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ORDINANCE 2019-01

THE MAYOR AND COUNCIL OF CLERMONT HEREBY ORDAINS THE FOLLOWING ORDINANCE FOR THE TOWN OF CLERMONT, GEORGIA, REGULATING THE LOCATION, BULK, AND SIZE OF NEW BUILDINGS AND STRUCTURES; THE DENSITY AND DISTRIBUTION OF POPULATION; THE USE OF BUILDINGS, STRUCTURES, AND LAND FOR TRADE, RESIDENCE, RECREATION, AGRICULTURE, CONSERVATION, WATER SUPPLY, SANITATION, PUBLIC ACTIVITIES, HISTORICAL PRESERVATION AND OTHER PURPOSES; CREATING USE DISTRICTS FOR SAID PURPOSES AND ESTABLISHING THE BOUNDARIES THEREOF; DEFINING CERTAIN TERMS USED HEREIN; PROVIDING FOR THE METHOD OF ADMINISTRATION AND AMENDMENT; PROVIDING FOR POLICIES AND PROCEDURES; DEFINING THE POWERS AND DUTIES OF COMMITTEES, BOARDS, CLERKS, INSPECTORS, THE ADMINISTRATIVE OFFICER AND THE GOVERNING AUTHORITY; PROVIDING PENALTIES FOR VIOLATION; AND REPEALING ORDINANCE 93-03, ORDINANCE 94-03, ORDINANCE 95-01, ORDINANCE 95-02, ORDINANCE 95-03, ORDINANCE 95-04, ORDINANCE 95-07, ORDINANCE 96-06, ORDINANCE 96-07, ORDINANCE 97-01 AND OTHER ORDINANCES OR PARTS OF ORDINANCES WITH CONFLICTING REGULATIONS.

ARTICLE 1

PREAMBLE AND ENACTMENT CLAUSE

Pursuant to the authority conferred by the laws and Constitution of the State of Georgia, Article IX, Section II, Paragraph IV, and for the purpose of promoting the health, safety, morals, convenience, order, prosperity, and welfare of present and future inhabitants of the Town of Clermont and the State of Georgia, and the preservation of the historical character of the town, to include among other purposes the lessening of congestion in the streets; securing safety from fire, panic, and other dangers; promoting health and the general welfare; providing adequate light and air; preventing the overcrowding of land; avoiding undue concentration of population; facilitating the adequate provision of transportation, water, parks, and other public requirements; promoting such distribution of population and such classification of land uses and distribution of land uses and distribution of land development and utilization as will tend to facilitate and promote desirable living conditions and the sustained stability of neighborhoods, protecting property against blight and depreciation, securing economy in governmental expenditures, conserving the value, monetarily and historically of buildings, and encouraging the most appropriate use of land and other buildings and structures, the Mayor and Town Council does hereby ordain and enact into law the following Articles and Sections:

ARTICLE II

SHORT TITLE

These regulations shall be known and may be cited as the "PLANNING & ZONING ORDINANCE OF THE TOWN OF CLERMONT, GEORGIA".

ARTICLE III

DEFINITION OF TERMS USED IN THIS ORDINANCE

SECTION 3-1 PURPOSE

The purpose of this Article is to establish definitions of some terms used in this Ordinance.

SECTION 3-2. DEFINITIONS

When used in this Ordinance, the following words and phrases shall have the meaning given in this Article. Terms not herein defined shall have their customary dictionary definitions where not inconsistent with the context; words used in the singular number include the plural and those used in the plural number include the singular. Words used in the present tense include the future. The word "person" includes a firm, corporation, co-partnership, association, or institution. The word "lot" includes the word "plot" or "parcel". The word "building" includes the word "structure". The words "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied". The word "shall" is mandatory. Unless otherwise specified, all distances shall be measured horizontally and at right angles to the line in relation to which the distance is specified. The term "erected" shall be deemed also to include "constructed", "reconstructed" "altered", "placed" or "moved". The terms "land use" and "use of land" shall be deemed also to include "building use" and "use of building". The word "adjacent" means "nearby" and not necessarily "contiguous." The word "town" shall mean all lands within the corporate limit boundaries of the Town of Clermont, Georgia.

ADMINISTRATIVE OFFICER: Agent of the Town of Clermont as provided by Section 6-2. B. of the Planning and Zoning ordinance.

ALLEY: A private or public thoroughfare which affords only a secondary means of access to a building or property and not intended for general traffic circulation.

AGRICULTURE OR AGRICULTURAL: The bona fide use of a parcel of land of five acres or more for the cultivation of land, raising of poultry and livestock or similar agrarian activity for gain or profit and the related buildings, structures and appurtenances necessary to carry out the activities.

AIRFIELD: Any area of land utilized for the landing or taking-off of aircraft.

APARTMENT BUILDING: A multi-family dwelling located on a parcel of land under a single ownership, designed for use by four (4) or more housekeeping units, living independently of each other, and having separate housekeeping facilities.

APARTMENT PROJECT: A group of two or more apartment buildings constructed in accordance with an approved comprehensive development plan.

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

BASEMENT OR CELLAR: That portion of a building below the first-floor joists, the floor of which is more than one half (1/2) the clear ceiling height below the adjacent ground.

BLOCK: A parcel of land entirely surrounded by public highways, streets, alleys, railroads, rivers, streams, or U.S. Government property regardless of size or shape of such land or the number of lots thereon.

BOARDING HOUSE: A dwelling in which, as a home occupation and for compensation, lodging and meals are furnished to four (4) or more, but not exceeding nine (9) guests. Such dwelling shall contain no more than five (5) guest rooms. Bed and Breakfast Inns shall be considered within the same context as Boarding Houses unless the structure was originally built to serve as paid lodging and not as a dwelling.

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

BUILDING, ACCESSORY: A building detached from and subordinate to a main building or use on the same lot and used for purposes customarily incidental to the use of the property. Any agricultural use shall be deemed to be an accessory building, whether situated on the same lot with a principal building or not.

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

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

CARE HOME: A rest home, nursing home, convalescent home, skilled care home, home for the aged, or similar use, established and operated on a profit or non-profit basis to provide lodging and/or meals and/or domiciliary care for the aged, infirm, chronically ill or convalescent persons. The term "care home" shall include the term "Extended Care Facility" as defined by Georgia Law.

CARETAKER or EMPLOYEE RESIDENCE: An accessory residence located inside or in addition to the principal structure or use of a parcel or tract of land. Said residence must be occupied by a bona fide caretaker, employee, or the owner himself as necessary to the property's orderly operation or safety.

CEMETERY: Tract of land set aside for burying the dead.

CHURCH, CLUB OR LODGE: Buildings in which organized religious, fraternal, social, or educational meetings are conducted on a regular non-profit basis. Fraternal organizations and private clubs must occupy no less than two (2) acres of land. Fraternal organizations must show that they have received recognition and sanction from a parent group or organization. A private club must show that its membership is limited by either: (a) the use and operation of an amateur athletic facility including, but not limited to golf courses, tennis courts, shooting ranges, and/or swimming pools or (b) residency in a particular subdivision, condominium, apartment project or other residential development.

COMPATIBILITY: The characteristics of different uses or activities that permit such uses or activities to be located near each other in harmony and without conflict. Some elements affecting compatibility include: intensity of occupancy as measured by dwelling units per acre or gross square footage per acre; pedestrian or vehicular traffic generated; volume of goods handled, and such environmental affects as noise, vibration, odor, glare, air pollution or radiation.

COMPREHENSIVE DEVELOPMENT PLAN: A comprehensive set of plans, specifications and measures for the private and/or public development of a planned unit development, apartment project, group camp development, shopping center or other planned development permitted in this ordinance. The development plan shall include when applicable (a) a site plan showing the location of all streets, pedestrian ways, utility systems, landscaped areas, parcel lines, building areas, entrances, exits to be provided; (b) any restrictions to be included in the sale or lease of land for parking, building location, property maintenance , sign control and any other protective measures; (c) a schedule for the development of streets, grading, utility installation, docking facilities or other improvements to be provided for the project area and occupants thereof ; and (d) a statement of intent to proceed and financial capability of the developer or sponsor.

COMPREHENSIVE PLAN: Those coordinated plans or portions thereof which have been prepared by or for the Governing Body for the physical development of the jurisdiction; or any plans that designate plans or programs to encourage the most appropriate use of the land in the interest of public health, safety, and welfare.

CONDITIONAL PLAN: A use which would not be appropriate without restriction throughout a zoning district and is not automatically permitted by right within a zoning district, but which may be permitted within a zoning district subject to meeting specific conditions (such as controls on number, size, area, location and activities) contained in these regulations or required by the Governing Body. Such uses may be permitted only if approved by the Governing Body in accordance with the regulations established herein

CONDITIONAL ZONING: The granting or adoption of zoning for property subject to compliance with restrictions as to use, size, density or actions stipulated by the Governing Body to mitigate adverse impacts that are anticipated without imposition of such conditions.

CONDOMINIUM: A building or complex of multiple-unit dwellings in which a tenant holds full title to his unit and joint ownership in the common grounds.

CUL-DE-SAC: A street having one end open to traffic and the other end terminated in the minimum right-of-way and paved turn-around specified in this chapter.

DAYCARE FACILITY: An establishment which provides care and education for six or more children from infancy, opened for the major portion of the day or night, and in which meals are served.

DRIVE-IN: A retail or service enterprise wherein service is provided to the consumer on the outside and/or inside of the principal building, the term "drive-in" includes drive-in restaurants, dairy bars, theatres, laundries, food stores, and/or car washes.

DWELLING: A building, structure, mobile home or relocatable home arranged or designed for occupancy by not more than one family or one housekeeping unit for living purposes and having housekeeping facilities for only one family.

DWELLING, DUPLEX: A building designed or used exclusively for the occupancy of two (2) families or housekeeping unit living independently of each other and having separate housekeeping facilities for each family.

DWELLING, TRIPLEX: A building designed for or used exclusively for the occupancy of three families or housekeeping unit living independently of each other and having separate housekeeping facilities for each family.

DWELLING UNIT: One or more rooms designed or used for occupancy by one family or housekeeping unit and not having more than one cooking facility.

EASEMENT: A grant to a person or the public by a property owner of a strip of his land for a road right-of-way or other specified purposes.

FAMILY: One or more persons permanently occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such family shall contain over five persons, but further provided that domestic servants employed on the premises may be housed on the premises or in an accessory building. A housekeeping unit may be composed of up to five persons not related by blood or marriage.

FARM: A parcel of land of five (5) acres or more on which bona fide agricultural and related uses are conducted as specified in "Agriculture".

FRONTAGE: That dimension of a lot measured along the front street line thereof, or if said front street line is curved, along the chord of the arc.

GARAGE, PRIVATE: An accessory building or portion of a principal building used only for the private storage of motor vehicles as an accessory use.

GARAGE, PUBLIC: Any garage other than a private garage which is used for storage, rental, servicing, washing, adjusting, or equipping of automobiles or other motor vehicles.

GOVERNING BODY: The Mayor and Council of the Town of Clermont, duly elected by the citizens within the jurisdiction.

GROUP CAMPING DEVELOPMENT: A camping or recreational development established on a minimum of ten (10) acres. Such developments may include hotels, cabins, country clubs, travel trailer and/or tent accommodations.

GROUP HOME: A residence under the ownership and supervision of a public educational, religious, governmental institution, or nonprofit organization occupied or intended for occupancy by several unrelated persons or families, but in which separate cooking facilities are not provided for such resident persons or families.

GUEST HOUSE : Living quarters situated within a detached or semi-detached accessory building located on the same premises with the principal building, such quarters shall : (a) be no larger in size than 600 square feet; (b) be used only by a bona fide non—paying guest (s) or relative(s) of the occupants of the premises and (c) not be rented or otherwise occupied as a permanent dwelling .

HEALTH DEPARTMENT: The Hall County Health Department.

HOME OCCUPATION: An occupation or profession conducted entirely within a dwelling: (a) which is the bona fide residence of the principal practitioner; (b) in which no other persons are engaged in the occupation in excess of one employee of the principal practitioner; (c) where the architectural style is not changed from its residential character; (d) at which no outside storage or display shall be allowed ; except that one free-standing sign shall be permitted not to exceed six (6) square feet in area . Home Occupations may include, but are not limited to beauty salons, barber shops, professional offices, and minor repair services. Home Occupations shall not include the repair and/or maintenance of motor vehicles, large scale manufacturing or any use which will create noise, noxious odors or any hazard that may endanger the health, safety or welfare of the neighborhood.

