Skating rinks, dance halls, exhibition halls, pool rooms and other places of amusement or assembly without fixed seating | 1 space for each 200 sf of floor area |
| Bowling alley | 4 spaces for each alley or lane |

Section 6.4 Parking Area Site Requirements

All off-street parking shall be laid out, constructed, and maintained in accordance with the following requirements (except in residential areas).

All such parking areas shall be hard surfaces with concrete or plant bituminous material and shall be maintained in dustproof condition.

Lighting facilities shall be so arranged that light is reflected away from adjacent properties and streets.

The parking lot shall be adequately drained.

A raised curb of at least six (6) inches shall be erected along all of the property lines, except for driveway openings, and those lot lines abutting residential districts where the requirements of Section 6.2.2 or Section 6.7 shall prevail.

No sign, whether permanent or temporary, shall be placed within the public right-of-way. Signs and planting strips shall be arranged so that they do not obstruct visibility of drivers or pedestrians.

Section 6.5 Interior Parking Lot Landscaping

Interior parking areas in all zoning districts shall be subject to the following requirements. For the purpose of calculating interior parking lot square footage, all areas within the lot's perimeter are counted, including the planting islands, curbed areas, corner lots, parking spaces, and all interior driveways and aisles except those with no parking spaces located on either side. Landscaped areas outside the parking lot may not be used to meet the interior planting requirement. The required amount of landscaping is based on the following sliding scale:

| Total Area of Lot (square feet) | Percent of Total Lot Area that must be Interior Planting Area |
|---------------------------------|---|
| 0 - 15,000 | 5.0% |
| 15,000 - 29,999 | 7.5% |
| 30,000 or greater | 10.0% |

Interior parking shall consist of planting islands. Sixty (60) square feet of continuous pervious land area is required for each tree with no tree-planting area less than six feet wide in any dimension.

Planting islands shall be evenly spaced throughout the parking lot and shall be distributed approximately once every ten (10) spaces for residential sites and once every fifteen (15) spaces for commercial development. Planting islands parallel to parking spaces must be at least nine (9) feet wide to allow car doors to swing open.

Trees must have a clear trunk at least six (6) feet above the finished grade to allow vehicular circulation beneath the tree canopy without causing any damage. Deciduous shade trees planted

with ground cover or low shrubs are recommended as the primary plant materials. Shrub varieties should be evergreen.

Good visibility in the parking lot is important for security and traffic safety reasons. Plants that restrict visibility, such as tall shrubs or low-branching trees, should be avoided.

To prevent cars from parking too close to trees or damaging shrubs, a curb or wheel stop must be provided.

Trees shall be distributed to break up the parking lot and to create a canopy effect. A minimum of one 15-gallon tree and three (3) shrubs shall be required for every ten parking spaces. The distribution of the trees must maximize shading during the summer months.

Section 6.6 Perimeter Landscaping

All commercial and industrial sites, unless otherwise specified in Section 6.7, must include a perimeter landscape strip. The strip must be at least twenty (20) feet wide for sites larger than 15,000 square feet, or ten (10) feet wide if the site is smaller. The strip must be located on the property, adjacent to the public right-of-way and cannot include any paved surfaces, with the exception of pedestrian sidewalks or trails that cross the strip.

One 15-gallon deciduous shade tree and ten (10) evergreen shrubs are required per thirty-five (35) linear feet of perimeter. Two (2) evergreen or two (2) ornamental trees may be substituted for one (1) shade tree. One (1) shade tree may be substituted for five (5) evergreen shrubs.

A twenty-five-foot existing woodland perimeter strip may be preserved in lieu of the perimeter landscape requirement. If a woodland perimeter strip is preserved all diseased, dangerous or decayed growth shall be removed. If the natural growth is too dense for preferred growth, the natural growth may be thinned.

Plant materials at vehicular entrances should be located so as to maintain safe sight distances. If the required planting would result in an inappropriate or impractical design due to underground utilities, overhead wires, or other related factors, a suitable landscape plan, approved by the Mayor and Council, may be substituted.

Section 6.7 Maintenance of Perimeter and Interior Parking Lot Landscaping

The owner, tenant, and their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping in good condition so as to present a healthy, neat, and orderly appearance and shall be kept free from refuse and debris.

All landscaped areas shall be watered with underground sprinkler systems or be provided with a readily available water supply with at least one (1) outlet located within one hundred fifty (150) feet of all plant material to be maintained.

All plant growth in landscaped areas shall be controlled by pruning, trimming, or other suitable methods so that plant materials do not interfere with public utilities, restrict pedestrian or

vehicular access, or otherwise constitute a traffic hazard. All planted areas shall be maintained in a relatively weed-free condition and clear of undergrowth.

All plantings shall be fertilized and irrigated at such intervals as are necessary to promote optimum growth. All trees, shrubs, groundcovers, and other plant materials must be replaced during the next suitable planting period if they die or become unhealthy because of accidents, drainage problems, disease, or other causes. Replacement plants must conform to all standards that govern the original installation of plantings.

Section 6.8 Off-Street Loading and Unloading Space

Off-street loading and unloading spaces shall be provided as hereinafter required by this ordinance.

Section 6.9 Size of Off-Street Loading Spaces

Each off-street loading space shall have minimum dimensions of fourteen (14) feet in height, twelve (12) feet in width, and fifty-five (55) feet in length. However, upon sufficient demonstration that a particular loading space will be used exclusively by shorter trucks, the Mayor and Council may reduce the minimum length accordingly to as little as thirty-five (35) feet.

Connection to Street or Alley. Each required off-street loading space shall have direct access to a street or alley or have a driveway which offers satisfactory ingress and egress for trucks.

Floor Area Over 10,000 Square Feet. There shall be provided for each hospital, institution, , commercial or industrial building or similar use requiring the receipt or distribution of materials or merchandise, and having a floor area of more than ten thousand (10,000) square feet of floor space or fraction thereof ,sufficient space for off-street loading and unloading. Such space shall be located so as not to hinder the free movement of pedestrians and vehicles over a sidewalk, street or alley.

Floor Area less than 10,000 Square Feet. There shall be provided for each commercial or industrial building requiring the receipt or distribution of materials for merchandise and having a floor area of less than ten thousand (10,000) square feet, sufficient off-street loading space (not necessarily a full space if shared by an adjacent establishment) so located as not to hinder the free movement of pedestrians and vehicles over a sidewalk, street or alley.

Bus and Trucking Terminals. There shall be provided sufficient space to accommodate the maximum number of busses or trucks to be stored or to be loaded at the terminal at any one time.

Location of Off-Street Loading Spaces. All required off-street loading spaces shall be located on the same lot as the building which they are intended to serve, or on an adjacent lot when shared with the use occupying said adjacent lot.

Permanent Reservation. Area reserved for off-street loading in accordance with the requirements of this Ordinance shall not be reduced in area or changed to any other use unless the permitted use

which is served is discontinued or modified, except where equivalent loading space is provided and approved by the Mayor and Council.

Section 6.10 Control of Curb Cuts and Vision Clearance

The requirements for controlling curb cuts and maintaining vision clearance shall be as follows:

6.10.1 Curb Cuts

No curb cut shall be less than nine (9) feet nor exceed thirty (30) feet in length. No curb cut shall be closer than twenty-five (25) feet to another curb cut or access point, except in residential zoning districts. At street intersections, no curb cut or other access point shall be located close<than twenty-five (25) feet from the intersecting point of the two street rights-or-way or property lines involved (or such lines extended in case of a rounded corner), whichever is the least restrictive.

A permit must be obtained from the Georgia Department of Transportation before curb cuts or any other point of access shall be authorized onto state-owned highway rights-of-way from abutting property.

6.10.2 Vision Clearance.

In all use districts, no fence, wall, shrubbery, sign, marquee or other obstruction to vision between the heights of two and one-half (2- 1/2) and ten (10) feet from the ground level shall be permitted within twenty (20) feet of the intersection of the right-of- way lines of two streets or railroad lines, of a street intersection with a railroad line, or of curb cuts or driveways.

Section 6.11 Classification of Streets

All streets in the Town of Between, Georgia, are hereby divided into six (6) classes.

Arterial streets and highways are those which are used primarily for fast or heavy through traffic.

Collector streets are those which carry traffic from minor streets to the major system of freeways, expressways, and arterial streets and highways.

Minor or local residential streets, including cul-de-sacs, are those which are used primarily for access to the abutting properties.

Minor or local commercial and industrial streets are those which are primarily for access to the abutting commercial and industrial properties.

Alleys are those which are used primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.

Marginal access streets or frontage roads are minor streets which are parallel and adjacent to freeways, expressways, or arterial streets and highways; and which provide access to abutting properties and protection from through traffic.

Section 6.12 Storage and Parking of Recreational Vehicles, Trailers, and other Vehicles

Commercial vehicles and trailers of all types, including recreational vehicles, boats, camping and hauling, shall not be parked or stored on any lot occupied by a dwelling or any lot in any Residential District except in accordance with the following requirements:

No commercial vehicle used for hauling explosives, gasoline or liquefied petroleum products shall be permitted.

Recreational vehicles, hauling trailers, or boat trailers shall be permitted if parked or stored behind the front yard building line.

A recreational vehicle shall not be occupied either temporarily or permanently while it is parked or stored in any area except in a recreational vehicle park authorized under this Ordinance, or as otherwise stated in this Ordinance.

It shall be a prohibited use in all residentially zoned districts to park or store abandoned, wrecked or junked vehicles, power-driven construction equipment, used lumber or metal, or any other miscellaneous scrap or salvageable material in quantity. For the purposes of this subsection, an abandoned vehicle shall be a vehicle without current state license.

Section 6.13 Buffer Areas and Lighting

All required buffer areas and landscape strips are in addition to area, yard, and height requirements for the zoning district as specified in Article 8.

6.13.1 In any Business (B- 1, B-2) or Manufacturing (M-1 District, or any operation not conducted within a building, such as outdoor recreation, outdoor storage of materials, and outdoor servicing activities, shall be enclosed by a wall or fence of solid appearance or evergreen hedge not less than six (6) feet in height, planted not less than 6 feet apart. The evergreen hedge shall grow to at least eight (8) feet in height within three (3) years. In addition to the wall or fence, perimeter landscape shall be required in conformance with section 6.2.3.7 of this ordinance. All buffer area requirements are in addition to the area, yard, and height requirements for that district (Article 8). A landscaping plan, prepared by a certified landscape architect, identifying all plants to be incorporated in the buffer area must be approved by the Mayor and Council prior to any site construction.

6.13.2 In any district not subject to the requirements of Section 6.7.1 but requiring screening of a specified operation, screening shall be a wall or fence of solid appearance or evergreen hedge not less than six feet in height, planted not less than 6 feet apart. The evergreen hedge shall grow to at least eight (8) feet in height within three (3) years. There shall be a perimeter landscape strip at least twenty (20) feet wide, unless otherwise specified, that conforms to the planting requirements of Section 6.2 .3.7. All buffer area requirements are in addition to the area, yard, and height requirements for that district (Article 8). A landscaping plan prepared by a certified landscape architect, identifying all plants to be incorporated in the buffer area must be approved by the Mayor and Council prior to the issuance of a building permit.

6.13.3 A perimeter landscape strip of twenty (20) feet in width, or ten (10) feet if the commercial or industrial site is less than 15,000 square feet, shall be planted in accordance with Section 6.2., adjacent to the lot line when the following conditions exist or are created:

- a) A structure exists or is concentrated on a lot of which the side and/or rear lot line is a district boundary.
- b) The district on the opposite side of the boundary is R-1, R-2, or R-3.

6.13.4 Outdoor lighting of all types shall be directed so as to reflect away from all residential dwellings, and shall be so situated as not to reflect directly into any public right-of-way.

6.13.5 Any grading, improvements or construction adjacent thereto shall be conducted far enough from the buffer area so as not to disturb or encroach upon the buffer area.

6.13.6 A manufactured home subdivision shall be screened in accordance with the Manufactured Home Regulations for Town of Between, Georgia.

6.13.7 A ten (10) foot rear and side yard vegetative buffer shall be required for all multi-family development in addition to required side and rear yards specified in Article 8.

