COMPREHENSIVE ZONING ORDINANCE

OF

AUGUSTA-RICHMOND COUNTY, GEORGIA

Editorial revision of the Ordinance adopted March 25, 1963, incorporating changes made necessary by the Home Rule Provision of the Constitution of the State of Georgia of 1983, and the consolidation of the City of Augusta and Richmond County, and other amendments between November 15, 1983 and May 3, 2005.

MAY 3, 2005

AN ORDINANCE BY THE AUGUSTA COMMISSION TO ADOPT A COMPREHENSIVE ZONING PLAN, MAPS AND LAND USE REGULATIONS; TO REPEAL CONFLICTING ORDINANCES AND FOR OTHER PURPOSES:

WHEREAS, the Augusta Commission, was authorized by the Home Rule Provision of the Constitution of the State of Georgia of 1983 to: Establish planning commissions; provide for the preparation and amendment of overall plans for the orderly growth and development of municipalities and counties; provide for the regulation of structures on mapped streets, public building sites, and public open spaces; repeal conflicting laws; and for other purposes; and

WHEREAS, the Augusta-Richmond County Planning Commission, created and organized under the terms of the aforementioned Home Rule Provision, has made a study and analysis of the areas of Augusta, Georgia and the said study and analysis now are complete and a Comprehensive Zoning Plan consisting of the maps and regulations described herein for the purposes described in the title of this Ordinance are now ready for adoption; and

WHEREAS, the Commission has held a public hearing on the proposed Comprehensive Zoning Plan after giving more than fifteen (15) days notice of the time and place of such hearing by publication in the Augusta Chronicle as provided by the official code of Georgia.

THEREFORE, BE IT ORDAINED by Augusta Commission as follows:

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GENERAL PURPOSE

SECTION 1

For the purpose of promoting health, safety, morals and the general welfare of the people of Augusta including, among other things, present conditions and the future growth of Augusta with due regard to its relations to neighboring territory and to guide and accomplish coordinated, adjusted, and harmonious development which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity and general welfare as well as efficiency and economy in the process of development, including, among other things, adequate provision for traffic, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of good civic design and arrangement, wise and efficient expenditure of funds, and the adequate provisions of public utilities and other public requirements as will tend to facilitate economical and adequate provisions for transportation, roads, soil conservation, water supply, drainage, education, sanitation, recreation, conservation, and development of the State's natural resources, fostering the State's agriculture and other industries, and protecting the State's food supply, for the purpose of lessening traffic and other hazards to life, limb, and health in the thickly populated areas, and the civil defense of the population.

GENERAL DEFINITIONS

SECTION 2

Certain words and terms are defined as follows: Words used in the present tense include the future; words in the singular number include the plural; and words in the plural number include the singular. The word "building" includes the word "structure"; and the word "shall" is mandatory and not directory. The term "Board of Zoning Appeals" shall mean the Augusta-Richmond County Board of Zoning Appeals. The term "Commission" means the Augusta-Richmond County Planning Commission as provided for in Title 8 of the Augusta-Richmond County Code by virtue of the Home Rule Provision of the constitution of the State of Georgia of 1983. "Governing Body" means the Augusta Commission. "Roads" include streets, avenues, boulevards, roads, highways, lanes, circles, drives, freeways, viaducts, alleys, and other public ways. "Subdivision" means the division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale or of building development purposes other than agricultural. It includes re-subdivision, and when appropriate to the content, relates to the process of subdividing or to territory subdivided.

"ACCESSORY BUILDING" shall mean a subordinate building not more than one (1) story in height, the use of which is incidental to that of the main building on the same lot or of which it forms an integral part of the same lot.

"ACCESSORY USE" shall mean the use customarily incidental and accessory to the principle use of a building located upon the same building site as the accessory use.

"ADULT DAY CARE FACILITY" shall mean any place operated by a person, society, agency, corporation, institution or group wherein are received for pay for group care, for fewer than 24 hours per day of three (3) or more elderly or disabled persons that are over 17 years of age.

"AIRPORT" shall mean Bush Field and Daniel Field.

"AIRPORT HAZARD" shall mean any structure or tree or use of land which obstructs the airspace required for the flight of aircraft in landing or taking off at the airport or is otherwise hazardous to such landing or taking off of aircraft.

"APARTMENT" shall mean a room, or suite of one or more rooms, which is designed or intended for occupancy by, or which is occupied by, one family doing its own cooking therein or by one person doing his or her own cooking therein.

"APARTMENT HOUSE" shall mean any building or portion thereof which contains three or more apartments, the occupants of any two or more which use any entrance or hall in common, and all living units of which are intended to be maintained under single ownership.

"AUTOMOBILE SALES" or **"STORAGE YARDS"** or **"LOTS"** shall mean an open premise used for storage or sale of complete and operable automobiles.

"AUTOMOBILE WRECKING YARD" or **"AUTOMOBILE USED PARTS LOT"** shall mean any place where one or more vehicles not in running condition, or parts thereof, are stored in the open or in any building or structure used principally for wrecking and storage of automobiles not in running condition or automobile parts.

"BASEMENT" shall mean a room or story partly underground and having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a half-story if used for dwelling or business purposes.

"BUFFER" shall mean that portion of a lot, tract, or parcel set aside for open space and visual screening purposes, pursuant to applicable provisions of this Ordinance, to separate different use districts, or to separate uses on one property from uses on another property of the same use district or different use districts.

"BUILDING" shall mean a structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals, or chattels. When separated without connections, each portion of such building shall be deemed a separate building.

"BUILDING HEIGHT" shall mean the vertical distance measured from the level of the established grade opposite the middle of the front of the building, to the highest point of a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge for a gable, hip, or gambrel roof.

"BUILDING LINE" shall mean a line between which line and any street line of a district, lot, tract, or parcel of land, no building or part of a building may be erected, altered, or maintained.

"BUILDING, MAIN" "MAIN BUILDING" shall mean a building in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be a main building on the lot upon which the same is situated. Main building when used with the reference to ground coverage shall mean the dimension of the dwelling with the porches and garages excluded.

"BUILDING PERMIT" shall mean a written permit issued by the Chief Building Official of Augusta-Richmond County.

"BUILDING LINE SETBACK" shall mean the distance between the building line and the street line in a district, lot, tract, or parcel of land.

"CELLAR" shall mean a room or story having more than one-half of its height below the average level of the adjoining ground. A cellar shall not be counted as a story for purposes of measured height.

"CHURCH" shall mean buildings and facilities owned or operated by a corporation, association, person, or persons for a social, educational, religious or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

"CLUB" shall mean buildings and facilities owned or operated by a corporation, association, person, or persons for a social, educational, religious or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

"COMMISSION" shall mean the Augusta-Richmond County Planning Commission.

"CONDOMINIUM" shall mean an individual ownership unit in a multifamily structure, combined with joint ownership of common areas of the building and grounds, in accordance with all applicable provisions of the Apartment Ownership Act of 1963, as amended (Georgia Laws, 1963).

"CONGREGATE PERSONAL CARE HOME" shall mean a building occupied by the property owners, or by a person or persons employed by the property owners, and also occupied by sixteen or more unrelated individuals who reside there and receive care and/or supervision from the property owners or persons in their employment.

"CONSERVATION SUBDIVISION – shall mean a ubdivision where a large percentage of the overall acreage of the tract is permanently protected as greenspace and the remainder is divided into lots.

"DAY CARE CENTER" shall mean any place operated by a person, society, agency, corporation, institution or group wherein are received for pay for group care, for fewer than 24 hours per day without transfer of legal custody 19 or more children under 18 years of age.

"DEPENDENT TRAVEL UNIT" shall mean a Travel Unit other than a self-contained Travel Unit.

"DWELLING" shall mean any building, or portion thereof, which is designed or used exclusively for residential purposes.

"DWELLING, ONE-FAMILY" OR "ONE-FAMILY DWELLING" shall mean a building containing but one housekeeping unit, and designed and used to house not more than one family in a permanent manner, which may include not more than two boarders or lodgers.

"DWELLING, TWO-FAMILY" OR "TWO-FAMILY DWELLING" shall mean a building containing not more than two housekeeping units, and designed or used to house not more than two families, living independently of each other, each of which may include no more than two lodgers or boarders.

"DWELLING, MULTI-FAMILY" OR "MULTI-FAMILY DWELLING" shall mean a building designed for, or portion of a building having accommodations for, three or more families being independent of each other, and each having its own kitchen and bath facilities. This term includes premises occupied more or less permanently for residential purposes in which the rooms are occupied in apartments, suites, or groups such as apartment units, tenement houses, flats, apartment hotels, bachelor apartments, studio apartments, kitchenette apartments, and all other dwellings similarly occupied.

"EXPRESSWAY" shall mean a divided highway for through traffic with full or partial control of access and generally with grade separations at intersections. It contains two lanes or more for traffic going in opposing directions and divided by a median strip and designed so as to protect the opposing flows of traffic and thus increase the safety and practical capacity of the road for regional and inter-regional traffic.

"FAMILY" shall mean a group of one or two persons, or parents with their direct descendants and adopted children (and including the domestic employees thereof), together with not more than two persons not so related, living together in a room or rooms comprising a single housekeeping unit. Family does not include a group occupying a club, sorority, or fraternity house.

"FAMILY DAY CARE HOME" shall mean a private residence operated by any person who receives therein for pay for supervision and care fewer than 24 hours a day, without transfer of legal custody, three but not more than six children under 18 years of age who are not related to such persons and whose parents or guardians are not residents in the same private residence.

"FAMILY PERSONAL CARE HOME" shall mean a building occupied by the property owners, or by a person or persons employed by the property owners, and also occupied by three but not more than six unrelated individuals who reside there and receive care and/or supervision from the property owners or persons in their employment.

"FILLING STATION" shall mean any building or premises used solely for storing, dispensing, servicing, sale, or offering for sale, at retail of any automobile fuels and lubricants and/or automobile accessories, but not including major automobile repairing.

"FLEA MARKET" shall mean property which the owner rents, lends or leases the premises to persons for use as a marketplace to barter, exchange, or sell secondhand goods. Yard sales at residences are not flea markets, and craft shows shall not constitute flea markets.

"FRATERNAL ORGANIZATION" shall mean buildings and facilities owned or operated by a corporation, association, person, or persons for a social, educational, religious or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

"FRONTAGE" shall mean the distance for which property abuts one side of a street, road, highway, or other public way measured along the dividing line between the property and such road or highway or other public way.

"FRONTAGE ROADWAY" or **"ACCESS STREET"** shall mean a roadway contiguous to and generally paralleling an interstate highway, expressway, major street or highway, or through street or highway and designed so as to intercept, collect and distribute traffic desiring to cross, enter, or leave such facility and to furnish access to property which would otherwise be isolated as a result of controlled access features peculiar to topographic conditions.

"FUNERAL HOME" shall mean a building or part thereof used for human funeral services. Such building may contain space and facilities for:

a) embalming and the performance of other services used in preparation of the dead for burial;
b) the performance of autopsies and other surgical procedures;
c) the storage of caskets, funeral urns, and other related funeral supplies; and
d) the storage of funeral vehicles, but shall not include facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted.

"GARAGE" shall mean a building used for the storage or housing of motor driven vehicles.

"GARAGE, PRIVATE" OR "PRIVATE GARAGE" shall mean a garage intended for, and owned or used by, the members of a family resident upon the premises, provided that not more than one-half of the garage space may be rented for private vehicles owned or used by persons not residing on the premises, except that all the space in a garage of one- or two-car capacity may be so rented. Such a garage shall not include those used by more than one (1) commercial vehicle per family resident on the premises, and no such commercial vehicle shall exceed two (2) ton capacity, nor shall such garage provide for the repair or equipping of such vehicles.

"GARAGE, SERVICE" shall mean a garage used for repair of vehicles.

"GARAGE, STORAGE" shall mean a garage used primarily for storage of vehicles.

"GOVERNING BODY" shall mean the Augusta Commission.

"GREENSPACE" shall mean an area permanently protected for the common use of the general public or for the common use of the residents of a development, and in its natural state or developed only to an extent conforming to these regulations.

"GROUP DAY CARE HOME" shall mean any place operated by a person, society, agency, corporation, institution or group wherein are received for pay not less than seven nor more than 18 children under 18 years of age for care and supervision less than 24 hours a day.

"GROUP PERSONAL CARE HOME" shall mean a building occupied by the property owners, or by a person or persons employed by the property owners, and also occupied by seven but not more than fifteen unrelated individuals who reside there and receive care and/or supervision from the property owners or persons in their employment.

"GUEST ROOM" shall mean a room which is designed or intended for occupancy by, or which is occupied by, one or more guests, but in which no provision is made for cooking, and not including dormitories for sleeping purposes.

"HOME OCCUPATION" shall mean an activity carried out for gain by a resident conducted as an accessory use in the resident's dwelling unit.

"HOMEOWNERS ASSOCIATION" shall mean an incorporated, nonprofit organization operating under recorded land agreements through which (a) each lot owner in a planned unit or other described land area is automatically a member, and (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintenance of common property.

"HOSPITAL" shall mean an institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, outpatient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities.

"HOTEL" shall mean any building containing sleeping rooms for the more or less temporary occupancy of individuals who are lodged, with or without meals, where guest rooms are accessed through a central area or main lobby, and where the structure exceeds two stories in height.

"HOTEL - EXTENDED STAY" shall mean a building containing guest rooms rented for temporary lodging where guest rooms are accessed through a central area or main lobby and where half or more than half of the rooms have kitchenettes or some kitchen facilities.

"HOTEL, APARTMENT" shall mean any building which satisfies both the definition of a multiple-dwelling house and that of a hotel as defined by this section.

"INERT FILL AREA" shall mean a disposal facility accepting only materials limited to earth, earth-like products, concrete, cured asphalt rock, bricks, yard trimmings, stumps, limbs, and leaves. This definition excludes industrial and demolition waste not specifically listed above. For the purpose of this ordinance, filling of land which is not specifically related to a subdivision development plan or a site plan which has been filed with the Planning Commission shall be defined as an inert fill area if the volume of fill is expected to exceed 5,000 cubic yards.

"INTERSTATE HIGHWAY" shall mean a divided highway with limited access designed primarily for interstate travel. It is an integral part of a nationwide highway network connecting principal cities, with four or more traffic lanes separated by a median strip to provide maximum safety for motorists.

"JUNKYARD" shall mean any place where waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled, or handled; including automobile wrecking yards, automobile used parts lots, used lumber yards, salvaged building materials, salvaged household appliances, or other types of machinery; but excluding establishments for the sale, purchase, or storage of used automobiles in running condition, used furniture, or salvaged materials used as part of a manufacturing process on the same site.

"LAND" or **"TERRITORY SUBDIVISION"** shall mean a parcel or tract of land, the dimensions of which are shown on a map and filed with the Clerk of the Superior Court of Augusta-Richmond County, Georgia, as of the date of the adoption of this Ordinance.

"LANDING AREA" shall mean the area of the airport used for the landing, takeoff, or taxiing of aircraft.

"LANE" shall mean a public thoroughfare which ordinarily affords only a secondary means of access to abutting property and which is not more than twenty (20) feet wide.

"LOCAL GOVERNMENT ENTERPRISES" shall mean the Augusta-Richmond County Commission governmental functions such as schools, municipal or county office buildings, playgrounds, parks, reservations, public transit terminals, public golf courses, fire stations, police stations and substations, and similar institutional uses.

"LODGING" or **"BOARDING HOUSE"** shall mean a building designed or used for the more or less permanent occupancy, with or without meals, of more than two lodgers or boarders whether the compensation be paid directly or indirectly.

"LOT" or **"LOT PLAT"** shall mean a lot or a parcel of land occupied, or intended to be occupied by, a principal building or use and any accessory building and uses customarily incidental to it, and including open spaces not less in extent than those required in connection therewith by the Ordinance. For the purpose of this Ordinance, the terms lot, parcel, and tract are used synonymously.

"LOT, CORNER" "CORNER LOT" shall mean a lot which abuts on two or more streets and/or roads at their intersection or upon a curved street, provided that the two sides of the lot, or the tangents to the curve of the street line at its starting points at or within the side lines of the lot, intersects to form an interior angle of not more than 135 degrees.

"LOT DEPTH" shall mean the distance between front and rear lot lines. If two (2) opposite sides of said lot are not parallel, the depth shall be deemed to be the mean distance between the front and rear lot lines.

"LOT WIDTH" shall mean the width of the lot measured at the setback line.

"LOT LINE, FRONT" shall mean any lot line contiguous to a street right-of-way.

"LOT LINE, REAR" shall mean the rear lot line boundary opposite the lot line which the principal building fronts. The rear lot line of an irregular or triangular lot shall be for the purpose of this Ordinance a line not less than ten (10) feet long, lying wholly within the lot, and parallel to and farthest distance from the front lot line.

"LOT OF RECORD" is a parcel of land the dimensions of which are shown on a map on file with the Clerk of Superior Court of Richmond County, Georgia, or in common use by county officials, and which actually exists as so shown, or any part of such parcel held in a recorded ownership separate from the ownership of the remainder thereof. All lots recorded after adoption of this Ordinance shall front on and have ingress and egress by means of a public street, road, highway or private lane.

"LOT LINE, SIDE" shall mean a side lot boundary line that is not a front lot line or a rear lot line.

"MANUFACTURED HOME" a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width and forty body feet or more in length, or, when erected on site, is three hundred twenty 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.

"MANUFACTURED HOME PARK" shall mean any site, lot, parcel, or tract of land upon which two or more manufactured homes are placed in accordance with Section 27 of this Ordinance.

"MANUFACTURED HOME SPACE" shall mean a unit of ground, as prescribed by Section 27 of this Ordinance, which shall be clearly indicated by corner markers on which may be placed a Manufactured Home as defined by this Ordinance.

"MAP, OFFICIAL" "OFFICIAL MAP" shall mean the official zoning map of Augusta which shows the boundaries of the various districts superimposed upon the Property Map and Record System for Augusta, Georgia.

"MASTER PLAN" shall mean any legally adopted part, maps, or element of any Master Plan as provided for in Title 8 of the Augusta-Richmond County Code by virtue of the Home Rule Provision of the Constitution of the State of Georgia of 1983. Such Master Plan may be entitled a "Comprehensive Plan", "Land Use Plan", or other similar terminology.

"MINI-WAREHOUSE" shall mean a one-story building with separate enclosed compartments for the storage of personal goods.

"MOTEL" shall mean any building containing sleeping rooms for more or less temporary occupancy of individuals who are lodged with or without meals and where the design favors a direct vehicular approach to each sleeping or living room. Any building or structure exceeding two stories in height shall be classified as a Hotel rather than a Motel.

"MOTEL - EXTENDED STAY" shall mean a building containing guest rooms rented for temporary lodging where the design favors a direct vehicular approach to each room and where more than two rooms have kitchenettes or some kitchen facilities.

"NATURAL GRADE" shall mean the elevation of the ground adjoining the building.

"NON-CONFORMING USE" shall mean any use of land, buildings, trees, or structures that did not conform to the regulations of the district in which it was situated as of March 25, 1963 or at such time as amendments to this Ordinance occur.

"NURSING HOME" shall mean a facility that provides full health and continuous nursing care of three (3) or more elderly or disabled persons but not including hospitals, clinics, or similar institutions devoted primarily to diagnosis and treatment.

"PARKING LOT" shall mean a parcel of land devoted to unenclosed parking spaces which may include partially enclosed one-story buildings, and where a charge is made for storage or parking of vehicles.

"PARKING LOT, ACCESSORY" shall mean a parcel of land used by an individual, partnership, firm, or corporation in any commercial or industrial district exclusively for the parking of vehicles of its employees or customers, and for which no charge is made.

"PARKING SPACE" shall mean an area of appropriate dimensions per Section 4 of this Ordinance, exclusive of access or maneuvering area, or ramps or columns, etc., to be used exclusively as a temporary storage space for private motor vehicles. Truck loading space shall not be included in such area. When the application of a unit of measurement for parking spaces to a particular use or structure results in a fractional space, any fraction under one-half shall be disregarded and fractions of one-half or over shall be counted as one space.

"PAROCHIAL SCHOOL" shall mean a facility that provides a curriculum of elementary and/or secondary academic instruction that is owned and operated by a religious institution.

PERMANENT PROTECTION - LAND AND/OR WATER WHICH IS:

(1) Owned by the Federal, State, or Local Government and permanently designated for recreation, conservation, or natural resource protection; or

(2) Privately owned and subject to a conservation easement that ensures that the land will be maintained as greenspace and used only in perpetuity for recreation, conservation, or natural resource protection; or

(3) Privately owned and subject to a permanent restrictive covenant provided for in O.C.G.A. 44-5-60 (c); or

(4) Privately owned and permanently legally protected by any other method that ensures that the property will remain forever as greenspace and be used only for recreation, conservation, or natural resource protection.

"PERMITTED USE" shall mean a use of land that is permitted or allowed "by right", and does not constitute a nonconforming use, and therefore requires no further rezoning or granting of a special exception.

"PERSON" shall mean any individual, firm, copartnership, corporation, company, association, joint stock association or body politic, and includes any trustee, receiver, assigns or other similar representative thereof.

"PERSONAL CARE HOME" shall mean a building occupied by the property owners, or by a person or persons employed by the property owners, and also occupied by unrelated individuals who reside there and receive care and/or supervision from the property owners or persons in their employment. A personal care home shall provide care for elderly and/or handicapped persons. Personal Care Homes shall be classified as: Family Personal Care Homes, Group Personal Care Homes, and Congregate Personal Care Homes.

"PLANNING COMMISSION" shall mean the Augusta-Richmond County Planning Commission.

"PLANTING STRIP" shall mean the portion of the street between the curb and the property line exclusive of the area occupied by the sidewalk.

"PRIVATE SCHOOL" shall mean a facility that provides a curriculum of elementary and/or secondary academic instruction that is owned and operated by a private entity.

"PUBLIC NOTICE" shall mean a notice published once in a newspaper of general circulation in Augusta-Richmond County, Georgia, at least 15 days prior to a public hearing concerning proposed changes or amendments to this Ordinance including the maps thereto, setting forth the time, place, and purpose of said hearing, shall be deemed a public notice.

"ROADWAY" "TRAVELED WAY" or **"STREET SURFACE"** shall mean that portion of a road which is improved, designed, or ordinarily intended for vehicular use. Divided roads and roads with frontage or access roads have more than one roadway. On undivided roads without frontage roadways or access roads, the roadway width lies between the curb lines or between the pavement edges, whichever is appropriate.

"SERVICE BUILDING" shall mean a building or structure located within a Manufactured Home Park or Travel Trailer Park for the welfare and convenience of the occupants of the Manufactured Home Park or Travel Trailer Park within which such Service Building is located. Such Service Building shall not be made available for the use of any person not residing in the Manufactured Home Park or Travel Trailer Park within which such Service Building is located.

"SETBACK" shall be an unoccupied area of a lot, open and unobstructed from the ground to the sky, except as otherwise provided for in this Ordinance. For the purpose of this Ordinance the words "setback" and "yard" are synonymous.

"SINGLE-FAMILY ATTACHED BUILDING" shall mean a building containing two or more single- family attached dwelling units joined at one or more points by one or more party walls or other common facility not including the walls of an enclosed courtyard or similar area.

"SINGLE-FAMILY ATTACHED DWELLING" shall mean a dwelling unit on an individual lot attached to another dwelling unit on an adjoining lot by a common party wall.

"SINGLE-FAMILY ATTACHED SUBDIVISION" shall mean a subdivision development of a single-family attached or other dwellings developed in accordance with the provisions of Section 13 and the Subdivision Regulations for Augusta-Richmond County Commission.

"STORY" shall mean the vertical distance of a building included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it, then the space between such floor and ceiling next above it, provided that a cellar shall not be considered a story. Attic or basement space is construed as one-half.

"STREET" shall mean a public thoroughfare, where public title to land extends between right-of-way lines. Whenever the sense of the law or these regulations so require, the word "Street" shall include avenue, drive, circle, road, highway, or similar terms as they are generally understood.

"STREET, ARTERIAL" shall mean a street designated as either a principal arterial or a minor arterial that is a facility of such significance that it serves traffic passing through the Augusta area or connects rural and urban traffic or serves major traffic movements within the urbanized area. Arterial streets in Augusta have been designated by the functional classification system adopted by the Augusta Regional Transportation Study.

"STREET, COLLECTOR " shall mean a street that provides both land access service and traffic circulation within residential, commercial, and industrial areas. Collector streets are facilities which collect traffic from internal local streets and distribute it to the arterial system. Collector streets in Augusta have been designated by the functional classification system adopted by the Augusta Regional Transportation Study.

"STREET, DEAD END" shall mean a street with no outlet at one end.

"STREET GRADE" shall mean the grade of the curb or centerline of the street upon which the lot abuts at the midpoint of the frontage.

"STREET, INDUSTRIAL" or **"BOULEVARD"** shall mean a street of some continuity used primarily by all forms of commercial or industrial vehicular traffic and used for intercommunication between commercial areas and residential areas and industrial districts, or between industrial districts.

"STREET LINE" or **"RIGHT-OF-WAY LINE"** shall mean the dividing line between a lot, its property line or lines, and a public right-of-way, a public street, road or highway, over which two or more abutting property owners have an easement of right-of-way.

"STREET, MAJOR " or **"HIGHWAY"** shall mean a highway used primarily for through traffic, usually on a continuous route, with intersections at grade and having direct access to abutting property, and on which geometric design and traffic control measures are used to expedite the safe movement of through traffic.

"STREET, MINOR" or **"LOCAL"** shall mean a street primarily for access to abutting property.

"STREET, RURAL" or **"ROAD"** shall mean a street supplementary to the major street system, which primarily serves agricultural areas or other lands not subdivided for residential use.

"STREET WIDTH" shall mean the horizontal distance between the right-of-way lines of the street, measured at right angles to the right-of-way lines.

"STRUCTURE" shall mean anything constructed or erected, the use of which requires more or less permanent or semi-permanent location on the ground or the attachment to something having a permanent location on the ground or water. (The term shall include all types of buildings, houses, gazebos, above-ground swimming pools, in-ground swimming pools, hot tubs, heating and air conditioning equipment, house trailers, manufactured homes, stores, commercial manufactured units, gasoline canopies and gasoline pumps, car washes, advertising signs, billboards, structures from which products are vended, and tents and canopies which are in place more than two consecutive days during any calendar quarter).

"STRUCTURAL ALTERATION" shall mean any change in the supporting members of a building or structure, such as bearing walls, columns, beams, girders, floor joists, or roof joists, or in the exterior walls.

"SUBDIVISION" shall mean the division of a lot, tract or parcel of land into two or more lots, plats, sites or other division of land for the purpose, whether immediate or future, of sale or of building development for purposes other than agricultural. It includes re-subdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

"THROUGH STREET" or **"HIGHWAY"** shall mean every street or highway or portion thereof at the entrance to which vehicular traffic from intersecting highways is required by law to stop before entering or crossing the same and when stop signs are erected. It generally is radial or circumferential in relation to present heavily populated areas and is intended to provide continuous, wide, direct and adequate routes designed to insure the future stability of the

expanding urban areas within Augusta and the region. They usually include all state and federal highways not otherwise designated in the Master Plan.

"TOURIST HOUSE" shall mean a private dwelling that supplies temporary accommodations to overnight guests for a fee which may or may not include the preparation of meals.

"TRANSITION HOUSING" shall be housing designed for and/or used for occupancy predominantly by a series of short term tenants. For the purpose of administering and enforcing Section 26-1 (g) of this Ordinance short term shall be defined as less than 120 consecutive days. The following uses and similar uses shall be considered to be transition housing: temporary quarters for occupancy by visitors to area hospitals, a facility for victims of physical abuse, and temporary quarters for tenants receiving assistance from public or private social programs.

"TRAVEL TRAILER" shall mean a vehicular portable structure, designed as a temporary dwelling for travel, recreational, and vacation uses, which is identified on the unit as a Travel Trailer and is not more than eight (8) feet in body width, and is of any weight provided its length is not more than twenty-nine (29) feet, and is of any length provided its gross weight, factory-equipped for the road, is not more than 4,500 pounds.

"TRAVEL TRAILER PARK" shall mean any site, lot, parcel, or tract of land upon which Travel Units are placed in accordance with the requirements of this Ordinance.

"TREE" shall mean any object of natural growth.

"VETERINARIAN CLINIC" shall mean a facility that provides medical treatment for diseases and injuries to animals. A veterinarian clinic may have some indoor boarding of animals that is incidental to and associated with the primary goal of the facility which is providing care and treatment to animals.

"YARD" shall mean an unoccupied area of a lot, open and unobstructed from the ground to the sky, except as otherwise provided in this Ordinance.

"YARD, FRONT" shall mean an open space extending the full width of a lot and of a depth measured horizontally at right angles from the front lot line to the front of the structure.

"YARD SALE" shall mean an infrequent event (less than three (3) times per calendar year and lasting no more than three days) conducted on property in R-Zoned districts where used household goods and personal items are offered for sale to the general public by the owner or tenant of the property or by a group of owners or tenants. Holding three (3) or more yard sales during a calendar year at the same address shall be considered to be a retail use and the property owner shall be required to obtain a suitable zoning classification prior to continuing the activity.

"YARD, SIDE" shall mean an open space extending along the side line of a lot between the front yard and the rear yard and of a width measured horizontally at right angles from the side lot line to the side of the structure.

"YARD, REAR" shall mean an open space extending the full width of a lot of a depth measured horizontally at right angles from the rear lot line to the rear of the structure.

GENERAL PROVISIONS

SECTION 3

AREA AND SETBACK REQUIREMENTS

3-1 **Area and Setback Requirements:** Except as hereinafter provided, no building or structure shall be erected on a lot unless such building or structure, enlargement, addition, or alteration conforms with the area regulations and setback requirements of the zone in which it is located.

3-2 **Reduction of Lot Area:** No lot shall be reduced or diminished so that the yards, other open space, or total lot area shall be smaller than prescribed by this Ordinance nor shall the density of housing units be increased in any manner except in conformity with the regulations herein established.

3-3 **Recorded Lots Less Than Minimum Area:** Lots of Record at the time of enactment of this Ordinance, which have less than the minimum requirements for an R-Zone, may nevertheless be used for uses permitted in respective zones if all standards other than those related to lot area can be met. All other lots in an R-Zone shall be in accordance with the respective zone requirements.

3-4 **Yards Applying to Only One Building:** No required yard or other open space around an existing building, or which is hereafter provided around any other building for the purpose of complying with the provisions of this Ordinance, shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot whereon a building is to be erected.

3-5 **Only One Main Building on a Lot:** Every building hereafter shall be located on a lot herein defined. In no case shall there be more than one main residential building and its accessory building on one lot. Row dwellings or a unit group of dwellings may be considered as one main residential building.

3-6 **Intersection Visibility and Corner Setback:** In all zones, except B-2, LI, and HI Zones, no construction, fence, hedge, bushes, or other obstruction to a clear view which extends over three (3) feet in height shall be permitted at any corner of intersecting streets where either or both of the streets are less than sixty (60) feet in width within the area formed by the legs of a triangle whose apex is a point of intersection of the centerline of the traveled roadways and the legs of which are sixty (60) feet in length along the centerlines, and the hypotenuse of which is the line connecting the end of said legs. Exceptions shall be made for utility pole lines, lighting standards, post office boxes, traffic signs, and trees, the branches of which are kept trimmed to a height of eight (8) feet above the ground.

3-7 **Front Yard on a Through Lot:** At each end of a through lot there shall be a front yard depth required by this Ordinance for the zone in which each street frontage is located.

3-8 **Group Housing**: DELETED

3-9 Building Setbacks: DELETED

3-10 Building Setbacks: On every road, street, or highway, which conforms to the definition of arterial, collector, industrial or major streets or highways, no building, structure, or obstruction or part of a building or structure or obstruction of any character shall be erected on any land abutting the road, street, or highway nearer than forty (40) feet from the right-of-way line of such road, street, or highway. On all other streets the minimum setback shall be 30 feet., except that in the various zones the minimum setback may be reduced or increased as set forth under the provisions for those specific zones. This setback shall not apply to any sign advertising the principal use of the property on which such sign is erected or placed; provided, however, that no part of any such sign or its supporting structure shall be placed nearer than ten (10) feet from the right-of-way line of any road, street, or highway. Off Premises Outdoor Advertising Signs as defined in this Ordinance, shall not be thus exempted shall meet all setbacks required for other structures as provided elsewhere in this Ordinance. No sign of any kind shall be located within any setback required under Section 3-12 of this Ordinance.

3-11 Building Setbacks: These regulations regarding building setbacks shall be applicable to any new roads, streets, or highways hereafter laid out to the same extent as to roads, streets, or highways in existence and of public record at the time of the adoption of this Ordinance. They shall likewise be applicable to any roads, streets, or highways or areas which have been or may be designated as arterial highways on any Thoroughfare Plan, proposed or adopted by the Augusta-Richmond County Planning Commission or by the United States Department of Transportation or State Governmental Authority showing the location, or proposed location, of roads, streets, or thoroughfares in Augusta-Richmond County. The only sign of any kind shall be the standard highway sign marking system.

3-12 ***Special Building Setbacks:*** *No building, structure, or part thereof or obstruction of any character including the minimum required off-street parking spaces for a land use included in Section 4 of this Ordinance, shall be erected, or altered, regardless of the use thereon, on any lot:*

(a)* Nearer than forty (40) feet from the right-of-way line on either side of Fifteenth Street from Wrightsboro Road to Martin Luther King Jr. Boulevard.

(b)* DELETED.

(c)* Nearer than forty-five (45) feet from the right-of-way line on either side of Claussen Road from a point 1000 feet south of its intersection with the CSX Railroad line south to the intersection with Stevens Creek Road.

(d)* Nearer than one hundred (100) feet from the centerline of Windsor Spring Road from Tobacco Road to Patterson Bridge Road.

(e)* DELETED

(f)* Nearer than forty-five (45) feet from the right-of-way line of Jackson Road / Walton Way Extension from Wrightsboro Road to the intersection of Davis Road and Pleasant Home Road.

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(g) Nearer than forty (40) feet from the right-of-way line of either side of Davis Road from Pleasant Home Road to the Columbia County Line.