HOME OFFICE: An office use conducted within a dwelling which is carried on by the occupant thereof and which is clearly incidental and secondary to the use of the dwelling for residential dwelling purposes and does not change the character of the dwelling or reveal from the exterior that the dwelling is being used in part for other than residential purposes. Such office uses shall be limited to professions which can be managed, coordinated, or for which routine office clerical or bookkeeping procedures can be conducted within a residence. Home offices shall not include retail sales or sales offices requiring access by the public, nor shall they include the sale, manufacture, or repair of merchandise on the premises. No outside storage or display is permitted, and not more than one person besides family members may be employed.

HOSPITAL: Any institution receiving inpatients and rendering medical care, including those wherein mentally retarded, mentally disturbed, epileptic, alcoholic, drug addicted, chronically ill and physically handicapped patients are treated or cared for.

JUNK YARD: The use of any space, whether inside or outside a building, for the storage, keeping, salvage and/or sale of junk, scrap metals, or other scrap materials, including the dismantling, demolition, or abandonment of one or more automobiles or other vehicles or machinery or parts thereof.

LOT: A lot is a parcel of land of at least sufficient size to meet minimum requirements for use, coverage, and area and to provide such yards and other open spaces as are herein required. Such lot shall have required minimum frontage on an improved public street or road.

LOT OF RECORD: Whenever a lot or plat has been legally recorded with Hall County Clerk of Superior Court prior to the effective date of this Ordinance, and actually exists as so shown or described, it shall be deemed a Lot of Record. Although said lot may not contain sufficient land area to meet the minimum lot size requirements of this Ordinance, such lot may be used as a building site provided that all other requirements of this Ordinance are met.

METES AND BOUNDS: A system describing and identifying land by distances or measures (metes) and bearing or direction (bounds) from an identifiable point of reference, such as monument or other marker or the corner of intersecting streets.

MANUFACTURED HOME: A dwelling fabricated in an off-site facility for installation or assembly at the building site, bearing a label certifying that it is constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401, et seq.), which first became effective on June 15, 1976. The term "manufactured home" includes a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on-site, is 320 or more square feet in floor area, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein, except that such term includes any structure which meets all the requirements of this definition except the size requirement and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401, et seq.).

MOBILE HOME: A dwelling manufactured prior to June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on-site, is 320 or more square feet in floor area, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein.

NONCONFORMING STRUCTURE: Any structure existing at the time of enactment or subsequent amendment of this Ordinance, but not in conformity with its regulations and provisions.

OFFICIAL ZONING MAP: The map, which accompanies the zoning ordinance text, that delineates the geographic location of the boundaries of zoning districts established in the zoning ordinance in relation to natural features, man-made features and/or property uses.

OPEN AREA: The area devoted to lawns, setbacks, buffers, landscaped areas, natural area, outdoor recreation areas and similar types of uncovered open area and maintained in plant cover, and excluding storage areas for materials, boats or vehicles.

OWNER: Any individual, firm, association, syndicate, co-ownership, corporation, trust or any other legal entity having sufficient proprietary interest in the land, including an attorney-in-fact or agent thereof.

PLANNED UNIT DEVELOPMENT: Apartment projects which consist of two or more multi-family buildings. A minimum of ten acres required. Certain buffers and other requirements may be required to protect the surrounding land uses.

PARKING: Any vehicle which is left unattended by the driver, and/or passengers shall be deemed to be parked and will be subject to the penalty/ penalties named in this Ordinance as to violations of parking regulations.

PARKING SPACE: An area permanently available for the parking of a full-size automobile, having dimensions of not less than 9 feet in width and 18 feet in length.

PLANNING AND ZONING ADVISORY COMMITTEE: The Town of Clermont Planning and Zoning Advisory Committee shall consist of five (5) property owners of the Town of Clermont appointed by the Clermont Town Council.

PLAT: Includes a final map, diagram, drawing, replat or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a parcel of land.

PUBLIC ROAD: State, county, city, or town public ways that are a part of a road system.

ROADBED: That portion of a street, road, alley or highway improved, designed or ordinarily used for vehicular travel, including the term shoulder, ditch and gutter.

SCREENING: A method of shielding, obscuring or buffering one use or building from another use or building by fencing, walls, berms, densely planted vegetation, natural vegetation or other means; a visual and acoustical barrier which is of such nature and density that provides year-round maximum opacity from the ground to a height of at least six (6) feet or that screens structures and activities from view from the normal level of a first story window on an abutting lot.

SETBACK: The minimum allowable horizontal distance measured from the furthest projection of the structure to the adjacent property boundary lines at the front, sides and rear of the lot.

SIDEWALK: That portion of a street between the curb or lateral lines of a roadway and the adjacent property lines constituting a paved way or path and intended for use of pedestrians.

SITE PLAN: A graphic illustration, two-dimensional, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a lot or tract and the location of all buildings, structures, uses and principal site development features proposed for a specific lot or tract of land.

SUBDIVISION: The division of a tract or parcel of land into two or more lots, building sites, or other divisions, for the purpose of sale, legacy, a new street, or a change in existing streets, and includes resubdivisions; where appropriate to the context, subdivision also relates to the process of subdividing or to the land or area subdivided.

STREET: An officially approved public thoroughfare or right-of-way dedicated, deeded or condemned, open to the public, which has been officially approved by the Town Council and

accepted by the Council for use as the principal means of access to the abutting property. The term, "street" shall include the term, "road" when the road meets the requirements of a street.

STRUCTURE: Anything constructed or erected, the use of which requires permanent location on the ground, or which is attached to something having permanent location on the ground not including utility poles.

TOWNHOUSE: A single-family dwelling unit or single housekeeping unit constructed in a series or group of attached units with property lines separating such units.

USE: Any purpose for which a building or structure or a tract of land may be designed, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation carried on, or intended to be carried on, in a building or structure on a tract of land.

VARIANCE: A minimal relaxation or modification of the strict terms of the height, area, placement, setback, yard, buffer, landscape strip, parking and loading regulations as applied to specific property when, because of particular physical surroundings, shape, or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make a profit.

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

YARD, FRONT: An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of the lot.

YARD, REAR: An open, unoccupied space on the same lot with a principal building, extending the full width of the lot and situated between the rear line of the lot and the rear line of the building projected to the side lines of the lot.

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

ARTICLE IV GENERAL PROVISIONS

SECTION 4-1. ZONING AFFECTS EVERY BUILDING AND USE.

No building, structure, land, or water shall hereafter be used or occupied, and no building or structure or part hereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with the regulations herein specified for the district in which it is located, and without first obtaining a building or occupancy permit, except as hereinafter provided. In the enforcement of the provisions of this Ordinance, the Administrative Officer may withhold building or occupancy permits until all provisions of this Ordinance are complied with or his decision is rescinded by the Town Council.

SECTION 4-2. CONTINUANCE OF A NON-CONFORMING USE

Any structure or use of land existing at the time of the enactment or subsequent amendment of this Ordinance not in conformity with its use regulations and provisions, may be continued with the following limitations: A non-conforming use shall not be:

- A. Changed to another non-conforming use until the change in use has been submitted to the Clermont Town Council, and a decision to allow or disallow the change in use has been made by a majority vote of the Council.
- B. Expansion. A nonconforming building or structure, as defined, may be expanded, enlarged, or extended if such expansion, enlargement, or extension is for a use that conforms to the use requirements for the zoning district in which the building or structure is located. Any such expansion, enlargement, or extension of a nonconforming building or structure shall meet the minimum yard, setback, buffer, height, bulk, and other dimensional requirements for the zoning district in which said non-conforming building or structure is located, and all other requirements of this Zoning Ordinance.
- C. Abandonment. A nonconforming use shall not be re-established after abandonment, as defined. This means that, after a **twelve (12) month period** of no activity, the property owner loses the privileges to reestablish a nonconforming use.
- D. Replacement or Repair After Damage. Any portion of a building that meets the definition of a nonconforming building may be rebuilt, altered, or repaired after destruction or damage **not to exceed sixty (60) percent** of its replacement cost at the time of damage as determined by the Zoning Administrator, but only in conformity with the dimensional requirements for the zoning district in which it is located and all other applicable regulations of this Zoning Ordinance.
- E. A non-conforming structure may, however, be repaired, restored, or strengthened for the same use, subject to permits required. This Section shall pertain to remodeling, re-roofing, modernizing and strengthening existing Non-Conforming structures when no damage from natural disasters (as outlined in Section D) has occurred.
- F. The Clermont Town Council may grant the enlargement, change or continuance of a non- conforming use upon a finding that such change or enlargement is necessary to prevent an unwarranted hardship, and provided that such change or enlargement is in the best interest of the surrounding community and in keeping with the spirit of proper

zoning and planning. Such finding shall apply to specific properties and shall not be applied to other properties in the District. This finding shall be labeled a "Special Exception by Hardship".

1. The Clermont Town Council may grant the change, re-establishment or enlargement of a Non-Conforming use or the enlargement, rebuilding, alteration, repair or replacement of a Non-Conforming structure upon the following findings. These factors are to be considered for Special Exception by Hardship
 - a. The change, re-establishment, enlargement, rebuilding, alteration, repair, or replacement would be no more detrimental to the surrounding area than the existing or previous use.
 - b. The structure cannot economically be modified to be suitable for uses permitted in the district.
 - c. The structure would have to be removed to permit development of the property for uses permitted in the district.
 - d. The structure has such value that removal to permit development of conforming uses would cause economic hardship to the owner (s).
 - e. The proposed change, re-establishment, enlargement, rebuilding, alteration, repair or replacement would not be a detriment to the public good or impair the purpose and intent of this Ordinance.
2. Minimum Information Required for Application to Continue Non-Conforming Use.

Applications submitted to the Clermont Town Council requesting a change, re-establishment, enlargement, rebuilding, alteration, repair, or replacement of a non-conforming use or structure shall include the following information:

- a. The applicant shall bear the burden of providing conclusive evidence to the Clermont Town Council that the use or structure is legally Non—Conforming. This evidence may include, but is not limited to: Business License, Tax Receipts, and Utility Bills.
 - b. The applicant shall submit a plat or an accurate site plan, drawn to scale, showing the dimensions of the lot, size and distance from all property lines; the names of all streets upon which the property is located, and parking spaces.
 - c. If the request is for a Commercial Use or structure, a written description shall be submitted to describe the business. This description shall include the hours of operation, number of employees, equipment used, products made and/or sold, type of signs, and other information needed for the Town Council to reach a decision.
3. Additional Conditions of a non-conforming use.

If the requested change, re-establishment, enlargement, rebuilding, alteration, repair or replacement is approved, the Clermont Town Council may place conditions on the approval to insure the protection of the surrounding area. The applicant is responsible for conformance with these conditions.

SECTION 4-3 ONLY ONE PRINCIPAL BUILDING ON ANY LOT

1. Only one (1) principal building and its customary accessory buildings may hereafter be erected on any lot, except for multi-family buildings and townhouses in those districts where such uses are permitted, and specific buildings approved in the Agriculture I/ Residential III district to be on the same parcel of property and used for specific agrarian purposes. Mobile homes on individual lots shall be the same lot size as for single-family detached dwellings in the same district.
2. A Certificate of Occupancy issued by the Town of Clermont Building Inspector is required in advance of occupancy.

SECTION 4-4. REDUCTION OF LOT AREA PROHIBITED

No lot shall be reduced in size so that lot width, yard requirements, lot area per dwelling unit, setbacks, or other minimum requirements of this Ordinance are not maintained.

SECTION 4-5 STREET ACCESS.

No building shall be erected on a lot which does not abut or have access to a publicly dedicated or maintained street. Access must meet road frontage regulations as set forth in this Ordinance.

ARTICLE V PROCEDURES FOR LAND USE FEES

SECTION 5-1. LANDUSE APPLICATION FEES

- A. Landuse application fees.
Fees for the Administration of the Landuse Regulations as set forth by Subsection C (or as hereinafter set by Resolution by the Town Council), shall be collected prior to action by any Committee, Board, or the Town Council or final action by any Administrative Officer. An application shall not be considered complete until the fee is paid.
- B. No Committee, Board, or Administrative Officer shall waive payment of the required fee except that an amendment to the Landuse Ordinance proposed by the Town Council shall not be assessed a fee. Should the Board of Appeals find in favor of the appellant on an action of alleged error of an Administrative Official, the assessed fee shall be refunded.