Section 6.14 Trees

In all new development or construction, no trees with a diameter of six (6) inches or over, measured four and one-half (4- 1/2) feet above ground level shall be taken down, damaged or destroyed without prior written approval of the Mayor and Council. Limits of root damage shall be taken into consideration prior to such approval. Trees with a diameter of six (6) inches or over and located in buffer or setback areas shall be shown on development and/or building site plans. It shall be the intent of this section to retain as many trees as possible for the visual attractiveness, natural preservation and energy conservation benefit gained by doing so. This provision shall not apply to individual owner-occupied parcels of land.

Section 6.15 Newly Annexed Land and Pending Applications

6.15.1 All land newly annexed into the corporate limits of the Between, Georgia shall be according to, or as near to, its county zoning use.

6.15.2 Nothing herein contained shall require any change in the plans, construction, size, or designated use of any building, structure, or part thereof, for which a building permit has been granted prior to the adoption of this Ordinance, provided construction shall start within sixty (60) days after the granting of such permit.

Section 6.16 Abandoned, Wrecked, Dismantled, or Discarded Vehicles

This section prohibits abandonment of vehicles; restricts the deposition or keeping of wrecked, non-- operating, or discarded vehicles on streets or private property; provides for impounding of certain vehicles; and imposes penalties.

Abandonment of Vehicles. No person shall abandon any vehicle within the town limits and no person shall leave any vehicles at any place within the town limits for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned.

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Leaving of Wrecked, Non-Operating Vehicle on Street. No person shall leave any partially dismantled, non-operating, wrecked, or junked vehicle on any street or highway within the town limits.

Disposition of Wrecked or Discarded Vehicles. No person in charge or control of any property within the town limits whether as owner, tenant, occupant, lessee, or otherwise, shall allow any partially dismantled, non-operating, wrecked, junked, or discarded vehicle to remain on such property longer than forty-eight (48) hours; and no person shall leave any such vehicle on any property within the town limits for a longer time than seventy-two (72) hours; except that this Ordinance shall not apply with regard to a vehicle in an enclosed building or carport; a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operation of such business enterprise; or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the town.

Impounding. The Council or any person designated by the Council is hereby authorized to remove or have removed any vehicle left at any place within the town which reasonably appears to be in violation of the Ordinance or lost, stolen, or unclaimed. Such vehicle shall be impounded until lawfully claimed or disposed of in accordance with Georgia Code Annotated, Title 23, Section 3301, 3302, and 3303.

Vehicles Located in Junk Yards Exempted. Nothing contained within this section shall be deemed to apply to any such motor vehicle which shall be located within the premises of any existing junk yard.

Application of Section to Existing Junked Vehicles. All individuals who own or have junk vehicles upon their lots, plots, or premises shall have ninety (90) days to comply with this section from the time of its enactment.

Penalties. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and shall be issued an *Ordinance Citation* ordering the violator to appear in the Walton County Magistrate Court to answer to the charges. The Magistrate Judge shall determine the guilt or innocence of the violator, and if warranted, issue a monetary fine or incarceration. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

Section 6.17 Structures Abandoned, in Disrepair, or Unmaintained

All buildings or structures and surrounding grounds will be maintained in an acceptable and safe condition as determined by the Mayor and Council. Any building or structure that has any of the following conditions, such that the life, health, property, or safety of its occupants or the general public are endangered are hereby declared illegal and shall be abated by repair or rehabilitation.

ARTICLE 7: Use Provisions by District

Section 7.1 R-1 Single-Family Residential

The R1 Single-Family Residential District is composed of low to high-density single-family residential development. The intent of this district is to provide areas to accommodate future development in a safe and efficient manner. The area is served by existing public facilities or will likely be served in the future.

7.1.1 Permitted Uses within the R-1 District are as follows:

- a) Single-family detached dwellings
- b) Individual manufactured homes qualifying as Dwelling, Single-Family, Detached.
- c) Accessory and temporary buildings when located on the same lot or parcel of land as the main structure and customarily incident thereto and provided the requirements of Article 8 and Section 9.3 are met.
- d) Above and below ground home swimming pools provided the location is not closer than ten (10) feet to any property line and the pool is enclosed by a wall or fence of at least four (4) feet in height and provided approval from the Building Inspector has been obtained.
- e) Home offices provided there shall not be created or erected any visible signs of the home office from outside the dwelling such as advertising, traffic or customers and meets the requirements of Section 9.5.
- f) Storm shelters, provided they are in accordance with Section 9.4.
- g) Agricultural, forestry, and the keeping of cows, horses, sheep, goats, or fowl on lots having an area of at least 1 acre. The total number of all such animals or fowl allowed on a lot is limited to the square footage of the lot, less the lot square footage devoted to the yard setbacks and the house, divided by the total minimum area required per animal or fowl. Total minimum area required per animal or fowl shall be as follows: horses - 43560 square feet (1 acre); cow - 43,560 square feet; sheep or goat - 20,000 square feet; fowl - twenty per 43,560 square feet. (Area requirements are based on minimum acreage averages for grazing such animals in Georgia.) Total minimum area required per animal or fowl shall be a yearly average. Fluctuations in herd or flock size associated with general farming practices shall be permissible under this provision. No structure containing livestock, manure, or odor or dust producing substance or use shall be located within 200 feet of a property line, provided, however, any such structure existing at the time of passage of this ordinance shall be allowed to extend to the existing building line but no nearer the property line than any existing portion of such structure. All structures required for keeping of cows, horses, sheep, goats, or fowl shall be located to the rear of the property.

7.1.2 Conditional Uses within the R-1 Residential District

The uses enumerated below may be permitted provided the applicant for such a development is

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granted a Conditional Use Permit by the Mayor and Council after receiving recommendation from the Planning Commission and after a public hearing. Conditional Use applications may be approved or denied as submitted or may be approved subject to specified conditions in addition to those described herein.

Religious institutions, including related accessory buildings, provided they are located on a lot with a minimum of two (2) acres and fronts on an arterial or collector street and are placed not less than fifty (50) feet from any property line and bordered by a ten-foot-wide buffer area along its exterior boundary lines not bordering the frontage street and not extending into the required front yard. The buffer area shall be planted with evergreen trees or evergreen shrubs that grow at least eight (8) feet tall within three (3) years and provide an effective visual screen. A complete site development sketch must be submitted with the application and adequate paved off-street parking must be provided for.

Bed and Breakfast provided the requirements of Article 9, Section 9.9 are met.

Home occupations provided the requirements of Article 9, Section 9.5 are met.

Municipal, county, state and federal uses which are necessary to the general public welfare, such as community buildings, schools, water storage tanks, pump houses, public utility structures, etc., but excluding such uses as incinerators, sanitary landfills, garages, machine shops, equipment and material storage yards, etc. Approved structures shall be properly screened as required in Section 6.7.2 and architecturally harmonious with the general character of the surrounding area.

7.1.3 Property Development Standards As provided in Article 8.

7.1.4 Specific Regulations for Residential Units

Units shall have the following additional requirements:

- a. A minimum width in excess of twenty-four (24) feet.
- b. A minimum roof pitch of 5:12, which means having a pitch equal to at least five (5) inches of vertical height for every twelve (12) inches of horizontal run. Any dwelling unit for which a building permit was obtained prior to the adoption of this Ordinance may be extended, enlarged or repaired as otherwise provided by this Ordinance with the same roof pitch as that allowed by the previous building permit.
- c. All roof surfaces exposed to view shall be covered with asphalt or fiberglass shingles, wood shakes or shingles, standing seam (non-corrugated tin or steel), clay tiles, slate, or similar materials approved by the building official.
- d. Exterior materials shall consist of wood, brick, stone or other masonry type product, fiber cement siding and other similar material is permitted. **Vinyl and aluminum siding is prohibited.**
- e. All primary roof overhang for exterior walls shall be no less than 12 inches for brick sided and 12 inches shall apply to gable ends as well as exterior walls supporting rafters.
- f. All primary front entrances shall be scaled to the relative proportions of the building design, adjoining streetscape, and maintain the overall architectural style of the residence. All primary

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front and rear entrances shall be recessed a minimum of 5 feet, and shall be covered by a roof extension, trellis extension, or shed roof extension no less than 6 feet by 6 feet in dimension (This shall not apply to covered front porches).

- g. All exterior wall sections wider than 25 feet shall include an interruption in the plane of the façade by recess, protrusion, or fenestration. (Garage side of house is excluded).
- h. No exposed unpainted wood is allowed on the front façade of any dwelling except the porch flooring boards. (Exception would be natural cedar used as pillars or railings).
- i. The dwelling shall be placed on a permanent foundation, either slab or pier, which meets the requirements of the IRC Building Code.
- j. Utility meters shall be mounted to the structure rather than on a utility pole, and all axles, tongues, and transporting and towing apparatus of manufactured homes shall be removed before occupancy.
- k. All residential structures shall have a minimum 6 ft. by 8 ft. front porch, patio, or deck and a minimum 6 ft. by 8 ft. rear porch. The structure shall include steps, which lead to ground level, and both landings and steps shall meet the requirements of the IRC Building Code.
- l. A manufactured home be installed in accordance with the above regulations and Rules and Regulations of the Office of Commissioner of Insurance Safety Fire Division Chapter 120-7-3 Rules and Regulations for Manufactured Homes and the rules promulgated thereunder.
- m. The dwelling shall include an attached or detached, enclosed two-car garage having a minimum 5:12 roof pitch.
- n. Driveways not located in a platted subdivision shall be paved within the right of way in accordance with the Standard Design and Construction Details.
- o. Every single-family dwelling lot within a platted residential subdivision shall plant and/or maintain (2) 2-inch caliper trees.
- p. In all platted subdivisions, the front and side yards shall be sodded. The rear/remaining portion of the lot shall be seeded and strawed. Driveways shall be paved. (Excluded are lots within a private drive subdivision). In situations where there is an established stand of perennial grass with at least 80% coverage, sod maybe waived on a case-by-case basis.
- q. Street trees shall be prohibited within any right-of-way to be dedicated to the Town of Between.

Section 7.2 R-2 Two-Family Residential District

The R2 Two-Family Residential District is composed of medium to high-density two-family residential development. The intent of this district is to provide areas to accommodate future development in a safe and efficient manner. The area is served by existing public facilities or will likely be served in the future.

7.2.1 Permitted Uses Within the R-2 District are as follows:

Single-family, detached dwellings

Two -family dwellings (duplex)

Manufactured homes, qualifying as Dwelling, Single Family, Detached and Dwelling,

Two-family (duplex)

Industrialized building qualifying as Dwelling, Single Family, Detached

Garage apartment

Accessory and temporary buildings when located on the same lot or parcel of land as the main structure and customarily incident thereto and provided that the requirements under Article 8 and Section 9.3 are met.

Above and below ground swimming pools provided the location is not closer than ten (10) feet to any property line and the pool is enclosed by a wall or fence of at least four (4) feet in height and provided approval of the Building Inspector has been obtained.

Home offices provided there shall not be created or erected any visible signs of the home office from outside the dwelling such as advertising, traffic or customers and meets the requirements of Section 9.5.

Storm shelters, provided they are in accordance with Section 9.4.

7.2.2 Conditional Uses Within the R-2 Residential District

The uses enumerated below may be permitted provided the applicant for such a development is granted a Conditional Use Permit by the Mayor and Council after receiving recommendation from the Planning Commission and after a public hearing. Conditional Use applications may be approved or denied as submitted or may be approved subject to specified conditions in addition to those described herein.

Religious institutions, including related accessory buildings, provided they are located on a lot with a minimum of two (2) acres and fronts on an arterial or collector street and are placed not less than fifty (50) feet from any property line and bordered by a ten-foot-wide buffer area along its exterior boundary lines not bordering the frontage street and not extending into the required front yard. The buffer area shall be planted with evergreen trees or evergreen shrubs that grow at least eight (8) feet tall within three (3) years and provide an effective visual screen. A complete site development sketch must be submitted with the application and adequate paved off-street parking must be provided for.

Public and private schools provided they are located on a lot with a minimum of two (2) acres and fronts on an arterial or collector street and is placed not less than fifty (50) feet from any property line and bordered by a ten-foot-wide buffer area along its exterior boundary lines not bordering the frontage street and not extending into the required front yard. The buffer area shall be planted with evergreen trees or evergreen shrubs that grow at least eight (8) feet tall within three (3) years and provide an effective visual screen. A complete site development sketch must be submitted with the application and adequate paved off-street parking must be provided.

Bed and Breakfast provided the requirements of Article 9 are met.

Home occupations provided the requirements of Article 9 are met.