(h)* Nearer than forty (40) feet from the right-of-way line on either side of Bertram Road.

(i)* DELETED.

j) Nearer than forty (40) feet from the right-of-way line on either side of Berckmans Road from Washington Road to Wheeler Road.

(k) Nearer than forty (40) feet from the right-of-way line of either side of Wrightsboro Road from Highland Avenue to Fifteenth Street.

(l)* Nearer than forty-five (45) feet from the right-of-way line of Pleasant Home Road from Washington Road to the Bobby Jones Expressway.

(m) Nearer than forty (40) feet from the right-of-way line of Fury's Ferry Road from Washington Road to the Columbia County Line.

(n)* Nearer than forty-five (45) feet from the right-of-way line of Flowing Wells Road from Wrightsboro Road to Frontage Road.

(o) Nearer than forty (40) feet from the right-of-way line of Stevens Creek Road from Frontage Road to the Columbia County Line.

(p) Nearer than forty (40) feet from the right-of-way line of Marks Church Road from Wrightsboro Road to Wheeler Road.

(q)* DELETED

(r)* Nearer than forty-five (45) feet from the right-of-way line of Meadowbrook Drive from Windsor Spring Road to Deans Bridge Road.

(s)* *Nearer than seventy (70) feet from the right-of-way line of Wrightsboro Road from Barton Chapel Road to the Richmond/Columbia County Line except for the area around the Dyess Parkway intersection which has already been widened to five or more lanes. This excluded area begins 500 feet east of the intersection of Powell Road and ends 1000 feet west of the intersection of Dyess Parkway.*

(t) Nearer than forty (40) feet from the right-of-way line of Milledgeville Road from the east intersection with Gordon Highway (U. S. Highway #78, #278) to the west intersection with Gordon Highway (U. S. Highway #78, #278) near Madrid Drive.

(u)* Nearer than forty-five (45) feet from the right-of-way line of Phinizy Road from U. S. Highway #25 to State Highway #56.

(v)* Nearer than forty-five (45) feet from the right-of-way line of Rosier Road from Windsor Spring Road to U. S. Highway #25.

(w)* Nearer than forty-five (45) feet from the right-of-way line of Barton Chapel Road from Wrightsboro Road to Gordon Highway.

(x)* Nearer than forty-five (45) feet from the right-of-way line on either side of Alexander Drive.

(y)* Nearer than forty-five (45) feet from the right-of-way line of Brown Road from U. S. Highway #25 to State Highway #56.

(z)* Nearer than forty-five feet from the right-of-way line of Willis Foreman Road from U. S. Highway #1 to U. S. Highway #25.

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(aa) Nearer than forty (40) feet from the right-of-way line of Hephzibah-McBean Road from Story Mill Road to GA Highway 56.

(bb) Nearer than forty (40) feet from the right-of-way line of old Waynesboro Road from GA Highway 56 to Burke County Line.

(cc) Nearer than forty (40) feet from the right-of-way line of Powell Road from Wrightsboro Road to Gordon Highway.

(dd) Nearer than forty (40) feet from the right-of-way line of Belair Road, from Wrightsboro Road to Wrightsboro Road.

(ee) Nearer than forty (40) feet from the right-of-way line of Morgan Road from Tobacco road to US Highway #1.

GENERAL PROVISIONS

SECTION 4

OFF-STREET PARKING AND LOADING

Off-Street Parking: Off-street automobile storage or parking space shall be provided on every lot, tract, or parcel on which any permitted use or Special Exception is established in accordance with this Ordinance.

4-1 General Requirements for Off-Street Parking: For the purpose of this section, the following general requirements are specified:

(a) All off-street automobile storage or parking facilities shall be designed with appropriate means of vehicular access to a street or lane. However, except for single-family or two- family dwellings fronting on a minor or local street, no required off-street parking facilities shall be arranged so as to require backing from the space directly onto a public street.

(b) General off-street parking plans shall be submitted as part of a proposed site plan. Such plans shall show the proposed layout of all parking areas, the total number of off-street parking spaces to be provided, and the dimensions of the typical individual parking space. Off-street parking plans including driveways and curb cuts shall be approved by the Planning Commission Staff.

(c) Individual parking spaces shall have the minimum dimensions of nine (9) feet in width and eighteen and one-half (18.5) feet in length unless off-street parking is to be provided in common parking bays or lots. Common parking bays or lots shall meet the minimum dimensional requirements illustrated in the following chart.

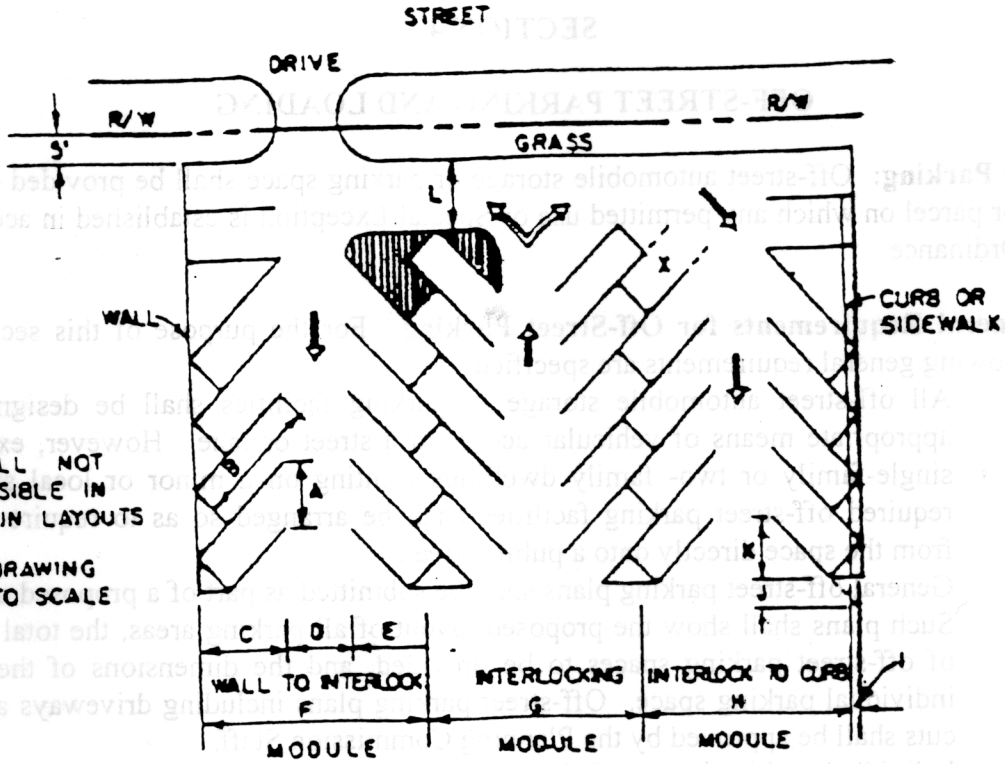
(d) All common off-street parking bays shall be graded to provide adequate drainage and shall be paved with an all weather material or equivalent surface subject to the approval of the Chief Engineer.

(e) Along those lot lines of an off-street parking area which abut residential districts, a solid screen (i.e. fence, wall, or berm) of no less than six (6) feet in height shall be erected. The screen shall begin five (5) feet from the right-of-way line of a public street and continue for the entire length of the property lines abutting a residential district.

(f) A curb cut shall be located as far as practical from the intersection of the right-of-way lines of two streets, and no curb cut shall be permitted within fifty (50) feet of an intersection. Each parcel that is in ownership separate from the ownership of contiguous parcels shall be entitled to at least one curb cut per street front. Except in single-family residential zones, curb cuts shall be at least 100 feet apart where practical. Except in single-family residential zones, shared driveways are encouraged, and where practical a driveway that is not a shared driveway shall be at least fifty (50) feet from a property line.

(g) Any light used to illuminate required parking areas shall be arranged so that the light is reflected away from adjacent properties.

(h) No sign (permanent or temporary), light standard, or screening material shall be placed so as to inhibit the orderly use of a parking facility or in a manner which reduces the number of usable parking spaces. No sign, light standard, or screening material shall be placed so that it obstructs visibility for drivers or pedestrians.



NOTES

1. X: STALL NOT ACCESSIBLE IN CERTAIN LAYOUTS
2. THIS DRAWING NOT TO SCALE

PARKING LAYOUT DIMENSIONS (IN FT.) FOR 9 FT. STALLS AT VARIOUS ANGLES

Dimension	On diagram	Angle 45°	60°	75°	90°
Stall width, parallel to aisle	A	12.7	10.4	9.3	9.0
Stall length of line	B	25.0	22.0	20.0	18.5
Stall depth to wall	C	17.5	19.0	19.5	18.5
Aisle width between stall lines	D	12.0	16.0	23.0	26.0
Stall depth, interlock	E	15.3	17.5	18.8	18.5
Module, wall to interlock	F	44.8	52.5	61.3	63.0
Module, interlocking	G	42.6	51.0	61.0	63.0
Module, interlock to curb face	H	42.8	50.2	58.8	60.5
Bumper overhang (typical)	I	2.0	2.3	2.5	2.5
Offset	J	6.3	2.7	0.5	0.0
Setback	K	11.0	8.3	5.0	0.0
Cross aisle, one-way	L	14.0	14.0	14.0	14.0
Cross aisle, two-way	-	24.0	24.0	24.0	24.0

(i) All off-street parking spaces located in common parking bays or lots shall be marked by a durable painted stripe designating no less than the required minimum parking space area.

(j) No motor vehicle repair work of any kind shall be permitted in conjunction with off-street parking areas except minor repair on vehicles owned by the occupant or resident of the principal use for which the off-street parking is intended.

(k) If the required off-street parking space cannot be reasonably provided on the same lot, tract, or parcel on which the principal use is conducted, the applicant may be permitted to provide such space on other off-street property, provided such space lies within 300 feet of the property line of the principal use. Such space may be parking provided for other uses, provided the utilization of the parking area by the proposed uses does not conflict with the activities associated with the primary use, and that the applicant obtains written authorization for utilization of the parking facility on a continuing basis.

4-2 Off-Street Parking Requirements for all Areas Except Central Business District (CBD): Off-street automobile storage or parking space shall be provided with vehicular access to a public street and shall be equal to or greater than the minimum requirements for the specific use set forth below. For the purpose of this section gross leasible area shall be defined as the area for tenants' occupancy and exclusive use. Sales area shall be defined as the gross leasible area minus tenants' storage and work area.

Land Use	**Parking Requirements**
(a) Dwelling Structures	
(1) One and Two Family	Two (2) spaces for each dwelling unit.
(2) Multifamily, efficiency and one bedrooms	Three (3) spaces for each two (2) units.
(2.1) Multifamily, two or more bedrooms	Two (2) spaces for each dwelling unit.
(3) DELETED	
(4) Hotels, Hotels Extended Stay, Motels, Motels Extended Stay	One (1) space for each room plus one space for each two employees, plus additional spaces as required for other functions such as bar, restaurant, etc.
(5) Boarding and Rooming Houses, Dormitories	One (1) space for each guest or sleeping room or one (1) space for each 150 square feet of sleeping area whichever is greater.
(6) Fraternity and Sorority Houses	One (1) space for each two (2) beds or one (1) space for each five (5) members, whichever is greater.
(7) Manufactured Home	As provided for in Section 27 of this Ordinance.
(b) Public Assembly	
(1) Churches and other places of worship	One (1) space for each three (3) seats in the main auditorium or sanctuary.

Land Use	Parking Requirements
(2) Private clubs, lodges and fraternal buildings not providing overnight accommodations.	The number of spaces required shall be determined by the Planning Commission staff on the basis of the type of use proposed, its intended occupancy, and seating arrangement.
(3) Theaters, auditoriums, coliseums, stadiums, and similar places of assembly	One (1) space for each four (4) seats.
(4) Libraries, museums	One (1) space for each 250 square feet of floor area in public use.
(5) Schools, by type:	
Elementary	Two (2) spaces for each three (3) employees and teachers.
Junior High	Two (2) spaces for each three (3) employees and teachers plus one (1) space for each ten (10) students.
Senior High	Two (2) spaces for each three (3) employees and teachers plus one (1) space for each ten (10) students plus one (1) space for each ten (10) seats in the main auditorium.
Colleges and trade Schools	One (1) space for each two (2) employees and teachers plus one (1) space for each five (5) students.
(6) Kindergarten or day care centers	One (1) space for each teacher or other employee plus safe off-street loading and unloading space.
(7) Skating rinks, exhibition halls, pool rooms, and other places of amusement or assembly without fixed seating arrangements	One (1) space for each 200 square feet of floor area intended for public use.
(8) Bowling Alleys	Five (5) spaces per lane plus one (1) space for each 300 square feet of floor area for accessory uses.
(9) Drive-in Theaters	Between the entrance curb cut and the ticket office, there shall be an inbound reservoir with spaces equal to twenty percent (20%) of the total vehicular capacity of the theater. All spaces shall be ten (10) feet wide and twenty (20) feet in length.

Land Use	Parking Requirements
(10) Recreational facilities not elsewhere specified	The number of spaces required shall be determined by the Planning Commission staff on the basis of the type of use proposed, its intended occupancy, and seating arrangements.
(c) Health Facilities	
(1) Hospitals	Two (2) spaces for each bed.
(2) Sanitariums, nursing homes, similar institutional uses	One (1) space for each two (2) beds.
(3) Medical, dental, and health clinics and offices	One (1) space for each 175 square feet of gross leaseble area.
(4) Mortuaries and funeral parlors	Eight (8) spaces for each chapel and parlor plus one (1) space for each vehicle owned by the establishment.
(5) Veterinary clinics, kennels, and animal hospitals	One (1) space for each 200 square feet of enclosed area.
(d) Commercial Establishments	
(1) Automobile repair establishments	One (1) space for each employee plus one (1) space for each 250 square feet of floor space.
(2) Automobile service stations	Two (2) spaces plus one (1) additional space for each bay.
(3) Automobile washing and cleaning establishments	One (1) space for each two employees plus inbound reservoir spaces equal to five (5) times and outbound reservoir spaces equal to three (3) times the capacity of the car wash.
(4) Automobile sales (new and used) and manufactured home sales	One (1) space for each 4000 square feet of land area for the first 20,000 square feet plus one (1) space for each additional 10,000 square feet of land area.
(5) Food stores	One (1) space for each 150 square feet of retail sales area plus one (1) space for each 1000 square feet of remaining leasable area used for storage or work area.
(6) General retail sales, commercial or personal service establishments	One (1) space for each 200 square feet of retail sales area, plus one (1) space for each 1000 square feet of remaining Leasable area used for storage or work area.

Land Use	Parking Requirements
(7) Appliance Stores	One (1) space for each 200 square feet of retail sales area plus one (1) space for each 500 square feet of remaining leasable area used for storage or work area.
(8) Furniture Stores	One (1) space for each 200 square feet of retail sales area, plus one (1) space for each 500 square feet of remaining leasable area used for storage or work area.
(9) Restaurants, by-type:	
Fast Food	One (1) space for each 200 square feet of gross leasable area plus one (1) space for each three (3) seats.
Sit-down	One (1) space for each two (2) seats plus one (1) space for each two (2) employees.
(10) Night clubs, taverns, lounges, and similar establishments	One (1) space for each three (3) seats plus one (1) space for each two (2) employees
(11) Office buildings except medical, dental, and health clinics and branch banks	One (1) space for each 200 square feet of gross leasable area.
(12) Branch banks	One (1) space for each 200 square feet of floor area plus five (5) inbound reservoir spaces and one (1) outbound reservoir space for each drive-in window.
(13) Governmental offices	Same as requirements (d)(11) above plus one (1) space for each governmental vehicle.
(14) Shopping Centers with more than 50,000 square feet of gross leasable area	Five (5) spaces for each 1000 square feet of gross leasable area.
(e) Industrial Establishments	
(1) Manufacturing and industrial establishments	Two (2) spaces for each three (3) employees working on the largest shift.
(2) Wholesale trade establishments	One (1) space for each employee plus one (1) space for each 1000 square feet of gross leasable area.
(3) Transport terminal facilities	Two (2) spaces for each three employees working on the largest shift plus sufficient space for overnight storage of trucks or other vehicles.

(f) **Uses Not Specified.** In the case of a use not specifically mentioned in Section 4-2 the requirements for off-street parking facilities shall be determined by the Staff. Such determination shall be based upon the requirements set for the most comparable use specified in Section 4-2.

(g) **Reduction in Number of Required Off-Street Parking Spaces**. The Planning Commission may, at its discretion, reduce the minimum number of parking spaces required for a specific use by Section 4-2(a) through 4-2(e) above provided that sufficient evidence is presented justifying the need for reduction in the requirements and every effort has been made to provide off-street parking in accordance with the stipulations of this section.

4-3 Off-Street Parking Requirements for the Central Business District (CBD): Off-street parking shall be provided in the Central Business District in accordance with the following regulations:

(a) For the purpose of this section, the Central Business District shall be defined as the area bounded by the following streets and including all lots or parcels fronting on said streets:

(1) Levee Road from Gordon Highway to Fifteenth Street;
(2) Fifteenth Street from Levee Road to Greene Street;
(3) Greene Street from Fifteenth Street to Thirteenth Street;
(4) Thirteenth Street from Greene Street to Telfair Street;
(5) Telfair Street from Thirteenth Street to Gordon Highway;
(6) Gordon Highway from Telfair Street to Levee Road.

(b) Public or semipublic parking lots and garages available for general use and metered curb parking spaces within 300 feet of the proposed use may be applied toward the total off-street parking spaces needed.

(c) All provisions set forth in Sections 4-1 and 4-2 shall apply to the above described area except as follows:

Land Use	Parking Requirements
(1) Restaurants, night clubs, taverns, lounges, and similar establishments	One (1) space for each six (6) seats plus one (1) space for each three (3) employees.
(2) Office buildings except medical, dental, and health clinics; and branch banks	One (1) space for each 400 square feet of gross leasable area.
(3) Hotels and Motels	One (1) space for each three (3) rooms plus additional space as required for other functions such as bar, restaurant, etc.
(4) Retail stores, department stores, commercial or personal service establishments except food stores	One (1) space for each 400 square feet of gross leasable area.
(5) Governmental Offices	Same as requirements 4-3(c)(2) above plus one (1) space for each governmental vehicle.

(d) The Planning Commission may, at its discretion, reduce the minimum number of parking spaces required for a specific use by Section 4-3(c) provided that sufficient evidence is presented justifying the need for a reduction in the requirements and every effort has been made to provide off-street parking in accordance with the stipulations of this section.

4-4 General Requirements for Off-Street Loading: Off-street loading and unloading space shall be provided as hereinafter required by this Ordinance. For the purposes of this section, the following general requirements are specified:

(a) The term "off-street loading and unloading space" shall mean an area having the minimum dimensions of 14 feet in height, 12 feet in width, and 50 feet in length plus adequate maneuvering area to facilitate entry into and exit from the space. The Planning Commission may, upon sufficient demonstration that a particular loading space will be used exclusively by small trucks or vans, reduce the minimum dimension requirements accordingly.

(b) Each required off-street loading space shall have direct access to a street or have a driveway which provides satisfactory ingress and egress for trucks. The width of the access way shall be at least 25 feet wide but not greater than 50 feet wide and shall have a minimum radius at the curb line of 25 feet.

(c) Each required off-street loading space shall be so designated as to avoid undue interference with other vehicular or rail access, use of public streets, or other public transport systems.

(d) All off-street loading facilities, including spaces and maneuvering area, shall be adequately drained and paved with an all-weather material or equivalent surface subject to the approval of the Public Works Department.

(e) Along those lot lines of the loading area which abut a residential district, a solid screen of no less than five (5) feet in height shall be erected.

(f) Any light used to illuminate required off-street loading areas shall be arranged so that the light is reflected away from adjacent properties. No light standard shall be erected within fifteen (15) feet of any curb line of a public street.

(g) All off-street loading areas and their respective maneuvering areas shall be set back not less than five (5) feet from a public right-of-way.

(h) No portion of the area required for off-street parking as specified in Section 4-2 shall be used for off-street loading, unloading, or maneuvering space.

4-5 Off-Street Loading Requirements for All Use Zones: Off-street loading and unloading space shall be provided with access to a public street and shall be equal to or greater than the minimum requirements set forth as follows:

Land Use	Loading Requirements
(a) <u>Dwelling Structures</u>	
(1) Hotels and Motels	One (1) space for each 20,000 square feet of floor area.
(b) <u>Public Assembly</u>	
(1) Private clubs, lodges, and fraternal buildings not providing overnight accommodations	One (1) space for each 20,000 square feet of floor area.

Land Use	Loading Requirements
(2) Theaters, auditoriums, coliseums, stadiums, and similar places of assembly	One (1) space for each structure having more than 100,000 square feet of floor area.
(3) Schools, all types	One (1) space for each structure having more than 100,000 square feet of floor area.
(4) Bowling Alleys	One (1) space for each structure having more than 20,000 square feet of floor area.
(c) <u>Health Facilities</u>	
(1) Hospitals, sanitariums, nursing homes, and similar institutional uses	One (1) space for each 100,000 square feet of floor area.
(d) <u>Commercial Establishments</u>	
(1) Food stores	One (1) space for the first 10,000 square feet of floor area plus one (1) space for each additional 30,000 square feet of floor area.
(2) Restaurants, night clubs, taverns, lounges, and similar establishments	One (1) space for the first 10,000 square feet of floor area plus one (1) space for each additional 30,000 square feet of floor area.
(3) Office buildings except medical, dental, and health clinics	One (1) space for structures between 30,000 square feet and 100,000 square feet of floor area plus one (1) space for each additional 100,000 square feet of floor area.
(4) Retail stores, department stores, commercial or personal service establishments, except food stores	One (1) space for first 10,000 square feet of floor area plus one (1) space for each additional 50,000 square feet of floor area.
(5) Shopping Centers	One (1) space for each 50,000 square feet of floor area.
(e) <u>Industrial Establishments</u>	
(1) Manufacturing and industrial establishments	One (1) space for each 40,000 square feet of floor area.
(2) Wholesale trade establishments	One (1) space for each 50,000 square feet of floor area.
(3) Transport terminal facilities	One (1) space for each 30,000 square feet of floor area.

(f) **<u>Uses Not Specified.</u>** In the case of a use not specifically mentioned in Section 4-5, the requirements for off-street loading facilities shall be determined by the Planning Commission. Such determination shall be based upon the requirements set forth for the most comparable use specified in Section 4-5.

(g) **Reduction in Number of Required Off-Street Loading Spaces.** The Planning Commission may, at its discretion, reduce the minimum number of loading spaces required for a specified use by Section 4-5(a) through 4-5(e) above provided that sufficient evidence is presented justifying the need for reduction in the requirements and every effort has been made to provide off-street loading in accordance with the stipulations of this section.

4-6 **Nonconforming Parking and Loading Spaces:** Any building lawfully in use on February 4, 1974, shall constitute a nonconforming use with regard to parking. Any enlargement of a nonconforming building or expanded use of a nonconforming building must provide the required parking for the additional area or use.

4-7 **Zoning Classification Changes:** Any building on property for which the zoning classification is subsequently changed or a Special Exception is subsequently granted shall be provided with sufficient off-street parking pursuant to this section prior to occupancy.

GENERAL PROVISIONS

SECTION 5

NONCONFORMING USES

5-1 Repairs and Alterations to Nonconforming Buildings or Structures:

(a) Repairs and alterations may be made up to 50% of the structure valuation as assessed by the Richmond County Board of Tax Assessors or its successor, at the time the petition is presented.

(b) No structural alterations will be permitted except as provided for in Section 5-7 of this Ordinance.

(c) No enlargements will be permitted except as provided for in Section 5-7 of this Ordinance.

(d) In the event of destruction by fire or act of God, restoration will be permitted to the extent of the original improvements.

5-2 A building or structure nonconforming as to regulations for use or lot area or for dwelling units shall not be added to or enlarged in any manner unless said building or structure including such addition and enlargement is made to conform to the use and area in accordance with regulations of the zone in which it is located except as provided for in Section 5-7 of this Ordinance.

5-3 Continuation and Change of Use:

(a) The nonconforming use of a building or structure, lawfully existing on March 25, 1963, may be continued.

(b) The nonconforming use of a nonresidential building or structure may be changed only to a use of the same or more restricted classification. The nonconforming use of a residential structure may not be changed to any use not permitted by the base zoning classification.

(c) The nonconforming use of land (where no building is involved) lawfully existing on March 25, 1963, may be continued provided that no nonconforming use of land shall be expanded or extended either on the same or adjoining property.

5-4 Expansion Prohibited: A nonconforming use of a portion of a building or structure shall not be expanded or extended into any other portion of such building or structure nor changed except to a conforming use.

5-5 Nonconforming Due to Reclassification: The foregoing provisions of this section shall also apply to buildings, structures, land or uses which hereinafter become nonconforming due to any reclassification of zones under this Ordinance or any subsequent change in the regulations of this Ordinance.

5-6 Any nonconforming use which has been abandoned for a period of two (2) years or more shall not be used for any purpose other than that permitted in the zone in which such use is situated.

5-7 Structural Alterations and Enlargement: An existing nonconforming use may be permitted to expand in the district in which it is located upon approval by the Executive Director provided that:

(a) A site plan showing the existing nonconforming land and building(s) and the proposed expansion has been submitted for approval;

(b) The existing nonconforming use is of a type permitted under the B-1 (Neighborhood Business) Zone, Section 21-1(b), of this Ordinance;

(c) The enlargement does not exceed twenty (20%) percent of the square footage contained within the existing nonconforming structure, the amount of expansion permitted to be calculated using the square footage on record with the Richmond County Board of Tax Assessors;

(d) The expansion shall not extend beyond the property lines of the existing nonconforming use except where additional land is acquired to meet the off-street parking requirements of Section 4 of this Ordinance;

(e) The expansion is in compliance with all setback and yard requirements of the zone in which the nonconforming use is located;

(f) Off-street parking and loading are provided in accordance with Section 4 of this Ordinance;

(g) The expansion does not involve the construction of any separate structures; and

(h) No previous expansion has occurred under the provisions of this section.

USE DISTRICT CLASSIFICATIONS

SECTION 6

DISTRICT DEFINITIONS

6-1 For the purpose of classifying, regulating, and restricting the locations of trades and industries, and the locations of buildings designed for industry, commerce, residence, and other uses; Augusta, Georgia, except Hephzibah and Blythe, is hereby divided into the following Use Districts or Zones, to wit;

Agricultural Districts, being "A" Zones.
Residential Districts, being "R" Zones.
Professional Districts, being "P" Zones.
Business Districts, being "B" Zones.
Industrial Districts, being "I" Zones.

Zone Group Classification: Whenever the terms "A" Zone, "R" Zone, "P" Zone, "B" Zone, or "I" Zone are used, they shall be deemed to refer to all zones containing the same letters and/or numbers in their names, e.g. "R" Zone shall include R-1, R-2, R-3; "R-1" Zone shall include R-1A, R-1B, R-1C, R-1D and R-1E zones.

6-2 The Use Zones herein above referred to shall be designated on certain zoning maps and by reference thereto expressly made a part of this Ordinance. No building shall be erected, nor shall buildings or premises be used for any purposes other than a purpose permitted by this Ordinance in a zone in which such buildings or premises are located.

6-3 Zone Boundaries: Unless otherwise indicated the zone boundaries are the centerlines of streets, parkways, waterways, railroad rights-of-way, or such lines extended.

AGRICULTURAL DISTRICT CLASSIFICATIONS

SECTION 7

A (AGRICULTURAL) ZONE

7-1 **Zone A (Agriculture) Districts:** The area of Zone "A" shall be all of Augusta excepting therefrom any and all areas that have been, or may hereafter be, specifically covered by other zones created in accordance with the provisions of this Ordinance and shown on Maps on file with the Augusta-Richmond County Planning Commission. No land, no body of water, and no structure shall be put into use and no building shall be hereafter erected, constructed, moved, reconstructed, or structurally altered for any purpose in this zone (Zone "A") which is designed, arranged or intended to be used or occupied for any purpose other than the following:

(a) Single-family Residential buildings and structures developed under the standards set forth in the R-1 Zone (Section 8), except that the maximum height of fences, walls, or hedges in any required front, side or rear yards of an A (Agriculture) Zone shall be limited to a height of eight (8) feet, except for corner yard areas discussed in Section 3-6 of this Ordinance.

(b) Agriculture, dairying and ranching.

(c) Buildings incidental to agriculture, dairying and ranching.

(d) Building incidental to forestry.

(e) Noncommercial boat piers, or slips, or boat houses for docking of private water craft.

(f) Manufactured homes on individual lots subject to the criteria listed in Section 27-7 of this Ordinance.

(g) Conservation Subdivisions where the overall density of development including portions of the tract devoted to greenspace does not exceed .5 lots per acre.

(h) Parking of vehicles related to agricultural and forestry enterprises engaged in on the same or an adjoining property;

(i) Parking of no more than two (2) commercial vehicles to include freight carrying vehicles, (truck trailers and tractors) in excess of one ton capacity and three or more axles on a lot which exceeds one acre in area.

7-2 The following Special Exceptions shall apply in an A zone and may be permitted upon approval of location by the Augusta-Richmond County Planning Commission:

(a) Mineral exploration provided that the activity is conducted in a manner which minimizes disturbances of the land and the work is completed within two (2) years of the date of approval granted by the Augusta-Richmond County Planning Commission. Any time during said two (2) year period or within 30 days thereafter, the owner or his agent shall file a certificate with the Executive Director of the Augusta-Richmond County Planning Commission stating either that the right to excavate for minerals is relinquished or that the right to so excavate is retained.

Amended May 2005, Section 7-1 (h) (i)

(1) Excavation of mineral deposits from land and incidental operations thereto for which a Special Exception for mineral exploration has been obtained shall be permitted after the owner has first submitted and obtained approval of the Executive Director of the Augusta- Richmond County Planning Commission concerning each of the following:

- A Mined Land Use Plan as defined and required by the Georgia Surface Mining Act of 1968, as the same may be hereafter amended.
- A copy of the license authorizing the excavation of mineral deposits as required by the Georgia Surface Mining Act of 1968.
- Name and address of the operator of the mining operation.
- Location Map showing the general location of the property involved and the number of acres within the site.
- A copy of the bond as required by the Georgia Surface Mining Act.
- Evidence that the Mined Land Use Plan has been approved by the Surface Mined Land Use Board pursuant to the Georgia Surface Mining Act of 1968.
- After the submission of the information as required above, the Executive Director of the Augusta-Richmond County Planning Commission shall issue a letter to the operator acknowledging compliance and authorizing commencement of the mining operation. Nothing herein contained is intended to require a permit solely for the purpose of mineral exploration so long as such exploration is restricted to the removal of limited amounts for exploratory purposes and not sold, processed for sale, or consumed in the regular operation of business.

(2) Buildings incidental to the excavation, processing and sale of minerals upon approval of the site plan by the Executive Director of the Augusta-Richmond County Planning Commission.

(b) Animal kennels, boarding of animals, and animal grooming establishments provided that the following conditions are met:

(1) The minimum size of any tract of land proposed for use under this section shall be two (2) acres.

(2) No activity permitted under this section shall be conducted within four hundred (400) feet of a permanent dwelling or manufactured home located on another tract of land.

(3) The applicant for a Special Exception under this section shall submit a site plan showing the boundaries of the property to be used, its dimensions, the location of existing and proposed structures to be used for the purpose of this section, and the distance from these locations to any dwelling or manufactured home located on adjacent tracts of land.

7-3 Special Exceptions

Any use established as a result of a special exception granted per Subsection 7-2 must be initiated within six (6) months of the granting, or the Special Exception shall no longer be valid. The initiation of a use is established by the issuance of a valid business license by the Augusta License and Inspections Department or by other reasonable proof of the establishment of vested rights. If a Special Exception is granted and the use is initiated but later ceases to operate for a period of one (1) year, then the Special Exception shall no longer be valid.

Amended Sept. 2004, Section 7-3

RESIDENTIAL DISTRICT CLASSIFICATION

SECTION 8

R-1 (ONE-FAMILY RESIDENTIAL) ZONE

8-1 Permitted Uses:

(a) One-family detached dwellings.

(b) Fence, walls**:** A fence, latticework screen or wall in a required side or rear yard shall not exceed six (6) feet in height. A fence, latticework screen or wall located in a required front yard shall be limited to four (4) feet in height. Any fence, wall, or landscape feature located at the corner of intersecting streets described in Section 3-6 of this Ordinance shall be subject to additional restrictions discussed in that subsection.

(c) Yard Sales provided that no more than two (2), lasting no more than three (3) days per time, are conducted at a single address during a calendar year.

(d) Accessory buildings and uses as described elsewhere in this section.

(e) Conservation Subdivisions where the overall density of development including portions of the tract devoted to greenspace does not exceed 3 lots per acre.

8-2 Special Exceptions: The following may be permitted in an R-1 Zone by Special Exceptions:

(a) *Single-family attached and detached dwellings and condominiums developed in accordance with Section 13 provided that the density of dwellings shall not exceed three (3) units per acre.*

(b) Public parking areas, when located and developed as in Section 4 and where the area adjoins a use other than provided for in the R-1 Zone, provided such transitional use does not extend more than one hundred (100) feet from the boundary of the less restricted zone.

(c) Ponds, whether impoundment or excavations, in excess of the following maximum pond area to lot area ratios may be permitted by Special Exception:

LOT AREA	MAXIMUM POND/LOT AREA RATIO
Less than 2 acres	2%
2 - 5 acres	20%
Over 5 acres	40%

Ponds smaller than the maximum ratios shall be permitted uses by right. Retention or detention ponds approved as part of a Site Plan or Subdivision Development Plan shall also be permitted uses by right. A Grading Plan or a Soil Erosion Plan, depending on the size of the disturbed area shall be submitted and approved before construction of a pond requiring Special Exception commences. Such plan shall include the following statement:

Amended January 2005 – Section 8-2 (a)

"The pond as shown hereon is the private property of the owner, who has full and perpetual responsibility for the maintenance and repair. The owner releases Augusta, Georgia, from any and all claims, damages, or demands arising on account of or in connection with the design, construction, and maintenance of the pond as shown hereon. Augusta, Georgia, assumes no liability or duty related thereto, and in no manner approves or assumes liability for the design of the pond as shown hereon."