C. Application to Town Council.

1. Annexation/De-annexation request.	\$200
2. Rezoning request.	\$350
3. Variance request.	\$200

ARTICLE VI

ESTABLISHMENT OF DISTRICTS

The purpose of this Article is to establish and explain landuse districts used in this Ordinance, to provide for procedures, and to divide the Town of Clermont, Georgia into such landuse districts as may be needed to accomplish the orderly, safe and harmonious growth of the area.

SECTION 6-1 LANDUSE DISTRICTS ESTABLISHED.

For this Ordinance, the Town of Clermont is divided into landuse districts as follows:

- A. Residential I (R-I)
- B. Agriculture Residential III (AR-III)
- C. Agriculture IV (AR-IV)
- D. Highway Business (H-B)
- E. Town Center (T-C)
- F. Planned Residential Development (P-R-D)
- G. Planned Office Development (P-O-D)
- H. Planned Commercial Development (P-C-D)
- I. Planned Industrial Development (P-I-D)
- J. Planned Commercial Farm Development (P-C-F-D)

SECTION 6-2 LANDUSE DISTRICT PROCEDURES.

- A. **DISTRICTS-** Landuse districts are areas of land within the Town which best serve the character and appearance of existing uses and future development. Within each district certain land uses may be required to meet buffer and/or screening requirements or conditional use requirements, intended to promote the separation of incompatible uses and retain the historical character of the community. Where a district boundary line as appearing on the Official Landuse Map divides a lot in single ownership at the time of the enactment of this Ordinance, the requirements for the district in which the greater portion of the lot lies shall be extended to the balance of the lot provided that such extension will not include any part of such, lot more than 35 feet beyond the district boundary line and provided further that this provision shall not apply to a through lot. In the case of a through lot, the restrictions of the district applying to the adjoining lots which front on the same street as the proposed use of the lot shall apply. A through lot being a lot that runs from street to street.
- B. **ADMINISTRATIVE OFFICER-** The Landuse Administrative Officer or his/her officially designated representative shall administer and enforce the provisions of this Ordinance. The Landuse Administrative Officer shall be appointed by the Town Council and shall serve at its pleasure. The Landuse Administrative Officer may also serve in some other capacity as an employee or appointed officer of the Town of Clermont. He/She shall have all administrative powers in connection therewith which are not specifically assigned to some other officer or body. He/She shall have no power to vary or waive Ordinance requirements except as set forth in Section 12-4 Variances.
- C. **BUILDING PERMIT REQUIRED-** No building or land shall hereafter be used or occupied, and no building or part thereof shall be erected, moved or altered except in conformity with the regulations herein specified for the district in which it is located, and

without first obtaining a building and/or occupancy permit, except as hereinafter provided. In the enforcement of the provisions of this Ordinance, the Administrative Officer may withhold building or occupancy permits until all provisions of this Ordinance are complied with or his decision is rescinded by the Town Council.

- D. OFFICIAL LANDUSE MAP- Regardless of the existence of purported copies of the Official Landuse Map which may from time to time be made or published, the Official Landuse Map which shall be located in the Office of the Town Clerk of the Town of Clermont, shall be the, final authority as to the current landuse status of land and water areas, buildings, and other structures in the Town. Changes to the Official Landuse Map shall be entered on the Official Landuse Map promptly after the amendment has been approved by the Town Council, with an entry on the Official Landuse Map as follows: "On (date), by official action of the Town Council, the following change (or changes) were made in the Official Landuse Map: (brief description of change)". The entry shall be signed by the Mayor and attested by the Town Clerk.
- E. AMENDMENTS TO LANDUSE DISTRICT MAP- Although this Ordinance establishes the locations of landuse boundaries as indicated on the Clermont Land Use Ordinance the boundaries may be amended in the future in order to meet changing needs, if evidence is presented and accepted in support of such an amendment. This may be done, however, only if the proposed change is in conformance with the adjacent landuse district and can be shown to be in the best interest of orderly and uniform growth. The Official Landuse Map shall be identified by the signature of the Mayor, attested by the Town Clerk, and bear the seal of the Town under the following statement: "This is to certify that this is the Official Landuse Map referred to in Article VI of the Landuse Ordinance of the Town of Clermont, Georgia, together with the date of the adoption of the Ordinance."
- F. PROCEDURES FOR AMENDMENTS- Requests for amendments to the landuse district boundaries for the Town of Clermont must be made in writing to the Town Council, appropriate fee(s) for the type of amendment as set forth in this Ordinance must be paid in order for request to be considered; after Planning & Zoning Advisory Committee consideration, the recommendation of the Planning & Zoning Advisory Committee shall be forwarded to the Town Council which shall make the final determination at a regular Town Council meeting. Recommendation of the Planning & Zoning Advisory Committee shall be received by the Town Clerk's office at least seven (7) days prior to the Town Council meeting in order to be placed on the agenda. No request will be voted on at any regular Town Council Meeting unless the seven (7) day notice has been met by the person or persons requesting an amendment. The request for an amendment must be published in the legal organ of the Town of Clermont at least 15 days prior to the Planning & Zoning Advisory Committee meeting when the request will be considered. Publication must contain the location requesting change in landuse, what change is requested, date of the Planning & Zoning Advisory Committee hearing when the request will be considered, and a short summary stating the reason for the request. A separate Legal Advertisement must be placed in the legal organ or the Town 15 days prior to a final decision being made by the Clermont Town Council on the rezoning request. The Notice must contain the information contained in the notice published by the Planning and Zoning Advisory Committee prior to the hearing and also the recommendation of the Planning and Zoning Advisory Committee. The decision of the Town Council, after consideration of the recommendation of the Planning & Zoning Advisory Committee is final. A request for a

change in landuse for the same parcel cannot be presented again for a period of twelve months. No changes of any nature shall be made in the Official Landuse Map or matter shown thereon except in conformity with the proceedings set forth in this Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance.

ARTICLE VII

LANDUSE DISTRICT USE PROVISIONS

SECTION 7-1 RESIDENTIAL I (R-1)

Purpose: To provide an area which is limited to low and medium density residential development only.

A. Uses Permitted Inherently:

1. Site built single-family detached dwelling units.
2. Single-family detached industrialized dwelling units
3. Accessory residential uses, including but not limited to,
 - a. Private garage
 - b. Home workshop
 - c. Private recreational facility, such as a swimming pool and bathhouse or cabana, or tennis court, subject to applicable requirements of this Article.
 - 1) Location: Swimming pools accessory to detached, single-family dwellings shall be located in rear or side yards.
 - 2) Setbacks: All swimming pools shall be located at least ten (10) feet from all property lines.
 - 3) Fencing: Swimming pools must be enclosed by a fence or wall at least four (4) feet in height (or as otherwise specified in any applicable swimming pool code or building code) and maintained in good condition with a gate.
 - d. Greenhouse
 - e. Private storage buildings. Storage buildings cannot exceed 600 square feet in floor space and only one such storage building will be allowed for each single-family residence.
 - f. Governmental Buildings.

B. Uses Permitted Subject to Planning and Zoning Advisory Committee Hearing and approval by the Town Council.

1. Municipal, county, state and other public uses, including parks and playgrounds but not including private cemeteries or private perpetual care cemeteries.
2. Churches or other places of worship including cemeteries.
3. Sub-stations for electrical transformers, cable T. V. and gas regulators.
4. Home Occupations, Yearly Review by the Town Council.
5. Fraternal Organizations or Private Clubs.

C. Uses Permitted by Special Exception of Town Council.

1. Additional parking on other than the principal lot.
2. Unclassified uses meeting the requirements of Article XI and the procedural requirements of Article XII.

D. Specific Requirements and Restrictions:

1. One family per residence. No multi-family units. Building Permit and Occupancy permit required.
2. The minimum heated floor area requirement is nine hundred (900) square feet.
3. All roof surfaces shall have a minimum pitch of 4:12 (four inches of rise for every 12 inches of run), except that mansard and gambrel roofs must meet this requirement only for those surfaces that rise from the eaves.
 - All roof surfaces exposed to view shall be covered with asphalt or fiberglass shingles, wood shakes or singles, standing seam (noncorrugated) metal, or corrugated metal that simulates standing seam or other architectural roof products, clay tiles, slate, or similar materials.
 - Minimum roof overhang shall be 6 inches, excluding gutters, along all sides of the dwelling.
 - The exterior siding materials shall consist of wood, masonry, concrete, stucco, Masonite, metal, fiber cement, vinyl lap or other materials of like appearance.
 - Be attached to a permanent foundation.

E. Lot Requirements and Setbacks.

1. Lots of Record: Must have been platted and recorded with the Hall County Clerk of Superior Court prior to the effective date of this Ordinance, and actually exist as so shown or described. All setback and landuse requirements of the district must be met in order to receive approval, provided, however, that a Variance of Setback

requirements can be granted by the Town Council where it is proved that strict adherence to setback regulations set forth in this Code will create a hardship and/or render the lot unusable. Building plans must be consistent with State Health Codes and the State mandatory building codes.

2. Lot size: Lots must contain **two acres** of land (except Lots of Record) and established in such a way as to meet road frontage, setback and landuse requirements contained in this Ordinance.
3. **Setbacks:**
 - a. **Front-sixty-five feet** from the center line of the street or road in front or forty feet from the property line, whichever is greater;
 - b. **Rear- twenty-five feet** from the rear property line; **Side-fifteen feet** from each side line.
 - c. **Corner Lots**-minimum setback adjacent to the side of the residence shall be thirty feet from the property line or fifty-five feet from the center line of the side street, whichever is greater
 - d. **Accessory buildings** which contain **400 feet or less** of floor space
 - 1) shall be a minimum of 2 feet from back and side property lines.
 - 2) The building shall be a minimum of 65 feet from the centerline of the highway on the front side of the property, except that any well—house or like building may be placed within 65 feet of the centerline of the highway.
 - 3) Roof of accessory buildings must match that of the dwelling unit.
 - 4) The placement of any accessory building as immediately described above is subject to review by the Building Inspector. The Building Inspector shall review the placement for purposes of determining whether the building interferes with the flow of traffic by blocking views of the road, as set forth in Section 9-2 K.
 - 5) **Accessory buildings** which contain **more than 400 square feet** of floor space shall be a minimum of 25 feet from any property line.
4. **Only One Principal Building on Any Lot:** Only one principal building and its customary accessory building(s) may hereafter be erected on any lot.
5. **Reduction of Lot Prohibited:** No lot shall be reduced in size so that the lot area per dwelling unit, setbacks or other requirements of this Ordinance are not maintained. (See subdividing of property also)
6. **Street Access:** No building shall be erected on any lot which does not abut or have access to a publicly dedicated or maintained street.
7. **Road Frontage:** 75 feet of frontage on a publicly dedicated or maintained street, road or highway, if served by a public utility water line and 100 feet of frontage

if served by a well. Easements of 75 feet or 100 feet as required by the above, which connects property to a publicly dedicated or maintained street, road or highway will be recognized, provided the easement is established by written form and cannot be revoked by present or future property owners.

8. **Off-Street Automobile Parking:** Off-street automobile parking shall be provided on every lot.
9. **Maximum Lot Coverage:** The maximum residential structure coverage upon the lot shall be 20% which includes the principal building and all accessory buildings permitted on the same lot.
10. **Minimum Open Area: Residential:** The minimum residential open area on a lot shall be 80% which includes the area devoted to lawns, set-backs, buffers, landscaped areas, natural areas, outdoor recreation areas, and similar types of uncovered open area and maintained in plant cover, and EXCLUDING storage areas for materials, boats or vehicles.

SECTION 7-2 AGRICULTURAL-RESIDENTIAL III (AR-III)

Purpose: To provide an area which is limited to low-density residential development and agricultural related purposes.

A. Uses permitted in AR-III district include

1. Residences:
 - a. Site built single-family detached dwelling units.
 - b. Single-family detached industrialized dwelling units.
 - c. Caretaker and/or employee residence.
2. Accessory farm uses including the sale of products grown on the premises, and the keeping of livestock and poultry.
3. Accessory residential uses that are incidental to the use of property as a residence, including, but not limited to,
 - a. Private garage
 - b. Detached home workshop
 - c. Private recreational facility, such as a swimming pool and bathhouse or cabana, or tennis court, subject to applicable requirements of this Article.
 - 1) Location. Swimming pools accessory to detached, single-family dwellings shall be located in rear or side yards.
 - 2) Setbacks. All swimming pools shall be located at least ten (10) feet from all property lines.