Kindergartens, playschools, daycare centers, and daycare homes. A complete site development sketch must be submitted with the application.

Municipal, county, state and federal uses which are necessary to the general public welfare, such as community buildings, schools, water storage tanks, pump houses, public utility structures, etc., but excluding such uses as incinerators, sanitary landfills, garages, machine shops, equipment and material storage yards, etc. Approved structures shall be properly screened as required in Section 6.7.2 and architecturally harmonious with the general character of the surrounding area.

7.2.3 Property Development Standards
As provided in Article 8.

7.2.4 Specific Regulations for Two-Family Residential Units

Units shall have the following additional requirements:

- a. A minimum width in excess of twenty-four (24) feet.
- b. A minimum roof pitch of 5:12, which means having a pitch equal to at least five (5) inches of vertical height for every twelve (12) inches of horizontal run. Any dwelling unit for which a building permit was obtained prior to the adoption of this Ordinance may be extended, enlarged or repaired as otherwise provided by this Ordinance with the same roof pitch as that allowed by the previous building permit.
- c. All roof surfaces exposed to view shall be covered with asphalt or fiberglass shingles, wood shakes or shingles, standing seam (non-corrugated tin or steel), clay tiles, slate, or similar materials approved by the building official.
- d. Exterior materials shall consist of wood, brick, stone or other masonry type product, fiber cement siding and other similar material is permitted. **Vinyl and aluminum siding is prohibited.**
- e. All primary roof overhang for exterior walls shall be no less than 12 inches for brick sided and 12 inches shall apply to gable ends as well as exterior walls supporting rafters.
- f. All primary front entrances shall be scaled to the relative proportions of the building design, adjoining streetscape, and maintain the overall architectural style of the residence. All primary front and rear entrances shall be recessed a minimum of 5 feet, and shall be covered by a roof extension, trellis extension, or shed roof extension no less than 6 feet by 6 feet in dimension (This shall not apply to covered front porches).
- g. All exterior wall sections wider than 25 feet shall include an interruption in the plane of the façade by recess, protrusion, or fenestration. (Garage side of house is excluded).
- h. No exposed unpainted wood is allowed on the front façade of any dwelling except the porch flooring boards. (Exception would be natural cedar used as pillars or railings).
- i. The dwelling shall be placed on a permanent foundation, either slab or pier, which meets the requirements of the IRC Building Code.
- j. Utility meters shall be mounted to the structure rather than on a utility pole, and all axles, tongues, and transporting and towing apparatus of manufactured homes shall be removed before occupancy.

- k. All residential structures shall have a minimum 6 ft. by 8 ft. front porch, patio, or deck and a minimum 6 ft. by 8 ft. rear porch. The structure shall include steps, which lead to ground level, and both landings and steps shall meet the requirements of the IRC Building Code.
- l. A manufactured home be installed in accordance with the above regulations and Rules and Regulations of the Office of Commissioner of Insurance Safety Fire Division Chapter 120-7-3 Rules and Regulations for Manufactured Homes and the rules promulgated thereunder.
- m. The dwelling shall include an attached or detached, enclosed two-car garage having a minimum 5:12 roof pitch.
- n. Driveways not located in a platted subdivision shall be paved within the right of way in accordance with the Standard Design and Construction Details.
- o. Every single-family dwelling lot within a platted residential subdivision shall plant and/or maintain (2) 2-inch caliper trees.
- p. In all platted subdivisions, the front and side yards shall be sodded. The rear/remaining portion of the lot shall be seeded and strawed. Driveways shall be paved. (Excluded are lots within a private drive subdivision). In situations where there is an established stand of perennial grass with at least 80% coverage, sod maybe waived on a case-by-case basis.
- q. Street trees shall be prohibited within any right-of-way to be dedicated to the Town of Between.

Section 7.3 R-3 Multi-Family Residential District

The R3 Multi-Family Residential District is mainly comprised of multi-family residential buildings including zero lot line development, comprised of a minimum lot size of ten (10) acres, where surrounding land uses are compatible with high density residential development or suitable transitions are provided. Appropriate areas shall have adequate public facilities including community or public water and public sewer systems. The Town of Between and unincorporated Walton County, as of the date of adoption of this revised zoning ordinance, has public water available but no public sewer services. As a result, the R3 Multi-Family Residential District has been removed as a zoning classification within the boundaries of the Town of Between. Should public sewer services become available in the future, this section will be amended to include specifications that shall be required for this zoning classification.

Section 7.4 B-1 Neighborhood Business District

This district is intended for small cluster of retail sales and service establishments in planned developments or on separate lots designed to meet the needs of the citizens of Town of Between and the immediate surrounding areas. Businesses must not be objectionable by reason of odor, dust, bright lights, smoke, noise, vibration or congestion. All business, servicing, storage or processing shall be conducted within a completely enclosed building excluding customer and client parking and except where the nature of the activity makes it impossible. All such exceptions must be submitted to the Town of Between Planning Commission for recommendation to the Mayor and Council.

7.4.1 Permitted Uses within the B-1 District are as follows:

Gasoline service stations

provided that all structures including underground storage tanks shall be placed not less than thirty (30) feet from any property line. Points of ingress and egress shall be located not less than

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twenty-five (25) feet from the nearest intersecting street lines. All automobiles not in operating condition and all automobile parts shall be stored within an enclosed building.

Restaurants

Funeral parlors

Nursing home

Veterinary hospitals, clinics, kennels, and animal shelters

Public utility structures provided said structure is screened in conformance with Section 6.7

Miscellaneous repair, including plumbing, radio-TV sales and services

Convenience stores

Drug stores

Service occupations, including barber and beauty shop, shoe repair, appliance repair, and similar occupations

Public and semi-public buildings

Professional and business offices

Financial institutions

7.4.2 Conditional Uses within the B-1 Neighborhood Business District

The uses enumerated below may be permitted provided the applicant for such a development is granted a Conditional Use Permit by the Mayor and Council after receiving recommendation from the Planning Commission and after a public hearing. Conditional Use applications may be approved or denied as submitted or may be approved subject to specific conditions in addition to those described herein.

- a. Any B-1 permitted use which cannot be conducted entirely within an enclosed building excluding client and customer parking.
- b. Bed and Breakfast provided the requirements of Article 9 are met.

7.4.3 Property Development Standards as provided in Article 8

Section 7.5 B-2 General Business District

This district is intended for commercial developments that are designed to serve the automotive traveling public. The district is intended to serve the automobile, its passengers and highway users rather than individuals who use an automobile as a convenience to perform personal necessary daily and weekly personal needs.

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All business, services, storage or processing shall be conducted within a completely enclosed building except where the nature of the activity makes it impossible. Uses, processes or equipment employed shall be limited to those which are not objectionable by reason of odor, dust, bright lights, smoke, noise, or vibration.

7.5.1 Permitted Uses within the B-2 District are as follows:

1. Professional and business offices.
2. Service occupations, including barber and beauty shop, shoe repair, appliance repair, and similar occupations.
3. Shopping centers.
4. Signs, both on-premise and outdoor advertising signs, when in accordance with the provisions of the separate: Ordinance Providing for the Regulation of Signs and Street Graphics adopted January 11, 2022 by the Town of Between.
5. Restaurants.
6. Restaurants, drive-in.
7. Drug stores and lunch counters (walk-in and walk-up).
8. Cafes and grills.
9. Financial institutions.
10. Off-street parking lots and parking garages.
11. Funeral homes and mortuaries.
12. Newspapers and printing establishments.
13. Automobile service stations, provided that all structures, including underground storage tanks, shall be placed not less than thirty (30) feet from any property line. Points of ingress and egress shall be located not less than twenty-five (25) feet from the nearest intersecting street lines. All automobiles not in operating condition and all automobile parts shall be stored within an enclosed building.
14. Public utility structures provided the structure is screened in conformance with Section 6.7.
15. Building services and supplies.
16. Lumber yards.
17. Miscellaneous repair services
18. Grocery stores.
19. Public and semi-public recreational facilities.
20. Laundry and dry-cleaning pick-up
21. Dry Cleaners.
22. Mini-warehouse.
23. Office buildings used exclusively for professional occupancy and of such character and nature that such use will not adversely affect adjacent and nearby residential properties.
24. Laundromat.

7.5.2 Conditional Uses within the B-2 General Business District

The uses enumerated below may be permitted provided the applicant for such a development is granted a Conditional Use Permit by the Mayor and Council after receiving recommendation from the Planning Commission and after a public hearing. Conditional Use applications may be

approved or denied as submitted or may be approved subject to specified conditions in addition to those described herein.

Accessory building.

Veterinary hospitals, clinics, kennels, and animal shelter.

Any B-2 permitted use which cannot be conducted entirely within an enclosed building, excluding client and customer parking.

Bed and Breakfast provided the requirements of Article 9 are met.

7.5.3 Property Development Standards

As provided in Article 8

Section 7.6 M Manufacturing District

The M1 Industrial District is comprised primarily of wholesale warehousing, trade shops, and light manufacturing uses, usually located on or near existing community facilities and transportation corridors. The intent of the district is to establish areas of industrial use which would be less objectionable by reasons of dust, noise, traffic safety or congestion, than those of a heavier industrial area. Such uses should be encouraged to locate adjacent to existing similar uses in accordance with the policies outlined in the Town of Between Comprehensive Land Use Plan.

7.6.1 Permitted Uses within the M Manufacturing District are as follows:

- a) Baking and other food processing plants but not including the on-site slaughter or processing of animals.
- b) Building material or other outdoor storage yards, except junkyards, provided the following requirements are met:
 - (1) Such storage yard shall not be located within a required front yard.
 - (2) Such storage yard shall be set back at least twenty-five (25) feet from any side or rear property lines and shall be screened by a solid fence of material commonly manufactured for fencing, at least eight (8) feet high which is set back a similar distance from any side or rear property lines, appropriately landscaped and maintained.
 - (3) If an outdoor storage yard is established in connection with a permitted building, it shall meet the above requirements.
- c) Any machine operation must be conducted entirely within a building which shall not have any opening, other than a stationary window, within two hundred (200) feet of a residential district.
- d) Retail sales of goods or products produced or processed on the site provided sufficient paved off-street parking and loading space is constructed to accommodate retail customers. All operations must be conducted entirely within an enclosed building which shall not have any opening, other than a stationary window, within two hundred (200) feet of any residential district.
- e) Cold storage plants.
- f) Processing of raw or semi-finished materials.
- g) Farm equipment sales and services.

- h) Manufacturing provided no health hazard is caused in the normal course of manufacturing.
- i) Wholesaling and warehousing with offices.
- j) Public utility structure provided the structure is in conformance with Section 6.7.
- k) Principal use signs and billboards when in accordance with the provision of separate ordinance providing for the Regulation of Signs and Street Graphics adopted January 11, 2022 by the Town of Between.

7.6.2 Conditional Uses within the M Industrial District

The uses enumerated below may be permitted provided the applicant for such a development is granted a Conditional Use Permit by the Mayor and Council after receiving recommendation from the Planning Commission and after a public hearing. Conditional Use applications may be approved or denied as submitted or may be approved subject to specified conditions in addition to those described herein.

- a) Railroad lines.
- b) Public utility structures provided the requirements of Section 6.7.2 are met.

7.6.3 Property Development Standards

As provided in Article 8

Section 7.7 GR Groundwater Recharge District

In order to provide for the health, safety, and welfare of the public and a healthy economic climate within the Town of Between, it is essential that the quality of public drinking water be insured. It is therefore necessary to protect the subsurface water resources that Town of Between and surrounding resources are contained within aquifers, which are permeable, rock strata occupying vast regions of the subsurface. These aquifers are replenished by infiltration of storm water runoff in zones of the surface known as aquifer recharge areas.

Aquifers are susceptible to contamination when unrestricted development occurs within significant aquifer recharge areas. It is therefore necessary to manage land use within aquifer recharge zones in order to ensure that pollution threats are minimized.

The objectives of this section are:

1. protect groundwater by prohibiting land uses that generate dangerous pollutants in recharge areas;
2. protect groundwater by limiting density of development;
3. protect groundwater by ensuring that the development that occurs within the recharge area shall have no adverse effect on groundwater quality.