(d) Construction trailers may be allowed in a subdivision with an approved Development Plan subject to the following criteria:

(1) A Manufactured Home Permit must be acquired from the Augusta-Richmond County Planning Commission for the construction trailer;

(2) The construction trailer must be located away from the front entrance of the subdivision, preferably in the rear of the subdivision, and in the area of the last homes to be developed in the subdivision. The construction trailer must be located as far as possible from any existing stick-built residential homes in adjoining subdivisions, but in no case shall the construction trailer be located within 150 feet of a site-built residential home located in an adjoining subdivision;

(3) No sale of lots or homes is to take place from this construction trailer - the construction trailer is to be used for construction related business only;

(4) The construction trailer is to be tied down, underpinned, have wooden steps with hand-rails and have a gravel parking area. Any outside items need to be maintained in a neat and orderly manner;

(5) The Owner/Developer must provide the Planning Commission with the following certification: "The Owner/Developer/Contractor will not hold Augusta, GA liable for any claims, damages or demands arising on account of or in connection with the placement of the construction trailer within the subdivision.";

(6) The construction trailer will be moved off of the subject property within 48 hours of the commencement of the last home in the subdivision - -or
The construction trailer must me moved off of the subject property within 48 hours of the expiration of Development Plan approval for the subdivision; and

(7) Inspection will be made by the License and Inspection Department every twelve (12) months.

(e) Sales trailers may be allowed in a subdivision with an approved Development Plan subject to the following criteria:

(1) A Manufactured Home Permit must be acquired from the Augusta-Richmond County Planning Commission for the sales trailer;

(2) Sales trailers must be located in excess of 500 feet from any public street that is not part of the subdivision, and 150 or more feet from a site-built residential home located in an adjoining subdivision;

(3) The sales trailer is to be tied down, underpinned, have wooden steps with hand-rails and have a gravel parking area. Any outside items need to be maintained in a neat and orderly manner;

(4) Areas not left natural or used for parking must be landscaped or sodded;

(5) The Owner-Developer must provide the Planning Commission with the following certification: "The Owner/Developer/ Contractor will not hold Augusta, GA liable for any claims, damages or demands arising on account of or in connection with the placement of the sales trailer within the subdivision;

(6) Permits for the sales trailer would be issued for one (1) year and could only be renewed at the discretion of the Planning Commission Staff;

(7) The sales trailer will be moved off of the subject property within 48 hours of the commencement of the last home in the subdivision - or the sales trailer must be moved off of the subject property within 48 hours of the expiration of Development Plan approval for the subdivision; and

(8) Inspection will be made by the License and Inspection Department every twelve (12) months in conjunction with the renewal of the Mobile Home Permit.

8-3 Home Occupations:

a) Intent. The conduct of businesses in residential units may be permitted under the provisions of this section. It is the intent of this section to:

1) ensure the compatibility of home occupations with other uses permitted in residential districts;
2) maintain and preserve the character of residential neighborhoods; and
3) permit certain limited home occupations which are useful to both the general community as well as the resident-proprietor.

b) Required Conditions. A home occupation is an activity carried out for gain by a resident conducted as an accessory use in the resident's dwelling unit subject to the following conditions:

1) Home occupations shall be limited to personal services such as are furnished by a music teacher, artist, beautician, seamstress, and in-house offices;
2) Home occupations shall not include retail businesses, manufacturing businesses nor repair businesses;
3) Home occupations shall be situated in the same dwelling unit as the home of the occupant, and the individual responsible for the home occupation shall live in the dwelling unit;
4) The home occupation shall not occupy nor affect more than twenty-five percent (25%) of the heated floor area of the dwelling unit. It shall be carried on wholly within the principal building constituting the dwelling unit. No home occupation nor any storage of goods, materials, or products conducted with a home occupation shall be allowed in an accessory building, garage, carport, or porch, attached or detached.

Amended May 2004 - Added Section 8-2 (e)

5) There shall be no exterior indication of the home occupation; no exterior signs nor other on-site advertising visible from the exterior; no audible noise, detectable vibration, inordinate illumination, no odor; no entrance or exit way specifically provided for the conduct of business; and vehicular or pedestrian traffic shall not be generated in volumes greater than would normally be expected by a single family residence.

6) For home occupations established after November 15, 1983 there shall be no assistants employed. Home occupations established prior to that date may have two assistants.

7) Where special equipment is used the Building Code of Augusta-Richmond County shall govern the size of electrical wiring, plumbing, etc., which must be installed before such home occupation may begin.

8) When a home occupation is to be conducted on property not owned by the applicant or operator, written permission from the owner is required.

c) **Special Use Permits**. All home occupations shall have Special Use Permits. Special Use Permits shall be granted upon payment of a fee and a finding that a proposed home occupation would conform to the conditions at 8-3(b) and that no detrimental impact upon the surrounding residential area would be expected.

1) Special Use Permits may be granted administratively by the Executive Director of the Augusta-Richmond County Planning Commission for certain home occupations such as computer, telephone, or mail based businesses or offices, or other similar businesses where, in the opinion of the Executive Director, there is no potential for customers to visit the residence, or for excessive mail, truck or other material deliveries to the residence.

2) For all other home occupations, Special Use Permits shall be granted by the Board of Zoning Appeals.

3) Applications for all Special Use Permits for home occupations shall be made with the Augusta-Richmond County Planning Commission.

4) Special Use Permits shall be granted to a designated person who resides at a residential address, and they shall not be transferable from person to person, address to address, or use to use.

5) Special Use Permits, once granted, may be revoked by the Augusta-Richmond County Commission upon advisement by the Augusta-Richmond County Planning Commission for cause after a hearing before the former commission.

6) An individual granted a Special Use Permit for a home occupation has a period of one year from the date of approval to begin operation of the home occupation. Prior to beginning operation of the home occupation a business license must be obtained. Anyone that fails to begin operation of the home occupation within one year time period forfeits the home occupation right previously granted.

7) A Special Use Permit may be denied if a home occupation could be hazardous or injurious to the welfare of the community or if compliance with the requirements of this section has not been met.

8-4 Accessory Building: One-story accessory buildings not to exceed eighteen (18) total feet in height may be constructed in the R-1 Zone, subject to the following restrictions:

(a) All accessory buildings shall have the side yard setback required for principal structures as specified elsewhere in this Ordinance.

(b) All accessory buildings shall have a rear yard setback of not less than ten (10) feet, including eaves and other overhanging portions of the structure.

(c) Except for carports and detached garages, accessory buildings shall not permitted in any front yard. Carports and freestanding garages shall conform to the front setback requirements for principal structures.

(d) Where the rear yard abuts upon a street, no accessory building shall be closer to the rear lot line than the required setback for the zone.

(e) That the total gross floor area of all accessory buildings shall not exceed five percent (5%) of the total area of the lot on which the accessory buildings are situated.

8-5 DELETED.

8-5.1 TV Satellite Dish Antenna As An Accessory Use: TV Satellite dish antennas shall be permitted as an accessory use in the R-1 Zone. All TV satellite dish antennas shall adhere to the setback requirements for accessory structures, except that no regulated satellite dish antenna may be located in any front yard. TV Satellite dishes less than one (1) meter in diameter shall not be regulated.

8-6 Height: No building or structure hereafter shall be erected, constructed or altered in an R-1 Zone to exceed a height of two and one-half (2-1/2) stories or forty-five (45) feet.

8-7 Area: Every lot in an R-1 Zone shall have a minimum width of one hundred (100) feet and minimum area of 15,000 square feet. Irregularly-shaped lots shall measure a minimum of one hundred feet in width along the building setback line.

8-8 Setbacks:

(a) Front Setback: There shall be a front yard setback in an R-1 Zone of not less than thirty (30) feet from any structure to the front lot line on minor or local streets and a front setback of forty (40) feet from any structure to the front lot line on all other streets and highways. For lots in Residential Subdivisions, approved after adoption of this Section, where a sixty (60) foot or greater right-of-way is utilized and such lots are approved by the Augusta-Richmond County Planning Commission, there shall be a front setback or not less than twenty-five (25) feet from any structure to the front lot line on minor or local streets.

Where a lot is situated in a block face with non-uniform front setbacks, the minimum front setback requirement on such lot shall be the average of the front yards of the existing structures on the block face. In the event the average front setbacks of the block face exceed fifty (50) feet, there shall be no setback requirement greater than a distance of fifty (50) feet from the front of the building to the front lot line. If there are less than two (2) existing structures located within 500 feet on either side of the lot in question, then the provisions regarding non-uniform lots shall not apply.

(b) Side Setback: The side yard setback for principal structures in an R-1 Zone are as follows:

(1) Lots having a width of fifty-five (55) feet or less shall have two (2) side yards each having a width of not less than five (5) feet.

(2) Lots having a width of fifty-six (56) to seventy (70) feet shall have two (2) side yards each having a width of not less than seven (7) feet.

(3) Lots having a width of over seventy (70) feet shall have two (2) side yards each having a width of not less than ten (10) feet.

(c) Rear Setback: There shall be a rear yard setback for lots in an R-1 Zone of not less than twenty percent (20%) of the depth of the lot but such yard need not exceed fifty (50) feet.

8-9 **Lot Coverage:** Not more than thirty percent (30%) of the area of a lot in an R-1 Zone may be covered by buildings or structures, provided that such lot coverage need not be reduced to eight hundred (800) square feet.

8-10 ***Special Exceptions***

Any use established as a result of a special exception granted per Subsection 8-2 must be initiated within six (6) months of the granting, or the Special Exception shall no longer be valid. The initiation of a use is established by the issuance of a valid business license by the Augusta License and Inspections Department or by other reasonable proof of the establishment of vested rights. If a Special Exception is granted and the use is initiated but later ceases to operate for a period of one (1) year, then the Special Exception shall no longer be valid.

Amended Sept. 2004, Section 8-10

RESIDENTIAL DISTRICT CLASSIFICATION

SECTION 9

R-1A (ONE-FAMILY RESIDENTIAL) ZONE

9-1 Permitted Uses:

(a) Any use permitted in an R-1 Zone subject to the restrictions and regulations of the R-1 Zone; and

(b) All the provisions and regulations which apply to the R-1 (One-family Zone) shall apply to the R-1A Zone, except that every lot in an R-1A Zone shall have a minimum width of eighty (80) feet and a minimum area of ten thousand (10,000) square feet.

(c) Conservation Subdivisions where the overall density of development including portions of the tract devoted to greenspace does not exceed 4 lots per acre.

9-2 Special Exception: The following may be permitted in an R-1A Zone by Special Exception:

(a) Single-family attached and detached dwellings and condominiums developed in accordance with Section 13, provided that the density of dwellings shall not exceed four (4) units per acre.

(b) Public parking areas, when located and developed as in Section 4 and where the area adjoins a use other than provided for in the R-1 Zone, provided such transitional use does not extend more than one hundred (100) feet from the boundary of the less restricted zone.

9-3 Special Exceptions

Any use established as a result of a special exception granted per Subsection 9-2 must be initiated within six (6) months of the granting, or the Special Exception shall no longer be valid. The initiation of a use is established by the issuance of a valid business license by the Augusta License and Inspections Department or by other reasonable proof of the establishment of vested rights. If a Special Exception is granted and the use is initiated but later ceases to operate for a period of one (1) year, then the Special Exception shall no longer be valid.

Amended Sept. 2004, Section 9-3
Amended Jan. 2005 – Section 9-2(a)

RESIDENTIAL DISTRICT CLASSIFICATION

SECTION 10

R-1B (ONE-FAMILY RESIDENTIAL) ZONE

10-1 Permitted Uses

(a) Any use permitted in the R-1A Zone subject to the restrictions and regulations of the R-1A Zone;

(b) All the provisions and regulations which apply to the R-1A Zone shall apply to the R-1B Zone, except that every lot in the R-1B Zone shall have a minimum width of seventy-five (75) feet and a minimum area of 7,500 square feet; and

(c) Conservation subdivisions where the overall density of development, including portions of a tract devoted to greenspace does not exceed 5 lots per acre.

10-2 Special Exception: The following may be permitted in an R-1B Zone by Special Exception:

(*a*) *Single-family attached and detached dwellings and condominiums developed in accordance with Section 13, provided that the density of dwellings shall not exceed five and one-half (5-1/2) units per acre.*

(b) Public parking areas, when located and developed as in Section 4 and where the area adjoins a use other than provided for in the R-1 Zone, provided such transitional use does not extend more than one hundred (100) feet from the boundary of the less restricted zone.

10-3 Special Exceptions

Any use established as a result of a special exception granted per Subsection 10-2 must be initiated within six (6) months of the granting, or the Special Exception shall no longer be valid. The initiation of a use is established by the issuance of a valid business license by the Augusta License and Inspections Department or by other reasonable proof of the establishment of vested rights. If a Special Exception is granted and the use is initiated but later ceases to operate for a period of one (1) year, then the Special Exception shall no longer be valid.

Amended Sept. 2004, Section 10-3
Amended Jan. 2005 – Section 10-2(a)

RESIDENTIAL DISTRICT CLASSIFICATION

SECTION 11

R-1C (ONE-FAMILY RESIDENTIAL) ZONE

11-1 Permitted Uses

(a) Any use permitted in the R-1B Zone subject to the restrictions and regulations of the R-1B Zone;

(b) All the provisions and regulations which apply to the R-1B Zone shall apply to the R-1C Zone, except that every lot in the R-1C Zone shall have a minimum width of sixty (60) feet and a minimum area of 6,000 square feet; and

(c) Conservation subdivisions where the overall density of development, including portions of a tract devoted to greenspace does not exceed 7 lots per acre.

11-2 Special Exception: The following may be permitted in an R-1C Zone by Special Exception:

(a) Single-family attached and detached dwellings and condominiums developed in accordance with Section 13, provided that the density of dwellings shall not exceed seven (7) units per acre.

(b) Public parking areas, when located and developed as in Section 4 and where the area adjoins a use other than provided for in the R-1 Zone, provided such transitional use does not extend more than one hundred (100) feet from the boundary of the less restricted zone.

11-3 Special Exceptions

Any use established as a result of a special exception granted per Subsection 11-2 must be initiated within six (6) months of the granting, or the Special Exception shall no longer be valid. The initiation of a use is established by the issuance of a valid business license by the Augusta License and Inspections Department or by other reasonable proof of the establishment of vested rights. If a Special Exception is granted and the use is initiated but later ceases to operate for a period of one (1) year, then the Special Exception shall no longer be valid.

Amended Sept. 2004, Section 11-3
Amended Jan. 2005, Section 11-2 (a)

RESIDENTIAL DISTRICT CLASSIFICATION

SECTION 12

R-1D (ONE-FAMILY RESIDENTIAL) ZONE

12-1 Permitted Uses: The following uses may be permitted in an R-1D district upon determination by the Planning Commission that a request conforms to the requirements of this Section, that it is compatible with surrounding development, and that it promotes the planning policies and objectives for the specific and general areas in which it is located:

(a) Any use permitted in Sections 8 through 11 of this Ordinance.
(b) Single-family attached dwellings in groups of two joined at a common lot line.
(c) Common open space or recreational areas and uses intended for the primary use and enjoyment of the residents of the proposed development.
(d) Single-family detached dwellings.

12-2 Lot Size: Every lot in an R-1D Zone shall have a minimum width of forty feet and a minimum area of four thousand (4,000) square feet.

12-3 Setbacks:

(a) Front Setback: On arterial, collector, industrial, or major streets and highways, the minimum setback in the R-1D Zone shall be the same as Sections 8-11. On local, or minor streets, the minimum setback in the R-1D Zone shall be the lesser of twelve (12) feet from a structure to the front lot line or twenty-five (25) feet from any structure to the curb line.
(b) Side Setback: All detached dwellings shall have a side setback not less than five feet. Where a side yard abuts a zone described in Sections 8 through 11 of this Ordinance, no structure may be constructed within 25 feet of the boundary of that zone. If a six foot brick or stucco wall is constructed beginning at the front setback line and extending along the entire side property line adjoining the zone described in Sections 8 through 11 of this Ordinance, then the required setback shall be fifteen (15) feet. Where a side yard abuts a public street the provisions for front setbacks shall apply.
(c) Rear Yard: The rear setback shall be the greater of twenty-five (25) feet or twenty (20) percent of the depth of the lot, but such yard need not exceed fifty (50) feet.

12-4 Building Height: No building or structure shall be constructed in an R-1D Zone to exceed a height of two and a half (2-1/2) stories or forty-five (45) feet.

12-5 Parking: A minimum of two (2) parking spaces for each dwelling unit shall be provided in the R-1D Zone.

12-6 Lot Coverage: There shall be no maximum lot coverage in the R-1D Zone.

12-7 Application for Approval: All applications for development or a change of zoning to an R-1D Zone shall be accompanied by the following:

(a) A plat of the land to be included in the total development showing all rights-of-way and easements affecting the property to be rezoned to an R-1D classification.

(b) A plat of the lots and the boundaries thereof along with the square footage contained in each lot and the location and rights-of-way of proposed streets in the total development.
(c) The location of buildings and the number of stories contained in each.
(d) The preliminary location of water supply, sanitary, and storm sewer systems.
(e) The location of all curb cuts, driving lanes and parking areas.
(f) The location and type of all common areas (pedestrian walkways, open spaces, recreational uses), including a statement of the method to be used to insure continued maintenance of such areas.
(g) The location and height of all walls, fences and screen plantings.
(h) A typical tentative plan showing front elevations of the proposed dwellings including a tentative statement indicating the type of construction to be used.
(i) A tabulation of the total area, number of dwelling units, and overall density per acre.

12-8 Revision of Plans After Final Approval: Any request to change an approved development plan which affects the intent and character of the development, the density or land use pattern, the location or dimension of streets, or similar changes, shall follow the procedures set forth in Section 35 of this Ordinance. A request for revision of the development plan shall be supported by a written statement of why the revisions are necessary or desirable.

12-9 Compliance with Subdivision Regulations: The development shall comply with the pertinent requirements of the Subdivision Regulations for Augusta-Richmond County.

RESIDENTIAL DISTRICT CLASSIFICATION

SECTION 13

R-1E (ONE-FAMILY RESIDENTIAL) ZONE

Statement of Intent: The intent of this section is to allow greater flexibility in the integration of various types of owner-occupied housing.

13-1 Permitted Uses: The following uses may be permitted in an R-1E district upon determination by the Planning Commission that a request conforms to the requirements of this Section, that it is compatible with surrounding development, and that it promotes the planning policies and objectives for the specific and general areas in which it is located:

(a) Any use permitted in Sections 8 through 12 of this Ordinance.
(b) Single-family attached dwellings (condominiums or subdivisions).
(c) Multi-family condominium structures.

13-2 Lot Size: There shall be no minimum lot size or lot width in the R-1E Zone.

13-3 Setbacks:

(a) Front Setback: The front setback provisions of Section 12 of this Ordinance shall apply to the R-1E Zone.
(b) Side Setback: The side setback provisions of Section 12 of this Ordinance shall apply to the R-1E Zone.
(c) Rear Setback: The rear setback provisions of Section 12 of this Ordinance shall apply to the R-1E Zone.

13-4 Coverage: There shall be no maximum lot coverage in the R-1E Zone.

13-5 Building Height: No building or structure shall be erected or constructed in an R-1E Zone to exceed a height of two and one-half (2-1/2) stories or forty-five (45) feet.

13-6 Building Length: There shall be no continuous residential structures such as townhouses, attached dwellings, or multifamily dwellings containing more than eight (8) dwelling units.

13-7 DELETED**.**

13-8 Density Requirements: The maximum number of dwelling units per acre permitted in the R-1E Zone shall be ten (10). The number of units allowable shall be computed by multiplying the total acreage of the tract by ten (10).

13-9 Open Space Requirement: Not less than twenty-five (25) percent of the development shall be maintained as permanent open space. Such open space may include common areas, buffers, landscaped yards, water areas and any natural areas. Such open space shall be computed beginning five (5) feet outside the building walls. Parking and other paved surfaces, except patios and courtyards, shall not count toward this open space requirement. Any required open space may be left under individual ownership if it falls

on an individual lot, but a property owners' association shall maintain any common area not dedicated to the Augusta-Richmond County Commission. Restrictive covenants, declarations and restrictions running with the land shall provide for access across and permanent maintenance and protection of the common space within these requirements.

13-10 Off-Street Parking Regulations:

(a) A minimum of two (2) parking spaces for each dwelling unit shall be provided in the R-1E Zone.

(b) Where off-street parking is arranged so as to require backing from more than four contiguous spaces directly onto a public street, the minimum parking space dimensions shall be ten (10) feet in width and twenty-five (25) feet in length.

(c) No off-street parking shall be arranged so as to require backing from a space directly into a collector or an arterial street.

13-11 Application for Approval: All applications for development or a change of zoning to an R-1E Zone shall be accompanied by the following:

(a) A plat of the land to be included in the total development showing all rights-of-way and easements affecting the property to be rezoned to an R-1E classification.

(b) A plat of the lots and the boundaries thereof along with the square footage contained in each lot and the location and rights-of-way of proposed streets.

(c) The location of buildings and the number of stories contained in each.

(d) The preliminary location of water supply, sanitary and storm sewer systems.

(e) The location of all curb cuts, driving lanes and parking areas.

(f) The location and type of all common areas (pedestrian walkways, open spaces, recreational uses) including a statement of the method to be used to insure continued maintenance of such areas.

(g) The location and height of all walls, fences and screen plantings.

(h) A typical tentative plan showing elevations of the proposed dwellings, including a tentative statement indicating the type of construction to be used.

(i) A tabulation of the total area, number of dwelling units, and overall density per acre.

13-12 Revision of Plans After Final Approval: Any request to change an approved development plan which affects the intent and character of the development, the density or land use pattern, the location or dimension of streets, or similar changes, shall follow the procedures set forth in Section 35 of this Ordinance. A request for revision of the development plan shall be supported by a written statement of why the revisions are necessary or desirable.

13-13 Compliance with Subdivision Regulations: The development shall comply with the pertinent requirements of the Subdivision Regulations for Augusta.

RESIDENTIAL DISTRICT CLASSIFICATIONS

SECTION 14

R-MH (MANUFACTURED HOME RESIDENTIAL) ZONE

14-1 Permitted Uses:

(a) Any use permitted in the R-1 (One-family) Zone, subject to the restrictions and regulations of the R-1 Zone.

(b) Manufactured Home Parks in accordance with the requirements of Section 27 of this Ordinance.

(c) Manufactured Homes on individual lots in accordance with the provisions of Section 27 of this Ordinance.

14-2 Height: The height provisions of the R-1 (One-family) Zone shall apply.

14-3 Area: Every lot in an R-MH (Manufactured Home Residential) Zone where public sewer is to be used shall be 6,000 square feet. Every lot in an R-MH (Manufactured Home Residential) Zone where an individual sewage disposal system is to be used shall be developed in accordance with the provisions of the Groundwater Recharge Area Protection Ordinance. The minimum lot (space) area for manufactured home parks shall also be developed in accordance with the provisions of the Groundwater Recharge Area Protection Ordinance.

14-4 Lot Width: In an R-MH (Manufactured Home Residential) Zone, the minimum width of any lot for either manufactured homes on individual lots or for other residential structures utilizing an individual sewage disposal system shall be 100 (100) feet. The minimum width of any lot in an R-MH (Manufactured Home Residential) Zone utilizing other types of sewage disposal systems shall be sixty (60) feet. For Manufactured Home Parks the requirements shall be as set forth in Section 27 of this Ordinance.

14-5 Setbacks: Front, side, and rear yard setback requirements shall be the same as for the R-1 (One-family) Zone.

14-6 Lot Coverage: The lot coverage in the R-MH (Manufactured Home Residential) Zone shall not be more than forty percent (40%).

RESIDENTIAL DISTRICT CLASSIFICATIONS

SECTION 15

R-2 (TWO-FAMILY) ZONE

15-1 Permitted Uses:

(a) Any use permitted in the R-1 (One-family Residential) Zone, subject to the restrictions and regulations of the R-1 Zone.

(b) Two-family Dwellings.

15-2 Special Exception: The following may be permitted in a R-2 Zone by Special Exception.

(a) Single-family attached dwellings and condominiums developed in accordance with Section 13 provided that the density of dwelling shall not exceed twelve (12) units per acre.

(b) Public parking areas, when located and developed as in Section 4 and where the area adjoins a use other than provided for in the R-1 Zone, provided such transitional use does not extend more than one (100) feet from the boundary of the less restricted zone.

15-3 Height: The height provisions of the R-1 Zone shall apply to the R-2 (Two-family Residential) Zone.

15-4 Area:

(a) Size of Tract: The maximum size of any tract to be zoned and developed under an R-2 Zone shall be one (1) acre.

(b) Lot area per dwelling unit: The minimum lot area per dwelling unit shall be two thousand five hundred (2,500) square feet in an R-2 Zone.

(c) Tract Area: Every tract in an R-2 Zone shall have a minimum width of fifty (50) feet and a minimum area of five thousand (5,000) square feet.

(d) Lot Coverage: Not more than forty percent (40%) of the lot shall be covered by buildings or structures in an R-2 Zone.

15-4 Setbacks:

(a) Front Setbacks: The front yard setback provisions of Sections 8-11 shall apply to the R-2 (Two-family Residential) Zone.

(b) Side Setbacks: The side yard setback provisions of Sections 8-11 of this Ordinance shall apply to the R-2 (Two-family Residential) Zone.

(c) Rear Setbacks: The rear yard setback provisions of Sections 8-11 of this Ordinance shall apply to the R-2 (Two-family Residential) Zone.

15-5 Special Exceptions

Any use established as a result of a Special Exception granted per Subsection 15-2 must be initiated within six (6) months of the granting, or the Special Exception shall no longer be valid. The initiation of a use is established by the issuance of a valid business license by the Augusta License and Inspections Department or by other reasonable proof of the establishment of vested rights. If a Special Exception is granted and the use is initiated but later ceases to operate for a period of one (1) year, then the Special Exception shall no longer be valid.

Amended Sept. 2004, Section 15-5

RESIDENTIAL DISTRICT CLASSIFICATIONS

SECTION 16

R-3A (MULTIPLE-FAMILY RESIDENTIAL) ZONE

16-1 Permitted Uses:

(a) Any use permitted in the R-2 (Two-family) Zone subject to the restrictions and regulations of the R-2 Zone; and

(b) Multiple-family dwellings.

16-2 Special Exception: The following may be permitted in the R-3A Zone by Special Exception.

(a) Lodging house or tourist house.

(b) Single-family attached dwellings and condominiums developed in accordance with Section 13, provided that the density of dwellings shall not exceed twelve (12) units per acre.

(c) Family personal care homes subject to the criteria established in Section 26 of this Ordinance.

(d) Group personal care homes.

(e) Fraternity or sorority houses.

(f) Public parking areas, when located and developed as in Section 4 and where the area adjoins a use other than provided for in the R-1 Zone, provided such transitional use does not extend more than one hundred (100) feet from the boundary of the less restricted zone.

16-3 DELETED**.**

16-4 Height: The height provisions of the R-2 (Two-family) Zone shall apply to the R-3A Zone.

16-5 Area:

(a) Lot area per dwelling unit: The minimum lot area per dwelling unit shall be four thousand (4,000) square feet in an R-3A Zone.

(b) Tract Area: Every tract in an R-3A Zone shall have a minimum width of eighty (80) feet and a minimum area of ten thousand (10,000) square feet.

16-6 Lot Coverage: The lot coverage provisions of the R-2 (Two-family) Zone shall apply to the R-3A Zone.

16-7 Setbacks:

(a) Front Setbacks: The front yard setback provisions of Sections 8-11 of this Ordinance shall apply to the R-3A (Multiple-family) Zone.

(b) Side Setbacks: The side yard setback provisions of Sections 8-11 of this Ordinance shall apply, provided when a side yard abuts a zone described in Sections 8-11 of this Ordinance, no structure may be constructed within 25 feet of the boundary of that zone. If a six (6) foot brick or stucco wall is constructed beginning at the front setback line and extending along the entire side property line adjoining the zone described in Sections 8-11 of this Ordinance, then the

required setback shall be fifteen (15) feet. Where a side yard abuts a public street the provisions for front setbacks shall apply.

(c) Rear Setbacks: The rear yard setback shall be the greater of twenty-five (25) feet or twenty (20) percent of the depth of the lot, but such yard need not exceed fifty (50) feet.

16-8 Special Exceptions

Any use established as a result of a Special Exception granted per Subsection 16-2 must be initiated within six (6) months of the granting, or the Special Exception shall no longer be valid. The initiation of a use is established by the issuance of a valid business license by the Augusta License and Inspections Department or by other reasonable proof of the establishment of vested rights. If a Special Exception is granted and the use is initiated but later ceases to operate for a period of one (1) year, then the Special Exception shall no longer be valid.

Amended Sept. 2004, Section 16-8

RESIDENTIAL DISTRICT CLASSIFICATIONS

SECTION 17

R-3B (MULTIPLE-FAMILY RESIDENTIAL) ZONE

17-1 Permitted Uses:

(a) Any use permitted in the R-3A (Multiple-family Residential) Zone subject to the restrictions and regulations of the R-3A Zone;

(b) Single-family attached dwellings and condominiums developed in accordance with Section 13 of this Ordinance provided that the maximum density of such development shall be 14 units per acre; and

(c) Lodging or tourist home.

(d) Family and group personal care homes.

(e) Fraternity or sorority house.

17-2 Special Exception: The following may be permitted in the R-3B Zone by Special Exception:

(a) Public parking areas, when located and developed as in Section 4 and where the area adjoins a use other than provided for in the R-1 Zone, provided such transitional use does not extend more than one hundred (100) feet from the boundary of the less restricted zone.

17-3 DELETED.

17-4 Height: Maximum height shall not exceed four (4) stories or seventy-five (75) feet, except that the height may be increased as provided for in Section 29 of this Ordinance.

17-5 Area:

(a) Lot area per dwelling unit: The minimum lot area per dwelling unit shall be two thousand five hundred (2,500) square feet in an R-3B Zone.

(b) Tract Area: The tract area provisions of the R-3A (Multiple-family Residential) Zone shall apply to the R-3B Zone.

17-6 Lot Coverage: The lot coverage provisions of the R-3A (Multiple-family Residential) Zone shall apply to the R-3B Zone.

17-7 Setbacks:

(a) Front Setbacks: The front yard setback provisions of the R-3A Zone shall apply to the R-3B Zone.

(b) Side Setbacks: The side yard setback provisions of the R-3A Zone shall apply to the R-3B Zone.

(c) Rear Setbacks: The rear yard setback provisions of the R-3A Zone shall apply to the R-3B Zone.

17-8 Special Exceptions

Any use established as a result of a Special Exception granted per Subsection 17-2 must be initiated within six (6) months of the granting, or the Special Exception shall no longer be valid. The initiation of a use is established by the issuance of a valid business license by the Augusta License and Inspections Department or by other reasonable proof of the establishment of vested rights. If a Special Exception is granted and the use is initiated but later ceases to operate for a period of one (1) year, then the Special Exception shall no longer be valid.

Amended Sept. 2004, Section 17-8

RESIDENTIAL DISTRICT CLASSIFICATIONS

SECTION 18

R-3C (MULTIPLE-FAMILY RESIDENTIAL) ZONE

18-1 Permitted Uses:

(a) Any use permitted in the R-3B (Multiple-family Residential) Zone subject to the restrictions and regulation of the R-3B Zone;

(b) Single-family attached dwellings and condominiums developed in accordance with Section 13 of this Ordinance provided that the maximum density of such development shall be 20 units per acre; and

(c) Congregate personal care homes.

18-2 Special Exceptions: The following may be permitted in the R-3C Zone by Special Exception:

(a) Public parking areas, when located and developed as in Section 4 and where the area adjoins a use other than provided for in the R-1 Zone, provided such transitional use does not extend more than one hundred (100) feet from the boundary of the less restricted zone.

18-3 DELETED**.**

18-4 Height: Maximum height shall not exceed six (6) stories or one hundred and five (105) feet, except that the height may be increased as provided for in Section 29 of this Ordinance.

18-5 Area:

(a) Lot area per dwelling unit: The minimum lot area per dwelling unit shall be one thousand five hundred (1,500) square feet in an R-3C Zone

(b) Tract Area: The tract area provisions of the R-3A (Multiple-family Residential) Zone shall apply to the R-3C Zone.

18-6 Lot Coverage: Not more than fifty percent (50%) of the lot may be covered by buildings or structures.

18-7 Setbacks:

(a) Front Setbacks: The front yard setback provisions of the R-3A Zone shall apply to the R-3C.

(b) Side Setbacks: The side yard setback provisions of the R-3A Zone shall apply to the R-3C Zone.

(c) Rear Setbacks: The rear yard setback provisions of the R-3A Zone shall apply to the R-3C Zone.

18-8 Special Exceptions

Any use established as a result of a Special Exception granted per Subsection 18-2 must be initiated within six (6) months of the granting, or the Special Exception shall no longer be valid. The initiation of a use is established by the issuance of a valid business license by the Augusta License and Inspections Department or by other reasonable proof of the establishment of vested rights. If a Special Exception is granted and the use is initiated but later ceases to operate for a period of one (1) year, then the Special Exception shall no longer be valid.

Amended Sept. 2004, Section 18-8

RESIDENTIAL DISTRICT CLASSIFICATIONS

SECTION 19

PUD (PLANNED UNIT DEVELOPMENT) ZONE

Statement of Intent: The intent of this section is to permit greater flexibility and, consequently, more creative and imaginative design for development of residential areas than is generally possible under conventional zoning regulations. It is further intended to promote more economical and efficient use of land while providing a harmonious variety of housing choices, higher level of amenities, and preservation of natural qualities of open spaces. Within the Planned Unit Development Zone a variety of housing types and land uses may be permitted in an orderly relationship to one another and to existing land uses, as well as with due regard to comprehensive planning within Augusta, Georgia.

19-1 **Definition:** For the purpose of this section a Planned Unit Development is defined as a land development project comprehensively planned as an entity via a unitary site plan which permits flexibility in building siting, mixtures of housing types and land uses, usable open spaces, and the preservation of significant natural features. Other terms or words used in this section shall be as defined in Section 2, General Definitions, of this Ordinance.