- 3) Fencing. Swimming pools must be enclosed by a fence or wall at least four (4) feet in height (or as otherwise specified in any applicable swimming pool code or building code) and maintained in good condition with a gate.

d. Greenhouse

4. Agricultural or Horticultural Uses.
5. Churches and other places of worship
6. Commercial Fishing Ponds
7. Municipal, county, state and other public uses, including parks and playgrounds.
8. Portable sawmills
9. Private Schools
10. Radio and Transmission Towers.
11. Sub-stations for electrical transformers, cable T. V. and gas regulators.
12. Poultry Houses and Barns.
13. Governmental Buildings.

B. Uses Permitted Subject to Planning & Zoning Advisory Committee Hearing and Approval by the Clermont Town Council.

- a. Airfield (private). Customary Home Occupations, Yearly Review.
- b. Fraternal Organizations or Private Clubs.
- c. Nursery/Daycare Facility.
- d. Recreational and/or Cultural Uses of a Commercial nature.
- e. Rural Businesses.
 - (1) Buildings for storage and sale of agricultural forestry, animal or poultry wastes.
 - (2) Home Office (No outside sign). Parking Provided in the rear of the building.

C. Uses Permitted by Special Exception of Town Council.

1. Additional Parking on other than the principal lot.
2. Unclassified uses meeting the requirements of Article XI and the procedural requirements of Article XII.

D. Specific Requirements and Restrictions:

1. One family per dwelling unit. One main dwelling unit per acre parcel and customary accessory buildings. Building Permit and Occupancy permit required.

E. Lot Requirements and Setbacks:

1. Lots of Record: Must have been platted and recorded with the Hall County Clerk of Superior Court prior to the effective date of this Ordinance, and exist as so shown or described. All setback and landuse requirements of the district must be met to receive approval, provided, however, that a Variance of Setback requirements can be granted by the Town Council where it is proved that strict adherence to setback regulations as set forth in this Code will create a hardship and/or render the lot unusable. All building plans must be consistent with State Health Codes and State mandatory building codes.

2. **Lot Size: Residential-** Single-family: two acres of land must be dedicated to each single-family residence and meet all road frontage and setback requirements. Mobile homes are included. Lots of Record will be recognized as stated in E. 1.

3. **Setbacks: Residential:**

Front: sixty-five feet from the center line of the street or road in front or forty feet from the property line, whichever is greater;

Rear: twenty-five feet from the property line; Side: fifteen feet from the property line;

Corner Lots: minimum setback adjacent to the side of the residence shall be thirty-five feet from the property line or fifty-five feet from the center line of the side street, whichever is greater. Seventy-five feet of road frontage is required for each residence if served by public utility water lines and 100 feet of road frontage if served by a well.

4. **Accessory Buildings - Poultry Houses and Barns:**

- a. No Commercial poultry house or structure for the keeping of livestock for commercial purposes shall be constructed closer than one hundred fifty (150) feet from Front, Side and Rear property lines.
- b. No structure be located closer than three hundred (300) feet from any dwelling other than those located on the same parcel of land and owned by the same person(s) as the poultry house(s) and/or barn (s).
- c. When more than one poultry house and/or barn is located on a parcel of land, the distance between each such structure shall be a minimum of fifty (50) feet.
- d. Poultry houses and barns may be served by a private drive provided the drive abuts an improved street, road or highway and is constructed of dust-free materials and maintained on a regular basis in such a manner that will prevent run-off or erosion to the abutting properties.

5. **Private garage, detached workshop, greenhouse, and pool house** shall maintain the same setback requirements as for residential structures in the same district.
6. **Churches and other places of worship** shall be located on a minimum of five (5) acres and shall maintain the following setbacks
Front: 100 feet from the centerline of the street, road or highway in front or 75 feet from the property line, whichever, is greater;
Sides: 40 feet from the property lines;
Rear: 40 feet from the rear property line. 40 feet shall be maintained between all buildings. This does not include cemeteries.
7. **Commercial fishing ponds** must be approved and designed by the Corp of Engineers and meet all safety standards which may be required to protect the surrounding property owners. Ingress must be provided on a publicly maintained and approved road or street in the state, county, city or town road system. Minimum acreage: five acres.
8. **Municipal, county, state and other public uses**, including parks and playgrounds shall maintain the same setback requirements as for residential structures in the same district, for any buildings constructed. Additional requirements may be deemed necessary, such as buffers, depending on the nature of the use. Such additional requirements will be set by the Town Council.
9. **Portable sawmills**-all setback requirements, buffers, etc. will be set by the Town Council at the time of hearing.
10. **Private Schools**- shall be located on a minimum of ten (10) acres and shall be subject to the following requirements: Setbacks—
Front: 100 feet from the centerline of the street, road or highway in front or 75 feet from the property line, whichever, is greater;
Sides: 40 feet from the property lines and 40 feet from any other building;
Rear: 40 feet from the rear property line. Only the customary accessory buildings will be allowed on the same lot.
11. **Sub-stations for electrical transformers, cable t. v., and gas regulators** shall be subject to county, state or federal guidelines, whichever is stricter. If no such guidelines exist, the Town Council shall impose such guidelines it deems necessary to protect the wellbeing of town residents.
12. **Rural Business:**
 - a. A rural business shall be a small office or small-scale retail service or sales type business which shall be secondary or incidental to the primary use of the property for agriculture or residential purposes.
 - b. Such business shall be primarily directed toward providing local or neighborhood services to rural residential areas.

- c. Rural businesses shall be like home occupations except that the activity can occur in an accessory structure detached from the principal residence.
- d. If located in a detached structure the setback requirements as for residential structures, plus fifteen (15) additional feet from all property lines, shall apply.
- e. The structure(s) which houses the rural business must be located on the side or rear of the property.
- f. Structure(s) for rural businesses shall not exceed 1000 square feet in total floor area. Only one employee, excluding family members, shall be permitted.

13. Buildings for storage and sale of agricultural forestry, animal or poultry wastes.

Town Council shall set all restrictions, setbacks, buffers, etc. required to protect the surrounding property owners at the time of the hearing.

SECTION 7-3 AGRICULTURAL-IV (AR-IV)

Purpose: To provide an area which is limited to low-density residential development and agricultural related purposes.

A. Uses permitted in AR-IV district include

- 1. Residences:
 - a. Site built single-family detached dwelling units.
 - b. Single-family detached industrialized dwelling units.
 - c. Caretaker and/or employee residence.
- 2. Accessory farm uses including the sale of products grown on the premises, and the keeping of livestock and poultry.

Accessory residential uses that are incidental to the use of property as a residence, including, but not limited to,

- a. Private garage
- b. Detached home workshop
- c. Private recreational facility, such as a swimming pool and bathhouse or cabana, or tennis court, subject to applicable requirements of this Article.
 - 1) Location. Swimming pools accessory to detached, single-family dwellings shall be located in rear or side yards.

2) Setbacks. All swimming pools shall be located at least ten (10) feet from all property lines.

3) Fencing. Swimming pools must be enclosed by a fence or wall at least four (4) feet in height (or as otherwise specified in any applicable swimming pool code or building code) and maintained in good condition with a gate.

d. Greenhouse

3. Agricultural or Horticultural Uses.

4. Churches and other places of worship

5. Commercial Fishing Ponds

6. Municipal, county, state and other public uses, including parks and playgrounds.

7. Portable sawmills

8. Private Schools

9. Radio and Transmission Towers.

11. Sub—stations for electrical transformers, cable T. V. and gas regulators.

12. Poultry Houses and Barns.

13. Governmental Buildings.

B. Uses Permitted Subject to Planning & Zoning Advisory Committee Hearing and Approval by the Clermont Town Council.

1. Airfield (private). Customary Home Occupations, Yearly Review.

2. Fraternal Organizations or Private Clubs.

3. Nursery/Daycare Facility.

4. Recreational and/or Cultural Uses of a Commercial nature.

5. Rural Businesses.

6. Buildings for storage and sale of agricultural forestry, animal or poultry wastes.

7. Home Office (No outside sign)

a. Parking Provided in the rear of the building.

C. Uses Permitted by Special Exception of Town Council.

1. Additional Parking on other than the principal lot.
2. Unclassified uses meeting the requirements of Article XI and the procedural requirements of Article XII.

D. Specific Requirements and Restrictions:

One family per dwelling unit. One main dwelling unit per acre parcel and customary accessory buildings. Building Permit and Occupancy permit required.

E. Lot Requirements and Setbacks:

1. Lots of Record: Must have been platted and recorded with the Hall County Clerk of Superior Court prior to the effective date of this Ordinance, and exist as so shown or described. All setback and landuse requirements of the district must be met to receive approval, provided, however, that a Variance of Setback requirements can be granted by the Town Council where it is proved that strict adherence to setback regulations as set forth in this Code will create a hardship and/or render the lot unusable. All building plans must be consistent with State Health Codes and State mandatory building codes.

3. Lot Size: Residential- Single-family: two acres of land must be dedicated to each single-family residence and meet all road frontage and setback requirements. Mobile homes are included. Lots of Record will be recognized as stated in E.1

4. Setbacks: Residential:

Front: sixty-five feet from the center line of the street or road in front or forty from the property line, whichever is greater;

Rear: twenty-five feet from the property line; Side: fifteen feet from the property line;

Corner Lots: minimum setback adjacent to the side of the residence shall be thirty-five feet from the property line or fifty-five feet from the center line of the side street, whichever is greater. Seventy-five feet of road frontage is required for each residence if served by public utility water lines and 100 feet of road frontage if served by a well.

5. Accessory Buildings- Poultry Houses and Barns:

- No Commercial poultry house or structure for the keeping of livestock for commercial purposes shall be constructed closer than one hundred fifty (150) feet from Front, Side and Rear property lines;
- nor shall such a structure be located closer than three hundred (300) feet from any dwelling other than those located on the same parcel of land and owned by the same person(s) as the poultry house(s) and/or barn (s).
- When more than one poultry house and/or barn is located on a parcel of land, the distance between each such structure shall be a minimum of fifty (50) feet.
- Poultry houses and barns may be served by a private drive provided the drive abuts an improved street, road or highway and is constructed of dust-free materials and maintained on a regular basis in such a manner that will prevent run-off or erosion to the abutting properties.

5. **Private garage, detached workshop, greenhouse, and pool houses** shall maintain the same setback requirements as for residential structures in the same district.
6. **Churches** and other places of worship shall be located on a minimum of five (5) acres and shall maintain the following setbacks—
 - **Front:** 100 feet from the centerline of the street, road or highway in front or 75 feet from the property line, whichever, is greater;
 - **Sides:** 40 feet from the property lines;
 - **Rear:** 40 feet from the rear property line. 40 feet shall be maintained between all buildings. This does not include cemeteries.
7. **Commercial fishing ponds** must be approved and designed by the Corp of Engineers and meet all safety standards which may be required to protect the surrounding property owners. Ingress must be provided on a publicly maintained and approved road or street in the state, county, city or town road system. Minimum acreage: five acres.
8. **Municipal, county, state** and other public uses, including parks and playgrounds shall maintain the same setback requirements as for residential structures in the same district, for any buildings constructed. Additional requirements may be deemed necessary, such as buffers, depending on the nature of the use. Such additional requirements will be set by the Town Council.
9. **Portable sawmills** all setback requirements, buffers, etc. will be set by the Town Council at the time of hearing.
10. **Private Schools** shall be located on a minimum of ten (10) acres and shall be subject to the following requirements: Setbacks—
 - **Front:** 100 feet from the centerline of the street, road or highway in front or 75 feet from the property line, whichever, is greater;
 - **Sides:** 40 feet from the property lines and 40 feet from any other building;
 - **Rear:** 40 feet from the rear property line. Only the customary accessory buildings will be allowed on the same lot.
11. **Sub-stations** for electrical transformers, cable t. v., and gas regulators shall be subject to county, state or federal guidelines, whichever is stricter. If no such guidelines exist, the Town Council shall impose such guidelines it deems necessary to protect the wellbeing of town residents.
12. **Rural Business: Intent -**
 - A rural business shall be a small office or small-scale retail service or sales type business which shall be secondary or incidental to the primary use of the property for agriculture or residential purposes.
 - Such business shall be primarily directed toward providing local or neighborhood services to rural—residential areas.

- Rural businesses shall be like home occupations except that the activity can occur in an accessory structure detached from the principal residence.
- If located in a detached structure the setback requirements as for residential structures, plus fifteen (15) additional feet from all property lines, shall apply.
- The structure(s) which houses the rural business must be located on the side or rear of the property.
- Structure(s) for rural businesses shall not exceed 1000 square feet in total floor area. Only one employee, excluding family members, shall be permitted.

13. Buildings for storage and sale of agricultural forestry, animal or poultry wastes.

Town Council shall set all restrictions, setbacks, buffers, etc. required to protect the surrounding property owners at the time of the hearing.