Establishment of an Aquifer Recharge Area District. An Aquifer Recharge Area District is hereby established which shall correspond to all lands within the jurisdiction of the Town of Between, Georgia that are mapped as significant recharge areas by the Georgia Department of Natural Resources in Hydrologic Atlas 18, 1989 edition. (Significant recharge areas are also mapped on Map 4-1, Significant Groundwater Recharge Areas, and Joint City/County Comprehensive Plan for Walton County)

Determination of Pollution Susceptibility. Each recharge area shall be determined to have a pollution susceptibility of high, medium, or low based on the Georgia Pollution Susceptibly Map.

7.7.1 Permit Requirements and Enforcement

No building permit, rezoning request, or subdivision plan may be approved by the Mayor and Council unless the permit, request or plan is in compliance with the aquifer protection standards listed in Section 7.76.

7.7.2 Enforcement

- a) The Mayor and Council, their agent, officers, and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this section and may take or cause to be made such examinations, surveys, or sampling as the Mayor and Council deems necessary.
- b) The Mayor and Council, or their designee, shall be charged with the administration and enforcement of this section.
- c) The Mayor and Council, or their designee, shall have authority to enforce this section issue permits thereunder; and address violations or threatened violations thereof by issuance of violation notices, administrative orders, and civil and criminal actions. All costs, fees, and expenses in connection with such actions may be recovered as damages against the violator.
- d) Law enforcement officials or other officials having police powers shall have authority to assist the Mayor and Council in enforcement.
- e) When a building or other structure has been constructed in violation of this section, the violator shall be required to remove the structure.
- f) When removal of vegetative cover, excavation or fill has taken place in violation of this section, the violator shall be required to restore the affected land to its original contours and to restore vegetation, as far as practicable.

7.7.2. Permit Review and Site Plan Requirement

Application for a building permit within the Groundwater Recharge Area District shall include a site plan, with the exception of certain exempted activities identified in Section 7.7.4. The following information is required for all site plans:

- a) A map, drawn to a scale of 1" = 100', showing all planned improvements including the width, depth, and length of all existing and proposed structures, roads, water courses, and drainage ways; water, wastewater, and storm water facilities; and utility installations.
- b) Location, dimensions and area of all impervious surfaces, both existing and proposed, on the site.
- c) The orientation and distance from the boundaries of the proposed site to the nearest bank of an affected perennial stream or water body.
- d) Elevations of the site and adjacent lands within two hundred (200) feet of the site at contour intervals of no greater than five (5) feet.
- e) Location and detailed design of any spill and leak collection systems designed for the purpose of containing accidentally released hazardous or toxic materials.
- f) Calculations of the amount of cut and fill proposed and cross-sectional drawing showing existing and proposed grades in areas of fill or excavation. Elevations, horizontal scale, and vertical scale must be shown on cross-sectional drawings.

7.7.3 Activities to comply with Site Plan

All development activities or site work conducted after approval of the site plan shall conform with the specifications of such site plan. Significant changes to the site plan, that would alter the amount and velocity of storm- water runoff from the site, increase the amount of impervious surface within the development, alter the overall density of development, result in a considerable increase in the amount of excavation, fill, or removal of vegetation during construction, or otherwise result in an alteration of the overall appearance of the development as proposed, can be amended only with the approval of the Mayor and Council. Minor changes, such as realignment of streets, or minor alterations to drainage structures and other infrastructure, to meet unexpected conditions, are exempted from this requirement.

7.7.4 Exemptions to Site Plan Requirements

The following activities and developments are exempt from the requirement for detailed site plans:

- a) Single-family detached dwellings constructed within a subdivision of fewer than five (5) parcels.
- b) Repairs to a facility that is part of a previously approved and permitted development.
- c) Construction of minor structures, such as sheds, or additions to single-family residences.

7.7.5 Duration of Permit Validity

- a) If construction described in the development permit has not commenced within twelve (12) months from the date of issuance, the permit shall expire.
- b) If construction described in the development permit is suspended or abandoned after work has commenced, the permit shall expire twelve (12) months after the date that work ceased.
- c) Written notice of pending expiration of the development permit shall be issued by the Mayor and Council.

7.7.6 Aquifer Protection Standard

- a) For all pollution susceptibility areas, new waste disposal facilities must have synthetic liners and leachate collection system.
- b) No land disposal of hazardous waste shall be permitted within any Significant Aquifer Recharge Area.
- c) For all Significant Aquifer Recharge Area, the handling, storage, and disposal of hazardous materials shall take place on an impermeable surface having spill and leak protection approved by the Georgia Department of natural Resources, Environmental Protection Division (EPD).
- d) For all Significant Aquifer Recharge Areas, new above ground chemical or petroleum storage tanks larger than six hundred fifty (650) gallons must have secondary containment for one hundred ten (110) percent of tank volume or one hundred ten (110) of the largest tanks in a cluster of tanks.
- e) New agricultural waste impoundment sites shall be lined if they are within a low pollution susceptibility area and exceed 50 acre – feet. A USDA Natural Resources Conservation Service approved liner shall be provided if the site exceeds 50 acre – feet. (10-12-99)

Section 7.8 A-1 Developing Agriculture

The district is comprised of farm areas where some development has been occurring. A compatible relationship between agriculture and limited residential development is encouraged.

7.8.1 Permitted Uses within the A-1 District

1. Single-family detached dwellings
2. Public utility structures provided the structure is screened in conformance with Section 6.7
3. Crop farming
4. Truck farming
5. Home occupations provided the requirements of Article 9 are met
6. Individual manufactured homes qualifying as dwelling, single-family, detached
7. Industrialized buildings qualifying as a dwelling, single family, detached
8. Accessory buildings when located on the same lot or parcel of land as the main structure and customarily incident thereto and provided the requirements of Article 8 and Section 9.3 are met
9. No automobiles, not in operating condition, shall be parked between the residence and the street or streets it adjoins.
10. All vehicles not in operating condition shall be parked in the rear yard, carport or garage. All vehicle parts shall be stored within a garage or enclosed storage building.
11. Religious institutions, temples, synagogues, and other places of worship, including related accessory buildings, provided they are located on a lot with a minimum of two acres and fronts on an arterial or collector street and are placed not less than fifty (50) feet from any property line and bordered by a ten (10) foot wide buffer area along its exterior boundary lines not bordering the frontage street and not extending into the required front yard. The buffer area shall be planted with evergreen trees or evergreen shrubs and grow at least eight (8) feet tall within three (3) years and provide an effective visual screen. A complete site development sketch must be submitted with the application and adequate paved off-street parking must be provided.
12. Cemetery provided the requirements of Article 9 are met
13. Above and below ground home swimming pools provided the location is not closer than ten (10) feet to any property line and the pool is enclosed by a wall or fence of at least four (4) feet in height and provided approval of the Building Inspector has been obtained.
14. Storm shelters, provided they are in accordance with Section 9.4
15. Grazing and pasture land
16. Public and private schools provided a complete site development sketch is submitted with the application. The school must be located on a lot fronting an arterial or collector street. All buildings must be placed not less than fifty (50) feet from any property line and is bordered by a ten (10) foot wide buffer area along its exterior boundary lines not bordering the frontage street and not extending into the required front yard. The buffer area shall be planted with evergreen trees or evergreen shrubs that grow at least eight (8) feet tall within three (3) years and provide an effective visual screen
17. The keeping of cows, horses, sheep, goats, or fowl on lots having an area of at least 1 acre. The total number of all such animals or fowl allowed on a lot is limited to the square footage of the lot, less the lot square footage devoted to the yard setbacks and the house, divided by the total minimum area required per animal or fowl. Total minimum area required per animal

or fowl shall be as follows: horses - 43560 square feet (1 acre); cow - 43 560 square feet; sheep or goat - 20,000 square feet; fowl - twenty per 43,560 square feet. (Area requirements are based on minimum acreage averages for grazing such animals in Georgia.) Total minimum area required per animal or fowl shall be a yearly average. Fluctuations in herd or flock size associated with general farming practices shall be permissible under this provision. No structure containing livestock, manure, or odor or dust producing substance or use shall be located within 200 feet of a property line, provided, however, any such structure existing at the time of passage of this ordinance shall be allowed to extend to the existing building line but no nearer the property line than any existing portion of such structure. All structures required for keeping of cows, horses, sheep, goats, or fowl shall be located to the rear of the property.

18. Bed and Breakfast provided the requirements of Article 9 are met.

7.8.2 Property Development Standards

As provided in Article 8

Section 7.9 Planned Development Districts

7.9.1 The Intent and Purposes of Planned Development Districts are as follows:

1. To encourage larger scale planned developments which will produce a logically organized and compatible set of land uses resulting in a higher overall quality of community 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 such that compatible relationships between uses within the site and uses adjacent to the site are established.
3. To encourage creative site design which seeks to preserve the open space and unique environmental features, to conserve energy through efficient building design and clustering, to efficiently use the land, and to increase public service delivery.
4. To ensure such large scale planned developments proceed in a manner consistent with the Comprehensive Plan for the Town of Between.
5. Planned Developments shall be classified by the dominant use proposed for the subject property. If a mixture of uses is proposed and no dominant use is clearly identified, the Planned Development can be made up of a combination of the individual types of Planned Developments.
6. The four types of Planned Development districts are as follows:
 - P-R-D Planned Residential Development
 - P-P-D Planned Professional Development
 - P-B-D Planned Business Development
 - P-M-D Manufacturing Development

7.9.2 General Conditions

An area may be considered for zoning to a Planned Development District if any of the following conditions exists:

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1. The characteristics of the specific site plan and uses proposed for the subject property would be compatible with the surrounding area only 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 variations 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.

7.9.3 Special Requirements

All proposed Planned Development District applications shall conform to the following specific requirements:

1. The site proposed for Planned Development District classification must contain an area of ten (10) acres or more.
2. The site must abut a public street for a distance of at least 75 feet.
3. 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.

7.9.4 Uses within a Planned Development

Any use allowable inherently in a conventional zoning district herein may be proposed for inclusion in a Planned 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 the 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 Planned Development and shall follow the same administrative process as any other amendment.

Initial approval of a Planned Development by the Town of Between does not mean that subsequent amendments to that Planned Development carry any requirement to be approved.

A decrease in density shall not require a separate amendment.

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.

7.9.5 Required Report and Plans

Each Planned Development application shall consist of a written report and a set of plans prepared in accordance with the following guidelines:

1. 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:

- a. A general description of the development and its location.
- b. The proposed standards for development, including restrictions on use of the property, density, setback requirements, and any proposed restrictive covenants.
- c. Plans for utilities including water, septic system or sewer, and drainage facilities.
- d. Data stating the total number of acres (or square feet) proposed for each type of land use, including public facilities.

2. Site Plans

- a. A detailed site plan prepared by a registered engineer, architect, land surveyor, or landscape architect is required for all Planned Developments. The required site plan shall include as a minimum the following information:
- b. A survey of the property indicating all property dimensions, property size, adjoining owners, scale, north arrow, and tie-in point to a known location.
- c. Proposed platting (subdivision), streets, setbacks, building sites, type of use for each building site, ingress and egress to the site, internal access and circulation, off-street parking areas, proposed public facilities and open areas, name of the development, and any special drainage features.

Section 7.10 P-R-D Planned Residential Development

A planned Residential Development may allow more flexible placement, arrangement, or orientation of residential structures, and more flexibility in the subdivision of land and the grouping of open space and accessory facilities such as garages and parking. It may also provide for a mixture of housing types (single-family, two-family, etc.) according to a carefully drawn plan. The proposed residential development shall make maximum uses of natural features, and through proper site planning measures, it shall conform to the existing character development pattern of the area. Every effort should be made to preserve and protect any existing residential uses from adverse impacts which might result from a higher density development.

Additional Data Required

The required written report and required site plans should, in addition to the minimum requirements, include information which would address the following items:

1. The site plan or written report shall indicate the proposed size, location, and number of units of all residential structures.
2. The proposed site of all two-family, attached single-family, or other residential structures shall be indicated.
3. The development controls for the subject property shall be shown (lot coverage, setbacks, building heights, lot sizes, etc.). If standards are not specifically proposed, then the applicable standards in the R-1 (Single-Family) District shall apply.
4. Limited business uses may be included within the Planned Residential Development; however, they shall be only of a convenience neighborhood retail nature intended to serve the needs of the residents of the development. Each retail use shall be specified as a part of the proposal and shall be limited to a total of 10,000 square feet of gross floor area. Such uses shall be proposed only on Planned Residential Developments of ten (10) acres or more and

construction of the business portion must occur at the same time as the construction of the residential development.