19-2 **Permitted Uses** within a PUD (Planned Unit Development) Zone shall be primarily residential in character, and may include the following:

(a) Single-family detached dwellings.

(b) Single-family attached dwellings (townhouse, duplex, condominium or similar type).

(c) Multiple-family dwellings.

(d) Public or semipublic institutions (churches, schools, community or club facilities, and similar uses).

(e) Recreational Facilities, including swimming pools, tennis courts, golf courses, and other recreational facilities intended for the primary use and enjoyment of the residents of the proposed development.

(f) Common open space.

(g) Accessory uses to those listed above.

(h) Uses permitted within a B-1 (Neighborhood Business) Zone subject to the restrictions of that zone and provided that the uses proposed meet the following criteria:

(1) The location is appropriate in relation to other land uses on or adjacent to the proposed development.

(2) The proposed commercial or retail use is designed so that it will primarily serve the residents of the proposed development.

(3) The uses shall not, by reason of their construction, manner of operation, signs, lighting, parking arrangements, or other characteristics, have adverse effects on residential uses within or adjoining the proposed development, or create traffic congestion or hazards to vehicular or pedestrian traffic.

19-3 Size of Tract: The minimum size of any tract to be zoned and developed for a Planned Unit Development shall be five (5) acres and the tract shall have permanent paved access to a paved public road or a road to be paved and dedicated to the public.

19-4 Area Limitations:

(a) Commercial Uses: A maximum of five (5) percent of the total area of the proposed development may be devoted to commercial use, provided it conforms with the criteria set forth in the B-1 (Neighborhood Business) Section of this Ordinance.

(b) Residential Uses: A maximum of seventy-five percent (75%) of the remaining (noncommercial) area of the tract may be devoted to residential use. Residential use shall be deemed to include streets, alleys, parking areas, private open spaces and courts, and uses accessory to residential uses. It shall exclude portions of the tract devoted to usable open space, recreational, or institutional uses.

(c) Open Space, Recreational, Public and Semipublic Institutional Uses: A minimum of twenty-five percent (25%) of the remaining (noncommercial) area of the tract shall be devoted to recreational and/or open space. Land in excess of the minimum requirement for recreational and/or open space may be devoted to public or semi- public institutional use. The area reserved for recreational and/or open space uses shall be held in common for the enjoyment of the residents of the development or dedicated to the Augusta- Richmond County Commission for the use and enjoyment of the general public.

19-5 Lot and Building Size Requirements:

(a) Lot Size: There shall be no minimum lot size, no minimum side or rear setbacks, no minimum percentage of lot coverage, no minimum lot width, provided, however, that measures shall be taken to provide reasonable visual and acoustical privacy for dwelling units. Furthermore, every dwelling unit shall have access to a public or private street, common court or walkway, or other area dedicated to public or common use.

(b) Building Heights: There shall be no maximum building height except in those areas that are located within the Airport Approach Zones or Airport Turning Zones established in Section 28 of this Ordinance.

(c) Building Length: There shall be no continuous residential structure such as townhouses, attached dwellings, or multifamily dwellings containing more than eight (8) dwelling units.

19-6 Density Requirements: The maximum number of dwelling units per acre permitted in the residential areas of the Planned Unit Development Zone shall be twelve (12) units per acre. The total number of dwelling units to be permitted in a Planned Unit Development Zone shall be computed by subtracting the area to be used for roadways from the total residential acreage and multiplying the remainder times twelve (12). When it is determined that a greater density is consistent with planning principles by evaluating such factors as the density of development of the surrounding area, environmental considerations, and the road system serving the tract, a density greater than twelve (12) units per acre may be approved by the Planning Commission.

19-7 Open Space Standards: Common open space required by these regulations shall be developed in accordance with the following:

(a) The amount of open space required by Section 19-4(c) of this Ordinance shall not include land area devoted to other uses including private yards, patios or decks, parking structures, open parking areas, driveways, or accessory structures, except recreational structures. Land devoted to institutional uses, such as churches or schools, may be included.

(b) Common open space shall be used for amenity or recreational purposes. The uses proposed for the common open space must be appropriate to the scale and character of the Planned Unit Development, considering the size, density, expected population, topography, and the number and type of dwellings to be provided.

(c) Common open space must be suitably improved for its intended uses, but common open space containing natural features, existing trees and ground cover worthy of preservation may be left unimproved.

(d) The buildings, structures, and improvements proposed in the common areas shall be appropriate to the uses which are proposed for the common open space and shall conserve and enhance the amenities of the common open space.

(e) The general statement of the proposed development staging required by the Subdivision Regulations for Augusta-Richmond County must provide for coordination of the improvement of the common open space with the construction of buildings and structures in the common open space and the construction of residential dwellings in the Planned Unit Development.

(f) Legal instruments guaranteeing the permanent retention and maintenance of the common open space shall be prepared and recorded with the proper authorities.

19-8 General Development Requirements:

(a) Every Planned Unit Development shall be provided with a public water supply and public sewage disposal system. In no case shall individual wells be allowed as a method of water supply nor shall individual or community septic tanks be allowed as a method of sewage disposal.

(b) Internal streets intended to be dedicated to the Augusta Commission shall conform with the requirements of Article IV of the Subdivision Regulations for the Augusta Commission. If private streets are proposed, the alignment and gradient shall be properly adapted to the topography, to safe movement of traffic, and to adequate control of surface water, ground water, and drainage. Private streets shall be surfaced with a pavement acceptable to the Department of Public Works and Engineering.

(c) Off-street parking shall be provided for each individual land use in accordance with the requirements set forth in Section 4 of this Ordinance.

(d) Where a Planned Unit Development abuts another residential district, a permanent open space at least twenty-five (25) feet wide, or greater if deemed necessary by the Planning Commission or Augusta-Richmond County Commission shall be provided along the property lines. The Planning Commission may require such open space along all property lines if it is deemed desirable. This open space area shall be left in its natural state or maintained with landscaping, and no driveway or off-street parking shall be permitted in such open space. This area may be included as part of the required open space.

(e) At the discretion of the Planning Commission, the applicant requesting a rezoning to a PUD (Planned Unit Development) Zone may be required to provide such additional information as is deemed necessary to justify and support the type of development proposed. Such information shall be in addition to that required under Article V of the Subdivision Regulations for Augusta- Richmond County.

19-9 Revision of Plans after Final Approval: Any change in the approved development plan which affects the intent and character of the development, the density or land use pattern, the location or dimension of streets, or similar changes, shall be reviewed first by the Planning Commission and then by the Augusta-Richmond County Commission after receipt of the recommendation of the Planning Commission regarding the changes. A request for revision of the development plan shall be supported by a written statement of why the revisions are necessary or desirable.

PROFESSIONAL/OFFICE DISTRICT CLASSIFICATION

SECTION 20

P-1 (PROFESSIONAL/OFFICE) ZONE

20-1 Permitted Uses:

(a) General offices where no retail or wholesale sales are conducted resulting in the exchange of goods on the premises and where no vehicles or equipment other than standard passenger vehicles (cars, vans, and pickup trucks) are parked or stored on the premises.

(b) Physicians, lawyers, engineers, architects, and similar professional uses which may occupy an entire building or group of buildings.

(c) DELETED.

(d) Branch banks or other financial institutions.

(e) Freestanding Automated Teller Machines.

(f) DELETED.

(g) Provision of the following services where no retail or wholesale activities are conducted on the premises: insurance, finance, mortgage, accounting, appraisal, business consultant, real estate, and other similar services.

(h) Beauty shops, barber shops.

(i) Uses customarily incidental to any of the above uses located within the same building or group of buildings and accessory buildings, when located on the same lot, including garages for the use of patrons and for employees.

(j) Public parking areas, when located and developed as in Section 4 and where the area adjoins a use other than provided for in the R-1 Zone, provided such transitional use does not extend more than one hundred (100) feet from the boundary of the less restricted zone.

(k) Fence, walls: A fence, latticework screen, or wall in a required side or rear yard shall not exceed six (6) feet in height. A fence, latticework screen, or wall located in a required front yard shall be limited to four (4) feet in height. Any fence, wall, or landscape feature located at the corner of intersection streets described in Section 3-6 of this Ordinance shall be subject to additional restrictions discussed in that subsection.

20-2 Special Exceptions: The following Specials Exceptions shall apply in a P-1 Zone and may be permitted upon approval of the location by the Augusta-Richmond County Commission:

(a) Facilities for public or private assembly such as conference center, convention centers, meeting rooms, hospitality facilities (if utilized for more than fourteen total days per calendar year), and facilities utilized for similar social events. Applications for special exceptions pursuant to this subsection shall be accompanied by supportive documentation which describes in detail the services to be provided and the proposed use and development of the site. This supporting documentation shall illustrate conformity to the following objective and subjective criteria. Special exceptions granted pursuant to this subsection shall be specifically for the

use described, and they shall be invalid and automatically rescinded if the use changes substantially or ceases to exist for a period of one year:

(1) Exterior lighting shall be designed so that the light is reflected away from adjacent properties;
(2) If there are any single-family residences on adjoining properties then all outdoor activities shall cease at 11:00 P.M.;
(3) Only one sign per street front shall be permitted. Such sign may identify the business only, not to exceed 24 square feet in area, and extend not higher than six feet above the ground. No such sign may be internally lighted;
(4) Alcoholic beverages may not be sold on the premises. An open bar where guests are not charged for drinks may be provided;
(5) The volume of amplified sound shall be kept at such a level that it is not audible from any single-family residence;
(6) Parking facilities shall be provided as the staff deems necessary;
(7) The design and scale of any improvements shall be consistent with the surrounding area;
(8) Improvements shall conform to all appropriate provisions of the Tree Ordinance; and
(9) Additional conditions may be imposed if deemed appropriate to the proposed use and location.

(b) Any use set forth in the R-3C zone, subject to the restrictions and regulations of the R-3C Zone.

20-3 Height: Not to exceed three (3) stories nor higher than fifty-five (55) feet.

20-4 Setbacks:

(a) Front Yard: The front yard setback provisions of the R-3A Zone shall apply to the P-1 Zone;
(b) Side Yard: The side yard setback provisions of the R-3A Zone shall apply to the P-1 Zone;
(c) Rear Yard: The rear yard setback provisions of the R-3A Zone shall apply to the P-1 Zone.

20-5 Maximum Individual Building Area: No individual building, whether freestanding or attached as part of a planned center or similar group of buildings, may be constructed in excess of 15,000 gross square feet in area after the effective date of the Ordinance amendment.

20-6 Special Exceptions

Any use established as a result of a Special Exception granted per Subsection 20-2 must be initiated within six (6) months of the granting, or the Special Exception shall no longer be valid. The initiation of a use is established by the issuance of a valid business license by the Augusta License and Inspections Department or by other reasonable proof of the establishment of vested rights. If a Special Exception is granted and the use is initiated but later ceases to operate for a period of one (1) year, then the Special Exception shall no longer be valid.

Amended Sept. 2004, Section 20-6

BUSINESS DISTRICT CLASSIFICATIONS

SECTION 21

B-1 (NEIGHBORHOOD BUSINESS) ZONE

21-1 Permitted Uses:

(a) Any use permitted in the P-1 (Professional/Office) Zone or the R-3C (Multiple-family Residential) Zone subject to the restrictions and regulations of the respective Zone.

(b) The following uses are authorized in a B-1 Zone:

(1) Apparel store
(2) Bakery
(3) DELETED.
(4) DELETED.
(5) Dry cleaning and laundry establishment, excluding steam and power laundries, operated in conjunction with customer service counters and limited to the dry cleaning and laundering of articles delivered to the premises by individual customers provided, however, that no materials may be used in any laundering or cleaning process which are explosive, inflammable, combustible, or toxic in greater degree than Perchlorethlylene or equivalent, and provided further that no odor, fumes, or other nuisance producing agents are expelled in such a way as to be detectable beyond the property line of the property used for such businesses.
(6) Medical equipment and medical supply store
(7) Drive-in type retail business where a customer is waited upon in an off-street parking area, or where a customer conducts business directly from a vehicle with an agent in the building.
(8) Drug store
(9) Dry goods or notions store
(10) Florist or gift shop
(11) Grocery, fruit or vegetable market
(12) Hardware or electric appliance store
(13) Jewelry store
(14) Health spa, tanning booth, massage therapy establishment
(15) Meat market or delicatessen
16) Motel
    (a) DELETED.
    (b) There shall be staff or management on duty 24 hours per day 7 days per week;
    (c) Each guest room shall have a minimum area of 280 square feet;
    (d) No business license shall be issued for any business operated from any guest room; and
    (e) No more than half of the total number of guest rooms shall have kitchenettes or any kitchen facilities.
(17) Music store
(18) Newsstand
(19) Video rental store

(20) DELETED
(21) Photographer (including sale of supplies and equipment)
(22) Restaurant, tea room, or cafe (excluding dancing or entertainment)
(23) DELETED.
(24) Shoe store and shoe repair shop
(25) Supermarket
(26) Tailor
(27) Variety store
(28) Churches, parochial and private schools, transitional housing, family day care homes, adult day care facilities, private hospitals, clubs (public and private), and nursing homes. These uses are also permitted by Special Exception in other zones discussed in Section 26-1 of this Ordinance. Uses which would in any way involve detained persons, or persons who would be or have been released from correctional facilities such as halfway homes, or similar uses that in any way relate to corrections or incarceration may not be permitted by right in the B-1 zone.
(29) Veterinarian Clinic (no outside kennels allowed)
(30) Group day care homes and day care centers.
(31) Establishments having less than three video electronic games or amusements on site in conjunction with a permitted use other than a use specializing in or characterized as a video electronic game room, arcade, or similarly defined establishment. Where the property line of the permitted use is located within 1500 feet of any property line of any private or public educational institution having all or some combination of grades kindergarten through twelfth, no electronic games or amusements are allowed.
(32) Construction Trailers Subject to the following:
a) A Manufactured Home permit shall be acquired from the Augusta- Richmond County Planning Commission;
b) The location for the Construction Trailer shall be shown and approved on a Site Plan. Said location shall be as far removed from and buffered from residential areas and public streets as practical;
c) The Construction Trailer shall be tied down and underpinned; and
d) The Construction Trailer shall be removed from the property prior to issuance of a Certificate of Occupancy.

(c) The above specified businesses, stores, or shops shall be retail or service establishments only.
(d) Any business which is similar in character or nature to the above mentioned uses upon approval and resolution of the Augusta- Richmond County Planning Commission may be permitted in a B-1 Zone.

Amended January 2005 – Section 21-1 (b)(32

(e) Shopping Centers: The petitioner shall submit to the Planning Commission a preliminary development plan for the shopping center showing the arrangement of the buildings, off-street parking, internal traffic movement and service facilities which are feasible for the property on which the center is to be located. The petitioner shall plan the center to minimize any adverse effects on the property surrounding the proposed development. The preliminary plot plan shall show the following:

(1) Topographic features of the proposed development and the area within two hundred (200) feet of the center.
(2) Proposed off-street parking layout.
(3) Loading zones.
(4) Planting areas.
(5) Driveways, entrances, and exits.
(6) General drainage system.
(7) Sign locations.
(8) Walkways.
(9) Water and gas mains.
(10) Power source.

21-2 Special Exceptions:
The following may be permitted in a B-1 Zone by Special Exception:

Application for such a Special Exception shall include a Conceptual Plan showing the size and elevation of all buildings to be built on the site, proposed ingress and egress, buffering if any beyond the minimum requirements of the Tree Ordinance, and all proposed sign locations. The proposed use of the property shall also be disclosed.

(a) Individual buildings, whether freestanding or attached as part of a shopping center or similar group of buildings, which would exceed 15,000 gross square feet of area.
(b) Convenience stores.

21-3 DELETED.

21-4 DELETED.

21-5 Maximum height of buildings in a B-1 Zone shall not exceed three (3) stories nor exceed fifty-five (55) feet in height.

21-6 Setbacks:

(a) **Front Setback**: The front yard setback requirements in Section 8 shall apply to the B-1 (Neighborhood Business) Zone.
(b) **Side Setback:**
(1) Where the side yard of a lot in a B-Zone abuts the side of a lot in an R-Zone, there shall be a side yard of not less than five (5) feet for each story of twelve (12) feet in height, but such side yard shall not be less than ten (10) feet in width. In all other cases, a side yard for a commercial building shall not be required, but if provided, it shall not be less than three (3) feet in width.

(2) On a corner lot in a B-Zone which abuts an R-Zone, there shall be provided a side yard on the side street equal in depth to the required front yard on said side street.

(c) **Rear Setback**:

(1) Where the B-Zone abuts an R-Zone, there shall be a rear yard the greater of twenty (20) percent of the depth of the lot or twenty (20) feet, but such rear yard shall not exceed fifty (50) feet. In all other cases no rear yard shall be required, but if provided, it shall not be less than three (3) feet in depth.

21-7 Maximum Individual Building Area:

No individual building, whether freestanding or attached as part of a shopping center or similar group of buildings, may be constructed in excess of 15,000 gross square feet in area after the effective date of the Ordinance amendment, except as provided for at 21-2(a).

21-8 Special Exceptions

Any use established as a result of a Special Exception granted per Subsection 21-2 must be initiated within six (6) months of the granting, or the Special Exception shall no longer be valid. The initiation of a use is established by the issuance of a valid business license by the Augusta License and Inspections Department or by other reasonable proof of the establishment of vested rights. If a Special Exception is granted and the use is initiated but later ceases to operate for a period of one (1) year, then the Special Exception shall no longer be valid.

Amended Sept. 2004, Section 21-8

BUSINESS DISTRICT CLASSIFICATIONS

SECTION 22

B-2 (GENERAL BUSINESS) ZONE

22-1 Permitted Uses:

(a) Any use permitted in the B-1 (Neighborhood Business) Zone subject to the restrictions and regulations of the B-1 Zone.

(b) The following uses are authorized in a B-2 (General Business) Zone:

(1) Stores and shops for the conducting of any retail business.

(2) Restaurants, cafes (including dancing and entertainment).

(3) Theaters, billiard or pool parlors, bowling alleys, skating rinks, or similar recreational uses or places of assembly, and establishments having less than three (3) video or electronic games or amusements on site in conjunction with another permitted use other than a use or place specialized in or characterized as being a video or electronic game room, arcade, or similarly-defined establishment except where the property line of the other permitted use lies within fifteen hundred (1,500) feet of the property line of any public or private educational institution having all or some combination of grades kindergarten through twelfth.

(4) Telephone offices and call centers.

(5) Baking, confectionery, dressmaking, dyeing, laundry, printing, tailoring, upholstering, and similar establishments, and businesses of a similar and no more objectionable character; subject to the following provisions: All goods or products manufactured or processed shall be sold on the premises. All such manufacturing and processing shall be done on the premises.

(6) Golf Driving ranges subject to the following:

(a) That the minimum size of a tract to be used as a golf driving range be ten (10) acres,

(b) That a one-hundred (100) foot buffer area be required between surrounding properties and the golf driving range operation.

(7) Public parking garages, automobile parking lots and automobile sales lots.

(8) Flea Markets: Goods may be displayed outside buildings during daily business operations, but goods must be stored inside buildings when daily business operations cease. Buildings utilized in conjunction with flea markets must conform to all appropriate codes. Prospective flea market license applicants must also conform with Section 3 of Augusta-Richmond County Ordinance Number 84-4.

(9) Mini-warehouses

(10) Travel Trailer Parks

(11) Business Parks, mixed use facilities where fifty (50) percent or more of the gross leasable area of buildings is designed for and occupied by commercial, retail, or service tenants, and the remainder is occupied by wholesale, storage, or warehouse facilities. Adequate parking pursuant to Section 4 of this Ordinance must be provided prior to the issuing of a certificate of occupancy. No materials, machinery, equipment or products may be stored outside of buildings in a business park. No loading doors

shall be visible from a public road or from any R-1 (One-family Residential) Zone. All delivery vehicles must be parked in the designated loading areas.

(12) Video electronic game rooms or arcades. Prospective applicants for licenses to operate electronic game rooms or arcades must conform with Section 6-6-45 of the Augusta-Richmond County Code.

(13) Automobile service stations and automobile repair garages where no body or fender repairs take place, provided that:

(a) All repair work and vehicle storage shall be conducted within an area enclosed on all sides by a solid wall or finished board fence not less than six (6) feet in height and maintained in good condition at all times;

(b) No dismantling of vehicles to obtain auto parts or other such activity shall be conducted;

(c) Such use shall be located at least one hundred (100) feet from any residential district or use;

(d) There shall be no opening in said building on any side facing a residential district or use other than a stationary window; and

(e) Nonconforming automobile repair garages and automobile service stations shall be made to conform with Subsections (a) & (b) of Section 22-1 (13) of this Ordinance.

(14) Gun Shops

(15) Pawn Shops

(16) Funeral Homes

(17) Car Wash

(18) Hotel - subject to the following restrictions and regulations:

(a) There shall be no direct vehicular access to any guest room;

(b) There shall be staff or management on duty 24 hours per day seven days per week;

(c) Each guest room shall have a minimum of 280 square feet;

(d) No business license shall be issued for any business operated from any guest room; and

(e) No more than half of the total number of guest rooms shall have kitchenettes or any kitchen facilities.

(19) Liquor stores.

(20) Convenience stores.

(21) Fence, walls: A fence, latticework screen, or wall in a required front, side or rear yard shall not exceed six (6) feet in height. Any fence, wall or landscape feature located at the corner of intersecting streets described in Section 3-6 of this Ordinance shall be subject to additional restrictions discussed in that subsection.

22-2 Special Exceptions: The following may be permitted in a B-2 Zone by Special Exception:

(a) Automobile body and fender repair provided that:

(1) All repair work and vehicle storage shall be conducted within an area enclosed on all sides by a solid wall or finished board fence not less than six (6) feet in height; and

(2) No dismantling of vehicles to obtain auto parts or other such activity shall be conducted; and

(3) Such use shall be located at least one hundred (100) feet from any residential district or use.

(b) **DELETED.**

(c) Collection of materials for recycling subject to the following restrictions:

(1) No volume reduction or physical or chemical alteration of collected materials may be conducted; and

(2) All materials upon collection shall be expeditiously placed inside a building, truck trailer, or other enclosure. No collected materials may be stored outside such an enclosure at the end of the normal business day.

(d) Hotel, Extended Stay - subject to the following restrictions and regulations:

1) There shall be no direct vehicular access to any guest room;

2) There shall be staff or management on duty 24 hours per day seven days per week;

3) Each guest room shall have a minimum of 280 square feet;

4) No business license shall be issued for any business operated from any guest room;

5) No outside storage or permanent parking of equipment or vehicles shall be permitted;

6) No buildings constructed under this section may be converted to or used as apartments or condominiums; and

7) A preliminary plan shall be submitted showing the proposed layout of buildings, ingress/egress, buffers and landscaping, amenities, and the density of development. This preliminary plan shall be a consideration in granting the Special Exception.

(e) Motel, Extended Stay - subject to the following restrictions and regulations:

1) DELETED.

2) There shall be staff or management on duty 24 hours per day seven days per week;

3) Each guest room shall have a minimum of 280 square feet;

4) No business license shall be issued for any business operated from any guest room;

5) A preliminary plan shall be submitted showing the proposed layout of buildings, ingress/egress, buffers and landscaping, amenities, and the density of development. This preliminary plan shall be a consideration in granting the Special Exception;

6) No vehicle storage or permanent parking of equipment or vehicles shall be permitted; and

7) No buildings constructed under this section may be converted to or used as apartments or condominiums.

22-3 **The maximum height** of a building or structure in the B-2 Zone shall not exceed one hundred sixty-five (165) feet.

22-4 **The setback provisions** of the B-1 Zone shall apply to the B-2 Zone.

22-5 **Maximum Individual Building Area**: There shall be no maximum individual building area in the B-2 (General Business) Zone.

22-6 Special Exceptions

Any use established as a result of a Special Exception granted per Subsection 22-2 must be initiated within six (6) months of the granting, or the Special Exception shall no longer be valid. The initiation of a use is established by the issuance of a valid business license by the Augusta License and Inspections Department or by other reasonable proof of the establishment of vested rights. If a Special Exception is granted and the use is initiated but later ceases to operate for a period of one (1) year, then the Special Exception shall no longer be valid.

Amended Sept. 2004, Section 22-6

INDUSTRIAL DISTRICT CLASSIFICATIONS

SECTION 23

LI (LIGHT INDUSTRIAL) ZONE

23-1 Permitted Uses:

(a) Any use permitted in the B-2 (General Business) Zone subject to the restrictions and regulations of the B-2 Zone.

(b) The following uses are authorized in the LI Zone:

(1) Wholesale, storage, and warehouse facilities.

(2) Lumber, feed, or other similar storage yards, but not salvage yards, coal yards, or junkyards.

(3) Uses of light manufacturing nature. Manufacturing establishments and operations other than those classified as heavy industry (Section 24), which are housed within a building and emit no excessive noise, dust, or vibrations beyond the property on which the establishment is located.

(4) Automobile body and fender repair provided that all repair work and vehicle storage shall be conducted within an area enclosed on all sides by a solid wall, or finished fence not less than six (6) feet in height.

(5) Storage of construction equipment and other heavy equipment, and trucks in excess of one (1) ton capacity and having three (3) or more axles.

(6) Collection of materials for recycling subject to the following restrictions:

(a) No volume reduction or physical or chemical alteration of collected materials may be conducted; and

(b) All materials upon collection shall be expeditiously placed inside a building, truck trailer, or other enclosure. No collected materials may be stored outside such an enclosure at the end of the normal business day.

23-2 Uses prohibited in an LI Zone:

(a) Any use that may be noxious or injurious by reason of the production or emission of dust, refuse matter, odor, gas fumes, noise, vibrations, radiation, or similar substances or conditions.

(b) Residential use is specifically prohibited.

23-3 Height: The maximum height of a building or structure in a LI Zone shall not exceed one hundred sixty-five (165) feet.

23-4 Area: The entire lot in an LI Zone may be covered with the exception of mandatory open spaces hereinafter required.

23-5 Setbacks:

(a) Front yard, forty (40) feet.

(b) Side yards, ten (10) feet each.

(c) Rear yard, twenty-five (25) feet.

23-6 **Distance from an R-Zone:** Industrial activities, including construction of buildings for industrial use, storage of materials, and loading facilities shall not be located within 50 feet of a R-Zone boundary. Parking of vehicles except for automobiles that are used by employees and customers shall not be permitted within 50 feet of an R-Zone boundary.

23-7 DELETED.

INDUSTRIAL DISTRICT CLASSIFICATION

SECTION 24

HI (HEAVY INDUSTRIAL) ZONE

24-1 Permitted Uses:

(a) Any use permitted in an LI (Light Industry) Zone, subject to the rules and regulations of the LI Zone.

(b) DELETED.

(c) Uses customarily incidental to the above uses and necessary buildings when located on the same lot.

(d) The following uses provided, however, no building, structure, or portion thereof, shall be hereafter erected, converted, or otherwise used for residential purposes:

(1) Acetylene gas manufacture and storage
(2) Alcohol manufacture
(3) Ammonia or bleaching powder manufacture
(4) Asphalt manufacture or refining
(5) Atomic energy reactor station
(6) Boiler works
(7) Central station light or power plant
(8) Chemical manufacture (see exceptions)
(9) Concrete, cement products, or clay manufacture
(10) Cotton gin
(11) Creosote manufacture or treatment
(12) Gas manufacture from coal or petroleum or the storage thereof
(13) Incinerator
(14) Meat products manufacture
(15) Petroleum products manufacture or wholesale storage of petroleum or its products in quantities exceeding twelve thousand (12,000) gallons
(16) Planing Mill
(17) Plaster manufacture
(18) Plastic manufacture
(19) Potash works
(20) Power forge
(21) Quarry or stone mill
(22) Rock, sand, or gravel distribution, storage, excavation, or crushing
(23) Manufacturing of other products that is not noxious or offensive by reason of emission or creation of odor, dust, fumes, smoke, gas, noise, vibration, radiation, or similar substance.
(24) Tanning, curing, or storage of raw hides
(25) Tar distillation or tar products manufacture
(26) Animal kennel

(27) Inert Fill Area
Where there are no residences or residentially zoned properties located within 1000 feet of the boundary of the property upon which the inert fill area would be located, or where the finished grade of the inert fill area would not be greater than 10 feet in elevation above the highest elevation of any adjoining property.

24-2 Uses Permitted by Special Exception:

(a) The following uses require a Special Exception in the HI (Heavy Industry) Zone. In no case shall any use listed below be allowed within 300 feet of an R-Zone (Residential).

(1) Acid manufacture, hydrochloric, nitric, picric, or sulfuric acid
(2) Cement, lime, clay or gypsum, or plaster manufacture
(3) Chlorine or similar noxious gases
(4) Distillation of bones
(5) Drop forge industries manufacturing forgings with power hammers
(6) Explosives, manufacture or storage
(7) Fertilizer manufacture
(8) Garbage, offal, dead animal reduction or dumping
(9) Glue manufacture
(10) Hair manufacture
(11) Petroleum refining or storage
(12) Processing of sauerkraut, vinegar, or yeast
(13) Rendering or refining of fats and oil
(14) Stockyard or feeding pen
(15) Slaughter of animals, not including the killing of fowl
(16) Automobile wrecking or junk yards; storage, sorting, collecting, or baling of rags, paper, metal, or other items not usable in their current state. These uses must be enclosed on all sides by a solid wall or board fence not less than six (6) feet in height.
(17) Any other use that is noxious or offensive by reason of the emission or creation of odor, dust, fumes, smoke, gas, noise, vibration, radiation, or similar substances, or conditions equal in aggregate amount to that of any use specified.
(18) Inert Fill Area - Where there are residences or residentially zoned properties located within 1000 feet of the boundary of the property upon which the inert fill area would be located, or where the finished grade of the inert fill area would be greater than 10 feet in elevation above the highest elevation of any adjoining property.

24-3 Height: The maximum height of a building or structure in the H-I Zone shall be three hundred (300) feet.

24-4 Setbacks: The setback provisions of the LI Zone shall apply to the HI Zone.

24-5 Prohibited uses: Residential use is prohibited in the HI zone.

24-6 Signs: DELETED**.**

24-7 Special Exceptions

Any use established as a result of a Special Exception granted per Subsection 24-2 must be initiated within six (6) months of the granting, or the Special Exception shall no longer be valid. The initiation of a use is established by the issuance of a valid business license by the Augusta License and Inspections Department or by other reasonable proof of the establishment of vested rights. If a Special Exception is granted and the use is initiated but later ceases to operate for a period of one (1) year, then the Special Exception shall no longer be valid.

Amended Sept. 2004, Section 24-7

SPECIAL DISTRICT CLASSIFICATIONS

SECTION 25

HPA (HISTORIC PRESERVATION AREA) ZONE

ENTIRE SECTION DELETED.

SPECIAL DISTRICT CLASSIFICATION

SECTION 25-A

PDR (PLANNED DEVELOPMENT RIVERFRONT) ZONE

25-A-1 Statement of Intent: Recognizing the value of the Savannah Riverfront as an economic, historic, recreational, and visual resource of tremendous value to the citizens of Augusta and surrounding area and further recognizing it as an area of critical and sensitive environmental concern, it is the intent of this section to provide for the orderly and aesthetic development or redevelopment of the lands adjoining the Savannah River by:

(a) Creating a special Riverfront Development Review Board comprised of persons with an interest or expertise in the orderly development of this resource.

(b) Limiting land uses to those which will provide the best utilization of the benefits afforded by a riverfront location.

(c) Insuring that the regulations applicable to the riverfront will be responsive to the dictates of the development economy at a given time.

(d) Setting forth sufficient design and development standards and criteria to provide for maximum public benefit from the further development of the riverfront area through a mixture of land uses, the provision and maintenance of public access, elimination or mitigation of negative environmental impact from development, aesthetic controls, and the beneficial coordination of residential, recreational, and commercial utilization of the riverfront lands.

25-A-2 District Boundaries: The PDR (Planned Development Riverfront) Zone shall consist of all of that area bounded by the following:

That area lying within a line beginning at the intersection of the Columbia and Richmond County boundary line and the centerline of the first level of the Augusta Canal; thence in a northeasterly direction along said boundary line to its intersection with the centerline of the Savannah River; thence along the centerline of the Savannah River in a southeasterly direction to a point intersected by a Bearing N 66^0 50'28"E; thence S $66^0$50'28"W to a point on the south bank of the Savannah River; thence S $66^0$50'28"W a distance of 490.15 feet to a point; thence, N15^0 31' 32"W a distance of 817 feet, more or less, to a point on the south toe of the Augusta levee; thence along the south toe of the Augusta levee in a westerly direction to its intersection with the northwest right-of-way line of East Boundary Extended; thence along the northwest right-of-way line of East Boundary Extended and East Boundary in a southerly direction to a point located on the southwest corner of the intersection of Reynolds Street and East Boundary; thence in a southerly direction along the northwest right-of-way line of East Boundary a distance of 200.0 feet to a point; thence, in a westerly direction running parallel to Reynolds Street to a point located on the southeast right-of-way line of 9th Street; thence in a southwesterly direction along the southeast right-of-way line of 9th Street to a point located where the southwest right-of-way line of Jones Street Extended intersects with the southeast .right-of-way line of 9th Street; thence in a westerly direction along the southwest right-of-way line of Jones Street Extended to a point located at the southwest corner of the intersection of Jones Street Extended and 9th Street; thence in a southerly direction along the northwest right-of-way line of 9th Street a distance of 100.0 feet to a point; thence in a westerly direction running parallel to Jones Street to its intersection with the centerline

of Hawk's Gulley; thence in a southerly direction along the centerline of Hawk's Gulley Extended to the centerline of Broad Street; thence in a westerly direction along the centerline of Broad Street to its intersection with the centerline of the first level of the Augusta Canal; thence along the centerline of the first level of the Augusta Canal in a northwesterly direction to its intersection with the southern right-of-way of the Seaboard System Railroad line; thence, running in a westerly direction along the southern right-of-way of the Seaboard System Railroad line until its intersection with the southeast right-of-way of I-20; thence, in a northeasterly direction along the southeast right-of-way line of I-20 until its intersection with the centerline of the first level of the Augusta Canal; thence, in a northwesterly direction along the centerline of the first level of the Augusta Canal to the point of beginning.