SECTION 7-4 H-B HIGHWAY BUSINESS (HB)

Purpose: to provide an area which is primarily dedicated to the establishment of those businesses as set forth in this Ordinance as a Highway Business District

A. Uses Permitted Inherently:

1. Any retail or retail service establishment, including the making of articles sold at retail on the premises, providing such manufacturing is incidental to the retail business or service, occupies less than 40 percent of the floor area and employs no more than five (5) operators. Tire recapping facilities shall not be included.
2. Bank or Financial Establishments.
3. Bus Stations.
4. Churches.
5. Motels, hotels, tourist courts.
6. Municipal, county, state or public use.
7. Offices and Office Buildings. Offices, with a gross floor area not exceeding 25 percent of lot area (No more than four units).
8. Parks for leisure and scenic appeal.
9. Radio and Television Studios.
10. Radio, cell and television transmission towers.
11. Restaurants.
12. Service Stations, provided that all structures and buildings, including underground storage tanks, shall be placed not less than 25 feet from any property line. If on a

corner lot, the means of ingress and egress shall be provided not less than 15 feet from any intersection. Tire recapping facilities shall not be included.

13. Public Storage Facilities
14. Planned Unit Development on a minimum of 10 acres.
15. Automobile Repair Garages, shall not include Junk Yards or Automobile Storage Yards.
16. Light Manufacturing, no retail outlet space. No more than 15, 000 square feet of floor space, entirely contained in one building, and, no more than 20 operators or employees
17. Governmental Buildings
18. Subdivisions.
19. Family day care home.
20. Group day care home.
21. Construction trailer
22. Dental laboratories.

B. Uses Permitted Subject to Planning and Zoning Advisory Committee Hearing and Approval by the Town Council.

1. Business and/or Shopping Centers.
2. Recreational and/or Cultural Uses of a commercial nature.
3. Truck Terminals, provided that the means of ingress and egress shall be provided onto a major artery, a public hearing being required. If on a corner lot, means of ingress and egress shall be 15 feet from any intersection
4. Warehousing.
5. Manufacturing and fabrication as inside uses which occupy no more than 1,000 square feet of floor area, provided all materials produced shall be sold on the premises.
6. Veterinary clinics or animal hospitals, provided that all animals are housed within the clinic building, with exercise yards but no outside pens or runways, in a manner that eliminates any objectionable noise or odor to adjacent properties.

C. Uses Permitted by Special Exception of Town Council.

1. Additional parking on other than the principal lot
2. Unclassified uses meeting the requirements of Article XI and the procedural requirements of Article XII.

D. Specific Requirements and Restrictions:

One principal building per parcel or lot except for Planned Unit Development which shall be on a minimum of ten (10) acres. Building Permit and Occupancy Permit Required.

E. Lot Requirements and Setbacks:

1. **Lots of Record:** Must have been platted and recorded with the Hall County Clerk of Superior Court prior to the effective date of this Ordinance and exist as so shown or described. All setback and landuse requirements of the district must be met to receive approval, provided, however, that a Variance of Setback requirements can be granted by the Town Council where it is proved that strict adherence to setback regulations as set forth in this Code will create a hardship and/or render the lot unusable. Building plans must be consistent with State Health Codes and State mandatory building codes.
3. **Lot Size:** Lots must be a minimum of one (1) acre, with a minimum of 100 feet frontage on an improved, publicly dedicated road, street or highway.
4. **Setbacks:**
 - Front: Seventy—five (75) feet from the centerline of the road, street or highway in front or fifty (50) feet from the property line, whichever is greater.
 - Side: thirty (30) feet from the property line.
 - Rear: thirty (30) feet from the property line.
5. **Accessory buildings:**
 - a. Only one customary accessory building shall be allowed on each lot.
 - b. Setbacks for accessory buildings; Accessory buildings which contain 300 square feet or less of floor space shall be a minimum of 2 feet from the back and side property lines.
 - c. The building shall be a minimum of 65 feet from the centerline of the highway in front, except that any well-house or like building may be placed within 65 feet of the centerline of the highway.
 - d. The placement of any accessory building as immediately described above is subject to review by the Building Inspector.

- e. The Building Inspector shall review the placement for purposes of determining whether the building interferes with the flow of traffic by blocking views of the road, as set forth in Section 9-2. K.

SECTION 7-5 TOWN CENTER (T-C)

Purpose: To provide an area in downtown as defined by the Town of Clermont zoning map which would allow varied uses, adaptable to the historic buildings located in the district, and to provide protection for the heritage shown by the presence of these historic buildings which were anchors for the establishment of Clermont as a town.

A. Uses Permitted Inherently:

1. Residential - Single family only.
2. Bed and Breakfast Inn.
3. Municipal, county and state uses including parks and playgrounds.
4. Libraries.
5. Office, but not including:
 - a. Handling of merchandise for sale or rent;
 - b. Services involving movement to and from the site of employees or contract personnel who work primarily at other locations; or
 - c. Medical outpatient treatment facilities.
 - d. Retail and services uses (not including warehousing or storage of materials, equipment or vehicles) as follows:
6. Antique shop.
7. Art gallery or museum.
8. Commercial bank, saving institution or credit union.
9. Beauty and/or barber shop.
10. Book store.
11. Craft shop (sale of crafted merchandise)
12. Florist.
13. Gift, toy or candy shop.
14. Restaurant primarily serving customers at tables; no drive-through service.

15. Grocery and food-related items, retail sales only.
16. Swap & Shop (NO outside display).
17. Light manufacturing or assembly of materials
18. Governmental Buildings.

B. Uses Permitted Subject to Planning and Zoning Advisory Committee Hearing and Approval by the Clermont Town Council.

1. Swimming Pool.
2. Greenhouse.
3. Storage building.
4. Fraternal Organizations.

C. Uses Permitted by Special Exception of Town Council.

1. Additional Parking on other than the principal lot.
2. Unclassified uses meeting the requirements of Article XI and the procedural requirements of Article XII.

D. Specific Requirements and Restrictions.

Only one inherent use permitted per building, lot or parcel. Only one additional use as permitted by Town Council action may be combined per building, lot or parcel. Use must not be detrimental to the historic character of the building.

E. Lot Requirements and Setbacks:

1. **Lots of Record:** Must have been platted and recorded with the Hall County Clerk of Superior Court prior to the effective date of this ordinance, and exist as so shown or described. All existing buildings must meet Fire Safety Codes as prescribed by the Hall County Fire Marshall. All code standards must be met before business license is issue.
2. **Lot size:** No lot or parcel of land platted and recorded as a lot of record, prior to the effective date of this ordinance, shall be permitted to be reduced in size or shape.
3. **Setbacks:** Existing buildings shall be exempt from compliance with setback regulations provided that no existing building may be enlarged, remodeled, moved or restored in a way which would further reduce the existing setbacks to less than the standard:
 - Front: 65 feet from the centerline of the street, road, or highway in front;
 - Sides: 15 feet from the property line on each side line;
 - Rear: 25 feet from the rear property line.
 - For a Lot of Record to be used as a building site, all standard setbacks listed must be met.

4. **Occupancy Permit Required:** No building, or structure shall be occupied without first obtaining an occupancy permit from the Building Inspector, who may require whatever inspections deemed necessary to protect the health, welfare and safety of the public. No business license . will be issued before an occupancy permit is obtained. **Hall County health department standards must be met and maintained.**

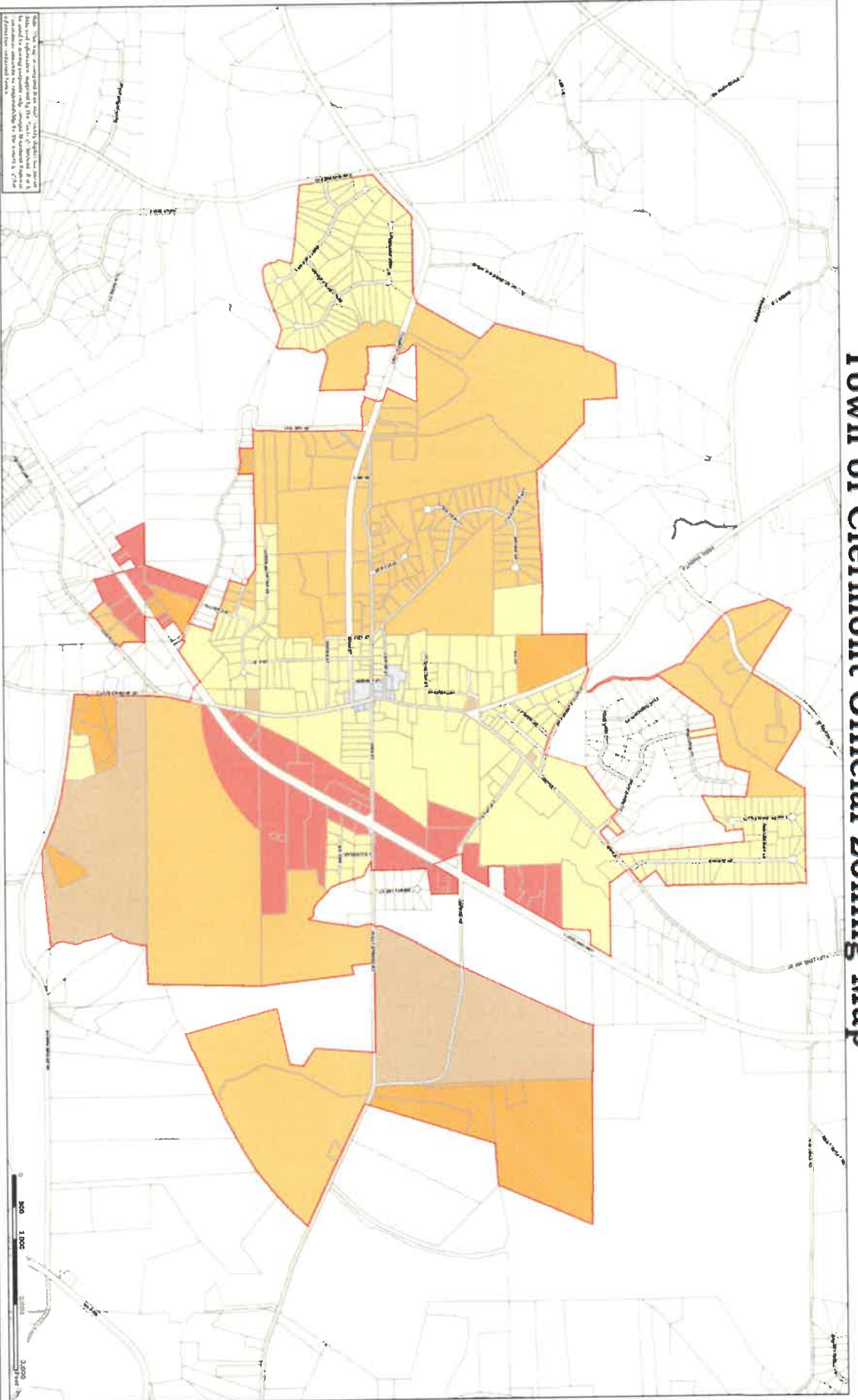
TOWN CENTER DISTRICT TO CONSIST OF PARCEL'S:

PARCEL NUMBER OWNER (AS OF 12/4/18)

12-063A 003 007	CLERMONT MASONIC LODGE
12-0063 003 004	LOIS A DOVER
12-064A003 005	CLERMONT HOTEL-ROBIN COLLINSON/ PHYLLIS HENSON
12-064A 001 002	GALLERIA BLDG -TOWN OF CLERMONT
12-064A 001 003	TOWN OF CLERMONT
12-064A 001 004	TOWN OF CLERMONT
12-064A 002 003	TOWN OF CLERMONT
12-063A 001 004	RICK GAILEY
12-063A 001 004A	JIMMY MCDONALD
12-063A 001 005	BETTY DALTON
12-063A 001 007	CGI REAL ESTATE DIVISION LLC

NO OTHER PARCELS ARE INCLUDED IN THE TOWN CENTER DISTRICT
AND THE USES PERMITTED IN THE TOWN CENTER DISTRICT ARE THE
ONLY APPLICABLE USES FOR WHICH THESE PROPERTIES CAN BE USED UNLESS
A SPECIAL EXCEPTION IS GRANTED BY THE CLERMONT TOWN COUNCIL.

Town of Clermont Official Zoning Map



This is to certify that this is the Official Zoning Map referred to in the Zoning Ordinance, Town of Clermont.