Section 7.11 P-P-D Planned Professional Development

A Planned Professional Development shall contain orderly, well-designed office and institutional uses that result in minimum impact upon the surrounding area. The site plans and building designs shall produce a development that can achieve maximum use of space while maintaining a low-intensity office character, protected from more intensive business and industrial development and protecting nearby residential uses. Such development may also include a limited amount of business and residential uses.

Additional Data Required

The required written report and required site plans should, in addition to the minimum requirements, include information which would address the following items:

1. The site plan shall indicate the proposed size, number of stories, and estimated number of employees in each office building.
2. The development controls for the district shall be listed (lot coverage, setbacks, building heights, lot sizes, etc.). If specific standards are not proposed, the applicable standards in the B-1 Neighborhood Business District shall apply.
3. If residential or business uses are proposed in conjunction with the Planned Professional Development, then the applicable requirements of the Planned Residential Development or Planned Business Development Districts shall be provided.

Section 7.12 Planned Business Development

A Planned Business Development shall provide for the maximum attainable business use of property while employing the best aspects of prior site planning and development controls to insure protection of surrounding residential uses, safe access by motorists, minimum traffic congestion, and is consistent with the long range plans for the Town of Between. A limited number of residential uses may also be included in a Planned Business Development.

Additional Data Required

The required written report and required site plan must, in addition to the minimum requirements, include information which addresses the following items:

1. The site plan shall indicate the proposed size, location, and number of stories of each business structure.
2. The entrance and exit points to the development, the number and location of all parking spaces together with all loading and no parking areas to be shown in detail.
3. The proposed location and type of all buffers shall be shown and described.
4. Any proposed exterior lighting, signs, or identification graphics shall be indicated as to location, number, size, and height.
5. The type and number of uses proposed for the Planned Business Development shall be indicated.
6. The development controls for the district shall be listed (lot coverage, setbacks, building heights, lots sizes, etc.). If standards are not specifically proposed then the applicable standards in the B-1 Neighborhood Business shall apply.

7. If residential uses are proposed in conjunction with the Planned Business Development, the applicable requirements of the Planned Residential Development shall be provided.

Section 7.13 Planned Manufacturing Development

A Planned Manufacturing Development shall consist of land which has been designated for a planned, organized manufacturing use or for multiple but compatible manufacturing uses in an industrial park. The standards employed shall be designed to encourage the formation and continuance of a compatible environment for the planned manufacturing uses and the surrounding land uses. Carefully planned office and business uses may be incorporated as part of a Planned Manufacturing Development.

Additional Data Required

The required written report and required site plans shall, in addition to the minimum requirements, include information which would address the following items:

1. The site plan shall indicate the proposed site preparation and grading; streets; rail facilities; outdoor storage areas; and size, location, and number of stories of each business structure.
2. The entrance and exit points to the development, the number and location of all parking spaces together with all loading and no parking areas shall be shown in detail.
3. The proposed location and type of all buffers shall be shown and described.
4. Any proposed exterior lighting, signs, or identification graphics shall be indicated as to location, size, and height.
5. The type and number of uses proposed for the Planned Manufacturing Development shall be indicated. Information as to whether any industries use large quantities of hazardous materials or produce hazardous wastes in quantities that would require regulation by the State Department of Natural Resources.
6. The development controls for the district shall be listed (lot coverage, setbacks, building heights, lot, sizes, etc.). If standards are not specifically proposed then the applicable standards in M Manufacturing District shall apply.
7. If office or business uses are proposed in conjunction with the Planned Manufacturing Development the applicable requirements in the Planned Professional Development or Planned Business Development shall be provided.

ARTICLE 8: Land Development by District - Area, Yard, and Height Requirements

This Article is established to show the minimum size, width, and maximum height requirements for the land uses within each designated district. Lot size shall be based on factors including the size of the building required for that use, required parking, and ground water flow. The Building Inspector is authorized to increase minimum lot sizes and otherwise vary district development standards to accommodate the need to use septic tanks and/or wells and Health Department regulations in this regard. The unavailability of public sewer and/or water shall preclude the ability to develop projects which cannot utilize septic tanks.

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| Land Development District | Minimum Lot Area (Square Feet) | Minimum Lot Size per Dwelling Unit (Square Feet) | Minimum Lot Width (Feet)*** | Min. Sq. Ft. per Dwelling Unit/Min Heated floor area |
|------------------------------------|--------------------------------|--|-----------------------------|--|
| R-1 | 32,670 (3/4ac) | 32,670 (3/4ac) | 100* | 1,800 / 1,800 |
| R-2 Single-Family Two-Family | 43,560 (1 ac) 43,560 (1 ac) | 43,560 (1 ac) 21,780 (1/2 ac) | 100 150 | 1,100 / 1,100 950 / 950 |
| R-3 Multi-Family | N/A | N/A | N/A | N/A |
| A-1 | 87,120 (2 ac) | 25,500 | 150 | -- |
| B-1 | 25,500 | 25,500 | 100 | |
| B-2 | 25,500 | 25,500 | 100 | -- |
| M | 25,500 | 25,500 | 100 | -- |

*The minimum lot width shall be measured at the front setback line except for lots located on cul-de-sacs. For Lots located on cul-de-sacs, the minimum lot width at the front setback line shall be 50 feet.

| Zoning District | Front setback from Street Right-of-Way | | Min. Yard Requirements/Max. Height | | |
|---------------------|--|-------------------------|------------------------------------|----------------------|-------------------------------|
| | Major Street | All Other Streets (ft.) | Minimum Side Yard (ft.) | Min. Rear Yard (ft.) | Max. Height of Building (ft.) |
| R-1 and A-1 | 50 | 40 | 20 | 20 | 35 |
| R-2 | 50 | 40 | 20 | 20 | 35 |
| R-3 Multi-Family | N/A | N/A | N/A | N/A | N/A |
| B-1 | 50 | 40 | 20 | 20 | 35 |
| B-2 | 50 | 40 | 20 | 20 | 35 |
| M | 50 | 40 | 20 | 20 | 35 |

ARTICLE 9: Special Provisions

Section 9.1 Manufactured Homes and Recreational Vehicles

9.1.1 Recreational Vehicle Parks

- a) In any district where recreational vehicle parks are permitted, the applicant shall submit to the Planning Commission a layout of the park subject to the following conditions:
- b) No recreational vehicle park shall be located except with direct access to a city, county, state or federal highway, with a minimum lot width of not less than fifty (50) feet for the portion used for entrance and exit. No entrance or exit shall be through a residential district or shall require movement of traffic from the park through a residential district.
- c) The minimum lot area per park shall be three (3) acres and minimum lot width for the portion used for entrance and exit shall be one hundred (100) feet. Density shall not exceed ten (10) spaces per acre.
- d) All sanitary facilities shall be provided by the owner of the recreational vehicle park.
- e) Spaces in recreational vehicle parks may be used by recreational vehicles, provided they meet any additional laws and ordinances of the Town of Between and shall be rented by the day or week only, and an occupant of such space shall remain in the same recreational vehicle park for a period of not more than thirty (30) days. However, an occupancy permit may be granted for a period of up to twelve (12) months for any individual who is employed on a construction project within the Town of Between or near the town but who is not a permanent resident of the county.
- f) Management headquarters, recreational facilities, toilets, showers, laundry facilities and other uses and structures customarily incidental to operation of a recreational vehicle park are permitted as accessory uses in any district in which such are allowed, provided:
- g) Such establishments and the parking areas primarily related to their operations shall not occupy more than ten (10) percent of the area of the park.
- h) Such establishments shall be restricted in their use to occupants of the parks.
- i) Such establishments shall present no visible evidence of their commercial character which would attract customers other than occupants of the park.
- j) No space shall be so located that any part intended for occupancy for sleeping shall be within fifty (50) feet of the right-of-way line of any freeway, expressway, arterial street, Collector Street, or of any minor street.
- k) In addition to meeting the above requirements, the recreational vehicle park site plan shall be accompanied by a certificate of approval from the Building Inspector.
- l) The recreational vehicle park shall be adequately lighted with outdoor lighting facilities located no more than every one hundred fifty (150) feet along interior access roads. The first light shall be within one hundred (100) feet from the entrance to the recreational vehicle park.
- m) All recreational vehicles used for residential purposes must be located in a recreational vehicle park.
- n) Individual recreational vehicles occupied temporarily by a guest of the owner or tenant of the property on which the recreational vehicle is located, shall be allowed, not to exceed ten (10) consecutive calendar days.

9.1.2 Manufactured Home Parks

In any district where manufactured home parks are permitted, the park shall be developed in accordance with this Ordinance.

1. Single Manufactured Homes and Industrial Buildings qualifying as Dwelling, Single-Family shall be compared to site built and other housing in the immediate general area within the same zoning or residential district or area. Approval shall be granted upon the finding that the Manufactured Home or Industrialized Building is substantially similar or superior in size, siding material, roof material, foundation and general aesthetic appearance to:
 - a. Site-built or other forms of housing which may be permitted in the same general area under this Ordinance or existing development or proposed development in the same zoning district or area.
 - b. All towing devices, wheels, axles and hitches must be removed.
2. Manufactured homes or Industrialized Buildings qualifying as Dwelling, Single-Family shall be regulated uniformly with other housing constructed on site.

9.1.3 Temporary Usage

A manufactured home unit or recreational vehicle may be used for an office on a commercial or industrial site by the developer, for temporary residence during construction of a permanent residence or for other special purposes for a period not to exceed twelve (12) months upon written approval from the Building Inspector.

Section 9.2 Townhouses, Condominiums, Apartments, and Multi-Family Dwellings

The development of townhouses, condominiums, apartments and multi-family dwellings require an R3 Zoning District classification. All townhouse, condominium or apartment complexes shall be served by a public sanitary sewer system and public water system. No other means of waste disposal shall be permitted or authorized. The Town of Between and unincorporated Walton County, as of the date of adoption of this revised zoning ordinance, has public water available but no public sewer services. As a result, zoning for these types of developments within the boundaries of the Town of Between are not permitted. Should public sewer services become available in the future, this section will be amended to include specifications that shall be required for this zoning classification.

Section 9.3 Accessory and Temporary Buildings

9.3.1 Accessory Buildings

The location of accessory buildings and uses in residential and commercial districts must meet the following requirements:

- a) Where an accessory building is attached to the main building, a substantial part of one wall of the accessory building shall be an integral part of the main building or such accessory building shall be attached to the main building in a substantial manner by a roof, and therefore meet requirements applicable to the main building.
- b) A detached accessory building shall not be closer than ten (10) feet to the main building, nor closer than twenty (20) feet to the side lot line and ten (10) feet to the rear lot line.
- c) A detached accessory building shall not be more than two (2) stories or (35 feet) in height.
- d) The following cumulative square footage restrictions shall apply to accessory buildings within R1 platted subdivisions:

| Property Size | Cumulative Area |
|----------------------|------------------------|
| 0 to 0.499 acres | 600 square feet |
| 0.5 to .999 acres | 900 square feet |
| 1 to 4.999 acres | 1200 square feet |
| 5 or more acres | 2000 square feet |

- (e) No detached accessory building may be located on the front yard of a lot.
- (f) Mobile or manufactured homes shall not be used as accessory buildings in any residential district.

9.3.2 Temporary Buildings

Temporary buildings used in conjunction with construction work only may be permitted in non-residential districts provided that no temporary building shall be used for a residential purpose and the building shall be removed immediately upon completion of construction.

Section 9.4 Storm Shelters

Storm shelters are permissible as principal or accessory uses and structures in any district, subject to the following conditions:

1. If any portion of the structure extends above the ground, that portion above the ground must comply with the yard and lot coverage regulations of the district in which it is located, and the site plan for such shelter must be approved by the Mayor and Council.
2. If the structure is completely underground, it need not comply with yard requirements or percentage of lot coverage requirements.
3. A storm shelter, underground or above ground, shall be confined to a side or rear yard and shall not be located in the front yard between the main building and street on which it fronts.
4. Storm shelters may contain or be contained in other structures or may be constructed separately.
5. Storm shelters may be used for any permissible use in the district where situated.

Section 9.5 Home Occupation

Home occupation(s) are permissible in R1 and R2 zoning districts subject to the following conditions:

1. A home occupation shall be conducted on the same lot as the principal dwelling unit, and only persons living in the dwelling unit shall be employed at the location of the home occupation, with the exception of other family members living on the property or two (2) persons outside the family.
2. Use of the property for the home occupation shall not exceed twenty-five (25) percent of the floor space of the dwelling or ten (10) percent of the lot area.