25-A-3 Creation of Riverfront Development Review Board. Augusta- Richmond County Commission shall create a Riverfront Development Review Board which shall consist of ten (10) members, one of whom shall reside in each of the ten districts that together constitute Augusta.

(a) Composition. The ten (10) members shall be selected from the following:

1. One (1) member of Augusta-Richmond County Commission;
2. One (1) member of the Augusta-Richmond County Planning Commission;
3. One (1) member of the Augusta Port Authority;
4. One (1) member of the Executive Committee of Historic Augusta, Inc.
5. One (1) member of Augusta Tomorrow; and
6. Five (5) residents of Augusta-Richmond County.

Ex-officio, nonvoting members shall include:

1. Executive Director of the Augusta-Richmond County Planning Commission;
2. Director of the Department of Housing and Neighborhood Development; and
3. Director of the Department of Public Works.

(b) Terms of Office. The members of the Review Board shall serve without pay. Initial terms should be five (5) two-year terms and five (5) four-year terms. All reappointment terms thereafter shall be for four years. All members shall be eligible for re-appointment provided that they continue to meet the criteria for their original appointment.

(c) Organization. The Review Board shall elect one of its members as Chairman and one as Vice-Chairman. The Chairman shall preside over meetings of the Review Board and shall have the right to vote on matters brought before the Board. A Secretary to the Review Board shall be appointed from the Staff of the Augusta-Richmond County Planning Commission and shall take minutes of each meeting. A majority of the Board shall constitute a quorum. By-laws governing the time and place of meetings and other necessary rules of procedure may be drawn and adopted by the Board.

(d) Powers and Duties. The Riverfront Development Review Board shall review all plans for development of properties lying within the boundaries of the PDR (Planned Development Riverfront) Zone. The review shall consist of an evaluation of compliance with the provisions for this section and evaluation of the aesthetic qualities of the proposed development relative to adjacent developments. The Review Board shall make a recommendation in writing to the Augusta-

Richmond County Planning Commission for approval, modification, or disapproval of the proposed development. No site plan shall be approved or building permit issued until such written recommendation has been received and considered by the staff of the Planning Commission, provided, however, that such recommendation shall be transmitted no later than 45 days after receipt or the proposed development shall be deemed to be approved by the Review Board.

25-A-4 Permitted Uses. The following uses may be permitted in the PDR (Planned Development Riverfront) Zone:

(a) Food stores
(b) Apparel and accessory stores
(c) Water-based transportation and recreational facilities
(d) Eating and drinking places
(e) Florist and gift shops
(f) Newsstands and bookstores
(g) Beauty and barber shops
(h) Automobile parking lots and parking structures
(i) Marine equipment sales and services
(j) Professional offices
(k) Governmental facilities and activities
(l) Furniture and/or home furnishing stores
(m) Antique shops
(n) Drugstores
(o) Sporting goods stores
(p) Jewelry shops
(q) Hobby, toy and game stores
(r) Camera and photographic supply shops
(s) Tobacco shops
(t) Hotels, motels, or other lodging places except boarding houses, manufactured home parks or travel trailer parks
(u) Personal or business service establishments
(v) Entertainment establishments as follows:
    1. Motion picture theaters
    2. Performing arts theaters and studios
    3. Museums and art galleries
    4. Other entertainment, cultural, and educational establishments, upon approval of the Planning Commission
(w) Residential uses, all types, provided that the density shall be approved by the Planning Commission.
(x) The following manufacturing type activities provided they are carried out in conjunction with on-site retail sale of finished products:
    1. Bakery
    2. Confectionery
    3. Leather goods
    4. Pottery and related products
    5. Glass and glassware
    6. Jewelry making
    7. Metal craft products
(y) Uses not specified may be permitted upon approval of the Planning Commission.

25-A-5 Development Standards and Requirements

(a) Yard and Setback Requirements. There shall be no minimum lot size, side or rear setback, percentage of lot coverage or lot width, provided, however, that measures are taken to provide reasonable visual and acoustical privacy for dwelling units and that no building or structure shall be constructed so as to encroach within the designated flood way of the Savannah River.

(b) Public Access. Application for approval of development in the PDR zone shall include provisions for public access from a publicly- owned or maintained roadway to that portion of the property designated as and defined by the 100-Year Floodplain limit line under an Ordinance entitled "An Ordinance to Prevent Damage From Floods; To Regulate Land Uses in the Flood Plain, and for Other Purposes."

1. Public access areas shall consist of the designated 100 Year Floodplain and one (1) twenty (20) foot access easement for every three hundred (300) feet of river frontage, or portion thereof, to be occupied by the proposed development.
2. The flood way and access easements shall be dedicated to the Augusta-Richmond County Commission, be suitably landscaped, and contain a walkway of sufficient width and surfaced with an all-weather material as approved by the Department of Public Works to facilitate pedestrian movement to and from the public roadway.
3. Said easement shall be permanently maintained by the owner, developer, or an association of owners or residents having responsibility for common areas within the proposed development.
4. All public access easements shall be clearly marked as such with a permanent sign of not less than three (3) square feet in area.

(c) Building Design and Site Planning Standards. The following special building design and site planning standards shall apply in the PDR Zone.

1. All development in the PDR zone shall comply with an Ordinance entitled "An Ordinance to Prevent Damage From Floods; To Regulate Land Uses in the Flood Plain, and For Other Purposes" and approval of development plans under the provisions of this section shall not constitute approval under other applicable codes and ordinances.
2. No fencing along the exterior property lines of any development in the PDR zone shall be permitted unless the proposed fence is integrated completely with the design of the buildings, i.e. similar in materials, design, and detailing. Developers are required to fence or screen off-street parking and loading areas from view from public roadways utilizing a four (4) foot fence, screen, or landscaped earthen berm.
3. All construction in a PDR zone shall be of the following materials: brick, stucco, poured-in-place architectural concrete, exposed aggregate pre cast panels, and wood siding where appropriate and permitted by codes. Unacceptable construction materials include metal siding, concrete block, and high maintenance finishes such as paint on concrete block. Exceptions to the provisions of this

subsection may be granted for additions or modifications to existing buildings, or for construction on the same parcel and in close proximity to existing buildings. Exceptions may be granted only in the case of hardship where it is determined that the aesthetics of the surrounding area would not be adversely affected.

4. All mechanical equipment and service areas shall be screened from view from adjacent roads and pedestrian ways, other structures, and the Levee by structures or devices integral to the architecture of the building. Wherever practicable, all utility systems in the development shall be underground.
5. Preservation of existing trees on-site is required. Applications for approval of development plans in the PDR Zone shall show the location and type of all existing trees having a diameter measurement of ten (10) inches measured at a height of four (4) feet above ground level and shall indicate which of these trees are to be retained. Removal of trees of that size or larger is prohibited except where necessary to allow construction of buildings; needed for street rights-of-way, walkways, and ancillary structures such as patios; the tree is diseased, injured, or otherwise may pose an unsafe visibility or sight distance; or unduly restricts the economic use of the property. Where it is necessary to remove existing trees, the developer is required to replace them with planting elsewhere on-site.
6. All development proposed for the PDR zone will be reviewed for its impact on or utilization of historic and potentially historic structures. Developers are encouraged to coordinate adaptive renovation and use of existing structures with the appropriate local agencies or organizations having an interest in historic preservation.

25-A-6 Application Requirements:

(a) An application for approval of development plans in the PDR Zone shall be made to the Executive Director of the Augusta-Richmond County Planning Commission. Eleven copies of the plans shall be provided to allow transmittal to the members of the Riverfront Development Review Board at least seven (7) days prior to the date of the Review Board meeting. Upon receipt of an application, the Executive Director shall cause the members of the Review Board to be notified of the date, time, and place of the meeting and shall transmit copies of the proposed development plans to the membership.

(b) An application for review of the development plans shall include:

1. A boundary and topographic plat of the land to be included in the entire development showing all rights-of-way and easements affecting the property.
2. A plat showing any new building lots and their boundaries along with the square footage contained in each and the location and rights-of-way of proposed streets and public pedestrian ways.
3. The location of existing and proposed buildings and the number of stories contained in each.

4. The location and elevation of the water supply, sanitary, and storm drainage systems.
5. The location and type of all common areas along with a statement of the method to be used to insure the continued maintenance of such areas.
6. The location of all curb cuts, driving lanes, and parking areas.
7. The location and height of all walls, fences, and screen plantings.
8. A statement of proposed uses on a building by building basis and, where applicable, on a floor by floor basis.
9. Architectural drawings indicating the proposed appearance of each elevation and a general statement regarding exterior colors and materials.
10. The proposed location and character of signs and exterior lighting, service areas and doors, and loading facilities.
11. A landscaping plan showing the location, size, and type of all plant materials whether existing or proposed.
12. For residential developments, a tabulation of the total area, number of dwelling units, off-street parking spaces and overall density per acre.

(c) Upon completion of its review, the Riverfront Development Review Board shall transmit its findings along with recommendations for modifications, if any, to the Executive Director who shall process the proposed development plans in accordance with the Zoning Ordinance and the Land Subdivision Regulations for Augusta- Richmond County Commission, if applicable.

(d) Any change in the approved development plan which affects the intent and character of the development, the density or land use pattern, the location or dimensions of streets or other access ways, or similar changes shall be reviewed in the same manner as set forth above.

SPECIAL DISTRICT CLASSIFICATIONS

SECTION 25-B

SCA (SPECIAL SIGN CONTROL AREA) DISTRICT

ENTIRE SECTION DELETED

SPECIAL DISTRICT CLASSIFICATION

SECTION 25-C

RIVER WATCH PARKWAY

ENTIRE SECTION DELETED

SPECIAL DISTRICT CLASSIFICATIONS

SECTION 25 - D

SAVANNAH RIVER CORRIDOR PROTECTION DISTRICT

25-D-1 **Statement of Intent** The intent of the regulations with this Zoning District is to limit the use of the Savannah River Corridor, in conjunction with other government entities along the Savannah River Corridor, in order to:

(a) Assure that the Savannah River in the City of Augusta will not become polluted and unsuitable as a source for potable water;
(b) Protect the river corridor by establishing a natural vegetative buffer area bordering the river;
(c) Preserve those qualities that make the river corridor suitable as a habitat for wildlife;
(d) Help control erosion and to absorb flood waters; and
(e) Protect and safeguard the health and welfare of all the citizens of the City of Augusta by providing protection of the section of the river that is or may be used as a source of drinking water.

25-D-2 **Description of District** The limits of the Savannah River Corridor Protection (SRCP) District are hereby defined to be all areas within 100 feet horizontally of the river, measured from the river bank. This area shall remain in an undisturbed vegetative buffer. The 100-foot buffer is measured from the uppermost part of the river bank, usually marked by a break in slope. Although not within the buffer area, the area between the top of the river bank and the water's edge shall be included in the SRCP district.

Because these protective measures allow some latitude with land uses, and because the District is not intended to prescribe a specific land use but rather to define a range of acceptable land uses, the Savannah River Corridor Protection District is designed as an overlay district. Within the range of land uses which can be located within the District, this Section establishes performance standards which apply to development within the District. The regulations of the underlying zoning district shall be maintained and not affected, except in the event of conflict or discrepancy between the SRCP District and the underlying district. In that case, the more stringent requirements shall be observed.

25-D-3 **Establishment and Maintenance of Natural Buffer** Except as permitted under this section, all construction of buildings or structures is prohibited within the SCRP District, and the existing natural vegetative buffer within 100 feet of the river bank shall remain undisturbed.

25-D-4 **Permitted Uses and Conditions** The following uses are permitted, subject to certain conditions, within the one hundred-foot (100') buffer of the SRCP District. Any permitted use must also comply with the applicable regulations of the underlying zoning classification.
(a) Single-family dwellings, including the usual accessory structures and appurtenances, are subject to the following conditions:

1. The dwelling shall be located on a tract of land containing at least two acres and meeting all other zoning regulations.
2. There shall be only one such dwelling on each two-acre or larger tract of land.
3. A septic tank or tanks serving such a dwelling may be located within the buffer area; however, septic tank drain fields shall not be located within the buffer area.

(b) Industrial and commercial land uses existing prior to the adoption of the Savannah River Corridor Protection District, provided that:
1. Industrial and commercial uses shall not impair the drinking quality of the river water as defined by the Federal Clean Water Act, as amended.
2. Industrial and commercial activity within the SRCP district shall meet all applicable State and Federal environmental rules and regulations.
3. Septic tanks and septic tank drain fields serving industrial and commercial uses are prohibited within the buffer area.

(c) The construction of road crossings and utility crossings, provided that the construction of said crossings shall meet all requirements of the Augusta-Richmond County Soil and Sediment Control Ordinance.

(d) Agricultural production and management, subject to the following conditions:
1. Agricultural activity shall be consistent with best management practices established by the Georgia Soil and Water Conservation Commission;
2. Agricultural activity shall not impair the water quality of the river water as defined by the Georgia Clean Water Act;
3. Agricultural activity shall be consistent with all applicable State and Federal environmental regulations, and all regulations promulgated by the Georgia Department of Agriculture.

(e) Timber production and harvesting, subject to the following conditions:
1. Forestry activity shall be consistent with best management practices established by the Georgia Forestry Commission.
2. Forestry activity shall not impair the drinking water quality of the river water as defined by the Georgia Clean Water Act.

(f) Wildlife and fisheries management activities consistent with the purpose of O.C.G.A.12-2-8.

(g) Wastewater treatment facilities.

(h) Natural water quality treatment or purification facilities.

(i) Recreational uses consistent either with the maintenance of a natural vegetative buffer or with river-dependent recreation. For example, paths, walkways, boat ramps would be consistent with this criteria, but parking lots and hard-surface tennis court would not.

(j) Other uses as permitted by the Georgia Department of Naural Resources or under Section 404 of the Federal Clean Water Act.

25-D-5 **<u>Prohibited Uses</u>** The following uses are prohibited within the one hundred-foot (100') buffer of the SRCP District.

(a) Handling areas for the receiving and storage of hazardous wastes;

(b) Disposal facilities for hazardous or solid wastes; and

(c) All construction activities within the buffer area, except as provided for in Section 25-D-6 (Exempt Uses.

25-D-6 **<u>Exempt Uses</u>** The following uses are exempt from the one hundred-foot (100') buffer requirements of the SRCP District:

(a) Land uses existing prior tot he adoption of the Savannah River Corridor Protection District;

(b) Mining activities, if permitted by the Georgia Department of Natural Resources; and

(c) Utilities, if such utilities cannot feasibly be located outside the buffer area, as determined by the local government, provided that:

1. The utilities shall be located as far from the river bank as reasonably possible;
2. Installation and maintenance of the utilities shall be such as to protect the integrity of the buffer area to the extent reasonably possible;
3. The natural vegetative buffer shall be restored as quickly as possible following any construction utility construction; and
4. Utilities shall not impair the drinking quality of the river water.

SPECIAL DISTRICT CLASSIFICATIONS

SECTION 26

SPECIAL EXCEPTIONS

26-1 **The following Special Exceptions may be permitted** in any Zone where such uses are deemed essential or desirable to the public convenience or welfare and are in harmony with the various elements or objectives of the Master Plan/Planning Document in effect. All applications for a Special Exception under this subsection shall be accompanied by a preliminary development plan that shows the location of all buildings associated with the proposed use and the number of stories contained in each building. The preliminary development plan must also show the location of all curb cuts, driving lanes, parking areas, and the location of all walls, fences and screen plantings that exist or are planned.

(a) Church, synagogue, or other place of worship, or their related activities subject to the following criteria:

(1) A tract upon which a church is to be established shall have at least one hundred (100) feet of frontage on a collector street or an arterial street and be at least one-half acre in area.

(2) Structures shall be set back at least twenty-five (25) feet from any property line separating the subject property from residentially zoned or developed properties.

(3) Off-street parking shall conform to Section 4 of this Ordinance.

(4) DELETED.

(5) A plan illustrating compliance with the above requirements shall be submitted to the Planning Commission before the proposal is placed on the agenda. The Planning Commission shall determine that all of the foregoing requirements have been satisfied, and further, that the benefits of the proposed church are greater than any possible depreciating effects and damages to the neighboring properties.

(b) Parochial and private schools subject to the following criteria:

(1) A tract upon which a parochial or private school is to be established shall have at least one-hundred (100) feet of frontage on a collector street or an arterial street.

(2) A circular drive or similar layout that discourages backing and encourages through movement of traffic shall be provided for off-street loading and unloading, and the parking layout shall conform to Section 4 of this Ordinance.

(3) A parochial or private school shall be screened from contiguous residentially zoned or developed properties by a wall, solid fence, or vegetative buffer at least six (6) feet in height.

(4) Signage shall comply with the SCA requirements for institutional uses.

(5) A plan illustrating compliance with the above requirements shall be submitted to the Planning Commission before the proposal is placed on the agenda. The Planning Commission shall determine that all of the foregoing requirements have been satisfied, and further, that the benefits of the proposed school are greater than any possible depreciating effects and damages to the neighboring properties.

(c) Utility substation subject to the following criteria:

(1) Use of the property as a substation shall be essential for service to the area in which the substation is to be located.
(2) A tract upon which a utility substation is to be erected shall have frontage on a collector or arterial street.
(3) No personnel shall be assigned to the site; the utility shall be unmanned.
(4) Outside storage of vehicles, equipment, and supplies on the premises shall not be permitted.
(5) If the base zoning is agricultural, residential, or professional, then any building or structure which exceeds 25 feet in height when measured from ground elevation shall be set back not less than fifty (50) feet from any property line.
(6) DELETED.
(7) A substation shall be screened from contiguous residentially zoned or developed properties by a wall, solid fence, or vegetative buffer at least six (6) feet in height.
(8) A plan illustrating compliance with the above requirements shall be submitted to the Planning Commission before the proposal is placed on the agenda. The Planning Commission shall determine that all of the foregoing requirements have been satisfied, and further, that the benefits of the proposed utility substation are greater than any possible depreciating effects and damages to the neighboring properties.

(d) Nursing home subject to the following criteria:
(1) A tract upon which a nursing home is to be established shall have at least one hundred (100) feet of frontage on a collector or an arterial street.
(2) DELETED.
(3) Off-street parking shall conform to Section 4 of this Ordinance.
(4) Nursing homes shall not be located in areas where the health, safety, and welfare of the residents would be compromised. Examples of such areas would be those near industrial sites or other sites where environmental quality would be poor, and also areas where law enforcement records indicate that the incidence of crime is high.
(5) A plan illustrating compliance with the above requirements shall be submitted to the Planning Commission before the proposal is placed on the agenda. The Planning Commission shall determine that all of the requirements have been satisfied, and further, that the benefits of the proposed nursing home are greater than any possible depreciating effects and damages to the neighboring properties.

(e) Adult day care facility subject to the following criteria:
(1) A tract upon which an adult day care facility is to be established shall have at least one hundred (100) feet of frontage on a collector or an arterial street.
(2) Off-street parking shall conform to Section 4 of this Ordinance.
(3) An adult day care facility may not be established within twelve hundred (1200) feet of a lawfully existing family day care home, family personal care home, transition housing, or another adult day care facility located in A, R or P zones.
(4) Adult day care facilities shall not be located in areas where the health, safety, and welfare of the residents would be compromised. Examples of such areas would be those near industrial sites or other sites where

environmental quality would be poor, and also areas where law enforcement records indicate that the incidence of crime is high.

(5) DELETED.

(6) A plan illustrating compliance with the above requirements shall be submitted to the Planning Commission before the proposal is placed on the agenda. The Planning Commission shall determine that all of the foregoing requirements have been satisfied, and further, that the benefits of the proposed adult day care facility are greater than any possible depreciating effects and damages to the neighboring properties.

(f) Family day care home subject to the following criteria:

(1) A family day care home may not be established within twelve hundred (1200) feet of a lawfully existing family personal care home, transition housing, adult day care facility, or another family day care home located in A, R or P zones.

(2) There shall be adequate indoor and outdoor play areas to meet Georgia DHR standards. Outdoor play areas shall be designed for daytime use only with no special illumination, and they shall be screened from contiguous residential zones or development by a solid fence, wall or vegetative buffer at least six (6) feet in height.

(3) Parking shall conform to Section 4 of this Ordinance.

(4) DELETED.

(5) Family day care homes shall not be established in areas where the health, safety, and welfare of the residents would be compromised. Examples of such areas would be those near industrial sites or other sites where environmental quality would be poor, and also areas where law enforcement records indicate that the incidence of crime is high.

(6) A plan illustrating compliance with the above requirements shall be submitted to the Planning Commission before the proposal is placed on the agenda. The Planning Commission shall determine that all of the foregoing requirements have been satisfied, and further, that the benefits of the proposed family day care home are greater than any possible depreciating effects and damages to the neighboring properties.

(g) Transition housing subject to the following criteria:

(1) Transition housing may not be established within twelve hundred (1200) feet of a lawfully existing family personal care home, family day care home, adult day care facility, or other transition housing in A, R or P zones.

(2) DELETED.

(3) Transition housing shall not be located in areas where the health, safety, and welfare of the residents would be compromised. Examples of such areas would be those near industrial sites or other sites where environmental quality would be poor, and also areas where law enforcement records indicate that the incidence of crime is high.

(4) The Planning Commission shall determine that the foregoing requirements have been satisfied, and further, that the benefits of the proposed transition housing are greater than any possible depreciating effects and damages to neighboring properties. In conducting this balancing test, the merit of the specific proposal shall be determined by evaluating the nature of the clientele (i.e. elderly, mentally retarded, halfway home for recovering

addicts, etc.) the proposed number of occupants, and the nature of the operators of the facility (homeowners, professional staff, or untrained supervisory staff, etc.).

(5) Approval, if granted shall be for a specific proposal, and any change in the nature of the clientele or increase in the number of occupants shall require another special exception.

(h) Family personal care home subject to the following criteria:

(1) A family personal care home may not be established within twelve hundred (1200) feet of a lawfully existing family day care home, adult day care facility, transition housing, or another family personal care home in A, R, or P zones.

(2) DELETED.

(3) A family personal care home shall not be located in areas where the health, safety, and welfare of the residents would be compromised. Examples of such areas would be those near industrial sites or other sites where environmental quality would be poor, and also areas where law enforcement records indicate that the incidence of crime is high.

(4) The Planning Commission shall determine that the foregoing requirements have been satisfied, and further, that the benefits of the proposed family personal care home are greater than any possible depreciating effects and damages to neighboring properties. In conducting this balancing test, the merit of the specific proposal shall be determined by evaluating the nature of the clientele (i.e. elderly, mentally retarded, etc.), the proposed number of occupants, and the nature of the operators of the facility (homeowners, professional staff, or untrained supervisory staff, etc.).

(i) Club (private or public), lodge (nonprofit), golf course, country club, tennis facilities, privately owned and operated recreational facility, swimming pool, fishing lake, or similar recreational use subject to the following criteria:

(1) The minimum size tract for a golf course or country club shall be fifty (50) acres.

(2) A tract to be developed as a golf course or country club shall have at least one hundred (100) feet of frontage on a public or private road.

(3) Structures except fences and walls shall be set back at least fifty (50) feet from property lines separating the property from contiguous properties zoned or developed for residential use.

(4) Lighting shall be designed so that adjacent properties are not adversely affected.

(5) Outdoor activities shall cease at 11:00 P.M.

(6) Lounges, clubhouses, and similar facilities shall be designed and operated for use by members and their guests, or patrons who are using the club or recreational facility. Lounges, clubhouses and similar facilities shall be located at least one hundred (100) feet from contiguous properties zoned or developed for residential use.

(7) DELETED.

(8) A plan illustrating compliance with the above requirements shall be submitted to the Planning Commission before the proposal is placed on the agenda. The Planning Commission shall determine that all of the foregoing requirements have been satisfied, and

further, that the benefits of the proposed club, privately owned and operated recreational facility, swimming pool, fishing lake, or similar recreational use are greater than any possible depreciating effects and damages to the neighboring properties.

(j) Funeral homes subject to the following criteria:

(1) A tract upon which a funeral home is to be established shall have at least one hundred (100) feet of frontage on a collector street or an arterial street and be at least one acre in area.

(2) Structures shall be set back at least twenty-five (25) feet from any property line separating the subject property from residentially zoned or developed properties.

(3) Off-street parking shall conform to Section 4 of this Ordinance.

(4) DELETED.

(5) A plan illustrating compliance with the above requirements shall be submitted to the Planning Commission before the proposal is placed on the agenda. The Planning Commission shall determine that all of the foregoing requirements have been satisfied, and further, that the benefits of the proposed funeral home are greater than any possible depreciating effects and damages to neighboring properties.

(k) Private hospital subject to the following criteria:

(1) A tract upon which a private hospital is to be established shall have at least two hundred fifty (250) feet of frontage on a collector or an arterial street and be at least five acres in area.

(2) DELETED.

(3) Off-street parking shall conform to Section 4 of this Ordinance.

(4) Private hospitals shall not be located in areas where the health, safety, and welfare of the patients would be compromised. Examples of such areas would be those near industrial sites or other sites where environmental quality would be poor, and also areas where law enforcement records indicate that the incidence of crime is high.

(5) A plan illustrating compliance with the above requirements shall be submitted to the Planning Commission before the proposal is placed on the agenda. The Planning Commission shall determine that all of the foregoing requirements have been satisfied, and further, that the benefits of the proposed hospital are greater than any possible depreciating effects and damages to the neighboring properties.

(l) Airport or aircraft landing field.

(m) Cemetery.

(n) Sanitary Landfill

(o) Inert Fill Area

(p) Uses which would in any way involve detained persons, or persons who would be or have been retained from correction facilities such as halfway homes, or similar uses that in any way relate to corrections or incarceration.

26-2 Special Exceptions

Any use established as a result of a Special Exception granted per Subsection 26-1 must be initiated within six (6) months of the granting, or the Special Exception shall no longer be valid. The initiation of a use is established by the issuance of a valid business license by the Augusta License and Inspections Department or by other reasonable proof of the establishment of vested rights. If a Special Exception is granted and the use is initiated but later ceases to operate for a period of one (1) year, then the Special Exception shall no longer be valid.

Amended Sept. 2004, Section 26-2

OTHER REGULATED USES

SECTION 27

MANUFACTURED HOME REGULATIONS

27-1 Establishment of Manufactured Home Parks: New Manufactured Home Parks and expansion of existing Manufactured Home Parks shall be permitted only in R-MH (Manufactured Home Residential) Zones.

27-2 Procedure for constructing or altering a Manufactured Home Park: Application shall be made for doing same to the Augusta-Richmond County Planning Commission. The application shall be in letter form and shall show the following:

Name and address of applicant
Name and address of owner of land
Name and address of proposed operator
Number of spaces proposed to be provided
Acreage of land to be utilized

The application shall be accompanied by five copies of a plat of the land to be utilized. The plats shall show the following:

Bearings and distances for all property lines
Names and right-of-way widths for all streets bounding the property
Names and addresses of all surrounding property owners
Distances to nearest public water mains and sewer lines
Topography showing contours at 2-foot intervals and referenced to Mean Sea Level
Scale (not smaller than 1 inch = 100 feet) and North Arrow
Name and Registration Number of Surveyor or Engineer

The application for plan approval shall also be accompanied by a processing and investigation fee of fifty dollars ($50.00). The Planning Commission shall hold a public hearing on every application for establishment or expansion of a Manufactured Home Park. In the event that the land proposed to be utilized for a Manufactured Home Park is not properly zoned, application for rezoning and application for plan approval may be made at the same time if all necessary submittals for plan approval are provided prior to application for rezoning. Public notice shall be given for plan approval, as well as for hearings on changes of Zoning Classification, when such approvals are not sought simultaneously. The Planning Commission shall approve or disapprove each application for establishment or expansion of a Manufactured Home Park within thirty (30) days after holding a public hearing thereon, unless the applicant agrees to a longer time period; and the Planning Commission shall notify the applicant in writing of its decision.

27-3 Building permit for Manufactured Home Park: Accompanying a request for the establishment or expansion of a Manufactured Home Park, or upon request to alter such a park, the applicant shall submit to the Planning Commission plans and specifications for the development of such park in accordance with the requirements of this Ordinance. The

Planning Commission shall review such plans and specifications, and shall determine that all requirements of this Ordinance and other legal requirements have been met. In conducting its review, the Planning Commission shall submit copies of such plans and specifications to the Public Works Department, the Waterworks Department, to the Chief Building Official and the Richmond County Health Department. When the Planning Commission has received in writing the approval of all required agencies and has made its own determination that all requirements of this Ordinance and all other legal requirements have been met or will be met in the course of establishment, expansion, or alteration of the park, it shall certify the same in writing to the Chief Building Official and shall forward to the Chief Building Official a copy of the approved plans and specifications. The Chief Building Official may then issue building permits for construction, expansion, or alteration of the Manufactured Home Park in accordance with the application made and plan and specifications approved for same and in accordance with all legal requirements.

27-4 Transfer of Manufactured Home Parks: Every Manufactured Home Park owner shall give notice in writing to the Planning Commission within thirty (30) days after having sold, transferred, given away, or otherwise disposed of interest in or control of any Manufactured Home Park. Such notice shall include the name and address of the person succeeding to the ownership or control of such park.

27-5 Conditions pertaining to existing Manufactured Home Parks: Manufactured Home Parks operating at the time of adoption of this Ordinance shall be allowed to continue operation provided that the minimum requirements of the Richmond County Board of Health are met by such parks.

27-6 Standards for development of Manufactured Home Parks:

(a) Minimum Size of Tract: The minimum size of any tract to be developed for a Manufactured Home Park shall be five (5) acres and such tract shall have a minimum frontage on a paved public road or road to be paved and dedicated to the public of one hundred (100) feet. The tract shall comprise a single parcel and shall be and remain in the ownership of one person as defined herein.

(b) Code Standards: No manufactured home manufactured on or after January 1, 1968 shall be admitted to any Manufactured Home Park on or after the date of the adoption of this Ordinance unless it can be demonstrated that it meets the requirements of one of the following: American Standards Association Code Provision A-119.1-1963, American Standards for Installation in Manufactured Home of Electrical, Heating, and Plumbing Systems; or Manufactured Home Manufacturer Association Manufactured Home Standards for Plumbing, Heating and Electrical Systems; or any state or locally-administered code insuring equal or better plumbing, heating, or electrical installations.

(c) Hazardous Conditions: No Manufactured Home Park shall be so located as to be subjected to hazards of flood, poor soil conditions, poor drainage, or other hazardous conditions.

(d) Every Manufactured Home Park shall be provided with a public water supply and public sewage disposal system. Individual septic tank systems may be utilized in lieu of public systems provided they are developed in accordance with the provisions of the Groundwater Recharge Area Protection Ordinance.

(e) Setback and Screening: No manufactured home, accessory structure, or other building in a Manufactured Home Park shall be located closer than fifty (50) feet from any park property line abutting any public street or highway nor closer than twenty (20) feet from any other Park property line. All Manufactured Home parks located adjacent to industrial or commercial land uses shall be provided with a screening buffer strip at least ten (10) feet wide along the property boundary lines separating parks and such adjacent nonresidential uses. Such screening shall consist of a solid fence not less than eight (8) feet in height or of evergreen vegetation of sufficient density to accomplish the purposes of a solid fence. Such screens shall be maintained in good order at all times.

(f) Streets: Streets within Manufactured Home Parks shall be privately owned, constructed and maintained. Alignment and gradient shall be properly adapted to topography, to safe movement of traffic, to adequate control of surface water, ground water, and drainage. No street shall be provided with less than an all-weather surface. The type of road surface shall be determined by the Public Works Department. All streets shall have either concrete curbs, asphalt curbs or paved swells. The following widths shall be provided for surfaced portions of streets.

(1) Class One Streets (less than 500' in length and serving 25 spaces or less on a two-way street): one way with no curbside parking - 11 feet; one way with curbside parking on one side only - 18 feet; one way with curbside parking on both sides - 24 feet; two way with no curbside parking - 22 feet; two way with curbside parking on one side- 27 feet; two way with curbside parking on both sides- 34 feet.

(2) Class Two Streets (other than Minor Streets serving up to and including 200 spaces with no other limitation on length): one way with no parking- 28 feet; two way with no parking - 24 feet; one way with parking on one side- 24 feet; two way with parking on one side - 29 feet; one way with parking on two sides - 26 feet; two way with parking on two sides - 36 feet.

(3) Class Three Streets (serving more than 200 spaces without limitation on length): same as for Collector streets but requiring sidewalks on at least one side. Such sidewalks shall be at least 3 feet wide and shall be paved.

(4) At Access Points: where internal park streets intersect with public streets, the internal street shall have a surfaced width of 24 feet.

(g) Space Standards:

(1) Every manufactured home space within a Manufactured Home Park shall have an area of not less than 4,000 square feet with a minimum width at all points of 40 feet. Every such space shall have all corners clearly marked.

(2) Each manufactured home space shall be directly accessible from an approved internal park street. No direct access to manufactured home spaces from public streets shall be granted.

(3) Manufactured homes shall be separated from each other by not less than fifteen (15) feet end to end and twenty (20) feet side by side.

(4) Each manufactured home space shall be provided with a concrete patio of at least one hundred (100) square feet which shall be convenient to the entrance of the manufactured home. An awning may be placed over such patio, but no structure shall be placed thereon.

(5) The minimum distance between manufactured homes located on opposite sides of an internal street shall be 36 feet.

(6) Expandable rooms on manufactured homes shall be deemed an integral part of the manufactured home and shall meet all requirements stated herein.

(h) Parking shall be provided at the minimum rate of one and one-half spaces for each manufactured home space. If such parking is provided on each manufactured home space, it shall be at the minimum rate of one and one-half spaces for each manufactured home space and each space shall have minimum dimensions of ten (10) feet by twenty (20) feet. If provided in common off-street parking bays, the following standards shall apply:

PARKING ANGLE	CURB LENGTH PER CAR	MINIMUM BAY DEPTH*	MINIMUM BACKING DEPTH*
90^0	9.0'	18'	24'
60^0	12.5'	17'	20'
25^0	12.7'	16'	19'

***** Perpendicular to curb

(i) Illumination: Adequate illumination on all streets and sidewalks shall be provided to insure the safe movement of pedestrians and vehicles at night. Such illumination shall create no direct glare into surrounding areas.

(j) Fire Protection:

(1) All Manufactured Home Parks shall be equipped with fire protection equipment as required by the latest locally adopted codes.