Approved: _____

James M. Myers

Mayor, Town of Clermont

Adopted: _____

James M. Myers

Mayor, Town of Clermont

Amendments Included Through July 11, 2017

- Legend**
- City Limits
 - Hall County Roads 2018
 - Hall County Parcels 2018
 - Zoning Districts
 - R-1, Residential I
 - AG - R-3, Agricultural - Residential III
 - AG - R-4, Agricultural - Residential IV
 - TC, Town Center
 - HB, Highway Business
 - PD, Planned Development



SECTION 7-6 PLANNED DEVELOPMENT DISTRICTS

The purpose of this Article is to provide for Planned Development Districts which shall be located within the present districts in the Town of Clermont.

A. Intent. It is the intent of the Planned Development District to permit and encourage the development of property which would.

1. Allow greater flexibility with respect to development standards and site planning considerations,
2. Be in the best interest of the town in terms of its long-range development plans, and
3. Permit the establishment or mixture of uses which, without proper design and planning, might not be compatible with surrounding uses or zoning districts.

B. Utilization. This District is to be utilized as “floating zone” which shall mean that areas will not be predesignated as planned development districts, but rather each such designation shall result from a specific and separate application for amendment procedures as other districts. Unless otherwise stated in this section, the development standards and the land use which are presented with the application for amendment shall, if approved, become the standards for the subject property and shall become a part of the zoning regulation.

C. General Conditions. An area may be considered for rezoning to planned development district if any one (1) of the following conditions exist:

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

D. Special Requirements. All proposed planned development district applications shall conform to the following specific requirements.

1. The site proposed for planned development district classification must contain an area of not less than five (5) acres. In no case shall the minimum lot size be less than five (5) acres unless specifically approved by the Town Council due to special and unusual circumstances not created by the applicant.
3. The site must abut a public street for a distance of at least one hundred (100) feet.

4. The application for designation as planned development district shall be filed by all of the owners of properties included in the proposed planned development.
5. A suitable plan shall be prepared for the development and this plan shall include the following elements where applicable:
 - a. A site plan drawn to scale by a registered engineer, architect, land surveyor or landscape architect showing the exact dimensions of the parcel or parcels of land under consideration and including the following:
 - 1) All property dimensions, platting and street systems, proposed building sites, sizes, types of use proposed for buildings, measures for protection of abutting properties, means of ingress and egress, access and circulation arrangements, off-street parking and loading facilities, proposed reservations or dedications for streets and other public facilities and a contour map of the site.
 - 2) The plan shall give the name of developers and of the development (if any), a north arrow and scale.
 - 3) If the proposal includes the subdivision of land for any purpose or for the provision of new public streets, the information required above, and any additional information required for the submittal of plats under the subdivision regulations of the town shall be submitted and processed simultaneously under the subdivision regulations as part of the application for planned development district classification. Any requested variation from the standards set forth in the subdivision regulations shall be listed and explained.
6. A written report shall also be submitted which will explain the type, nature, size, intent and characteristics of the proposed development. This report shall include, where applicable:
 - a. A general description of the proposed development and its location.
 - b. The proposed standard for development including restrictions on the use of the property, density standards, yard (setback) requirements and any proposed restricting covenants.
 - c. An explanation of why the proposed development standards are necessary if the above proposed standards vary from existing standards in the zoning ordinance.
 - d. Plans for the provision of utilities, including water, sewer and drainage facilities.
 - e. Plans and methods for protection of abutting properties.

- f. Data stating the total number of acres (or square feet) proposed for each type of land use, including public facilities within the proposed development.
- g. Additional relevant data as may be required by the Town Council.

E. Administrative Procedures.

1. Any request pertaining to the establishment of the planned development district shall be considered an amendment to the zoning ordinance and shall be administered and processed accordingly.
2. All data, plans and specifications presented as part of the planned development district shall, if approved, be adopted as an amendment to the zoning ordinance and shall be the standards of development for that particular planned development.
3. All further development on the property shall conform to the standards adopted for the district, regardless of any change in ownership. Any proposed changes to the approved standards shall be treated as amendments to the zoning ordinance and must be considered in accordance with the amendment procedures. Appeals based upon hardship or an alleged misinterpretation of the ordinance by the building official shall be processed in accordance with procedures set forth in section 15-2 of this ordinance
4. The violation of any provision of the planned development standards as submitted and approved under the provisions here, shall constitute a violation of this section.

F. Classifications.

1. Generally. The following shall be classified as planned development districts, subject to the provisions of this article and to the special provisions of each district.
 - a. PRD- Planned residential development;
 - b. POD- Planned office development;
 - c. PCD- Planned commercial development;
 - d. PID- Planned industrial development;
 - e. PCFD-Planned commercial farm development.
2. **Planned residential development (P-R-D)**
 - a. **Characteristics.** A planned residential development may allow for a more flexible placement, arrangement and orientation of residential structure, the accompanying flexibility in the subdivision of land and the grouping of open space and accessory facilities such as garages and parking. It may also provide for a mixture of housing

types (single-family, two-family, multifamily, etc.) according to a carefully drawn plan. The proposed residential development should make maximum use of natural features, and through proper site planning measures it should conform to the existing character and development pattern of the surrounding area. Every effort should be made to preserve and protect any existing residential uses from adverse impacts which might result from a higher-density development.

b. Required plans. All of the general and special requirements for planned developments shall be provided. The following special items shall also be addressed:

1. The site plan shall indicate the proposed size, location, number of units and number of bedrooms of all residential structures.
2. All streets and common open spaces not proposed for dedication to the town shall have the proposed maintenance and ownership agreements explained in detail.
3. The architectural style and proposed siting of all multifamily structures or zero lot line [or] attached single-family structures shall be indicated.
4. The development controls for the development shall be detailed (lot coverage, setbacks, building heights, lot sizes, etc.). If standards are not specifically proposed, then the applicable standards in the R—I district shall apply.
5. Limited commercial uses may be included within the development; however, they shall be only of convenience neighborhood retail nature intended to serve the needs of the residents of the development unless otherwise specifically approved. Retail uses shall be specified as part of the proposal and limited to ten thousand (10,000) square feet of floor area. Such uses shall be permitted only in planned residential developments of ten (10) acres or larger.
6. A proposed development schedule and a listing of proposed uses shall be provided.

3. Planned office development (P-O-D).

- a. **Characteristics.** A planned office development should contain orderly, well designed office and institutional uses upon a site that results in minimum impact upon the surrounding area. The site plans and building designs should produce a development that can be constructed to achieve maximum utilization of space while maintaining a low-intensity office character protected from more intensive commercial and industrial development and protecting any nearby residential uses. Such a development may also include a limited number of residential and commercial uses.

- b. Required Plans.** All of the general and special requirements for planned developments shall be provided. The following special items shall also be addressed:

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

- 1) The development controls for the district shall be detailed (lot coverage, setbacks building heights, lot sizes, etc.). If standards are not specifically proposed, then the standards shall be set by the Clermont Town Council, together with screening and buffer requirements as deemed necessary to protect surrounding properties.
- 2) If residential uses are proposed in conjunction with the planned office development, then the applicable requirements of the planned residential development district shall be provided.
- 3) A proposed development schedule and a listing of proposed uses shall be provided.

4. Planned commercial development (PCD).

- a. Characteristics.** A planned commercial development shall provide for the maximum attainable commercial usage of property while employing the best aspects of prior planning and development controls to insure:

- 1) Protection of surrounding residential uses.
- 2) Safe access by motorists.
- 3) Minimum traffic congestion.
- 4) A development which is consistent with the long-range plans of the town.
- 5) A limited number of carefully planned residential uses may also be included in a planned commercial development.

- b. Required plans.** All of the general and special requirements for planned developments shall be provided. The following special items shall also be addressed:

- 1) The site plan shall indicate the proposed size, location and number of stories of each commercial structure.
- 2) The entrances, exits and the number and location of all parking spaces shall be shown in detail together with all loading and no parking zones.
- 3) The proposed methods and locations of all buffers shall be described.
- 4) The proposed exterior lighting shall be shown.

- 5) All proposed signs, advertising or identification graphics shall be indicated showing their number, size, height and location.
- 6) The type and number of uses proposed for the commercial development shall be indicated.
- 7) The development controls for the district shall be stated (lot coverage, setbacks, building heights, lot sizes, etc.).
- 8) If residential uses are proposed in conjunction with the planned commercial development, then the applicable requirements of the planned residential development shall be provided.

5. **Planned industrial development (P-I-D).**

- a. **Characteristics.** A planned industrial development should consist of land which has been designated for a planned, organized and controlled industrial use or for multiple but compatible industrial uses in a planned industrial park. The standards employed should be designed to encourage the formation and continuance of a compatible environment for the planned industrial uses and the surrounding land uses. Carefully planned office and commercial uses may be incorporated as part of a planned industrial development.
- b. **Required Plans.** All the general and special requirements for planned developments shall be provided. The following specific items shall also be addressed:
 - 1) A site plan indicating the proposed site preparation and grading, streets and parking areas, loading zones, outdoor storage areas, storm drainage, water, gas and sewage systems and all buffer areas.
 - 2) The development controls for the districts shall be detailed (lot coverage, setback, building heights, lot sizes, etc.).
 - 3) If office or commercial uses are proposed in conjunction with the planned industrial development, then the applicable requirements in the planned office development or the planned commercial development shall be provided.
 - 4) A proposed development schedule and listing of proposed uses shall be provided.

6. **Planned commercial farm development (P-C-F-D)**

- a. **Characteristics and Intent.** The land within the town designated as planned commercial farm development (P-C-F-D) shall be represented by large district areas of at least thirty-five acres or more that are devoted to intensive agricultural production in the areas of food crops, fiber crops, animal feed, poultry, livestock and commercial timber production. Individual farms within the district area cannot be smaller than five acres. Areas within this zone are not intended to be used for small-scale farming, gardening, small poultry operation or idle pasture land that

are more appropriately located in the Agricultural/ Residential or other zoning districts. The land should be in use for good faith farming or agriculture uses worthy of protection and preservation

- b. The use of area designated as P-C-F-D may result in odors, dust, noise or other effects that may not be compatible with single-lot residential development. Specific setback and buffer requirements designed for (PCFD) shall apply just as they do within commercial and industrial districts to minimize the adverse effects of the farm uses.
- c. In order for a parcel to be considered for rezoning to PCFD the parcel must have qualified for and be under the Preferential Agricultural Assessment.
- d. If, after a tract is rezoned to PCFD, the land is not actively used for intensive commercial agricultural purposes, the town may, at its discretion, initiate procedures for a zoning review and possible rezoning of the property. An automatic review of the zoning will occur at the end of the first year after the date of the original zoning to PCFD.
- e. **Uses Permitted** The uses which may be included in this district which do not require specific site plans or specific approval for expansion are as follows:
 - 1) Active agricultural uses including but not limited to the raising of food crops, animal feed crops, fiber crops, poultry and livestock;
 - 2) One primary site-built residence for the owner or operator of the agricultural activity;
 - 3) Accessory residential structures and barns, poultry houses and similar buildings if they are directly related to and necessary for the residential or agricultural use of the property;
 - 4) Wholesale and retail sales of agricultural products raised on the property;
 - 5) The replacement of poultry houses and/or barns including nonconforming ones provided the replacement structure is built on the exact same location and is no larger than the original structure.
- f. **Uses Requiring Specific Approval.** Any other use not listed above would require specific approval in the initial zoning or through specified process. The types of uses anticipated within this district and the applicable standards are as follows:
 - 1) **Uses requiring approval by the Town Council**
 - a) Home occupations;
 - b) Residential businesses;
 - c) Rural businesses.

d) Caretaker or employee residence.

- 2) **Uses requiring plan amendment:** Any other use not listed as permitted inherently or in subparagraph a. and/or b. shall require an amendment to the plan as originally submitted and approval of the Town Council.

g. Lot Size, Setbacks, Etc.

- 1) The minimum district area for rezoning shall be thirty-five acres. The minimum individual parcel size within the district shall be five acres. A district may contain one or more contiguous parcels totaling thirty-five acres. Parcels directly across from each other but divided by a public road right-of-way shall be considered contiguous.
- 2) Unless otherwise approved, the following standards shall apply to areas zoned PCFD with the exception of the minimum lot size and frontage for the primary and secondary tracts, which shall not be reduced. Any other standards should be shown on the site plan and justification for the alternate standards should be given.
- a) Minimum district area, thirty-five acres,
 - b) Minimum lot size, five acres,
 - c) Minimum frontage, One hundred feet,
 - d) Requirements apply to any new tract created by the subdivision of a farm and do not apply to lots of record.