3. No exterior storage of equipment or materials used in the conduct of the home occupation shall occur unless enclosed by a six (6) foot high opaque, non-vegetative, fence or wall. The fence shall be constructed out of materials commonly used for fencing.
4. The following and similar uses shall be considered home occupations: addressing service, artist, art instructor, drafting, dressmaking, insurance agent, music teacher, notary public, photographer, real estate agent or tax consultant.

Section 9.6 Gasoline Service Stations

Within the districts permitting gasoline service stations, the following requirements shall apply:

9.6.1 Location

The property on which a gasoline service station is located shall not be within one hundred (100) feet of any residential district, or any property containing a school, public playground, religious institution, hospital, and public library, institution for children or dependents.

9.6.2 Site Requirements

1. A gasoline service station shall have a minimum frontage on the primary street of one hundred twenty (120) feet and a minimum area of twelve thousand (12,000) square feet.
2. All buildings shall be set back forty (40) feet from all street right-of-way lines and all canopies shall be set back fifteen (15) feet from all street right-of-way lines.

9.6.3 Access to Site

Vehicular entrances or exits at a gasoline service station:

- a) Shall not be provided with more than two curb cuts for the first one hundred twenty (120) feet of street frontage or fraction thereof.
- b) Shall contain an access width along the curb line of the street of not more than thirty (30) feet as measured parallel to the street at its narrowest point and shall not be located closer than twenty-five (25) feet from the intersecting point of the two streets right-of-way or ten (10) feet to the adjoining property.
- c) Shall not have any two (2) driveways, or curb cuts, any closer than twenty (20) feet at both the right-of-way line and the curb or edge of the pavement along a single street.

9.6.4 Gasoline Pump Islands

All gasoline pump islands shall be set back at least fifteen (15) feet from the right-of-way line, or where a future widening line has been established, the setback line shall be measured from such line, and where pump islands are constructed perpendicular to the right-of-way line, the pump island shall be located not less than thirty (30) feet from the right-of-way line; however, the pump island shall be at least sixty (60) feet from the center line of a collector street and forty-five (45) feet from the center line of other streets.

9.6.5 Off-Street Parking

A minimum of two (2) off-street parking spaces are required with an additional off-street parking space for each lubrication and wash bay.

9.6.6 Other Site Improvements

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In addition to the above requirements, the following additional site improvements shall be adhered to:

- a) A raised curb of at least six (6) inches in height shall be erected along the street property lines, except for driveway openings.
- b) A solid fence or wall six (6) feet in height shall be erected along all property lines adjacent to a residential zoned lot or a lot used for residential purposes.
- c) Exterior lighting shall be arranged so that it is deflected away from adjacent properties and streets.
- d) Signs, whether permanent or temporary, shall not be placed within the public right-of-way and shall be arranged so that they do not obstruct visibility for drivers or pedestrians.
- e) All drives, parking storage, and service areas shall be paved and curbed and a good stand of grass shall be maintained on the remainder of the lot.

9.6.7 Storage of Inflammable Products

Outside above ground tanks for the storage of gasoline, liquefied petroleum gas, oil or other inflammable liquids or gases shall be prohibited at any gasoline service station in all zoning districts. All used motor oil shall be stored in underground tanks. However, storage tanks for the retail sales of propane gas shall be permitted.

Section 9.7 Public Cemeteries

1. Within the districts permitting public cemeteries, the following requirements shall apply:
2. The site proposed for a cemetery shall not interfere with the development of a system of collector or larger streets in the vicinity of such site. In addition, such site shall have direct access to a thoroughfare.
3. Any new cemetery shall be located on a site containing not less than twenty (20) acres.
4. All structures shall be set back no less than thirty-five (35) feet from any property line or street right-of-way line.
5. All graves or burial lots shall be set back not less than thirty-five (35) feet from any property line or minor street right-of-way lines, and not less than fifty (50) feet from any collector, arterial, expressway or freeway right-of-way line.
6. The entire cemetery property shall be landscaped and maintained by the owner(s) of the cemetery.
7. A site development sketch must be submitted with the application which shows adequate paved off-street parking. All buildings must be placed not less than fifty (50) feet from any property line. The property must be bordered by a ten (10) foot wide buffer area along its exterior boundary line, not bordering the frontage street and not extending into the required front yard. This buffer area is in addition to any setbacks, etc., required in Article 8. The buffer area shall be planted with evergreen trees or evergreen shrubs that grow at least eight (8) feet tall within three (3) years and provide an effective visual screen.
8. Prior to approval of the request for the location of a new cemetery, a site plan and perpetual care plan must be submitted to the Town of Between Planning Commission for review at least thirty (30) days prior to the Planning Commission meeting at which the request will be heard. The Town of Between Planning Commission shall have thirty (30) days following the public hearing within which to submit its report to the Mayor and Council. If the Planning Commission fails to submit a report within the thirty (30) day period, it shall be deemed to have approved the request. The Mayor and Council shall have sixty (60) days following a

recommendation by the Planning Commission, to approve, approve with modifications, or deny the request.

Section 9.8 Religious Institution Cemetery

Religious Institution Cemeteries are permitted as long as the cemetery is located on the same property as the religious institution and is in addition to the minimum lot requirement for the religious institution.

Additional Requirements

1. Adequate off-street parking must be provided.
2. If the entrance and exit to the cemetery is other than that used as the entrance and exit for the religious institution, then the cemetery may front only on a collector, major street, or state highway, and the entrance to and exit from such cemetery shall be only on the street on which it fronts.
3. All graves and burial lots shall be set back not less than twenty-five (25) feet from any property line, and not less than fifty (50) feet from any collector, major street or state highway right-of-way line.
4. The cemetery shall be bordered by a ten foot (10) wide buffer area along its exterior boundary lines not bordering the frontage street and not extending into the required front yard. The buffer area shall be planted with evergreen trees or other evergreen shrubs that grow at least eight (8) feet tall within three (3) years and provide an effective visual screen.

Section 9.9 Bed and Breakfast

A bed and breakfast occupancy shall meet the definition as identified in Article 3 Definitions and meet the following:

1. The acceptance of paying guests shall be an accessory use to the dwelling unit;
2. The only uses permitted shall be the renting of rooms and the serving of foods to guests renting rooms (accessory uses commonly associated with homes and motels, i.e., laundry services, gift shops, banquet halls, barber and beauty shops, shall not be permitted);
3. All parking shall be off-street.

Section 9.10 Clubs and Fraternal Organizations

1. The buildings are placed not less than fifty (50) feet from any property line.
2. There is a planted buffer area ten (10) feet wide along its exterior boundary lines not bordering the frontage street and not extending into the required front yard. The buffer area shall be planted with evergreen trees or evergreen shrubs that grow at least eight (8) feet tall within five (5) years and provide an effective visual screen.
3. A complete development sketch must be submitted with the application.
4. Building(s) must be located in the appropriate zoning classification district.
5. Adequate paved and lined off-street parking must be provided.

ARTICLE 10: Intentionally Left Blank

ARTICLE 11: Exceptions and Modifications

Section 11.1 Variances

Where the owner of a plot of land consisting of one (1) or more adjacent lots of record at the time of the enactment of this ordinance, does not own sufficient contiguous land to enable him to conform to the minimum lot size requirements of this Ordinance; or if the topography, physical shape, or other unique features of such lots of record, prevent reasonable compliance with the setback if used as a building site upon approval of the Mayor and Council; the yard and other space requirements of the district in which the property is located may be reduced by the smallest amount that will permit reasonable use of the property as a building site.

Such reduction of these space requirements shall constitute a variance. However, in no case shall the Mayor and Council permit any lot in a residential district to be used as a building site which is less than seventy-five (75) percent of the district's minimum area and yard requirements as set forth in Article 8 of this Ordinance. Further, the Mayor and Council shall grant variances only upon finding that all of the following conditions exist:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography.
2. The application of this Ordinance to the particular piece of property would create an unnecessary hardship.
3. Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of this Ordinance.
4. Such conditions are peculiar to the particular piece of property involved.
5. The special circumstances surrounding the request for a variance are not the result of acts by the applicant.
6. The variance is not a request to permit a use of land, buildings, or structures which is not permitted by right or by conditional use permit in the district involved.
7. Public hearings on variances shall be conducted pursuant to Article 14 of this ordinance.
8. If the variance request is denied, then the same property may not again be considered for a Variance until the expiration of at least six (6) months immediately following the denial of the variance by the Mayor and Council.

Section 11.2 Front Yard Setback of Dwellings

The front yard setback shall not apply under the following conditions:

1. The proposed building is to be located wholly or in part within one hundred (100) feet of each existing adjacent building;
2. The proposed building is to be located in the same block and zoning district as its adjacent buildings.
3. The proposed building fronts on the same side of the street as its adjacent buildings.
4. The average setback of its adjacent buildings is less than the minimum required setback for the zoning district.
5. In no case shall the setback for the proposed building be less than twenty (20) feet from the street right-of-way on which the proposed building fronts.

Section 11.3 Height Limits

The height limits of this Ordinance shall not apply to structures such as religious institution spires, flag poles, chimneys, monuments, water towers, or similar structures. Height limits for telecommunication towers and antennas are governed by Appendix A. (12-11-2001)

Section 11.4 Corner Lots

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

Section 11.5 Vision Clearance

In all use districts, no fence, wall, shrubbery, or other obstruction to vision between the heights of two and one-half (2-1/2) feet and fifteen (15) feet above the finished grade of streets shall be erected, permitted or maintained within twenty (20) feet of the intersection of the right-of-way lines of streets or of streets and railroads.

Section 11.6 Access to Public Streets

Access to public streets shall be maintained in accordance with the following requirements:

1. Each principal use shall be located on a lot or parcel which fronts on a public street that has at least 30 feet of right-of-way.
2. Any additional dwelling shall have access to a public street by means of a passageway open to the sky at least fifteen (15) feet in width.

Section 11.7 Conditional Uses

Conditional uses shall be permitted in those districts herein provided:

Where such use is deemed to be in harmony with the overall pattern of development of the area in which it is proposed.

Where such use shall not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use.

Where it will not be detrimental or injurious to property or improvements in the neighborhood.

Proposed conditional uses shall be considered for approval by the Mayor and Council, upon recommendation by the Planning Commission, following an advertised public hearing, when the Mayor and Council find that:

Adequate provision will be made on the proposed site for setbacks, fences, screening, or other improvements to protect adjacent properties from possible adverse effects, such as glare, noise, dust, vibration, odor, electrical disturbances, or similar factors.

Vehicular and pedestrian traffic on adjacent streets will not be hindered or endangered.

Off street parking and loading and the exits and entrances of the proposed use will be adequate in terms of location, amount, and design to serve the use.

Adequate public facilities are available to the site.

The proposed use will not adversely affect the property values or general character of the area.

Section 11.8 Developments of Regional Impact (DRI)

The Georgia Planning Act of 1989 authorized the Department of Community Affairs to establish procedures for regional review of development projects that are of sufficient size that they are likely to create impacts beyond the jurisdiction in which the project will be located.

The ORI review process involves the host local government, the reviewing Regional Development Center (RDC), and other potentially affected local governments, RDC's and agencies.

Thresholds are used to determine whether a proposed development is an ORI. Because positive and negative impacts of DRI's are not necessarily confined to the host local governments' jurisdictional boundaries, impacts on other jurisdictions need to be assessed.

If a development project is submitted to the Town of Between Planning Commission or the Mayor and Council for review, then the time deadlines imposed in Article 14 are suspended until the ORI review process is completed.

ARTICLE 12: Administration, Enforcement and Penalties

Section 12.1 Building Inspector

The Town of Between, through a Service Delivery Agreement with Walton County, utilizes Walton County Department of Planning and Development inspectors for all building inspection services and enforcement of this ordinance as well as requirements adopted by Walton County Government.

Section 12.2 Planning Commission

- a) The composition and terms of office of the Town of Between Planning Commission shall be set by the Mayor and Council.
- b) The Mayor and Council may assume the duties of the Planning Commission, as described herein.
- c) The Planning Commission shall consider requests for conditional use, amendment to this ordinance to include rezoning, variances; and will hold public hearings for such requests; and will make recommendations on such requests to the Mayor and Council.