(2) Portable fire extinguishers of an approved type shall be kept in service buildings and at all other appropriate locations and shall be maintained in good operating condition.

(3) Standard fire hydrants shall be located with adequate access within 500 feet of any part of a building used as a manufactured residence or accessory use.

(k) Landscaping and Ground Cover: It is the intent of this Section of this Ordinance that the areas provided for setbacks shall be appropriately landscaped and planted so as to provide a pleasing appearance to surrounding property. Further, ground cover in the form of grass or other vegetation shall be provided throughout every Manufactured Home Park so as to provide pleasant and, insofar as practicable, dust-free conditions.

(l) Recreation: Not less than ten (10) percent of the total area of every Manufactured Home Park shall be reserved and developed for a recreation area. Such area shall be centrally located within each Manufactured Home Park and shall contain individual areas which shall be equipped for passive adult recreation, children's play, and a fenced tot lot. If a swimming pool is furnished, it shall be separated from all other uses by a fence having a gate which is capable of remaining closed. Required setbacks shall not be counted as part of the required recreation area.

27-7 Locating Individual Manufactured Homes on Individual Lots: Individual manufactured homes may be permitted on individual lots, parcels, or tracts in A (Agriculture) or R-MH (Manufactured Home Residence) Zones under the following conditions:

(a) Individual manufactured homes shall conform to all requirements of the zone in which the homes are located.

(b) Individual manufactured homes in A (Agriculture) Zones shall be located at least 150 feet from any previously existing permanent dwelling.

(c) DELETED.

(d) No manufactured home shall be located on any lot, parcel, or tract occupied by any other dwelling or manufactured home, and only one manufactured home shall be located on each individual lot, parcel, or tract.

(e) Any manufactured home located on an individual lot, parcel, or tract shall be placed on a foundation and shall be provided with a curtain wall enclosure so constructed as to prevent passage of persons, animals, or debris into space beneath the manufactured home.

(f) No manufactured home shall be located on an individual lot, parcel, or tract until the location has been approved by the Planning Commission, the Chief Building Inspector, and the Richmond County Health Department.

27-8 Nonconforming Individual Manufactured Homes: Manufactured homes on individual lots, parcels, or tracts which were in place on January 1, 1980 are declared to be legal nonconforming uses at their current location; provided however, that said manufactured homes may not be altered or expanded in any way unless the alteration or expansion results in conformance with this Comprehensive Zoning Ordinance.

SECTION 28

AIRPORT REGULATIONS

28-1 General Regulations: The following general regulations shall apply to all airports encompassed by the area of this Ordinance.

(a) Flight Zones: All land within the boundaries of Daniel Field and within two (2) miles of the landing area of the airports within Augusta-Richmond County, are hereby divided into Airport Approach Zones and Airport Turning Zones. The inner-area of the Airport Approach Zones are shown on the Airport Approach Standards Maps by reference made a part hereof. The turning zones and the outer-area of the Airport Approach Zones are that area within two (2) miles of the boundaries of the landing area and the inner-area of the Airport Approach Zones. The Airport Approach Standards Maps may be revised or replaced from time to time to correspond with zone restrictions and approach standards, as required by the Airport Manager and/or the Civil Aeronautic Authority.

(b) Height Limits: Except as otherwise provided in this Ordinance, no structure or tree shall be erected, altered, allowed to grow, or maintained in any Airport Approach Zone or Airport Turning Zone to a height in excess of the height limit herein established for such zone. For the purpose of this regulation, the following height limits are hereby established for each of the zones in question:

(1) Inner-area Airport Approach Zones- as shown on Airport Approach Standards Maps.

(2) Outer-area Airport Approach Zones- one hundred and fifty (150) feet above the elevation of the boundaries of the airport landing area.

(3) Turning Zones- one hundred and fifty (150) feet above the boundaries of the airport landing area.

(c) Use Restrictions: Not withstanding any other provisions of this Ordinance, no use may be made of land within any Airport Approach Zone or Airport Turning Zone in such a manner as to create electrical interference with radio communication between the airport and aircraft, make it difficult for fliers to distinguish between airport lights and others, result in glare in the eyes of fliers using the airport, or otherwise endanger the landing, takeoff, or maneuvering of aircraft.

(d) Hazard Marking and Lighting: Variances from this Ordinance granted by the Board of Zoning Appeals may be so conditioned as to require the owner of the structure or tree in question to permit the Augusta-Richmond County Commission, to install, operate, and maintain thereon such markers and lights as may be deemed necessary to indicate to fliers the presence of the airport hazard.

(e) Future Airports: The provisions of this Ordinance shall apply to future airports located within the area encompassed by this Ordinance.

28-2 Bush Field Airport Regulations:

(a) Definitions: As used in this portion of the Ordinance, unless the content otherwise requires, the following definitions shall be used:

(1) Airport Elevation means the established elevation of the highest point on the usable landing area.

(2) Airport Hazard means any structure, tree, or use of land which obstructs the airspace required for, or is otherwise hazardous to, the flight of aircraft in landing or taking-off at the airport.

(3) Airport Reference Point means the point established as the approximate geographic center of the airport landing area and so designated.

(4) Height - for the purpose of determining the height limits in all zones set forth in this Ordinance and shown on the Zoning Map, the datum shall be mean sea level elevation unless otherwise specified.

(5) Instrument Runway means a runway equipped or to be equipped with electronic or visual air navigation aids adequate to permit the landing of aircraft under restricted visibility conditions.

(6) Landing Area means the area of the airport used for the landing, takeoff, or taxing of aircraft.

(7) Nonconforming Use means any structure, tree, or use of land which is lawfully in existence at the time the regulations are prescribed in this Ordinance or an amendment thereto becomes effective and does not then meet the requirements of said regulations.

(8) Non-instrument Runway means a runway other than an instrument runway.

(9) Person means an individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver, assignee, administrator, executor, guardian, or other representative.

(10) Runway means the paved surface of an airport landing strip.

(11) Structure means an object constructed or installed by man, including, but without limitation, buildings, towers, smoke- stacks, and overhead transmission lines.

(12) Tree means any object of natural growth.

(b) Zones: In order to carry out the provisions of this Ordinance, there are hereby created and established certain zones which include all of the land lying within the Instrument Approach Zones, Non-instrument Approach Zones, Transition Zones, Horizontal Zone, and Conical Zone. Such areas and zones are shown on the Bush Field Airport Zoning Map consisting of one sheet prepared by the Augusta-Richmond County Planning Commission and dated March 8, 1982, which is attached to this Ordinance and made a part hereof. The various zones are hereby established and defined as follows:

(1) Instrument Approach Zone- An Instrument Approach Zone is established at each end of the instrument runway for instrument landings and takeoffs. The Instrument Approach Zone shall have a width of one thousand (1,000) feet at a distance of two hundred (200) feet beyond each end of the runway, widening thereafter uniformly to a width of sixteen thousand (16,000) feet a distance of fifty thousand two hundred (50,200) feet beyond each end of the runway, its centerline being the continuation of the centerline of the runway.

(2) Non-instrument Approach Zone- A Non-instrument Approach Zone is established at each end of all non-instrument runways on Bush Field Airport for non-instrument landings and takeoffs. The Non-instrument Approach Zone shall have a width of five hundred (500) feet at a distance of two hundred (200) feet beyond each end of the runway, widening thereafter uniformly to a width of fifteen hundred (1,500) feet at a horizontal distance of five thousand (5,000) feet beyond each end of the

runway, its centerline being the continuation of the centerline of the runway.

(3) Transition Zones- Transition Zones are hereby established adjacent to each instrument and non-instrument runway and approach zone as indicated on the Zoning Map. Transition Zones, symmetrically located on either side of runways, have variable widths as shown on the Zoning Map. Transition Zones extend outward from a line two hundred fifty (250) feet on either side of the centerline of the non-instrument runway; for the length of such runway plus two hundred (200) feet on each end; and five hundred (500) feet on either side of the centerline of the instrument runway, for the length of such runway plus two hundred (200) feet on each end, and are parallel and level with such runway centerlines. The Transition Zones along such runways slope upward and outward one (1) foot vertically for each seven (7) feet horizontally to the point where they intersect the surface of the Horizontal Zone. Further, Transition Zones are established adjacent to both Instrument and Non- instrument Approach Zones for the entire length of the Approach Zones. These Transition Zones have variable widths, as shown on the Zoning Map. Such Transition Zones flare symmetrically with either side of the Runway Approach Zones from the base of such zones and slope upward and outward at the rate of one (1) foot vertically for each seven (7) feet horizontally to the points where they intersect the surfaces of the Horizontal and Conical Zones. Additionally, Transition Zones are established adjacent to the Instrument Approach Zone where it projects through and beyond the limits of the Conical Zone, extending a distance of five thousand (5,000) feet measured horizontally from the edge of the Instrument Approach Zones at right angles to the continuation of the centerline of the runway.

(4) Horizontal Zone - A Horizontal Zone is hereby established by swinging arcs of ten thousand (10,000) feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The Horizontal Zone does not include the Instrument and Non-instrument Approach and Transitional Zones.

(5) Conical Zone - A Conical Zone is hereby established commencing at the periphery of the Horizontal Zone and extending outward and upward from the periphery of the Horizontal Zone surface at a slope of twenty to one (20:1) for a Horizontal Zone distance of four thousand (4,000) feet. The Conical Zone does not include the Instrument and Non- instrument Approach and Transition Zones.

(c) Height Limitations: Except as otherwise provided in this Ordinance, no structure or tree shall be erected, altered, allowed to grow or maintained in any zone created by this Ordinance to a height in excess of the height limit herein established for such zone. Such height limitations are computed from the established airport elevation and are hereby established for:

(1) Instrument Approach Zone- One (1) foot in height for each fifty (50) feet in horizontal distance beginning at a point two hundred (200) feet from and at the elevation of the end of the instrument runway and extending to a horizontal distance of ten thousand (10,000) feet; thence, one (1) foot for each forty (40) feet for an additional horizontal distance of forty

thousand (40,000) feet beyond each end of the runway, its centerline being the continuation of the centerline of the runway.

(2) Non-instrument Approach Zones- One (1) foot in height for each twenty (20) feet in horizontal distance beginning at a point two hundred (200) feet from and at the elevation of the end of the non-instrument runway and extending to a point five thousand (5,000) feet beyond each end of the runway, its centerline being the continuation of the centerline of the runway.

(3) Transition Zones- One (1) foot in height for each seven (7) feet in horizontal distance beginning at a point two hundred fifty (250) feet normal to and at the elevation of the centerline of non-instrument runways extending two hundred (200) feet beyond each end thereof, and five hundred (500) feet normal to and at the elevation of the centerline of the instrument runway extending two hundred (200) feet beyond each end thereof, extending to a height of one hundred fifty (150) feet above the airport elevation which is 145.14 feet above mean sea level. In addition to the foregoing, there are established height limits of one (1) foot vertical for each seven (7) feet horizontal distance measured from the edges of all approach zones for the entire length of the approach zones and extending upward and outward to the points where they intersect the horizontal or conical surfaces. Further, where the Instrument Approach Zone projects through and beyond the Conical Zone, a height limit of one foot for each seven (7) feet of horizontal distance shall be maintained beginning at the edge of the Instrument Approach Zone and extending a distance of five thousand (5,000) feet from the edge of the Instrument Approach Zone measured normal to the centerline of the runway extended.

(4) Horizontal Zone- One hundred and fifty (150) feet above the airport elevation or a height of 295.14 feet above mean sea level except where the existing elevation is greater than 245.14 feet above mean sea level, in which case the horizontal zone shall equal the existing ground elevation plus fifty (50) feet.

(5) Conical Zone- One (1) foot in height for each twenty (20) feet of horizontal distance beginning at the periphery of the horizontal zone, extending to a height of 495.14 feet above the airport elevation. Where an area is covered by more than one height limitation, the more restrictive limitation shall prevail. Nothing in this Ordinance shall be construed as prohibiting the growth, construction, or maintenance of any tree or structure to a height up to twenty (20) feet above the surface of the land.

(d) Use Restrictions: Notwithstanding any other provisions of this Ordinance, no use may be made of land within any zone established by this Ordinance in such a manner as to create electrical interference with radio communication between the airport and aircraft, make it difficult for fliers to distinguish between airport lights and others, result in glare in the eyes of fliers using the airport, impair visibility or otherwise endanger the landing, takeoff or maneuvering of aircraft.

(e) Nonconforming Uses:

(1) Regulations not retroactive. The regulations prescribed by this Ordinance shall not be construed to require the removal, lowering, or other changes or alteration of any structure or tree not conforming to the regulations as

of the effective date of this Ordinance or otherwise interfere with the continuation of any nonconforming use.

(2) Marking and lighting. Notwithstanding the preceding provision of this Section, the owner of any nonconforming structure or tree is hereby required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the Federal Aviation Administration to indicate to the operators of aircraft in the vicinity of the airport, the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of the Augusta-Richmond County Commission.

(f) Permits:

(1) Future uses- except as specifically provided in the paragraph whereunder, no material change shall be made in the use of land and no structure or tree shall be erected, altered, planted, or otherwise established in any zone hereby created unless a permit therefore shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the affirmative, the permit shall be granted. In the area lying within the limits of the Horizontal Zone and Conical Zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when, because terrain, land contour, or topographic features such tree or structure would extend above the height limits prescribed for such zone.

In the areas lying within the limits of the instrument and non-instrument approach zones but at a horizontal distance of not less than four thousand two hundred (4,200) feet from each end of the runways, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features would extend above the height limit prescribed for such instrument or non-instrument approach zone.

In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any tree or structure less than seventy-five (75) feet of vertical height above the ground, except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones. Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, alteration, or growth of any structure or tree in excess of any of the height limits established by this Ordinance.

(2) Existing uses. No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure, or tree to be made higher or become a greater hazard to air navigation than it was on the effective date of this Ordinance or any

amendments thereto or than it is when the applications for such a permit shall be granted.

(3) Nonconforming uses abandoned or destroyed**.** When ever the Chief Building Official determines that a nonconforming structure or tree has been abandoned or more than eighty percent (80%) torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

(4) Hazard marking and lights. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this Ordinance and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the Augusta-Richmond County Commission, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to fliers the presence of an airport hazard.

SECTION 28-A

TELECOMMUNICATION FACILITIES

28-A-1 **PURPOSE**. This section is designed and intended to balance the interests of the residents of Augusta-Richmond County, telecommunications providers and telecommunications customers in the siting of telecommunications facilities within Augusta-Richmond County so as to protect the health, safety and integrity of residential neighborhoods and foster through appropriate zoning and land use controls, a competitive environment for telecommunications carriers that does not unreasonably discriminate among providers of functionally equivalent personal wireless services and shall not prohibit or have the effect of prohibiting the provision of personal wireless services, and so as to promote Augusta- Richmond County as a proactive city in the availability of personal wireless telecommunications service. To that end, this section shall:

A. Provide for the appropriate local land use and development of telecommunications facilities in Augusta-Richmond County;

B. Protect Augusta-Richmond County's built and natural environment by promoting compatible design standards for telecommunications facilities;

C. Minimize adverse visual impacts of telecommunications facilities through careful design, siting, landscape screening and innovative camouflaging techniques;

D. Avoid potential damage to adjacent properties from tower or antenna failure through engineering and careful siting of telecommunications tower structures and antenna;

E. Maximize use of any new and existing telecommunications towers so as to minimize the need to construct new towers and minimize the total number of towers throughout Augusta-Richmond County;

F. Maximize and encourage use of alternative telecommunication tower structures rather than construction of additional single-use towers; and

G. Encourage and promote the location of new telecommunications facilities in areas which are not zoned for residential use.

28-A-2 **DEFINITIONS.** As used in this ordinance, the following terms shall have the meanings indicated:

A. "Antenna" means any exterior apparatus designed for the sending and/or receiving of electromagnetic waves for telephonic, radio, television, or personal wireless services. For the purposes of this ordinance the term "antenna" does not include any tower and antenna under seventy (70) feet in total height which is owned and operated by an amateur radio operator licensed by the Federal Communications Commission, and any device designed for over-the-air reception of radio or television broadcast signals.

B. "Director" means the Executive Director of the Augusta-Richmond County Planning Commission.

C. "Governing body" means the Augusta Commission;

D. "Monopole tower" means a telecommunications tower consisting of a single pole constructed without guy wires or ground anchors;

E. "Panel Antenna" means a flat surfaced antenna used for transmitting and receiving radio signals.

F. "Permitted Use" means the use of land that is allowed "by right" requiring no further zoning action or special exception to permit its development.

G. "Stealth Facility" means a telecommunications facility that is not readily identifiable as a telecommunications facility, is visually unobtrusive, and has an innovative approach to construction.

H. "Telecommunications facilities" refers to antenna and towers, either individually or together.

I. "Tower" means a structure, such as a lattice tower, or monopole tower constructed as a freestanding structure or in association with a building, other permanent structure or equipment on which is located one or more antenna intended for transmitting or receiving analog, digital, microwave, cellular, telephone, personal wireless service or similar forms of electronic communication. The term includes microwave towers, common carrier towers, and cellular telephone towers;

J. "Whip antenna" means an antenna vertically oriented, for transmitting and receiving radio signals.

28-A-3 **EXEMPTIONS.** The following shall be exempt from this ordinance:

A. Any tower and antenna under seventy (70) feet in total height which is owned and operated by an amateur radio operator licensed by the Federal Communications Commission;

B. Any device designed for the over-the-air reception of radio or television broadcast signals; or

C. Any telecommunications facilities located on property owned, leased or otherwise controlled by Augusta-Richmond County provided a license or lease authorizing the telecommunications facility has been approved;

28-A-4 **GENERAL REQUIREMENTS.** The following shall govern the location and construction of all telecommunication facilities regulated by this ordinance:

A. **Building Codes and Safety Standards**. To ensure the structural integrity of telecommunications facilities, the owner of a telecommunications facility shall ensure that it is maintained in compliance with standards contained in applicable local building codes and constructed to the EIA/TIA 222-E standards, as published by the Electric Industries Association, which may be amended from time to time. Owners of telecommunications facilities shall conduct periodic inspections of such facilities at least once every five years to ensure structural integrity. Inspections shall be conducted by a qualified independent engineer licensed to practice in Georgia. The results of such inspection shall be provided to the Director.

B. **Regulatory Compliance.**

1. All telecommunications facilities must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the state or federal government with the authority to regulate telecommunications facilities.
2. Owners of telecommunications facilities shall provide certification showing that each telecommunications facility is in compliance with all applicable federal and state requirements. Certification of compliance must be submitted every 5 years.

C. Visual Impact.

1. Telecommunications facilities shall either maintain a galvanized steel finish, or subject to any applicable standards of the FAA or other applicable federal or state agency, be painted a neutral color or painted and/or textured to match the existing structure so as to reduce visual obtrusiveness.
2. If an antenna is installed on a structure other than a tower, the antenna and associated electrical and mechanical equipment must be of a neutral color or identical to, or closely compatible with the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible. Roof-mounted antennas shall be made visually unobtrusive by screening to match existing air conditioning units, stairs, elevator towers or other background.
3. Where feasible, telecommunications facilities should be placed directly above, below or incorporated with vertical design elements of a building to help in camouflaging.
4. Any equipment shelter or cabinet that supports telecommunications facilities must be concealed from public view or made compatible with the architecture of the surrounding structures or placed underground. Equipment shelters or cabinets shall be screened from public view by using landscaping or materials and colors consistent with the surrounding backdrop. The shelter or cabinet must be regularly maintained.
5. Site location and development shall preserve the primary character of the surrounding buildings and land uses and the zone district as much as possible. Towers shall be integrated through location and design to blend in with existing characteristics of the site to the extent practical.
6. Except for stealth facilities, towers shall not be sited where they would, in the opinion of the Augusta-Richmond County Planning Commission, negatively affect (a) historic structures or landmarks that are recognized or designated in national or state historic registers, or (b) structures or landmarks that are at least fifty (50) years old and, in the opinion of the Augusta-Richmond County Planning Commission have some demonstrable historic value.
7. 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.

D. Landscaping.

1. Landscaping shall be used to effectively screen the view of the telecommunication facility from adjacent public ways, public property and residential property.
2. Native vegetation on the site shall be preserved to the greatest practical extent. The applicant shall provide a site plan showing existing significant vegetation to be removed, and vegetation to be replanted to replace that lost.
3. The landscaping requirement, where lesser requirements are desirable for adequate visibility for security purposes, for continued operation of existing bona fide agricultural or forest uses such as farms, nurseries and

tree farms or where an antenna is placed on an existing structure may be modified or waived upon approval of the Augusta-Richmond County Planning Commission. In certain locations where the visual impact of the tower would be minimal, such as remote agricultural or rural locations or developed heavy industrial areas, the landscaping requirement may be modified or waived upon approval by the Augusta-Richmond County Planning Commission.

4. 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.
5. The landscaping provisions of this section shall not apply to telecommunication facilities located in LI (Light Industry) and HI (Heavy Industry) zones, unless the site is in view of a residential use in a residential zone, as viewed from the base of the tower. This does not exempt such development from the provisions of the Richmond County Tree Ordinance.

E. Setbacks.

The following setback requirements shall apply to all telecommunications facilities, provided however, that the Augusta-Richmond County Planning Commission may reduce the standard setback requirements of this section if the goals of this ordinance would be better served thereby:

1. Telecommunications towers must be set back a distance equal to the height of the tower from any existing off-site residential structure.
2. Telecommunications towers must be set back a distance equal to one half of the height of the tower from any property line which borders a single family residentially zoned lot that is either located in a developed or developing subdivision or a tract for which a legal subdivision development plan is on file.
3. Towers, guy wires and accessory facilities must satisfy the zoning district setback requirements as identified in Sections 7-28 of this Ordinance.
4. The tower setbacks referenced in Subsections 1 and 2 of this Section [28-A-4(E)] shall be measured from the base of the tower itself.

F. Miscellaneous.

1. Lighting: No illumination is permitted on telecommunications facilities unless required by the FCC, FAA, or other state or federal agency of competent jurisdiction or unless necessary for air traffic safety. When lighting is required, it shall be oriented inward to the extent possible so as not to project onto surrounding residential property.
2. Advertising. No advertising is permitted on telecommunications facilities. However, whip antennas or panel antennas may be allowed on any legally permitted permanent billboard or outdoor advertising sign as long as the other requirements of this ordinance are met.
3. Telecommunication facilities may be located on sites containing other principal uses in the same buildable area.
4. Security. Towers shall be enclosed by decay-resistance security fencing not less than six (6) feet in height and shall be equipped with an appropriate anti-climbing device or other similar protective device designed to prevent tower access. If the

owner can demonstrate the ability to restrict unauthorized access to the tower, then this latter provision may be waived by the Director.

28-A-5 <u>DISTRICT REGULATIONS</u>.

A. Agriculture (A) Zone.
   1. Telecommunication towers may be located in an A zone upon the granting of a special exception.
   2. Factors to be considered in granting a special exception are identified in 28-A-6.

B. Single-family Residential Zone (R-1, R-1A, R-1B, R-1C, R-1D, and R-1E):
   1. Telecommunication facilities not exempted under 28-A(3) may not be located in the R-1 zone as permitted uses;
   2. Monopole and antenna telecommunication facilities may be located in a single family residential zone upon the granting of a special exception.
   3. In order to qualify for consideration by Special Exception in the R-1 zone, telecommunication facilities must be located on existing nonresidential structures, or designed as stealth facilities.
   4. Factors to be considered in granting a Special Exception are identified in 28-A-6.

C. Two-family Residential (R-2), Multiple-Family Residential (R-3A, R-3B, and R-3C), Manufactured Home Residential (R-MH), and Professional (P-1) Zones.
   1. Telecommunication facilities or antenna, and stealth facilities shall be permitted uses in the R-2, R-3A, R-3B, R-3C, R-MH, and P-1 zones, if they are located on existing nonresidential structures, and as long as they do not exceed the height allowable in the zone. Whip antennas or panel antennas may extend twenty (20) feet above the height limit.
   2. Otherwise, telecommunications towers may be located in the R-2, R-3A, R-3B, R-3C, R-MH, and P-1 zones upon the granting of a special exception.
   3. Factors to be considered in granting a Special Exception are identified in 28-A-6.

D. Neighborhood Business Zone (B-1).
   1. Monopole telecommunication facilities and antenna may be located in the B-1 zone as permitted uses so long as they do not exceed the height limit for the zone, except that whip antennas or panel antennas can extend twenty (20) feet above the height limit.
   2. Other telecommunication facilities may be located in the B-1 zone upon the granting of a Special Exception.
   3. Factors to be considered in granting a Special Exception are identified in 28-A-6.

E. General Business Zone (B-2)
   1. A telecommunication facility may be located in the B-2 zone as a permitted use under the following conditions:
      (a) does not exceed the height limit of the zone, and within ½ mile of a proposed tower location there are no existing structures the top of which appear to be 90% or more of the height (elevation AMSL) of the proposed tower; or

(b) It exceeds the height limit for the zone, but not by more than thirty (30) feet, and the tower will be built to accommodate two other wireless carriers (at least 3) and within ½ mile of a proposed tower location there are no other existing structures the top of which appear to be 90% or more of the height (elevation AMSL) of the proposed tower; or

(c) It does not exceed the height limit for the zone and the applicant can demonstrate to the satisfaction of the staff of the Planning Commission that coverage / capacity capability and system design would be compromised if the applicant were required to co-locate.

2. In all other cases, telecommunication facilities may be permitted in the B-2 zone by special exception.
3. Factors to be considered in granting a special exception are identified in 28-A6.
4. Whip antennas or panel antennas may extend twenty (20) feet above the height limit for the zone or any other permitted height as indicated above.

F. Industrial Zones (LI and HI). Telecommunication facilities may be located in the LI and HI zones under the following conditions:

1. As permitted uses in the LI zone if the height is not to exceed 200 feet; and
2. As permitted uses in the HI zone if the height is not to exceed 350 feet.
3. In all other cases, telecommunication facilities may be permitted in the LI and HI zones by special exception.
4. Factors to be considered in granting a special exception are identified in 28-A6.

28-A-6 <u>SPECIAL EXCEPTION</u>.

Criteria to be used to evaluate applications that require special exceptions shall include the following:

1. height of proposed structure
2. distances to residences
3. nature of surrounding land use
4. surrounding topography
5. surrounding tree coverage
6. design of structure - characteristics that reduce obtrusiveness
7. design of structure - ability to accommodate additional antenna
8. ingress and egress
9. availability of towers or other tall structures within one-half mile of the proposed site. If within ½ mile of a proposed tower location there are existing structures the top of which appear to be 90% or more of the height (elevation AMSL) of the proposed tower site, then evidence must be provided with the application that existing structures are not of sufficient strength, or applicant use of structure would cause conflict with the existing use of structure, or that the cost of sharing would be unreasonable, or that the structure is not available for co-location, or coverage / capacity capability and system design would be compromised. (SEE 28-A-7);
10. Proximity to property owned by Augusta-Richmond County that could be utilized for construction at the same or less cost to the carrier while accomplishing the same coverage goals of the carrier.

28-A-7 <u>APPLICATION PROCEDURE</u>. Applications for the construction of telecommunications facilities, except for whip antennas and panel antennas where they are permitted uses, shall be made to the staff of the Augusta-Richmond County Planning Commission. A cursory review during an initial conference regarding a proposed facility may be held, but applications will not be accepted unless they contain the following information:

A. Site plan or plans to scale specifying the location of telecommunications facilities, transmission building and/or other accessory uses, access, fences, landscaped area and adjacent land uses.

B. Landscape plan to scale indicating size, spacing and type of plantings required in Section 28-A-2d.

C. A general description of the environment surrounding the proposed telecommunications facility accompanied by a map covering an area at least one-half mile in radius, to scale no greater than one inch to 1200 feet, showing any adjacent residential structures and districts, structures and sites of historic significance, streetscapes or scenic view corridors.

D. For those proposed tower locations requiring a special exception or for those facilities for which the elevation of the top of other structures could result in the need for a special exception, identification of the geographic service area for the subject installation, including a map covering an area at least one-half mile in radius and at a scale no greater than one inch to 1200 feet showing the site and the nearest or associated telecommunications facility sites within the network of the applicant. Describe the distance between the telecommunications facility sites of the applicant. Describe how this service area fits into and is necessary for the service network of the applicant.

E. For those proposed tower locations requiring a special exception or for those facilities for which the elevation of the top of other structures could result in the need for a special exception, a map covering an area of at least one-half mile in radius, to scale no greater than one inch to 1200 feet, showing all publicly owned property and buildings per information provided by Augusta, Georgia, telecommunication facilities, and structures that are 90% or more of the proposed facility height (AMSL). Provide a list of all such properties and structures including street addresses, and a statement describing good faith efforts and measures that were taken to secure these locations, addressing why such properties and structures were not structurally, legally, technically, or economically feasible and why such efforts were unsuccessful.

F. For those proposed tower locations requiring a special exception or for those facilities for which the elevation of the top of other structures could result in the need for a special exception, the applicant shall quantify the additional tower capacity to be constructed if the proposal is granted, including the approximate number and types of antenna that it could accommodate. The applicant shall provide a drawing of each tower showing existing and proposed antenna locations. The applicant shall also describe any limitations on the ability of the tower to accommodate other uses, e.g., radio frequency interference, mass height, frequency or other characteristics. The applicant shall provide certification that notice of the application has been given to all other telecommunication tower users in the area by certified mail identifying the proposed location and asking for their input regarding co-location possibilities.

G. Report from the applicant documenting the following:

1. Telecommunications facility height and design, including technical, engineering, economic, and other pertinent factors governing selection of the proposed design;

2. Total anticipated capacity of the telecommunications facility, including number and types of antenna which can be accommodated;
3. Evidence of structural integrity of the tower structure; and
4. Structural failure characteristics of the telecommunications facility and demonstration that site and setbacks are of adequate size to contain debris.

H. The identity of a community liaison officer appointed by the applicant to resolve issues of concern to neighbors and residences relating to the construction and operation of the facility. Include name, address, telephone number, facsimile number and electronic mail address, if applicable.

I. For those proposed tower locations requiring a special exception or for those facilities for which the elevation of the top of other structures could result in the need for a special exception, a schedule for construction of the proposed facility if zoning authorization is granted. Upon approval of a special exception, construction must begin within one year or the special exception shall be null and void. An applicant who is licensed by the FCC may submit a revised schedule to the Planning Commission within the one year period asking for an extension, which the Planning Commission shall have the authority to consider as a variance. In no case shall an applicant who is not licensed by the FCC be eligible for a variance from the one year provision.

28-A-8 <u>ABANDONED TOWERS</u>.

A. Any telecommunications facility that is not operated for a continuous period of two (2) years or more shall be considered abandoned, whether or not the owner or operator intends to make use of it or any part of it. The owner of a telecommunications facility and the owner of the property where the facility is located shall remove the abandoned telecommunications facility. If such antenna and/or tower is not removed within sixty (60) days of receipt of a notice from Augusta- Richmond County, notifying the owner(s) of such abandonment, Augusta, Georgia may remove such tower and/or antenna and place a lien upon the property to insure that abandoned telecommunications facilities are removed. Delay by Augusta. Georgia in taking action shall not in any way waive Augusta, Georgia's right to take action. Augusta, Georgia may seek to have the telecommunications facility removed regardless of the owner's or operator's intent to operate the tower or antenna and regardless of any permits, federal, state or otherwise, which may have been granted.

B. If the owner of a tower or antenna, which has been abandoned for a period of two years or more, wishes to use such abandoned tower or antenna, the owner first must apply for and receive all applicable permits and meet all of the conditions of this ordinance as if such tower or antenna were a new tower or antenna.

28-A-9 <u>PRE-EXISTING TOWER / NONCONFORMING USES</u>.

A. All telecommunications facilities operative on the effective date shall be allowed to continue their present usage as a nonconforming use and shall be treated as a nonconforming use in accordance with Section 5 of the Comprehensive Zoning Ordinance. Routine maintenance, including replacement with a new tower or antenna of like construction and height, shall be permitted on such existing telecommunications facilities. New construction other than routine maintenance shall comply with the requirements of this ordinance.

B. Proposed communication antennae may, and are encouraged to, collocate onto existing communication towers. Collocations are permitted by right and new or additional special exception approval shall not be required.

C. An existing communication tower may be modified or rebuilt to a height not to exceed thirty (30) feet more than the existing tower's height, to accommodate the location of additional communication antennae. An increase in height per this provision shall only be permitted one time at a given tower location. The following provisions shall also apply:

1. The type of construction shall be the same tower type as the existing communication tower or of monopole design.
2. The additional height shall not require an additional distance separation as set forth in either subsections 28-A-4E (1), (2), or (3).
3. A communication tower which is being rebuilt to accommodate the collocation of additional communication antennae may be moved on-site within one hundred (100) feet of its existing location so long as it is not moved closer to any residential structures than the existing location had been.
4. After the communication tower is rebuilt to accommodate collocation, only one tower may remain on the site.
5. A relocated on-site communication tower shall continue to be measured from the original tower location. The relocation of a tower hereunder shall in no way be deemed to cause violation of subsections 28-A4E (1), (2), or (3).
6. The on-site relocation of a communication tower that is greater than one hundred (100) feet and which comes within the set back distances to residential units, as established in Section 28-A-4E of this ordinance, shall be permitted only when notarized written consent is obtained from adjoining residential property owners. Nonconforming residential structures of three (3) or less do not apply.

D. Placement of an antenna on a nonconforming structure shall not be considered an expansion of the nonconforming structure.

SECTION 28-B

SIGNS

28-B-1 PURPOSE. The purpose of this Section is to provide fair and comprehensive regulations that will promote safety by eliminating confusing, distracting and unsafe signs; assure the opportunity for businesses to advertise in an efficient and cost-effective manner; and enhance the physical appearance, natural beauty and historical significance of Augusta. It is declared that the regulation of signs within Augusta is necessary and in the public interest:

A. To promote traffic safety and protect the general public from damage and injury caused, or partially attributable to, the distractions or obstructions impairing motorists' ability to see pedestrians, other vehicles, obstacles or traffic signs which are caused by improperly designed or situated signs;
B To protect property values within Augusta;
C. To promote and aid in the tourist industry which is declared to be of importance to the economy of Augusta;
D. To provide a pleasing overall environmental setting and community appearance which is deemed vital to tourism and to the continued economic attractiveness of Augusta;
E. To allow signs appropriate to the planned character of each zoning district;
F. To protect the right of citizens to enjoy Augusta's natural scenic beauty;
G. To improve the legibility and effectiveness of commercial and governmental signs; and
H. To preserve and promote the public health, safety and welfare in the City.
I. To enhance the aesthetics of the community.