3) Setbacks.

- **Front.** Sixty-five feet from the center line of the road or forty feet from the front property line including barns and poultry houses
 - **Side.** Fifteen feet for residences and accessory structures.
 - **Rear.** Twenty-five feet for residences and accessory structures.
- 4) **Buffers.** Buffers may be required where PCFD boundaries are adjacent to areas zoned RI or PRD. They may be required upon later request for amendment to the PCFD if the above reference zones have been established adjacent to the PCFD.
- 5) **Required Plans.** All the special requirements of planned developments shall apply except that no detailed site plan will be required if only inherently permitted uses are proposed for the property. An appropriate written report will be the minimum required. The written report shall list all existing and proposed uses and structures on the principal and secondary tracts. If farming uses or structures other than those listed as permitted inherently are proposed, then a site plan as described in the special requirements shall be provided.

7. Special Planned Commercial Development Districts Due to Special and Unusual Circumstances.

Special and Unusual Circumstances. The Town of Clermont, by Ordinance 98-03 on July 7, 1998 designated three tracts of property, that have the special and unusual circumstances of being legal non-conforming uses. These three tracts are currently the only properties within the Town of Clermont that are legal non-conforming uses, and the Town Council, after following the procedures of O.C.G.A. S 36-66-1 et seq. and its zoning ordinance, including but not limited to notice and publication of the proposed zoning text amendment and zoning map amendment regarding said properties, and in accordance with the Town's standards regarding the exercise of the zoning power, finds that it is appropriate that said properties be zoned as planned commercial districts in order to accord the property owners a reasonable use of their property, as well as knowledge as to what uses will be inherently permitted upon the properties, and provide such uses that will be compatible with the surrounding area . Therefore, the Town Council hereby provides for these special planned commercial districts, and provides that the following properties shall be designated as special planned commercial districts:

- a. **William R. Strickland Property.** The first special planned commercial district is Hall County Tax Map Parcel No. 12064 000 004A, and currently being designated as 260 Main Street, and currently being owned by William R. Strickland on 12/4/18.

1) Uses Permitted Subject to Rezoning Approval

- a) Funeral home
- b) Bed and breakfast inn
- c) Offices and office building
- d) Gift shop
- e) Retail clothing store
- f) Antique shop
- g) Furniture refinishing shop
- h) Beauty shop

2) Uses Permitted Subject to Rezoning Approval:

The owner, or other proper applicant as to said property (including but not limited to a zoning application brought by the Town Council of the Town of Clermont, Georgia) , by way of a rezoning application, following the procedures of O.C.G.A S 36-66-1 et seq. and the Planning and Zoning Ordinance of the Town of Clermont, Georgia, by way of a zoning map amendment, may be entitled to other uses, reasonable for the property, so long as said uses are compatible with the surrounding area, and are authorized by the

Town Council pursuant to the standards governing the exercise of the zoning power by the Town Council of the Town of Clermont, Georgia.

3) Specific Requirements and Restrictions.

Only one inherent use permitted per building, lot or parcel. Only one additional use as permitted by Town Council action may be combined per building, lot or parcel. To further protect the surrounding residential areas from any adverse effects, due to the commercial use of the subject property (unless a variance for good cause shown and including reasonable conditions to protect the surrounding residential areas is granted by the Town Council), the hours of operation for any commercial use of the property shall be from 7:00 a.m. until 10:00 p.m. and all (commercial) activity shall cease during the night hours of 10:00 p.m. until 7:00 a.m. In this manner, the residential character of the area will be maintained and protected.

4) Lot Requirements and Setbacks:

- a) **Lot of Record:** Must have been platted and recorded with the Hall County Clerk of Superior Court prior to the effective date of this ordinance, and actually exist as so shown or described. All existing buildings must meet Fire Safety Codes as prescribed by the Hall County Fire Marshall. All code standards must be met before occupational tax license is issued.
- b) **Lot size:** No lot or parcel of land platted and recorded as a lot of record, prior to the effective date of this ordinance, shall be permitted to be reduced in size or shape.
- c) **Setbacks:** Existing buildings shall be exempt from compliance with setback regulations provided that no existing building may be enlarged, remodeled, moved or restored in a way which would further reduce the existing setbacks to less than the standard:
 - Front: 65 feet from the centerline of the street, road, or highway in front;
 - Sides 30 feet from the property line on each side line;
 - Rear 30 feet from the rear property line
 - For a Lot of Record to be used as a building site, all standard setbacks listed must be met.
- d) **Occupancy Permit Required:** No building, or structure shall be occupied without first obtaining an occupancy permit from the Building Inspector, who may require whatever inspections deemed necessary to protect the health, welfare and safety of the general public. No occupational tax license will be issued before an occupancy permit is

obtained. Hall County Health Department standards must be met and maintained.

- e) **Characteristics:** The current structure upon each property, as well as said structure's size, location and number of stories, shall serve as the site plan for said structure. Further, the current entrances, exits and the current number and location of all parking spaces upon the property, shall serve as the current identification of the approved ingress and egress to the property, as well as the approved parking spaces. The existing buffers, if any, shall continue and be maintained. The existing exterior lighting may continue and be maintained. The existing signs upon the property, are approved, and replacement signs (due to repair or other use of the property) may be placed, so long as said signs are the same number, size, height and location.
- b. **John and June Camp Property.** The second special planned commercial district is Hall County Tax Map Parcel No. 12 063 000 027A, and currently being designated as 570 Main Street, and currently being owned by John and June Camp (12/4/18). To further identify said tract of real property, attached hereto, and incorporated by reference thereof, is a copy of the Hall County Tax Map containing said property, with said property highlighted in the color yellow.

1) Uses Permitted Inherently:

- a) Battery distributor (retail sales and service)
- b) Tire shop
- c) Auto parts shop
- d) Alternator shop
- e) Welding shop
- f) Cabinet shop
- g) Plumbing shop and storage of plumbing parts (retail sales and service)
- h) Distributor shop and storage of products including but not limited to food products, parts, and tools.
- i) Heating and air conditioning services shop with parts storage
- j) Motor vehicle body shop

- k) Floor shop
- l) Beauty and/or barber shop
- m) Offices and office building
- n) Video store (rental and retail)
- o) Upholstery shop
- p) Sporting goods store
- q) Sign shop
- r) Printing shop
- s) Office supply shop
- t) Lawn Mower repair shop

2) Uses Permitted Subject to Rezoning Approval:

The owner, or other proper applicant as to said property (including but not limited to a zoning application brought by the Town Council of the Town of Clermont, Georgia), by way of a rezoning application, following the procedures of O. C. G. A S 36-66-1 et seq. and the Planning and Zoning Ordinance of the Town of Clermont, Georgia, by way of a zoning map amendment, may be entitled to other uses, reasonable for the property, so long as said uses are compatible with the surrounding area, and are authorized by the Town Council pursuant to the standards governing the exercise of the zoning power by the Town Council of the Town of Clermont, Georgia .

3) Specific Requirements and Restrictions.

Only one inherent use permitted per building, lot or parcel. Only one additional use as permitted by Town Council action may be combined per building, lot or parcel. In order to further protect the surrounding residential areas from any adverse effects, due to the commercial use of the subject property (unless a variance for good cause shown and including reasonable conditions to protect the surrounding residential areas is granted by the Town Council), the hours of operation for any commercial use of the property shall be from 7:00 a.m. until 8:00 p.m. and all (commercial) activity shall cease during the night hours of 8:00 p.m. until 7:00 a.m. In this manner, the residential character of the area will be maintained and protected.

4) Lot Requirements and Setbacks:

- a) **Lot of Record:** Must have been platted and recorded with the Hall County Clerk of Superior Court prior to the effective date of this ordinance, and actually exist as so shown or described. All existing buildings must meet Fire Safety Codes as prescribed by the Hall County Fire Marshall. All code standards must be met before occupational tax license is issued.
- b) **Lot size:** No lot or parcel of land platted and recorded as a lot of record, prior to the effective date of this ordinance, shall be permitted to be reduced in size or shape.
- c) **Setbacks:** Existing buildings shall be exempt from compliance with setback regulations provided that no existing building may be enlarged, remodeled, moved or restored in a way which would further reduce the existing setbacks to less than the standard:
 - **Front:** 65 feet from the centerline of the street, road, or highway in front;
 - **Sides:** 30 feet from the property line on each side line;
 - **Rear:** 30 feet from the rear property line.
 - In order for a Lot of Record to be used as a building site, all standard setbacks listed must be met.
- d) **Occupancy Permit Required:** No building, or structure shall be occupied without first obtaining an occupancy permit from the Building Inspector, who may require whatever inspections deemed necessary to protect the health, welfare and safety of the general public. No occupational license will be issued before an occupancy permit is obtained. Hall County Health Department standards must be met and maintained.
- e) **Characteristics:** The current structure upon each property, as well as said structure's size, location and number of stories, shall serve as the site plan for said structure. Further, the current entrances, exits and the current number and location of all parking spaces upon the property, shall serve as the current identification of the approved ingress and egress to the property, as well as the approved parking spaces. The existing buffers, if any, shall continue and be maintained. The existing exterior lighting may continue and be maintained. The existing signs upon the property, are approved, and replacement signs (due to repair or

other use of the property) may be placed, so long as said signs are the same number, size, height and location.

- c. **Nancy Jarrard.** The third special planned commercial district is Hall County Tax Map Parcel No. 12 063 000 006, and currently be designated as 480 Main Street, and currently being owned by Nancy Jarrard (as of 12/4/18). To further identify said tract of real property, attached hereto, and incorporated by reference thereof, is a copy of the Hall County Tax Map containing said property, with said property highlighted in the color yellow, and with said property divided as to zoning use by a red line, and having a further indication, by a part of the property being marked with the term, "R-1" which will indicate that part of the property which shall have a residential use as provided by subparagraph 4. (f) as stated hereinafter. The provisions and requirements allowing a commercial use of said property shall not apply to that part of the property which shall have a residential use, and the provisions and requirements of 4. (f) shall be applicable to this part of the property, that has the designation of "R-1".

1) Uses Permitted Inherently:

- a) Small engine shop
- b) Offices and office building
- c) Beauty and/or barber shop
- d) Gift shop
- e) Soda and/or coffee shop

2) Uses Permitted Subject to Rezoning Approval:

The owner, or other proper applicant as to said property (including but not limited to a zoning application brought by the Town Council of the Town of Clermont, Georgia) , by way of a rezoning application, following the procedures of O.C.G.A S 36-66-1 et seq. and the Planning and Zoning Ordinance of the Town of Clermont, Georgia, by way of a zoning map amendment, may be entitled to other uses, reasonable for the property, so long as said uses are compatible with the surrounding area, and are authorized by the Town Council pursuant to the standards governing the exercise of the zoning power by the Town Council of the Town of Clermont, Georgia.

3) Specific Requirements and Restrictions.