Section 12.3 Town of Between Letter of Compliance

The Town of Between requires, by separate ordinance, that prior to application for a building permit issued by Walton County, that the applicant shall submit plans for the proposed project to the Town Officials for review to ensure compliance with all applicable aspects of this Ordinance. The applicant shall complete applicable portions of the Letter of Compliance request form and return it to the Town Official with the established fee. Once completed, the official shall issue the Town of Between Letter of Compliance form to the applicant.

The applicant can then proceed with the permitting process.

Section 12.4 Building Permit Required

The Town of Between, through a Service Delivery Agreement with Walton County, utilizes the Walton County Department of Planning and Development for the issuance of all building permits.

It shall be unlawful to commence excavation or filling of any lot for construction of any building or for any building to be located, erected, moved, added to or structurally altered one hundred (100) square feet or more without obtaining a building permit issued by the Walton County Department of Planning and Development and approval of the Walton County Health Department where required.

Section 12.5 Application for Building Permit

All applications for building permits are required to submit the required plans, documentation, Health Department approval and Letter of Compliance to the Walton County Department of Planning and Development. (See Walton County Development Ordinance for specific requirements).

Section 12.6 Construction Progress

Any building permit issued shall become invalid unless the work authorized by the permit shall have commenced within six (6) months of the date of issue or if the work authorized by the permit is suspended or abandoned for a period of one (1) year.

Section 12.7 Certificate of Occupancy Required

A certificate of occupancy issued by the Walton County Department of Planning and Development is required in advance of occupancy or use of a building hereafter erected, altered, a change of use in an existing building, a building moved from one location to another or any non-conforming use.

Section 12.8 Denial of Certificate of Occupancy

A Certificate of Occupancy shall not be issued unless the proposed use of a building or land conforms to the provisions of this Ordinance and that of the Walton County Development Ordinance, or unless the building complies with the sketch or plan upon which the Building Permit was issued.

Section 12.9 Penalties for Violation

Any person, firm or corporation violating any provision of this Ordinance or that of the Walton County Development Ordinance shall be guilty of a misdemeanor and upon conviction shall be punished for each offense according to law, each day such violation continues shall be considered as a separate offense.

Section 12.10 Agreements with other Municipalities

The Mayor and Council may enter into agreements with another municipality to issue building permits, perform building inspections and issue certificates of occupancy provided the activity permitted is first determined to be in compliance with this ordinance.

Section 12.11 Fees

The Mayor and Council may establish fees for applications for the following:

- a) Letter of Compliance
- b) Variance
- c) Amendment to ordinance to include rezoning and annexation
- d) Development

ARTICLE 13: Appeal Procedures

Section 13.1 Appeal to the Mayor and Council

Any person or persons, jointly or severally aggrieved by any decision of the Building Inspector, shall have the right of appeal to the Between Mayor and Council, if such appeal is filed with the Town within thirty (30) days of the rendering of the decision by the Building Inspector.

Section 13.2 Appeal from the Mayor and Council

Any person or persons, jointly or severally aggrieved by any decision of the Mayor and Council shall have the right of appeal to a court of law if such appeal is filed with the Clerk of the Court within thirty (30) days of the rendering of the decision by the Mayor and Council.

Section 13.3 Public Hearings

The Mayor shall fix a reasonable time for the hearing of the appeal to the Mayor and Council or other matters referred to it, and give public notice thereof in a newspaper of general circulation in the Town of Between, at least fifteen (15) and no more than forty-five (45) days before the hearing. Upon a hearing, all parties shall appear in person, by agent or by attorney.

Section 13.4 Stay of Proceedings

An appeal to the Court of Record stays all proceedings in furtherance of the action appealed from, unless the Building Inspector certifies to the Town Attorney after the notice of appeal shall have been filed with him/her, that by reason of facts stated in the certificate, a stay would, in his/her opinion, cause imminent peril to life and property.

ARTICLE 14: Amendments

Section 14.1 Amendment Procedure Jurisdiction

This Ordinance, including the Official Zoning Map of the Town of Between, Georgia, may be amended from time to time by the Mayor and Council, but no rezoning or amendment shall become effective unless it shall have been first submitted to the Between Planning Commission for review and recommendation. The Between Planning Commission shall have thirty (30) days following the public hearing within which to submit its report. If the Planning Commission fails to submit a report within the thirty (30) day period, it shall be deemed to have approved the proposed amendments.

Section 14.2 Application for Amendment

An application for amendment shall be filed with the Mayor and Council at least thirty (30) days prior to the Planning Commission meeting at which the request will be heard. Application for amendment shall contain all of the following information:

1. A plot plan or survey to scale showing existing and proposed structures and uses, access drives, parking, and loading areas, easements, utilities, existing zoning, future land use designation, and any other supportive documentation the applicant believes to be pertinent.
2. Payment of the required fee, as determined by the Mayor and Council, to cover administrative and advertising costs;
3. A list of all adjacent property owners and addresses as shown on the tax rolls;
4. A narrative statement from the applicant addressing each of the criteria set forth in Section 14.3 and
5. Any additional information the applicant believes to be pertinent.

There shall be no amendments to the application once submitted. Incomplete applications will not be processed.

All property that undergoes a zoning district change shall be developed in accordance with plans submitted with the application and no property may undergo a zoning district change for solely speculative purposes.

Section 14.3 Public Hearings, Procedures, and Rezoning Standards.

A public hearing is required before enacting an amendment to this Ordinance. The Town of Between Planning Commission shall conduct said public hearing.

The Planning Commission shall notify the applicant of the date, time, and place of the required public hearing.

Publication of Notice. At least fifteen (15) and not more than forty-five (45) days prior to the date of the public hearing, a notice of the date, time, and place of the public hearing shall be published in a newspaper of general circulation in the Town of Between.

If the zoning amendment is for the rezoning of property, the public notice shall also include: (1) the location of the property; (2) the present zoning classification of the property; and (3) the proposed zoning of the property.

Sign. Not less than fifteen (15) days prior to the date of the public hearing, the Town of Between Planning Commission shall cause to be erected in a conspicuous place on the property in question a sign of not less than six (6) square feet, with not less than one (1) inch letters upon a contrasting background which shall read as follows:

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NOTICE TO THE PUBLIC

A petition has been filed requesting that this property be changed from (Insert present district name) to (insert district requested). A public hearing will be held at (insert place) on (date) at (time). All those having an interest in this petition should be present.

Official action. No official action shall be taken on a proposed amendment by the Mayor and Council until after the required public hearings have been conducted.

Notice to Adjacent Property Owners. The Town of Between Planning Commission shall give notice of the date, time, place, and purpose of public hearings to be held by it on proposed amendments or supplements by mail to the owners of all properties abutting any part of the property proposed to be changed. The failure to notify as provided herein shall not invalidate any recommendations adopted hereunder.

Planning Commission Action. The public hearing shall be conducted by the Town of Between Planning Commission. The Planning Commission may recommend that the application be granted as requested, or it may recommend a modification of the zoning amendment requested in the application, or it may recommend that the application not be granted. These recommendations shall be certified to the Mayor and Council within thirty (30) days. If the Planning Commission fails to submit its recommendations within the thirty (30) day period, it shall be deemed to have approved the proposed amendments.

Mayor and Council Action. The Mayor and Council shall consider the recommendations of the Town of Between Planning Commission, and vote on the proposed amendment to the text or map of the Zoning Ordinance after the Town of Between Planning Commission's public hearing. The Town Clerk (if applicable) or the mayor shall notify the applicant and others so requesting, of the decision of the Mayor and Council.

Zoning Amendment Criteria. The following factors shall be considered when making a decision on rezoning requests or Zoning District Boundary Changes:

Will the rezoning requested permit a use that is suitable in view of the existing use and development of adjacent and nearby property?

Will the rezoning requested adversely affect the existing use or usability of adjacent or nearby property?

Does the property for which the rezoning is requested have a reasonable economic use as currently zoned?

Will the rezoning requested create an overcrowding condition with respect to the existing streets, transportation facilities, utilities or schools?

Does the rezoning requested conform to the Town of Between Comprehensive Plan?

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Are there other existing or changing conditions regarding the use and development of the property which gives support for approval or disapproval of the rezoning request?

Is there a relative gain to the public by retaining the present zoning district designation as compared to the hardship imposed upon the property owner?

Denial of Application by Mayor and Council. If the decision of the Mayor and Council is to deny the rezoning of the property, then the same property may not again be considered for rezoning until the expiration of at least six (6) months immediately following the defeat of the rezoning by the Mayor and Council.

Action by Town to Rezone Property to Original Zoning. When a rezoning request has been granted for a parcel of land on request by the owner or his agent, and no building permit has been applied for within twelve (12) months of the date of the rezoning, the Mayor and Council may initiate action to rezone the parcel to its original zoning. The procedures of this article will be followed, except that no fees will be paid.

Procedure for Conducting a Public Hearing.

All public hearings on zoning amendments shall be chaired by the Chair of the Between Planning Commission or his/her designee.

A secretary shall record the proceedings of the public hearing. If requested by any party, verbatim transcripts of the public hearing can be prepared, but, only if requested and purchased in advance by the requesting party.

The record of the public hearing and all evidence submitted at the public hearing shall be recorded and shall become a permanent part of the particular zoning amendment's file.

The Chair of the Between Planning Commission or his or her designee shall preside at the public hearing and shall identify speakers, maintain order, and conduct the public hearing.

The presiding officer will review for those present these procedures and set forth the operating procedures for the hearing.

In order for a person in attendance to speak, the presiding officer must recognize him/her. Upon rising to speak, the person recognized will first identify himself/herself. The presiding officer may also request that the person furnish a home or business street address, as appropriate.

The person speaking will be allowed two (2) minutes to express opinions and make points on each separate element of the proposed revisions which he/she wishes to address, with a maximum of ten (10) minutes allowed per person, any affiliation or group spokesman will

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be allowed a total of thirty (30) minutes to express opinions and make points on the proposed revisions.

Additional persons and previous speakers will be recognized per the above procedure for the purpose of addressing additional elements of the proposed reviews or to make additional points and rebuttals with regard to elements already addressed, but not to reiterate points already made.

When all elements that attendees want to discuss have been addressed and all arguments relative to each element have been made, the secretary will, from the notes made, restate each point, one at a time and the attendees will be asked for a show of hands of those who support that same point, thus allowing each person an effective voice. A count of the supporters will be recorded.

Once all parties have concluded their testimony, the presiding officer shall adjourn the public hearing.

ARTICLE 15: Disclosure of Financial Interests

A town official who knows or reasonably should know him or her:

Has a property interest in any real property affected by a rezoning action upon which that official's local government will have the duty to consider.

Has a financial interest in any business entity which has a property interest in any real property affected by a rezoning action which that official's local government will have the duty to consider;
or

Has a member of the family having any interest described in paragraph (1) or (2) of this section, shall immediately disclose the nature and extent of such interest, in writing, to the Mayor and Council. The town official who has an interest as defined in paragraph (1) or (2) of Section 15.1 of this ordinance shall disqualify himself from voting on the rezoning action. The disqualified town official shall not take any other action on behalf of himself or any other person to influence action on the application for rezoning. Disclosures provided for in the section shall be a public record and available for public inspection at any time during normal working hours.

Note: See Section 3 Definitions, for definition of "city official."

ARTICLE 16: Legal Status Provisions

Section 16.1 Conflict with Other Laws

When the regulations of this Ordinance impose more restrictive standards than are required in or under any statute or other legal document, the requirements of this Ordinance shall govern. When the provisions of any statute require more restrictive standards than are required by this Statute, the provisions of such Ordinance shall govern.

Section 16.2 Separability

If any portion or provision of this Ordinance is found to be unconstitutional, such invalidity shall not affect any other portion of this Ordinance.

Section 16.3 Repeal of Conflicting Regulations

All ordinances and parts of ordinances in conflict with this Ordinance are herewith repealed.

Section 16.4 Incorporation by Reference of Maps

The official district zoning maps and atlas of maps of the Town of Between, Georgia, are by reference incorporated herein and made a part hereof

Section 16.5 Copies

This zoning ordinance of the Town Between, Georgia, shall be and is hereby executed in triplicate, each signed copy being an original to be marked and distributed as follows:

Between Planning Commission Copy:

Delivered to the Between Planning Commission chairman and maintained in that office.

Town Work Copy:

Shall be maintained in the mayor's office for day-to-day use in zoning and planning.