28-B-2 DEFINITIONS. For the purpose of this Section the following definitions will be used:

- Banner. A sign or outside advertising display bearing the characters, letters, illustrations, ornamentations, symbols, colors, or visual representations applied to cloth, paper, vinyl, fiber, plastic, or like malleable material with or without frame. The term "banner" shall include flags, pennants, life rafts, t-shirts, towels, ribbons, spinners, streamers, kites, balloons, tethered hot air balloons, inflatable devices, and similar objects, or any other material or outside advertising display whether stationary or fastened in such a manner as to move upon being subjected to movement of the atmosphere or any mechanical device. A banner may or may not have lettering or other specific identification or advertising information or graphics.
- Commercial (as used in commercial message or commercial speech). Related to the promotion or sale of a service or product.
- Flag, Official. A flag of the United State of America, or a flag of the State of Georgia or other governmental entity, or a flag officially adopted by the person, institution, organization, or corporation occupying a property.
- Message Board or Reader Board. A sign or portion of a sign on which the message or copy changes automatically on a lamp bank or through mechanical means. Also known as a Commercial Electronic Variable Message Sign.
- Non Commercial (as used in non commercial message or non commercial speech). Not related to the promotion or sale of a service or product.
- Reader Board or Message Board. A sign or portion of a sign on which the message or copy changes automatically on a lamp bank or through mechanical means. Also known as a Commercial Electronic Variable Message Sign.

- Sign. Any device or representation for visual communication that is used for the purpose of bringing the subject thereof to the attention of others which is located on or attached to premises, real property, structures on real property, or a vehicle.
- Sign, Abandoned. A sign which was properly permitted and erected on property in conjunction with a particular use which use has been discontinued for a period of 30 days or more; or a permitted temporary sign for which the permit has expired.
- Sign, Awning. A sign located on an awning, which is a roof-like cover providing protection from the weather placed over or extending from or above any window, door or other entrance to a building.
- Sign, Building Mounted. An on-premises sign painted onto or attached to a building, canopy, awning, marquee or mechanical equipment located outside a building.
- Sign, Canopy. A sign located on a canopy, which is a permanent roof-like structure providing protection against the weather whether attached to or detached from a building.
- Sign Enforcement Officer. An employee of the License and Inspection Department who is responsible for enforcement of the provisions of this Section and is empowered to issue citations, remove certain illegal signs, and take other actions consistent with this Section.
- Sign, Freestanding. A sign supported by a structure secured in the ground and which is wholly independent of any building, fence, vehicle, or other support.
- Sign, Mansard. A sign attached to the mansard section of a roof, which is the lower, mostly vertical portion of a roof with two pitches, including a flat topped roof with a mansard portion.
- Sign, Marquee. A sign attached to a marquee, which is a permanent roof-like structure projecting from and beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.
- Sign, Monument. A freestanding sign which is mounted on or supported by a structure which is not a simple pole, pylon, or beam system.
- Sign, Non Conforming. A sign which was in existence and was constructed in compliance with the terms of any prior Ordinance but does not conform to the provisions of this Section.
- Sign, Off-Premises. A sign, single face, double face, or v-type, which directs attention to one or more businesses, commodities, services, or entertainment, and which is primarily, but not exclusively conducted, sold, or offered off the premises on which the sign is located. This definition shall not be construed to prohibit non commercial messages on off-premises signs.
- Sign, On-Premises. A sign relating its subject matter to the premises on which it is located, or to products accommodating services or activities on the premises. This definition shall not be construed to prohibit non commercial messages on on-premises signs.
- Sign, Pole (or Pylon) Mounted. A freestanding sign which is mounted on or supported by a simple pole, pylon, or beam system.
- Sign, Political. A sign erected for the purpose of advertising a candidate or stating a position regarding an issue upon which the voters of the city shall vote.
- Sign, Portable. A sign which is designed to be transportable (with wheels; designed to be transported by trailer or wheels; mounted on a vehicle for advertising purposes, parked and visible from the public right-of-way – except for normal business vehicles) and utilized at different locations and is not permanently affixed to the ground or to a building.
- Sign, Projecting. An on-premises sign attached to a building, canopy, awning or marquee and projecting outward therefrom in any direction a distance of two feet or more.
- Sign Surface Area. A measurement of the portion of a sign consisting of the actual copy, advertisement, or area devoted to identification or proclamation within the periphery of the

smallest circle, triangle, rectangle, a combination of the foregoing. The sign surface area shall include any background material, trim, color, or other visual representations which attracts attention or are used to differentiate a sign from a building, structure, backdrop surface, or object upon which the sign is placed. Sign surface area shall not include the sign structures if no message, symbol, or any of the aforementioned sign face criteria are displayed on or designed as part of the sign structure.

- Sign, Temporary. A sign or advertising display constructed of cloth, canvas, fabric, paper, plywood, sheet metal, or another light material which is designed to be used only temporarily, and which is not permanently mounted. Included in this category are banners, portable signs, retailers signs temporarily displayed such as special sale signs, special event signs, special product or service promotional signs, and similar signs.
- Sign, Traffic Directional. An on-premises sign consisting of a simply message such as "in", "out", "parking" or something similar and an arrow, logo, but nothing more erected solely for the purpose of vehicular or pedestrian traffic direction or safety. Such sign shall have no advertising words or phrases.
- Sign, Window. Any sign or display which is painted on or applied to or projected upon or within the interior or exterior of a building glass area, including doors, which can be read from contiguous property or public right-of-way.

28-B-3 ADMINISTRATION. Administration of this Section shall be the responsibility of the License and Inspection Department. Administration shall consist of (A) application and sign plan, and (B) sign permit:

A. Application and Sign Plan**.** A sign permit may be issued upon the submission of an application and an approved sign plan, and payment of a fee. The application shall be on a form provided by Augusta, Richmond County disclosing the sign owner, property owner, property occupant, address of the premises where the sign is to be located, together with the size of the proposed sign and a description of any other signs located on the premises, other signs for which a permit has been issued and remain outstanding, and for proposed signs yet to be permitted. In addition, other information shall be provided as indicated on the form, and other information needed pursuant to Sections 28-B-6 through 28-B-12 shall be provided.

Every permit application shall be accompanied by a sign plan. A sign plan shall show the location of all existing, permitted but not erected, and proposed signs, all buildings, parking facilities, driveways, curbs and right-of-way lines immediately adjacent to the property. Also, single-family residential structures on adjoining properties shall be shown. The location of the sign(s) for which the permit applies shall be shown. In addition, the sign plan shall include drawings of all proposed signs showing dimensions, elevations, height, setbacks, materials and illumination sources, types, and intensity. Sign plans shall be scaled drawings with accurate dimensions provided, where appropriate, to show conformance to this Section. Sign plans need not be prepared by licensed professionals, unless required elsewhere in this Section, but a certification of their accuracy shall be placed upon the plan.

Sign plans shall be approved, approved with conditions, or denied by the License and Inspection Department. Action on a sign plan shall be taken within five working days of submission or it shall be deemed to have been approved. An approved sign plan, an application, and payment of a fee shall be required to obtain a sign permit.

B. Sign Permit. Except as specified in Subsection 28-B-4 of this Section, a sign permit must be obtained from the License and Inspection Department prior to the erection, installation or material alteration of any sign. As used in the preceding sentence, material alteration shall mean any change in, a) the height of a sign, b) the surface area of a sign, c) the location of a sign, d) the supporting structure of a sign, and e) the illumination of a non-illuminated sign; such terms shall not include routine maintenance and repair or routine electrical work only. Permits may be obtained from the License and Inspection Department. Signs to be located in locally designated historic districts (Title 7, Chapter 4 of the Augusta Richmond County Code), shall be approved by the Historic Preservation Commission.

A sign permit shall be accompanied by a decal which shall be affixed to the sign structure before it is erected. A Permit for a temporary sign shall be accompanied by a decal color coded to the calendar quarter in which the permit is valid. A decal for a permanent sign shall be valid and remain affixed to the sign throughout the life of the sign. A sign permit issued upon the basis of false or misleading information which is material to the application and granting of a permit, shall be immediately revoked and such sign shall be removed within 30 days.

28-B-4 EXEMPTIONS. The following are not considered to be signs for the purpose of administering and enforcing this Ordinance, and permits shall not be required.

A. Official Flags. Except during celebration of officially recognized holidays, only one of each of the three categories of Official flags may be displayed on a lot. Official flags shall not exceed sixty (60) square feet in area, nor be located on flagpoles more than forty (40) feet in height or that exceed the height limitation of the zoning district. Official flags shall be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes, as applicable. Any flag not meeting any one or more of these conditions will be considered a sign and will be subject to regulation as such.

B. Vehicles regularly and customarily used to transport persons or property for a business when located on the same property as the business, and used for normal business purposes other than the display of a message on a lot.

C. Government signs erected pursuant to and in the discharge of any government function.

D. Signs or plates on residential structures or premises bearing the name and/or address of the occupant; mailboxes, paper boxes, and similar uses customarily associated with residential structures.

E. Historical markers, monuments or signs as recognized by local, state, or federal authorities.

F. Holiday decorations that do not convey a commercial message.

G. Any sign or display which is located completely within an enclosed building and which is not visible from outside the building or beyond the boundaries of the lot or parcel upon which it is located.

H. Paintings/art work that does not convey a commercial message.

I. Real estate, development, or contractor signs less than six square feet in area related to the specific property upon which they are located. Such signs larger than 6 square feet in area shall be regulated as temporary signs per Section 28-B-6.

J. Political signs when the sign area is 32 square feet or less, provided such signs are related to a specific local, state, or national election and provided such signs are removed within

ten days after such election. Political signs larger than 32 square feet shall be regulated as temporary signs per Section 28-B-6.

K. Grave markers, headstones, memorial statues or similar non-commercial remembrances.

L. Any sign approved by the Augusta Commission and incorporated into a bus shelter or bench.

M. Address numbers less than six inches in height.

N. Inside faces of scoreboards or walls on athletic fields.

O. A living display on the ground of flowers or other plants which conveys a message.

P. Banners when specifically approved as to size, form, location and duration by the Augusta-Richmond County Commission.

Q. In B1, B2, LI, and HI zones, on every lot, or in the case of a shopping center or other multiple occupancy structure, on every building or storefront, one banner not exceeding (twenty-four) 24 square feet in area mounted flat against the building or projecting no more than two (2) feet therefrom, which is removed daily upon the close of business.

R. For shopping centers or other multiple occupancy structures, one sandwich board type sign per business or occupant, not to exceed twelve (12) square feet in area nor five (5) feet in height, nor less than three (3) feet in height, may be located within (ten) 10 feet of the building occupied by each business or occupant of such shopping center or similar structure. Such sign must be removed daily upon the close of business.

S. On a lot which adjoins a public sidewalk where the main building is setback ten feet or less from the right-of-way line, a sandwich board type sign (not to exceed twelve square feet in area nor five (5) feet in height, nor be less than three (3) feet in height) placed within the sidewalk encroachment zone as identified in Section 3-8-ll of the City Code, shall be exempted. Such signs shall be subject to the permitting requirement set forth in Code Section 3-8-11. Such signs must be removed from the sidewalk daily after the close of business.

28-B-5 PROHIBITED SIGNS. The following types of signs are prohibited in Augusta, Richmond County:

A. Pavement markings or sidewalk markings except those of a customary traffic control nature or otherwise approved by the City.

B. Signs attached to trees, lampposts, parking meter posts, hydrants, traffic signs, rocks or other natural features, telephone or utility poles unless specifically approved as to size, form, location, and duration by the Augusta-Richmond County Commission.

C. Signs mounted, painted, or otherwise displayed on the roofs of buildings.

D. Banners, except that banners may be used as temporary signs.

E, Any sign or outdoor advertising display that depicts any material which is obscene as defined in The Official Code of Georgia Annotated Section 16-12-80.

F. Any sign or outdoor advertising display which displays nudity as defined in The Official Code of Georgia Annotated Section 32-6-75 (21) (b).

G. Any private or business sign, except as authorized by Augusta, Richmond County, which restricts or appears to reserve any portion of public right-of-way or any public area for the exclusive use or private use of an individual, tenant, client, guest, or business.

H. Signs which in any way imitate an official traffic sign or signal, or contains words or symbols displayed in a manner which might mislead or confuse drivers of vehicles, or signs which any manner may unduly confuse, distract, or divert the attention of drivers of vehicles.

I. Signs which use flashing lights, strobe lights, blinking lights, or any type of pulsating or moving light, except moving message boards or reader boards.

J. Any sign painted on or attached to a vehicle and used as a stationary sign, where said vehicle is:

1. not titled or displaying a current license tag, or
2. located in a front yard per this Ordinance

K. Any sign which obstructs free ingress to or egress from a required door, window, fire escape, or other exitway.

28-B-6 TEMPORARY SIGNS. One temporary sign per street frontage may be located on a lot, parcel or tract which is not occupied by a shopping center of similar multiple occupancy structure in a B1, B2, LI, or HI zone. Except for those signs which are exempted under Section 28-B-4 of this Ordinance, there shall be no temporary signs within shopping centers or similar multiple occupancy structures in a B1, B2, LI, or HI zone. A temporary sign that is not exempted by 28-B-4 may be located on property for a maximum of thirty (30) days per calendar quarter, either thirty (30) consecutive days or for three (3) ten (10) day periods. A permit shall be acquired for a temporary sign, and a decal color-coded to the calendar quarter shall be affixed to the temporary sign before it is erected. The temporary sign shall be removed when the decal expires. If an applicant chooses to display a sign for three consecutive ten-day periods then such must or shall be noted on the application for a permit. Using three (3) ten-day periods will require three inspections. The setbacks and height requirement for permanent signs shall apply to temporary signs. Temporary signs shall not exceed forty (40) square feet in area (1 side). Temporary signs shall not be placed or located in parking spaces and shall not be an obstruction for sight distance. A sign larger than six (6) square feet advertising the sale of real property upon which the sign is located shall be exempted from permitting and the thirty (30)-day maximum, but such sign shall be the only temporary sign located on said property.

28-B-7 SIGNS IN AGRICULTURAL, SINGLE-FAMILY RESIDENTIAL, TWO-FAMILY RESIDENTIAL, AND MULTIPLE-FAMILY RESIDENTIAL ZONES (A, R-1, R-2, AND R-3). The following signs shall be the only signs permitted in Agricultural and Residential zones**:**

A. Entrance Signs For Approved Subdivisions. One subdivision entrance sign per entrance is allowed for residential subdivisions. Such signs shall not exceed 24 square feet in area or six (6) feet in height. Such sign must be located upon the property identified by the sign and illuminated only by indirect incandescent lighting. The location of such sign shall not adversely affect traffic safety and the location shall be approved by the Traffic Engineer.

B. Entrance Signs For Apartment or Condominium Complexes With More Than Ten Units in Two-family and Multiple-family Residential Zones. One sign per street front. Such sign shall not exceed 24 square feet in area or six (6) feet in height. Each such sign shall be located on the property identified by the sign and illuminated only by indirect incandescent lighting. An illuminated sign must be located at least 100 feet from the nearest existing single-family home. The location of such sign shall not adversely affect traffic flow and shall be approved by the Traffic Engineer.

C. Signs for Uses Permitted by Special Exception in Sections 15-18 and 26. When located in Agricultural or Residential zones, signs shall be prohibited in association with the following uses: family day care homes, family personal care homes, group personal care homes, transitional housing and home occupations.

When located in any other zone, these uses shall conform to the Regulations for that zoning classification. When located in Agricultural or Residential zones, the following uses may have one non illuminated sign per street front which shall not exceed six square feet in area or five feet in height: lodging houses or tourist houses, fraternity or sorority houses, congregate personal care homes, and adult day care facilities. When located in any other zone, these uses shall conform to the Regulations for that zoning classification. The following uses may have one sign per street front in an Agricultural or a Residential zone; church, private school, hospital (public or private), cemetery, nursing home, funeral home, inert landfill, sanitary landfill, or club per Section 26-1(i). Such signs shall not exceed 24 square feet in area or six (6) feet in height. Each sign must be located upon the property identified by the sign and this may be illuminated only by indirect incandescent lighting. An illuminated sign must be located at least 100 feet from the nearest existing single-family home. When located in any other zone these uses shall conform to the Regulations for that zoning classification. All signs provided for in this Subsection shall be set back a minimum of ten (10) feet from a public right-of-way line or fifteen (15) feet from any curb or edge of pavement.

D. Other Signs. One sign per lot containing non-commercial messages or commercial messages drawing attention to an activity that is legal on the premises. Such sign shall not exceed six (6) feet in area, or five (5) feet in height, and they must be set back at least two (2) feet from the public right-of-way. Such signs shall not be illuminated. Permits are not required for such signs.

28-B-8 ON-PREMISES FREESTANDING SIGNS IN PROFESSIONAL, COMMERCIAL, AND INDUSTRIAL ZONES.

A. Number of Signs. In P-1, B-1, B-2, LI or HI zones: One on-premises freestanding-sign per street frontage (must be oriented toward the street frontage), plus one for each 300 feet of street frontage or plus one for each ten (10) businesses in a shopping center or similar multiple occupancy complex. On-premises freestanding signs on the same property and on the same street frontage shall be at least 100 feet apart.

B. Sign Surface Area. The maximum on-premises freestanding sign surface area in the P-1 zone is 12 square feet. Signs in the P-1 Zone shall be non-illuminated and shall not be located within 20 feet of a single-family residential zone nor within 25 feet of the intersection of the right-of-way lines of intersecting streets. In B-1 zones, the maximum sign surface area is 100 square feet unless the sign location would be within 100 feet of a single-family residence or single-family residential zone in which case the maximum sign surface area shall be 50 square feet. In B-2, LI, or HI zones, the maximum sign surface area is 200 square feet unless the sign location would be within 100 feet of a single-family residence or single-family residential zone, or unless the sign would be located within the Planned Development Riverfront Zone (PDR), or unless the sign would be located in a national register or locally designated historic district (Title 7, Chapter 4 of the Augusta-Richmond County Code), in which case the maximum sign surface area would be 50 square feet. In the Planned Development Riverfront Zone (PDR) or National Register or locally designated historic districts (Title 7, Chapter 4 of the Augusta-Richmond County Code), the maximum sign surface area shall be 35 feet in a B-1 zone.

Freestanding signs may be either monument (completely enclosed base) or pylon (pole) supported. There shall be no limitation on the size of a simple pole or beam support system. For a monument sign, the supporting structure of the sign shall not be included in calculating the area of the sign permitted by this Ordinance; provided, however, that the supporting structure shall not exceed 50% of the total combined area of the sign and supporting structure.

To encourage design excellence and enhance the aesthetic quality of development, the minimum on-premises freestanding sign surface area set forth above may be increased in all cases as provided herein. A separate bonus may be granted for each of the criteria, but in no case may the total bonus exceed 70%. Bonus provisions shall not apply within the Planned Development Riverfront Zone (PDR) or in National Register or locally designated historic districts (Title 7, Chapter 4 of the Augusta-Richmond County Code).

1) 10% bonus when the sign is constructed of solid wood and the design is compatible with the style, texture, and color scheme of the structure(s) on the site;
2) 10% bonus when an area around the base of the sign is at least 4 times the area of the sign surface and the area around the base of the sign is covered by a landscaped planter;
3) 10% bonus if the sign is unlighted;
4) 50% bonus where a proposed sign would replace an existing sign that is 100% larger than the current Ordinance would permit, where the proposed sign location would not be within 100 feet of a single family residence or zone, and where the proposed sign would be the only freestanding sign on the property;
5) 50% bonus if the lot qualifies for more than 1 freestanding sign but only 1 sign is erected, if the proposed sign location would not be within 100 feet of a single family residence or zone;
6) 25% bonus if the proposed sign location is more than 100 feet from any existing or proposed public street or highway right-of-way, the proposed sign is the only on-premises freestanding sign on the property, and the proposed sign location would not be within 100 feet of a single family residence or zone.

C. Height. In P-1 zones, the maximum height, including structural elements, is six feet. In B-1 zones, the maximum height, including structural elements, is 20 feet. In B-2, LI, or HI zones the maximum height, including structural elements, is 30 feet. The sign's height shall be measured from the elevation of the adjoining road grade or from the base of the sign, whichever is higher.

D. Interstate Sign Overlay Zone (ISO). Properties zoned B-2, LI, and HI and located within 1500 feet of the centerline of I-20 or I-520 (except for that Section between Doug Barnard Parkway and Laney Walker Boulevard) shall constitute the ISO. Within the ISO, the maximum number of on-premises freestanding signs shall be calculated as follows:

- Lots less than 150 feet of width at the street frontage – 1 sign;
- Lots having 150 feet – 300 feet of width at the street frontage – 2 signs; and

- Lots having more than 300 feet of width at the street frontage – two signs plus one additional sign for each additional 300 feet of street frontage (i.e. 600 feet = 3 signs).

Within the ISO, the maximum sign surface area shall be 400 square feet for one on-premises freestanding sign on a lot and 200 square feet for any additional signs permitted on the same lot. The maximum height in the ISO shall be 120 feet.

E. Setback. No part of any on-premises freestanding sign may be closer than ten feet from any public right-of-way line or fifteen feet from any curb or edge of pavement whichever is greater. No on-premises freestanding sign may be located closer than 50 feet from a single-family residence or a R-zone boundary nor within 10 feet of any property line. No sign shall be located so as to inhibit the visibility of motorists entering or leaving a public road.

F. Clearance. Adequate sign clearance shall be provided to assure that vehicular and pedestrian traffic movements are not adversely affected. Minimum clearance of pole mounted signs shall be no less than 10 feet above pedestrian ways and not less than 15 feet above areas utilized by motor vehicles.

G. Traffic Directional Signs. The area, height, and setback limitations at Sections 28-B-8-B to 28-B-8-E shall not apply to on-site entrance, exit, or other traffic directional signs, provided that no such directional sign shall exceed 30 inches in height nor more than 4 square feet in area. There shall not be more than two traffic directional signs per driveway entering or exiting the street frontage. Such signs shall be set back at least 10 feet from any street curb or edge of pavement but not on any public right-of-way.

H. Message Boards and Reader Boards. Shall be permitted in B-1, B-2, LI and HI zones. They shall count toward the maximum permitted on-premises freestanding signage set forth in Sections 28-B-8-B and 28-B-8-D.

I. Freestanding Outdoor Drive Through Menu Boards. If not visible from a street right-of-way, menu boards shall not count toward the total on-premises freestanding signage permitted. If visible from a street right-of-way, then such signs will be considered to be regulated on-premises freestanding signs.

J. Illumination. Freestanding signs in P-1 zones shall be non illuminated. In B-1, B-2, LI and HI zones, signs on the same side of a street or across a street from a single-family residence which is within 100 feet of the proposed sign location shall be non illuminated. Otherwise, signs in B-1, B-2, LI and HI zones may be illuminated. To the extent possible, illumination shall be oriented away from residential areas.

K. Code Conformance. All signs for which a building permit is required shall be constructed and maintained in conformance with City building and electrical codes. Plans for all freestanding signs 30 feet or higher, or greater than 150 square feet, shall be certified as to conformance with all structural and wind-load resistive standards of the Building Code by a structural engineer registered in the State of Georgia, or be prepared using standard drawings prepared by a structural engineer or other qualified professional meeting or exceeding all requirements of the Building Code. Freestanding signage that does not require an engineer's seal must include supporting foundation calculations. All freestanding signage requires a foundation inspection. Neon exposed or attached to a structure requires a final inspection. All signage must have a disconnect switch located at the signage. All signs involving internal lights or other electrical devices or circuits shall display a label certifying it as meeting standards of the Underwriter's

Laboratories. All signs, together with their supports, braces, guys and anchors, shall be kept in good repair and, unless constructed of galvanized or noncorroding metal, shall be given a protective coating as necessary to maintain a clean appearance and safe condition.

28-B-9 BUILDING MOUNTED SIGNS IN PROFESSIONAL, COMMERCIAL, AND INDUSTRIAL ZONES.

A. Number and area of signs permitted. In Professional zones, there may be only one building attached sign per street frontage per building, or in the case of attached buildings, shopping centers, or other multiple occupancy complexes, one building attached sign per individual front facade. The area of such signs shall not exceed 12 square feet. Building mounted signs shall not extend above the roofline of the portion of the building where they are mounted.

In commercial or industrial zones, the number of building attached signs shall not be limited. The maximum area in B-1 (Neighborhood Business) zones shall be one square foot of sign surface area per linear foot of building width parallel to the street, or in the case of attached buildings, shopping centers or other multiple occupancy complexes, per individual front facade. In B-2 (General Business) zones, LI (Light Industrial) zones, and HI (Heavy Industrial Zones) the maximum area shall be 2 square feet of sign surface area per linear foot of building width.

If any premises is entitled to use freestanding signs pursuant to Section 28-B-8 but chooses not to do so and signs an agreement waiving all rights to future freestanding signs, then the maximum permitted building mounted signs surface area may be increased by 25 percent. This bonus provision may only be applied to attached buildings, shopping centers, and other multiple occupancy complexes if there is no freestanding sign on the entire property, and an agreement is executed whereby future freestanding sign rights would be waived on the entire property.

Building attached signage in B-2, LI, and HI zones may only be placed upon the front of a building facing the street upon which the area calculation is based.

B. Canopy, Marquee, Mansard, and Awning Mounted Signs. Building mounted signs may be placed flat against a building or on canopies, marquees, or mansard portions of roofs. Regardless of where such signs are located they shall be counted toward the maximum building mounted sign surface area that may be placed on the facade upon which such signs are located or project from. Such signs shall be affixed flat to the surface of a canopy, marquee, or mansard or project no more than three inches therefrom, and they shall not extend vertically above a canopy, marquee, or mansard. Awning signs must be painted or printed directly on the awning and they shall also count toward the maximum building mounted sign surface area that may be placed on the facade upon which they are located or project from.

C. Projecting Signs. Building attached signage may not project more than two feet from the building wall upon which it is attached except for canopy, marquee, or awning mounted signs.

D. Window Signs. Window signs shall not be permitted in Professional zones. In B-1, B-2, LI, and HI zones, window signs may be permitted, but they may not occupy more than 20 percent of the area of any window. In the Planned

Development Riverfront Zone (PDR) or National Register or locally designated historic districts (Title 7, Chapter 4 of the Augusta-Richmond County Code), no more than two windows in any structure may be used for signs.

E. Illumination. Building mounted signs in P-1 zones shall be non-illuminated. In B-1, B-2, LI, and HI zones, signs on the same side of a street or across a street from a single-family residence which is within 100 feet of the proposed sign location shall be non illuminated. Otherwise, signs in B-1, B-2, LI, and HI zones may be illuminated.

F. Code Conformance. All signs for which a building permit is required shall be conducted and maintained in conformance with City building and electrical codes. All neon applications shall require a final inspection. All signage shall have a disconnect switch located on the signage. All signs involving illumination or other electrical devices or circuits shall display a label certifying it as meeting standards of the Underwriters Laboratories. All signs shall be kept in good repair.

28-B-10 OFF-PREMISES SIGNS.

A. Location. Off-premises signs may be located only in B-2 (General Business), LI (Light Industrial), or HI (Heavy Industrial) zones in accordance with other provisions of this Section, except in areas and sites which would not be consistent with the desired overall character of the City and the information needs of tourists, businesses, and residents. Off-premises signs are prohibited within the following areas and sites:

- Washington Road from the Calhoun Expressway to River Ridge Road, 1000 feet from the right-of-way line;
- Calhoun Expressway, 1000 feet from the right-of-way line;
- Gordon Highway from Bobby Jones Expressway to 1000 feet past Gate 1 at Fort Gordon (at Dyess Parkway), 1000 feet from the right-of-way line;
- Doug Barnard Parkway from Gordon Highway to 1000 feet past Tobacco Road, 1000 feet from the right-of-way line;
- Bobby Jones Expressway from Doug Barnard Parkway to the Savannah River, 1000 feet from the right-of-way line;
- Jimmy Dyess Parkway, 1000 feet from the right-of-way line;
- Riverwatch Parkway, 1000 feet from the right-of-way line;
- Berckman Road from Rae's Creek to Washington Road, 500 feet from the right-of-way line;
- Wheeler Road from Bransford Road to Columbia County, 1000 feet from the right-of-way line;
- Jackson Road from Wrightsboro Road to Wheeler Road, 1000 feet from the right-of-way line;
- Walton Way Extension from Wheeler Road to Pleasant Home Road, 1000 feet from the right-of-way line;
- Davis Road from Pleasant Home Road to Columbia County, 1000 feet from the right-of-way line;
- Pleasant Home Road from Washington Road to Walton Way Extension, 1000 feet from the right-of-way line;
- Wrightsboro Road from Barton Chapel Road to Columbia County, 1000 feet from the right-of-way line;
- Windsor Spring Road from old Louisville Road to Hephzibah City limits, 1000 feet from the right-of-way line;

- Tobacco Road, 1000 feet from the right-of-way line;
- All national register historic districts and all locally designated historic districts under Title 7, Chapter 4 of the Augusta-Richmond County Code.
- The Planned Development Riverfront District (Sec. 25 - A)
- Other areas and sites which may be designated by amendment to the text of this Ordinance.

B. Separation from single-family residential zone boundaries or uses. Off-premises signs shall not be located within 100 feet of any single-family residential zone boundary or the property line of a parcel occupied by a single-family residence.

C. Setback. The setback requirements for off-premises signs shall be the same as the setback requirements for principal structures.

D. Spacing between off-premise signs. There shall be no more than one (1) off-premises outdoor advertising sign having more than thirty-two (32) square feet of surface area for each seven hundred and fifty (750) feet of frontage on each side of any roadway. Any off-premises outdoor advertising sign located within five hundred (500) feet of the right-of-way line of the subject roadway shall be considered to be on the roadway, regardless of whether the sign faces or is oriented toward the subject roadway or toward another roadway, and regardless of whether or not there are intersecting streets. No off-premises outdoor advertising sign shall be located less than three hundred (300) feet from any other off-premises outdoor advertising sign in any direction.

   The Interstate Highway System shall be defined as any property that lies within six hundred and sixty (660) feet of the nearest edge of the right-of-way of an Interstate Highway. Off-premise outdoor advertising signs in this area must be permitted by the Georgia Department of Transportation. For purposes of this Ordinance, any off-premise outdoor advertising sign located in this area shall be considered to be a part of the Interstate Highway System regardless of whether the sign faces the Interstate Highway or is oriented toward the Interstate Highway or toward another roadway, and regardless of whether or not there are intersecting streets.

   No off-premises outdoor advertising sign shall be located on roadways designated as part of the Interstate Highway System within five hundred (500) feet of an interchange, intersection grade, or safety rest area. The foregoing 500 foot zone shall be measured along the Interstate Highway from the point at which the pavement commences or ceases to widen at exits from or entrances to the main traveled way.

E. Height. No off-premises outdoor advertising sign shall exceed a height of sixty (60) feet from ground level measured from the elevation of the adjoining road grade or from the base of the sign, whichever is higher.

F. Area. The maximum area of an off-premises outdoor advertising sign face shall be three hundred (300) square feet on two lane roadways and six hundred seventy-two (672) square feet on highways with more than two lanes, plus temporary embellishments not exceeding twenty percent (20%) of the permanent sign area. Only one (1) sign face facing traffic moving in one direction shall be permitted on an off-premises sign.

G. Certain off-premises signs to be regulated as on-premises signs. Off-premises signs smaller than 32 square feet shall be regulated as on-premises signs for the purpose of this Section, and they shall be permitted only if they conform to the rules regulating

on-premises signs. Off-premises sign structures shall not be converted to on-premises signs or vice versa without first securing the proper permits.

H. Code Conformance. All signs for which a building permit is required shall be constructed and maintained in conformance with City building and electrical codes. Plans for all freestanding signs 30 feet or higher, or greater than 150 square feet, shall be certified as to conformance with all structural and wind-load resistive standards of the Building Code by a structural engineer registered in the State of Georgia, or be prepared using standard drawings prepared by a structural engineer or other qualified professional meeting or exceeding all requirements of the Building Code. Freestanding signage that does not require an engineer's seal must include supporting foundation calculations. All freestanding signage requires a foundation inspection. Neon exposed or attached to a structure requires a final inspection. All signage must have a disconnect switch located at the signage. All signs involving internal lights or other electrical devices or circuits shall display a label certifying it as meeting standards of the Underwriter's Laboratories. All signs, together with their supports, braces, guys and anchors, shall be kept in good repair and, unless constructed of galvanized or noncorroding metal, shall be given a protective coating as necessary to maintain a clean appearance and safe condition.

I. Site Plan Required. Every permit application for a proposed off-premises outdoor advertising sign or for any repair or replacement of an existing off-premises outdoor advertising sign shall be accompanied by a site plan prepared by a registered surveyor. The site plan shall show the proposed location for the subject sign, the distance of the proposed or existing off-premises outdoor advertising sign to the nearest off-premises outdoor advertising sign on the same side of the roadway, the distance to the nearest off-premises outdoor advertising sign on the opposite side of the roadway, and also the distance to any other structures on the property where the new sign is to be located. In the event of repair or replacement, the distance to existing structures on the property shall be shown. The site plan shall be prepared and stamped by a registered land surveyor. The surveyor shall be required to enter the correct map and parcel number and complete address for the property for which the permit application is being submitted. The site plan shall be approved by the Augusta-Richmond County Planning Commission. Once approved, the site plan shall be in effect for two years except that an approved plan may be rescinded at the request of the party who presented the plan for approval. An approved plan cannot be renewed or extended beyond two years. After a site plan has been approved, no other plans shall be considered that would conflict with the subject plan until two years have expired, or the approval has been properly rescinded.

28-B-11 **NON-CONFORMING SIGNS.** Nothing contained herein shall be construed to ratify or approve the erection and/or maintenance of any sign which was erected in violation of any prior Ordinance, and any sign so erected shall be subject to removal as provided in this Subsection. Signs that were in existence and were constructed in compliance with the terms of any prior Ordinance but do not conform to the provisions of this Section are hereby designated as legal nonconforming signs. Signs which become legal nonconforming uses as the result of this Section may continue under the general standards for nonconformity in Section 5. They may be maintained and repaired but they may not be enlarged, heightened, or illuminated (if not currently illuminated). All signs

defined herein as temporary signs, attention getting devices, or banners must either be permitted as temporary signs or removed prior to January 1, 2001. Any existing sign which qualifies for permitting as a temporary sign must be permitted and a decal attached no later than January 1, 2001. Non-conforming signs (permanent and temporary) not permitted as prescribed above, shall become illegal signs and the License and Inspection Department shall be authorized to issue citations and/or remove such non-permitted signs per Section 28-B-13. All illegal and nonconforming signs shall be removed from a tract or parcel before any additional signs may be permitted on the same tract or parcel.

28-B-12 **ABANDONED SIGNS.** Signs that conform to this Ordinance, or signs that are made non-conforming as a result of this Ordinance which subsequently become abandoned signs shall upon abandonment be covered with a weather resistant opaque material which blocks the total sign surface area (off-premises signs are exempted). 90 Days after the abandonment of a legal non-conforming sign the permit for such sign shall automatically expire and all exposed parts of said sign shall be removed. The foregoing shall apply to all signs including off-premises signs.

28-B-13 **ENFORCEMENT AND PENALTIES.** Enforcement of this Section shall be the responsibility of the License and Inspection Department. An enterprise fund consisting of revenue from the sale of sign permits shall be utilized to pay all of the costs of enforcement of the Regulations included in this Section. Fees shall be sufficient to, at a minimum, offset such costs.

The License and Inspection Department shall make routine inspection of all signs, and he shall Also respond to issues raised by the public and other departments. Upon ascertaining a violation of the provisions of this Chapter, the License and Inspection Department shall cause to be served upon the offender, or to his agent, or upon the owner or his agent, or the occupant(s) of the premises a written notice to abate which shall:

A. Describe the condition(s) constituting a violation,
B. Demand that the violation be corrected or that the offending sign be removed,
C. State that an inspection will be made no less than 10 days nor more than 30 days after the notice is issued and at such time, if the conditions which constitute the violation have not been abated, then a citation will be issued.

If, after the notice has been given and upon an inspection the offending sign has not been removed, then the License and Inspection Department shall issue a citation, and if the offending sign is a temporary sign or banner then the License and Inspection Department shall remove such sign. If the offending sign is not a temporary sign, then the offending sign may be removed, or the offending condition may be corrected by the City at the expense of the offender and/or the owner and/or the occupant of the premises under direction of the License and Inspection Department. The City shall have a lien on the property upon which said sign is located to secure the amount expended for the abatement and all unpaid permit fees and delinquent charges due to such sign. Citations shall be forwarded to Magistrate Court for placement on the earliest possible docket.

Any person who violates any provision of this Chapter or any person refusing to comply with any notice to abate or other notices issued by the Department of License and Inspection within the time allowed by such notice upon conviction shall be guilty of misdemeanor. Each day is a separate violation. Each violation of this Chapter shall be deemed a separate offense and punishable by a fine not exceeding one thousand dollars ($1,000) or by imprisonment not exceeding sixty (60) days, either or both in the discretion of the judge having jurisdiction.

SECTION 28 C

ADULT ENTERTAINMENT

28-C-1 REFERENCE TO THE CITY CODE. This section relates to the Title 6 Chapter 1 of the Augusta-Richmond County Code entitled "Adult Entertainment." This Code Section is included in part in the Zoning Ordinance as it relates to locations, or zoning districts and therefore to the extent that it relates to such plans, policies and zoning procedures must be followed.

28-C-2 DEFINITIONS. The following terms used in this Section defining adult entertainment establishments shall have the meanings indicated below:

(a) *Adult bookstore.* An establishment having a substantial or significant portion of its stock in trade, magazines or other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas or an establishment with a segment or section comprising five (5) percent or more of its total floor space, devoted to the sale or display of such materials or five (5) percent or more of its net sales consisting of printed materials which are for sale or rent, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

(b) *Adult dancing establishment.* A business that features dancers displaying or exposing specified anatomical areas.

(c) *Adult motion picture theater.* An enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.

(d) *Adult mini-motion picture theater.* An enclosed building with a capacity of less than fifty (50) persons used for commercially presenting material distinguished or characterized by an emphasis on matter depicting or relating to specified sexual *activities* or specified anatomical areas for observation by patrons therein.

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

(f) *Adult video store.* An establishment having a substantial or significant portion of its stock in trade, video tapes or movies or other reproductions, whether for sale or rent, which are distinguished or characterized by their emphasis on matter

depicting, describing or relating to specified sexual activities or specified anatomical areas or an establishment with a segment or section, comprising five (5) percent of its total floor space, devoted to the sale of display of such material or which derives more than five (5) percent of its net sales from videos which are characterized or distinguished by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

(g) *Erotic dance establishment.* A nightclub, theater or other establishment which features live performances by topless and/or bottomless dancers, go-go dancers, strippers or similar entertainers, where such performances are distinguished or characterized by an emphasis or specified sexual activities or specified anatomical areas.

(h) Escort bureau; introduction services. Any business, agency or persons who, for a fee, commission, hire, reward, or profit, furnish or offer to furnish names of persons, or who introduce, furnish or arrange for persons who may accompany other persons to or about social affairs, entertainments or places of amusement, or who may consort with others about any place of public resort or within any private quarters.

(i) Good moral character. A person is of good moral character according to this chapter if that person has not been convicted of a felony involving serious sexual misconduct, or a crime not a felony if it involves serious sexual misconduct, in the past five (5) years. Conviction shall include pleas of nolo contendere or bond forfeiture when charged with such crime.

(j) Reserved.

(k) Reserved.

(l) Minor. For the purposes of this Chapter, any person who has not attained the age of eighteen (18) years.

(m) Permitted premises. The business location for which a permit and a Business Tax Certificate has been issued to operate an adult entertainment establishment.

(n) Specified sexual activities. Shall include any of the following:

(1) Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship in any of the following sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, piquerism, sapphism, zooerasty; or

(2) Clearly depicted human genitals in a state of sexual stimulation, arousal or turnescence; or

(3) Use of human or animal ejaculation, sodomy, oral copulation, coitus or masturbation; or

(4) Fondling or touching of nude human genitals, pubic region, buttocks or female breast; or

(5) Masochism, erotic or sexually oriented torture, beating of the infliction of pain; or

(6) Erotic or lewd touching, fondling or other sexual contact with an animal by human being; or

(7) Human excretion, urination, menstruation, vaginal or anal irrigation. (o)

Specified anatomical areas. Shall include any of the following:

(1) Less than completely and opaquely covered human genitals or pubic region; buttock; or female breast below a point immediately above the top of the areola; or

(2) Human male genitalia in a discernibly turgid state, even if completely and opaquely covered.

28-C-3 LOCATION.

No adult entertainment establishments shall be located in any zone other than one designated as "LI" Light Industrial or "HI" Heavy Industrial under the Comprehensive Zoning Ordinance for Richmond County, as incorporated in the Augusta-Richmond County Code, Title 8, Chapter 5. In addition, no adult entertainment establishment or use restricted hereunder shall be located;

(a) within 1,000 feet of:

(1) A church or place of religious worship;

(2) A public or private elementary or secondary school;

(3) A child care facility;

(4) A boundary of a residential district as defined in the Comprehensive Zoning Ordinance.

(5) A public park;

(6) A cemetery;

(7) The property line of a lot devoted to a residential use as defined in the Comprehensive Zoning Ordinance;

(8) Another sexually oriented business which does not have a common entrance with an already licensed or exempted sexually oriented business; or

(9) A governmental building or site, which shall be defined as all public buildings, parks, and recreational areas owned, operated or occupied by Augusta.

(10) Another sexually oriented business.

(11) Within the parameters of an area designated as an Augusta gateway/corridor in the Corridor/Gateway Action Plan (2000), as presently existing or hereafter modified, adopted by the Augusta-Richmond County Commission and on file in the office of the Clerk of the Commission. Gateways and Corridors are defined as follows:

a. Gordon Highway/Doug Barnard Parkway Gateway - All property located within 100 feet of the intersection of the centerlines of these roadways;
b. I-20/Riverwatch Parkway Gateway - All property located within 2000 feet of the intersection of the centerlines of these roadways; and
c. Peach Orchard Road/Gordon Highway Corridor - All property located within 1000 feet of the centerline of the following roadways: Peach Orchard Road from Tobacco Road to Gordon Highway, and Gordon Highway from Peach Orchard Road to Walton Way.

(b) A person commits an offense if he causes or permits the operation, establishment or maintenance of more than one sexually oriented business in the same building, structure, or its portion, or the increase of floor area of any sexually oriented business in any building, structure, or its portion, containing another sexually oriented business.

(c) For the purposes of subsection (a)(1) through (9) of this section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church or place of religious worship, or public or private elementary or secondary school, or to the nearest boundary of an affected public park, a cemetery, residential district or residential lot.

(d) For purposes of subsection (c) (10) of this section, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

(e) Any sexually oriented business lawfully operating as of January 1, 1996 that is in violation of subsections (a), (b) or (c) of this section shall be deemed a nonconforming use. Such use will be permitted to continue for a period not to exceed one year unless sooner terminated for any such reason or voluntarily discontinued for a period of 30 days or more. Such nonconforming uses shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. If two or more sexually oriented businesses are within 1,000 feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later established business is nonconforming.

(f) A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented

business license, of a church or place of religious worship, public or private elementary or secondary school, governmental building or site, cemetery, residential district or residential lot within 1,000 feet of the sexually oriented business. This subsection applies only to the renewal of a valid license, and does not apply when an application for a license is submitted after a license has expired or has been revoked.

SECTION 28 D

CONSERVATION SUBDIVISIONS

28-1 As Permitted Uses - Conservation subdivisions shall be permitted uses by right in the Agricultural (A) Zone and in the following single-family residential zones: R-1, R-1A, R-1B, and R-1C if no lot is less than 60% of the minimum lot size permitted in the Zoning Classification, subject to the requirements of this Chapter.

28-2 As Special Exceptions - Conservation subdivisions where one or more lots are 60% or less of the minimum lot size permitted in the Zoning Classification may be approved by Special Exception in the A, and R-1, R-1A, R-1B and R-1C Zones. Procedures for approving conservation subdivisions as Special Exceptions shall be as established in Section 26. Approval shall be granted on the basis of a specific plan and its consistency with the Comprehensive Plan, planning principles, and the general development pattern in the area.

28-3 The Planning Commission may grant variances from the requirements found at 28-4 through 28-12 if they are consistent with the Comprehensive Plan, planning principles, and the general development pattern in the area.

28-4 Tract Size - The minimum size tract which can be developed as a conservation subdivision shall be 20 acres.

28-5 Greenspace Requirements - A minimum of 40% of the overall acreage of the tract shall be permanently protected as greenspace. If property that could be developed under the present federal, state, and local statutes, rules, and regulations in the opinion of the Planning Commission makes up more than 50% of the proposed greenspace, then the minimum greenspace requirement is reduced to 30% of the overall acreage of the tract. This greenspace may be dedicated to the Federal, State, or local government for permanent protection as greenspace if a unit of government chooses to accept such donation. It may alternatively be dedicated to a homeowners association or to another entity (such as a land trust) for permanent protection subject to prior approval of a greenspace management plan by the City of Augusta. A greenspace management plan shall provide for the use, ownership, maintenance, and permanent protection of greenspace areas, and the allocation of responsibilities for maintenance and operation of greenspace and any facilities located thereon, including financial provisions for stewardship, maintenance, repairs and operation, and long term capital improvements.

28-6 Use of Greenspace Areas - Greenspace may be landscaped and or left with a natural vegetative cover in which no roadways, parking areas, or improvements other than the following may be located:

- Recreational facilities specifically permitted by the Planning Commission.
- Underground utilities.
- Gazebo's, wildlife observation facilities, boat docks, and similar facilities.
- Landscaped stormwater detention areas.
- Landscaped easement for drainage access, and sewer or water lines.

- Other uses found to be compatible with the intent of this section by the Planning Commission.

28-7 Buffers - Where a conservation subdivision is contiguous to an single-family residential zone or single-family residential use that is not part of a conservation subdivision, a buffer strip with a minimum width of 30 feet shall be provided. If a lot in the conservation subdivision adjacent to the contiguous single-family residential zone or area is 80 percent or more of the minimum lot size required in the adjacent zone or area the buffer need not be provided adjacent to such lot. This buffer strip shall be part of the required greenspace and provided for in the greenspace management plan, and it shall conform to the standard for protection in Subsection 8-4-11 (e)(9) of the Augusta-Richmond County Tree Ordinance.

28-8 Lots - The portion of a conservation subdivision that is not devoted to greenspace shall be developed as lots and the related streets, utilities, retention facilities, etc. There shall be no minimum lot size, but housing must be detached and the total number of lots shall not exceed the number of lots that would be permitted by the base zoning classification in the opinion of the Planning Commission.

28-9 Setbacks

A) Front setbacks shall be as provided for in the R-1 zone, except that variances for lesser setbacks may be granted by the Planning Commission on an overall project basis depending on the nature of the proposal, the surrounding development pattern, the relationship to the Comprehensive Plan, site conditions, and general planning principles.

B) Side Setbacks - the minimum side setback shall be five feet except that greater setbacks may be required to conform to fire codes.

C) Rear Setbacks - the minimum rear setback is 25 feet, unless a lot is situated in such a way that the rear lot line is adjacent to a greenspace area, in which case the minimum rear setback is ten (10) feet.

D) The setback for community recreational facilities shall be set by the Planning Commission on a case by case basis, but the minimum setback from any exterior property line shall be 30 feet.

28-10 Lot Coverage - The maximum lot coverage, including main buildings and other incidental structures shall be 50% per lot.

28-11 Building Height - shall be as provided for in Subsection 8-6 of this Ordinance.

28-12 Home Occupations - may be permitted pursuant to the provisions of Section 8-3 of this Ordinance.

28-13 Accessory Buildings - shall be permitted pursuant to the provisions to Section 8-4 of this Ordinance.

28-14 TV Satellite Dishes - shall be permitted as accessory uses subject to the provisions of Section 8-5.1 of this Ordinance.

SECTION 29

EXCEPTIONS AND MODIFICATIONS

29-1 Public utilities and public services: The provisions of this Ordinance shall not be construed so as to limit or interfere with the construction, installation, operation and maintenance for public utility purposes, of water and gas pipes, mains and conduits, electric light and electric power transmission and distribution lines, telephone and telegraph lines, oil pipe lines or sewer mains, nor with incidental appurtenances such as relay boxes, etc.

29-2 Height:

(a) DELETED.

(b) Through lots one hundred fifty (150) feet or less in depth: The height of a building may be measured on such lots from the adjoining curb level on either street.

(c) Through lots more than one hundred fifty (150) feet in depth: The height regulations and the basis of height measurements on such lots for the street permitting the greater height shall apply to a depth of not more than one hundred fifty (150) feet from the street.

(d) Structures permitted above height limit: Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, fire or parapet walls, skylights, towers, steeples, roof signs, flagpoles, chimneys, smokestacks, wireless masts, water tanks, silos, gas containers, or similar structures may be erected above the height limits herein prescribed subject to other provisions of this Ordinance, but no penthouse nor roof structure or any space above the height limit shall be allowed for the purpose of providing additional enclosed space for residential, commercial, or industrial use.

29-3 Setbacks:

(a) Yard regulations modified: Where the yard regulations cannot reasonably be complied with, or their application determined, on lots of peculiar shape, location, or topography, such regulations may be modified as determined by the Augusta-Richmond County Board of Zoning Appeals.

(b) DELETED.

(c) When a lot adjoins only one lot having a main building (within twenty-five (25) feet of its side lot line) which projects beyond the established front setback line and has been so maintained since March 25, 1963, the front setback requirement on such lot may be the average of the front yard of the existing building and the required front setback, provided, however, the front yard of such lot shall not be less than ten (10) feet.

(d) DELETED.

(e) For the purpose of side yard regulations, semidetached and row dwellings with common walls will be considered as one building occupying one lot.

(f) Front and side yards waived: The front and side yards may be waived for dwellings, hotels, and lodging or apartment houses erected above the ground floor of a building when said ground floor is designed and used exclusively for commercial purposes.

29-4 Projections into yards:

(a) Porte-cocheres, carports: Such structures may be permitted over a driveway in a side yard, provided such structure is not more than one story in height and thirty (30) feet in length (including storage space), and is entirely open on at least two (2) sides except for the necessary supporting columns, provided, however, said structure does not extend within five (5) feet of the side lot line.

(b) Eave or canopy: An eave, canopy, or other similar architectural feature may extend or project into a required side yard within three (3) feet of the side lot line.

(c) Open stairway and balcony: An open, unenclosed stairway or balcony, not covered by a roof or a canopy, may extend into a required front yard not more than three (3) feet.

(d) Open porch: An open unenclosed porch, platform, or deck not covered by a roof or canopy, which does not extend above the level of the first floor of the building, may extend or project into any required yard not more than four (4) feet.

29-5 Minimum lot reduction for underground utilities: The minimum required lot area within an R-1 zoned subdivision may be reduced two percent (2%) when the subdivision is developed with all utilities underground. When such reduction occurs, a utility easement of one and one-half (1-1/2) feet shall be provided along the front property line.

SECTION 30

BUILDING PERMITS AND SITE PLANS

30-1 Building Permit: Before a permit is issued for the erection, moving, alteration, enlargement, or occupancy of any building or structure or use of premises, the plans and intended use shall indicate conformity in all aspects to the provisions of this Ordinance.

30-2 Site Plan: A building permit under the provisions of the building code of Augusta, Georgia for the purpose of constructing or expanding a structure that is not a single-family house or related thereto shall only be issued upon the presentation of a site plan that has been approved by the staff of the Augusta-Richmond County Planning Commission. Such site plan shall be drawn to scale, showing accurately the dimensions and location of the following: property lines, easements, utilities, structures, signs, off-street parking, driveways, retention facilities and any other information that may be necessary to the administration and/or enforcement of this Ordinance. Such site plan shall be submitted by the Staff to all departments of Augusta and other entities that are deemed appropriate and they shall review and approve said site plan before it is approved by the Staff of the Planning Commission.

30-3 Interpretation of Ordinance: In interpreting and applying the provisions of this Ordinance, they shall be held to the minimum requirements for the promotion of health, safety, welfare, morals, and convenience of the general public. The lot or yard areas required by this Ordinance for a particular building shall not be diminished and shall not be included as part of the required lot or yard areas of any other building.

SECTION 31

CERTIFICATE OF OCCUPANCY

31-1 A Certificate of Occupancy shall be required for any of the following:

(a) Occupancy and use of a building hereafter erected or enlarged.

(b) Change in use of an existing building to a different use.

(c) Occupancy and use of vacant land except for the raising of crops.

(d) Any change in nonconforming use.

(e) After submitting plans and specifications to the Building Inspector and upon issuance of a building permit, the builders will have complied with this Ordinance for all purposes, provided said building is constructed in accordance with said plans and specifications.

(f) No such occupancy, use or change of use shall take place until a Certificate of Occupancy has been issued by the Building Inspection Department.

SECTION 32

ENFORCEMENT AND PENALTIES

32-1 It shall be the duty of the Chief Building Official to enforce the provisions of this Ordinance in the manner and form and with the powers provided in the laws of the State and Ordinances of the Augusta Commission.

32-2 All commissions, boards, departments, officials, and employees of Augusta which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Ordinance and shall issue no permit or license for any use, building, or purpose if the same would be in conflict with the provisions of this Ordinance. Any permit or license issued in conflict with the provisions of this Ordinance shall be null and void.

32-3 The erection, construction, alteration, addition, conversion, moving or maintenance of any building or structure and the use of any land or building which is continued, operated, or maintained, contrary to any provisions of this Ordinance is hereby declared to be a violation of this Ordinance and unlawful. The Attorney of the Augusta Commission shall immediately, upon any such violation having been called to his attention, institute injunction, abatement, or any other appropriate action to prevent, enjoin, abate, or remove violation. Such action may also be instituted by any property owner who may be damaged by any violation of this Ordinance. The remedy provided for herein shall be cumulative and not exclusive, and shall be in addition to any other remedies provided by law.

32-4 Any person or corporation whether as principal, agent, employee, or otherwise who violates any provision of this Ordinance shall be guilty of an offense and upon conviction shall be punished by a fine in an amount not to exceed five hundred dollars ($500) and/or imprisonment for a period not to exceed sixty (60) days. Cases shall be tried in Magistrate's Court.

SECTION 33

BOARD OF ZONING APPEALS

33-1 Authorization: Established by virtue of the Home Rule Provision of the Constitution of the State of Georgia of 1983 and codified by an Ordinance of the Augusta Commission dated March 18, 1997. The Board of Zoning Appeals for the Augusta Commission shall be hereinafter referred to as the "Appeals Board".

33-2 Membership: The Appeals Board shall consist of ten (10) members each of whom shall reside in one of the ten districts of Augusta.

33-3 General Provisions: The Board of Zoning Appeals shall elect one (1) of its members as Chairman, who shall serve a one (1) year term or until a successor is elected. The Chairman may succeed himself.

(a) The Chairman shall have the power to vote on matters before the Appeals Board only when his vote will change the result.

(b) The Appeals Board shall appoint a secretary who may be an official or employee of either Augusta Commission or of the Planning Commission.

(c) Meetings of the Appeals Board shall be held at the call of the Chairman and at such other times as the Appeals Board may determine.

(d) The Chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses by subpoena.

(e) The Appeals Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations filed in the office of the secretary of the Appeals Board and shall be a public record.

(f) The Board shall adopt rules in accordance with the provisions of this section of this Ordinance.

33-4 Procedure: Appeals to the Board of Zoning Appeals may be taken by any person aggrieved, or by any official, department head, board, or bureau of the Augusta Commission, affected by any decision of an administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the Appeals Board, by filing with the Secretary of the Appeals Board a notice of appeal specifying the grounds thereof.

(a) Action of Augusta Commission:

(1) Upon notice by the Secretary of a filing of appeal, the official from whom the appeal is taken shall forthwith transmit to the Appeals Board all papers constituting a record upon which the action appealed was taken.

(2) An appeal stays all legal proceedings in furtherance of action appealed from, unless the official from whom the appeal is taken certifies to the Appeals Board, after notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life and property. In such a case, proceedings shall not be stayed other than by a restraining order which may be granted by the Appeals Board or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

(b) Action of Appeals Board: Upon receipt of notice of appeal in a form prescribed by the Appeals Board, the Board of Zoning Appeals shall:

(1) Fix a reasonable time for the hearing of the appeal or other matter referred to it.

(2) Publish once in a newspaper of general circulation in Augusta a "Notice of Public Hearing" on the appeal. Such notice shall be published at least fifteen (15) days prior to the date of the hearing and shall indicate the time and place of the hearing and the nature of the appeal to be considered by the Appeals Board.

(3) Send postal cards or letters to the property owners of record whose property lies within a 300-foot radius of the property subject to the appeal, giving notice of the time, place, and nature of the appeal.

(4) Upon the Hearing, any party may appear in person, by agent, or attorney.

33-5 Powers of Appeals Board:

(a) To hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the Zoning Ordinance adopted by the Augusta Commission pursuant to this Ordinance.

(b) To hear and decide requests to place manufactured homes as second living units on properties for no longer than one (1) year, on the basis of hardship.

(c) To authorize upon appeal in specific cases such variance from the terms of the Zoning Ordinance as will not be contrary to the public interest, where owing to special conditions, literal enforcement of the provisions of the Zoning Ordinance will, in an individual case, result in an unnecessary hardship, so that the spirit of the Zoning Ordinance shall be preserved, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual cases of unnecessary hardship upon finding by the Appeals Board that:

(1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography; and

(2) The application of the Zoning Ordinance to this particular piece of property would create an unnecessary hardship; and

(3) Such conditions are peculiar to the particular piece of property involved; and

(4) Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the Zoning Ordinance; provided, however, that no variance may be granted for a use of land or building or structure which is prohibited by the Zoning Ordinance.

(d) To authorize the operation of certain businesses as home occupations pursuant to regulations promulgated by the Augusta Commission.

(e) In exercising the above powers, the Appeals Board may, in conformity with the provisions of this section, reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination; and to that end, shall have all of the powers of the officer from whom the appeal is taken and may issue or direct issuance of a permit. When a variance is granted that would require the issuance of a building permit, an individual granted a variance by the Appeals Board has a period of one year from the date of approval to obtain a building permit. Anyone that fails to obtain a building permit within the one year period forfeits the variance right previously granted.

(f) An appeal that is denied by the Appeals Board cannot be reheard for a period of one year unless the Appeals Board unanimously grants this privilege.

33-6 Appeal from decision of Appeals Board: Any person or person severally or jointly aggrieved by any decision of the Appeals Board or with any official charged with the enforcement of any order, requirement, or decision of said Board may appeal said decision to the Superior Court of Richmond County, Georgia. The procedure for said appeal shall be the same as an appeal to the Superior Court from any decision made by the Probate Court as provided by the laws of Georgia, except that said appeal shall be filed within thirty (30) days from the date of the decision of the Appeals Board or any official charged with the enforcement of any order, requirement, or decision in connection therewith; and upon failure to file said appeal within thirty (30) days, the decision of the Appeals Board shall be final.

SECTION 34

ZONING MAPS

34-1 CONTENT. The official zoning maps of Augusta shall be a layer of the Geographic Information System which shall contain the boundaries of the various zoning districts of the City. The Official Zoning Maps as defined herein are hereby duly incorporated as an indispensable part of the Comprehensive Zoning Ordinance.

34-2 RELATIONSHIP TO PREVIOUS MAPPING. The zoning classifications established by the adoption of the Comprehensive Zoning Ordinance on March 25, 1963, reconfirmed on November 15, 1983, and thereafter duly amended prior to the effective date of this amendment will be the zoning classification represented on the Official Maps as identified by this Amendment at its adoption. The zoning classification of properties in Augusta and the regulation of the uses of those properties shall not in any way be changed by this amendment.

34-3 LOCATION AND METHOD OF DISPLAY. The official zoning maps shall be available for inspection by the public at the office of the Augusta-Richmond County Planning Commission and at other locations at the discretion of the Planning Commission and they may be displayed either electronically or in a paper format.

34-4 PUBLIC INSPECTION PRIOR TO ADOPTION. The Official Zoning Maps were available for inspection by the public prior to adoption during the period of notice prescribed in O.C.G.A. 36-66, during the public hearing required by O.C.G.A. 36-66, and during the meetings of the Augusta-Richmond County Commission at which time their incorporation into the Zoning Ordinance was considered.

34-5 RESPONSIBILITY. The safekeeping and maintenance of the Official zoning Maps shall be the responsibility of the Executive Director of the Augusta-Richmond County Planning Commission.

SECTION 35

AMENDMENTS TO THIS ORDINANCE

35-1 Review of proposed Amendments: This Ordinance, including the map or maps, may be amended from time to time, but no amendment shall become effective unless it shall have been proposed by, or first submitted to the Planning Commission for review and recommendation.

35-2 Procedure for Public Hearing:

(a) The Planning Commission shall conduct, on behalf of the Augusta Commission, all public hearings on proposed amendments to this Ordinance and maps.

(b) At least 15 but not more than 45 days prior to the date of the hearing, the Planning Commission shall cause to be published within a newspaper of general circulation within the territorial boundaries of the local government a notice of the hearing. The notice shall state the time, place, and purpose of the hearing. If a zoning decision of a local government is for the rezoning of property and the rezoning is initiated by a party other than the local government then:

(1) The notice shall include the location of the property, the present zoning classification of the property, and the proposed zoning classification of the property; and

(2) A sign indicating the present zoning classification and the proposed zoning classification shall be placed in a conspicuous location on the property not less than 15 days prior to the date of the hearing.

(c) The recommendations of the Planning Commission shall be submitted to the Augusta Commission within thirty (30) days. If the Planning Commission fails to submit a report within the thirty-day period, it shall have deemed to approve the proposed amendment.

35-3 Application for Amendment: Each application to amend this Ordinance, including the map or maps, shall be filed with the Planning Commission and shall be in compliance with the following:

(a) A conference with the Staff of the Planning Commission shall be held prior to submission of the application.

(b) A statement from the owner of the property submitting the petition, or a statement from the owner of the property designating his representative in the petition, shall be furnished with the petition on a form supplied by the Planning Commission.

(c) A properly prepared plat of the property showing distances and bearings of the boundaries and a tie to a known point shall be included with the petition. At the discretion of the staff, a tax map may be substituted for the plat.

(d) A letter from the owner or his authorized representative requesting the amendment, including a statement regarding the proposed use, address and telephone number for correspondence, and any other information required elsewhere in this Ordinance, shall be included with the petition.

(e) A fee which has been calculated by the Planning Commission as representative of the cost of processing and advertisement of the proposed amendment shall be paid at the time of application.

35-4 Staff Evaluation: The Staff, upon receipt of an application for an amendment to this Ordinance shall:

(a) Consult with other departments of the Augusta Commission to fully evaluate the impact of any zoning change upon public facilities and services including, but not limited to, schools, drainage, traffic, and related facilities;
(b) Conduct a site review of the property and the surrounding area;
(c) Study each application with reference to its appropriateness and effect on existing land use and its compliance with the provisions of this Ordinance.
(d) Report its findings and recommendation to the Planning Commission, which report shall be a matter of public record;
(e) The Planning Commission Staff's report may recommend conditions to the applicant's request which would reduce the land area for which the application is made and/or recommend conditions of rezoning which may be deemed advisable so that the purpose of this Ordinance will be served.

35-5 Planning Commission Action: The Planning Commission shall review and make a recommendation of approval, denial, deferral, withdrawal without prejudice, or no recommendation, on each application for which a public hearing is held in accordance with the Official Code of Georgia and the Ordinance of the Augusta Commission, enacted. Staff recommendations on applications shall be submitted to the Planning Commission prior to the public hearing. A report of the Planning Commission's decision shall be submitted to the Governing Body. The action of the Planning Commission may recommend a reduction of the land area for which the request is made and/or recommend conditions of rezoning which may be deemed advisable so that the purpose of this Ordinance will be served.

35-6 Governing Body Action: The Augusta Commission shall, at a regular meeting, approve, deny, or defer action on an application for rezoning or another action provided for in the Comprehensive Zoning Ordinance. The action of the Augusta Commission may recommend a reduction of the land area of which the application is made and/or recommend conditions of rezoning which may be deemed advisable, so that the purpose of this Ordinance will be served. Conditional zoning may require that a zoning classification once granted shall revert to the former zoning classification under certain specific circumstances, such as the cessation of the proposed use. When staff determines that reversion is warranted a certified letter shall be sent to the owner of record notifying of the pending reversion and affording a 30 day period to register an objection. If no objection is registered then no further action by the Governing Body shall be required, the reversion shall occur automatically, and the zoning map shall be changed accordingly. If an objection is raised then the matter shall be placed on the next regular meeting agenda for the Augusta Commission and the owner shall show cause as to why the reversion should not take place. The Governing Body may then act to implement the reversion, terminate the reversion, or return the matter to the staff for further evaluation. When conditions are added to approval of an application, the Augusta Commission shall require that a Zoning Restriction Agreement be recorded with the Clerk of the Superior Court of Richmond County, Georgia. The cost of recording such agreement shall be borne by the applicant.

35-7 Reversionary Clause: The Planning Commission Staff may submit information to the Augusta Commission having jurisdiction relative to property which has been rezoned for a period of eighteen (18) months from the date of approval, and for which no site plan or subdivision development plan approval or building permit has been obtained. The Augusta Commission may then review such information and, if considered appropriate, initiate reversionary zoning procedures. Such reversionary actions shall proceed in accordance with the amendment provisions of this Ordinance.

35-8 If the zoning decision of a local government is for the rezoning of property and the amendment to the Zoning Ordinance to accomplish the rezoning is defeated by the local government, then the same property may not again be considered for rezoning until the expiration of at least six months immediately following the defeat of the rezoning by the local government.

A zoning application for the rezoning of the same property to the same classification as the defeated amendment, may not again be considered until the expiration of at least one (1) year immediately following the defeat of the original application by the Commission.

35-9 Land Adjacent to Fort Gordon

Zoning proposals (including map changes by rezoning or special exception) involving land located within 3,000 feet of the Fort Gordon Military Installation boundary shall be evaluated Pursuant to O.C.G.A. 36-66.6. The Planning Commission, in conducting this evaluation shall request from the Fort Gordon Commander a written recommendation and supporting facts, and if provided, such information shall be considered and made part of the public record. The Planning Commission shall investigate and make a recommendation regarding the following:

(1) Whether the zoning proposal will permit a use that is suitable in view of the use of adjacent or nearby property within 3,000 feet of a military base, military base, military installation, or military airport;
(2) Whether the zoning proposal will adversely affect the existing use or usability of nearby property within 3,000 feet of a military base, military installation, or military airport;
(3) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;
(4) Whether the zoning proposal will result in a use which will or could cause a safety concern with respect to excessive or burdensome use of existing streets, transportation facilities, utilities, or schools due to the use of nearby property as a military base, military installation, or military airport;
(5) If the local government has an adopted land use plan, whether the zoning proposal is in conformity with the policy and intent of the land use plan; and
(6) Whether there are other existing or changing conditions affecting the use of the nearby property as a military base, military installation, or military airport which give supporting grounds for either approval or disapproval of the zoning proposal.

SECTION 36

EFFECTIVE DATE

36-1 This Ordinance shall take effect on September 16, 1997.

SECTION 37

SEVERANCE CLAUSE

37-1 If any section, clause, provision, or portion of this Ordinance shall be ruled invalid or unconstitutional by any Court or competent jurisdiction, such decision shall not affect any other section, clause, provision, or portion of this Ordinance.

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

Done in Open meeting of the Augusta-Richmond County Commission under the Common Seal thereof this 16th day of September, 1997.

Approved this 16th day of September, 1997.

_____
Mayor
Augusta-Richmond County

ATTEST:

_____
(Witness)