Minute Book Original:

Shall be incorporated into the minutes of the meeting of the Mayor and Council of the Town of Between and maintained by the Town Clerk if applicable. The Minute Book original shall hereafter be deemed the original or official copy. Any subsequent amendment shall be made only by official action as prescribed herein. The original shall not be altered but amendments shall be identified on separate sheets each separately numbered and supported by the date and official action or ordinance amendment in which the change was approved.

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Section 16.6 Legal Form and Sufficiency

This document has been approved as to its legal form and sufficiency by the Town of Between's attorney prior to its adoption.

Signature
Town Attorney

Date

Section 16.7 Effective Date

This revised ordinance shall take effect and shall be in force from and after the _____
day of _____, 2022

Adopted and approved by the Mayor and Council on the _____ day of _____, 2022

APPROVED

Signature
Mayor of Between

Date

APPENDIX A Telecommunication Towers

STANDARDS FOR TELECOMMUNICATION TOWERS AND ANTENNAS

ARTICLE 1: Intent

The intent of this Ordinance is:

To balance the interests of the residents of the Town, telecommunication providers, and telecommunication customers in the siting of telecommunication facilities within the Town,

To protect the health, safety, and integrity of residential neighborhoods, and

To foster, through appropriate zoning and land use controls, a competitive environment for telecommunication carriers that does not unreasonably discriminate among providers of functionally equivalent personal wireless services.

This Ordinance shall not prohibit, or have the effect of prohibiting, the provision of personal wireless services. This Ordinance is intended to promote the Town as proactive in the availability of personal wireless telecommunication service.

To that end, this Ordinance shall:

- a) Provide for the appropriate location and development of telecommunication facilities within the Town.
- b) Protect the Town's built and natural environment by promoting compatible design standards for telecommunication facilities.
- c) Minimize adverse visual impacts of telecommunication facilities through careful design, siting, landscape screening, and innovative camouflaging techniques.
- d) Avoid potential damage to adjacent properties from tower or antenna failure through engineering and careful siting of telecommunication tower structures and antennas.
- e) Maximize use of any new or existing telecommunication towers through collocation so as to minimize the need to construct new towers and minimize the total number of towers throughout the Town.
- f) Maximize and encourage use of alternate telecommunication tower structures as a primary option rather than construction of additional single-use towers.
- g) Encourage and promote the location of new telecommunication activities in areas which are not zoned for residential use.

ARTICLE 2: Definitions

As used in this Ordinance, the following terms shall have the meanings indicated:

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

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

FAA: the Federal Aviation Administration.

FCC: the Federal Communications Commission.

Governing authority: the Town of Between Council.

Height: when referring to a tower or similar structure, the distance measured from ground level at the base of the structure to the highest point on the tower or similar structure, even if said point is an antenna.

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

ARTICLE 3: Applicability

District Height Limitations. The requirements set forth in this Ordinance shall govern the location and height of towers and antennas. The height limitations applicable to buildings and structures shall not apply to towers and antennas.

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

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

Standards Applicable to All Towers and Antennas

No tower or antenna shall be located in the Town except as set forth in this Ordinance. The following standards shall apply to all towers and antennas, unless the governing authority reduces the standards if the goals of this Ordinance would be better served thereby:

District Compliance. For purposes of determining whether the installation of a tower or antenna complies with district development requirements, including but not limited to set-back requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the tower or antenna may be located on leased parcels within the lot. Towers that are constructed and antennas that are installed in accordance with the provisions of this Ordinance shall not be considered to constitute the expansion of a non-conforming use or structure.

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Inventory of Existing Facilities. Each applicant for a tower and/or antenna shall provide an inventory of its existing towers that are either within the geographic area of the Town or within one-half mile of the border thereof, including specific information about location, height, and design of each tower pursuant to Sec. C of this Article. The Town may share such information with other applicants provided that the Town is not, by sharing this information, in any way representing or warranting that such sites are available or suitable.

Aesthetics, Lighting. The following is not an exclusive list of the aesthetic issues the governing authority may consider. The governing authority may consider any factor that serves the goals and purposes of this Ordinance. The determination whether a proposed tower or antenna meets these requirements shall be within the discretion of the governing authority.

Towers shall either maintain a galvanized steel finish or, subject to the standards of the FAA, be painted a neutral color, so as to reduce visual obtrusiveness.

At a tower site, the design of the buildings and related structures shall use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and built environment.

If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color 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.

Towers shall not be artificially lighted, unless required by the FAA or applicable authority. If lighting is required, the governing authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding.

No advertising shall be mounted on towers.

Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within 6 months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense. Any such removal by the governing authority shall be in accordance with Sections 41-2-8 through 41-2-17 of the Official Code of Georgia.

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Building Codes, Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards for towers that are published by the Electronic Industries Association. If, upon inspection, the governing authority concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons and property, then upon notice provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. If the owner fails to bring such tower into compliance within said 30 days, the governing authority may remove such tower at the owner's expense. Any such removal by the governing authority shall be in accordance with Sections 41-2-8 through 41-2-17 of the Official Code of Georgia.

Site location and development shall preserve the existing character of the surrounding buildings, land uses, and the zoning district as much as possible. Personal wireless telecommunication towers shall be integrated through location and design to blend in with existing characteristics of the site to the extent practical.

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.

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 and related facilities to the natural setting and built environment.

Placement of more than one tower on a lot shall be permitted, provided all setback, design, and landscape requirements are met as to each tower. Structures may be located as close to each other as technically feasible, provided tower failure characteristics on the site will not lead to multiple failures in the event that one fails.

Towers must be set back a distance equal to the height of the tower from any residential property line and all public rights-of-way, plus any applicable setback requirements for the zoning district encompassing the tower.

Towers, guys, and accessory facilities must satisfy the minimum zoning district setback requirements for front, side, and rear yards.

Towers must not be sited where they will negatively affect historic or scenic view corridors as designated by the governing authority or any state or federal law or agency or where they will create visual clutter.

Towers shall be enclosed by decay-resistant security fencing installed along the perimeter of the compound not less than 6 feet in height and shall be equipped with an appropriate anti-climbing device or other similar protective device designed to deny tower access.

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Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from adjacent properties. The standard buffer shall consist of a landscaped strip at least 10 feet wide outside the required fence.

In locations where the visual impact of the tower would be minimal, as determined by the governing authority, the landscaping requirement may be reduced or waived entirely.

Existing mature trees and natural landforms on the site shall be preserved as much as possible. In some cases, such as towers sited on large wooded lots, natural growth around the property perimeter may provide an adequate buffer at the discretion of the governing authority.

Application Procedures for all Towers and Antennas

The following must be provided when applying for a permit for a telecommunication facility:

Site plan, prepared and sealed by an appropriate licensed professional, to scale specifying the location of the telecommunication facilities, height of facilities, setbacks, accessory facilities, access, parking, fences, landscape plan, and adjacent land uses.

A full description of the environment surrounding the proposed telecommunication facilities, including any adjacent structures, structures and sites of historic significance, or scenic view corridors.

A description of anticipated maintenance needs for the telecommunication facilities, including frequency of service, personnel needs, equipment needs, and traffic, noise, or safety impacts of such maintenance.

Report from a qualified, independent, licensed engineer, documenting the following:

Telecommunication facilities height and design, including technical, engineering, economic, and other pertinent factors governing selection of the proposed design.

Total anticipated capacity of the telecommunication facilities, including numbers and types of antennas that can be accommodated.

Evidence of structural integrity of the tower structure and structural failure characteristics of the telecommunication facilities that demonstrate that the site and setbacks are of adequate size to contain debris should a failure occur.

A definition of the area to be served by the tower or antenna and whether such tower or antenna is needed for coverage or capacity.

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Information showing the proposed facility would provide the needed coverage or capacity, and personal wireless telecommunication service cannot be provided without the proposed tower or antenna.

The identity of a community liaison officer to resolve issues of concern to residents relating to the construction and operation of the facility. Include name, address, and telephone number.

Identification of the geographic service area for the installation, to include:

A map showing the site and the nearest or associated telecommunication facilities sites the network.

A description of the distance between existing or proposed telecommunication facilities sites.

A description of how this service area fits into and is necessary for the service network.

Justification as to why collocation on an existing tower is not being proposed.

Include five-year facilities plan and site inventory for locations within the Town and within one-half mile of the border thereof

Provide any other information requested by the governing authority in order to evaluate fully the potential impact of the proposed facility.

ARTICLE 4: Permitted Uses

General. The uses listed in this Section are deemed to be permitted uses and shall not require a conditional use permit. Nevertheless, all such uses shall comply with Article 3 of this Ordinance and all other applicable Ordinances.

Towers are permitted in all zoning districts except R-1, R-2, R-3 with the following height limitations:

For a single user, no more than 70 feet.

For two users, no more than 100 feet.

For three or more users, no more than 150 feet.

Installation of an antenna on an existing tower and further including the placement of additional buildings or supporting equipment used in connection with said antenna, so long as the addition of said antenna adds no more than 20 feet to the height of existing tower and meets the above height limitation.

Installing a tower on an existing structure other than a tower, such as a building, sign, light pole, water tower, or other free-standing nonresidential structure, so long as said antenna adds no more than 20 feet to the height of said existing structure and meets the above height limitation.

ARTICLE 5: Conditional Use Permits

The following provisions shall govern the issuance of conditional use permits:

If a tower or antenna is not a permitted use under Article 4 of this Ordinance, then a conditional use permit shall be required.

In granting a conditional use permit, the governing authority may impose conditions it concludes are necessary to minimize any adverse effect of the proposed tower or antenna on adjoining properties.

A licensed professional engineer shall certify any information of an engineering nature that the applicant submits.

Information Required:

Each applicant requesting a conditional use permit under this Ordinance shall comply with the requirements of Article 3 and other applicable provisions of this Ordinance.

In addition to the requirements of Article 3, the site plan shall also include:

Scaled elevation views.

Supporting drawings, calculations, and other documentation, signed and sealed by the appropriate licensed professionals, showing the location and dimensions of all improvements, to include topography and any other information requested by the governing authority.

Factors Considered in Granting Conditional Use Permits

The governing authority shall consider the following factors in determining whether to issue a conditional use permit. The governing authority may waive, reduce, or increase the burden of one or more of these criteria on the applicant if the governing authority concludes that the goals of this Ordinance are better served.

Height of proposed tower

Proximity of the tower to residential structures and residential district boundaries

Nature of uses on adjacent and nearby properties

Surrounding topography

Surrounding tree coverage and foliage

Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.

Proposed ingress and egress.

Availability of suitable existing towers, other structures, and alternative sites as discussed in Article 3 of this Ordinance.

Any other factors, limitations, or standards listed in Article 3 of this Ordinance.

Availability of Suitable Existing Towers or Other Structures

No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the governing authority that no existing tower or structure can accommodate the proposed tower. Supporting evidence may consist of any of the following:

No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.

Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.

Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

The applicant's proposed antenna would cause electromagnetic interference with the antenna on existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

The applicant demonstrates that their other limiting factors that render existing towers and structures unsuitable.

ARTICLE 6: Removal of Abandoned Towers and Antennas

Any tower or antenna that is not operated for a continuous period of 12 months shall be considered abandoned. The owner of such tower or antenna shall remove it within 90 days of written receipt of notice from the governing authority notifying the owner of such abandonment.

If such tower or antenna is not removed within said 90 days, the governing authority may, in the manner provided in Sections 41-2-8 through 41-2-17 of the Official Code of Georgia, remove such tower or antenna at the owner's expense.

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If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

ARTICLE 7: Written Decisions

Any decisions by the governing authority denying a request to place, construct, or modify a telecommunication facility shall be in writing and supported by substantial evidence in a written record.

ARTICLE 8: Penalties for Violation

Any person who erects or attempts to erect a telecommunication facility covered by this Ordinance without having first obtained the necessary letter of compliance, building permit, right to use, conditional permit, or variance in the manner provided in this Ordinance shall be deemed in violation of this Ordinance. Any responsible party or other person convicted by a court of competent jurisdiction of violating any provision of this Ordinance shall be guilty of violating a duly adopted Ordinance of this Town and shall be punished either by a fine not to exceed \$1000.00 or by imprisonment not to exceed 60 days or both.

If any structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained in violation of this Ordinance or without obtaining required permits, or if any building, structure or land is used in violation of this Ordinance, the Town, in addition to any other remedies, may institute proceedings to prevent or correct such violations. Each day that such violations continue may be deemed a separate offense.