Only one inherent use permitted per building, lot or parcel. Only one additional use as permitted by Town Council action may be combined per building, lot or parcel. In order to further protect the surrounding residential areas from any adverse effects, due to the commercial use of the subject property (unless a variance for good cause shown and including reasonable conditions to protect the surrounding residential areas is granted by the Town Council) , the hours

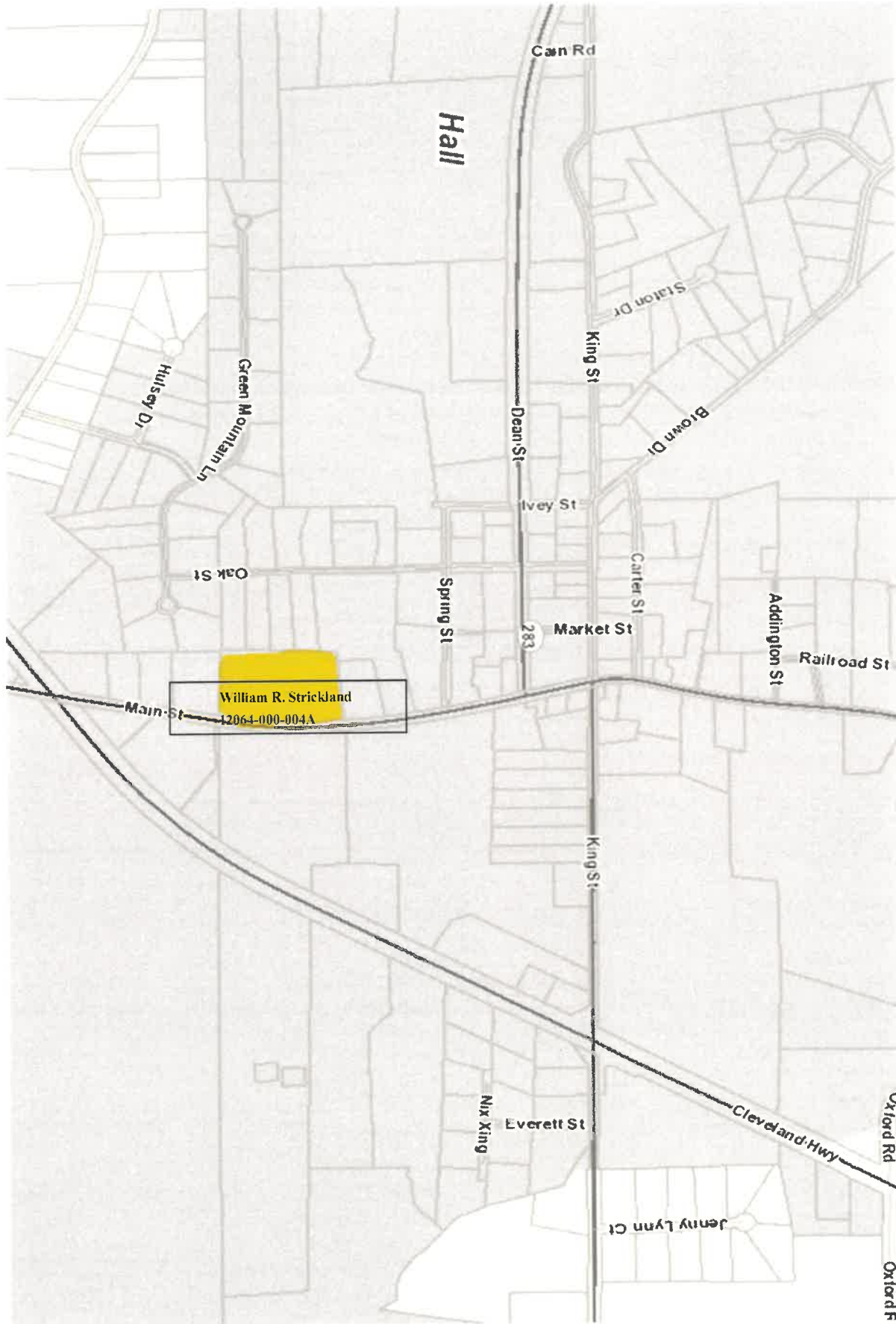
of operation for any commercial use of the property shall be from 7:00 a.m. until 7:00 p.m. and all (commercial) activity shall cease during the night hours of 7:00 p.m. until 7:00 a.m. In this manner, the residential character of the area will be maintained and protected.

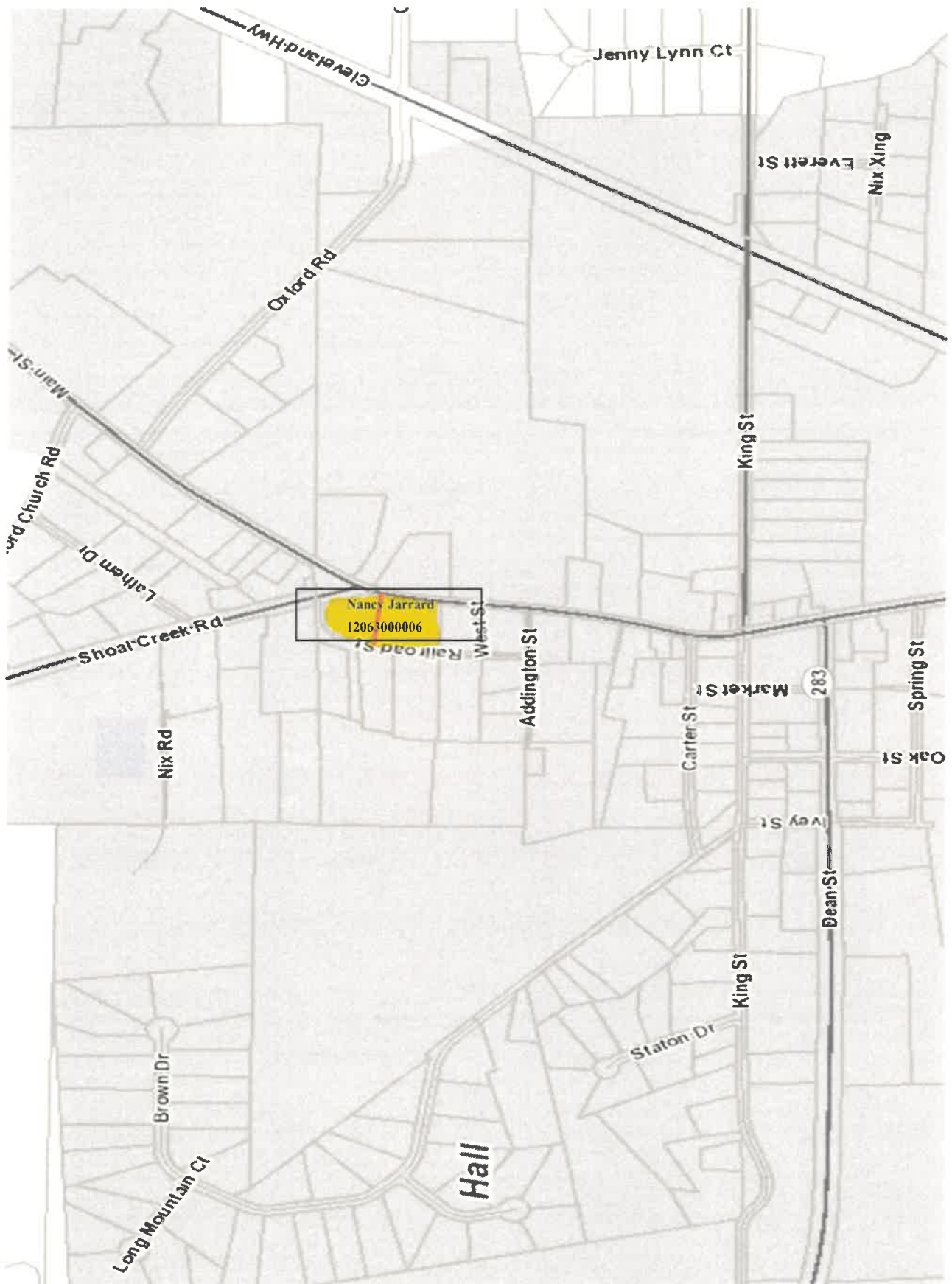
4) Lot Requirements and Setbacks:

- a) Lot of Record: Must have been platted and recorded with the Hall County Clerk of Superior Court prior to the effective date of this ordinance, and actually exist as so shown or described. All existing buildings must meet Fire Safety Codes as prescribed by the Hall County Fire Marshall. All code standards must be met before occupational tax license is issued.
- b) Lot size: No lot or parcel of land platted and recorded as a lot of record, prior to the effective date of this ordinance, shall be permitted to be reduced in size or shape.
- c) Setbacks: Existing buildings shall be exempt from compliance with setback regulations provided that no existing building may be enlarged, remodeled, moved or restored in a way which would further reduce the existing setbacks to less than the standard: Front: 65 feet from the centerline of the street, road, or highway in front; Sides: 30 feet from the property line on each side line; Rear 30 feet from the rear property line . In order for a Lot of Record to be used as a building site, all standard setbacks listed must be met.
- d) Occupancy Permit Required: No building, or structure shall be occupied without first obtaining an occupancy permit from the Building Inspector, who may require whatever inspections deemed necessary to protect the health, welfare and safety of the public. No occupational tax license will be issued before an occupancy permit is obtained Hall County Health Department standards must be met and maintained.
- e) Characteristics: The current structure upon each property, as well as said structure's size, location and number of stories, shall serve as the site plan for said structure. Further, the current entrances, exits and the current number and location of all parking spaces upon the property, shall serve as the current identification of the approved ingress and egress to the property, as well as the approved parking spaces. The existing buffers, if any, shall continue and be maintained. The existing exterior lighting may continue and be maintained. The existing signs upon the property, are approved, and replacement signs (due to repair or other use of the property) may be placed, so long as said signs are the same number, size, height and location.
- f) As indicated previously herein, a part of said property, as designated upon the tax map incorporated herein as "R-1" shall be limited to a residential use as to that part of said property. That part of said property shall have the uses permitted inherently within the single-family residential district (R-1) (and such uses as permitted subject to the approval of the Town Council and/or uses permitted by special exception of the Town Council), and have the

purpose, the specific requirements and restrictions, the lot requirements and setbacks. That portion of the property subject to the residential use, shall have square footage of at least 43, 560 square feet.

- 5) **Administrative Procedures.** Any change of any type to the above-referenced special planned commercial development districts, whether involving a use, change in the structure, buffer, signs, or otherwise, shall meet the administrative procedures, general conditions, special requirements, characteristics, and required plans of planned commercial development districts as required by Section 7-6.4 of the Planning and Zoning Ordinance of the Town of Clermont, Georgia. However, in the event that any such change is initiated by and brought by the Town Council of the Town of Clermont, Georgia, the Town Council can waive one or more of the plan requirements, so long as the uses, requirements and restrictions upon the property are clearly indicated as a part of the approval by the Town Council of the Town of Clermont, Georgia.







ARTICLE VIII

OFF STREET PARKING, STORAGE, AND LOADING REQUIREMENTS

In order to facilitate the movement of police, fire, and hospital vehicles, to lessen congestion in the streets, to prevent obstructing traffic and blocking streets, alleys, and entrances to buildings, the following regulations are established.

SECTION 8-1. ON-STREET PARKING PROHIBITED ON STREETS WITH LESS THAN 29' FEET OF PAVED AREA.

- A. Parking of any vehicle is prohibited on the public right—of—way of any street within the Town of Clermont which has a paved area less than 29 ' (feet) in width.
- B. Off-street vehicular parking and storage shall be provided for every lot or tract within the incorporated limits of Clermont which fronts on a street with a paved area of 29' (feet) or less.
 1. Each automobile parking space for other than residential purposes, shall be clearly marked and not less than 170 square feet of appropriate dimensions for the parking of an automobile, exclusive of the access drives. There shall be provided entrances, exits and driveways adequate to connect each parking space with a public right-of-way.
 2. All off-street parking areas that make it necessary for vehicles to back out directly into a public road, street, or highway are prohibited, except for lots of record which cannot be configured to provide otherwise.
 3. All off-street parking areas shall be constructed of dust free materials which will have a surface resistant to erosion, drained as to prevent damage to abutting properties or public streets, and periodically maintained by the owner, and such facilities shall be arranged for convenient access and safety to pedestrians and vehicles.
 4. If vehicle parking or storage space required cannot be reasonably provided upon the same lot on which the principal use is conducted, the Town Council may permit such spaces to be provided on other off-street property provided such space lies within 400 feet of the main entrance to such principal use. Such vehicle parking space shall be associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.

SECTION 8-2 SPACE REQUIREMENTS

A	Automobile Repair Garages: including repair/maintenance facilities which are accessory to another use	2 spaces for each 300 square feet of auto repair or maintenance space
B	Automobile sales	1 space for each employee at maximum employment on a single shift
C	Automobile service station	3 spaces for each service bay, plus 1 space for each employee
D	Banks	4.5 spaces for each 1,000 square feet of gross floor area
E	Bowling alley	4.5 spaces for each bowling lane
F	Bus, Train or Air Terminal	1 space for each one hundred (100) square feet of gross floor area, plus one space for each employee.
G	Places of public assembly, including churches and other places of worship, theaters, auditoriums, stadiums, arenas	1 space for each 3 seats of the maximum seating capacity
H	Civic clubs, private clubs, lodges, libraries, museums, and fraternal lodges/houses	1 space for each 200 square feet of gross floor area, plus 1 space for each employee or daily volunteer
I	Commercial Establishment Devoted to Outdoor or Indoor Retail Sales and/or Service	1 space for each one hundred (100) square feet of sales and/or service area.
J	Medical, dental or veterinary offices, clinics	4.5 spaces for each 1,000 square feet of gross floor area
K	Funeral home or Mortuary	35 spaces for each viewing room, plus 1 space for each business vehicle, plus 1 space for each employee
L	Group Home, Orphanage, or Home for the Elderly	1 space for every 3 living units

M	Home Occupation, Home Office:	Three (3) spaces, not in the front yard and not closer than five (5) feet to an adjoining property line.
N	Hospitals	1.8 spaces for each 2 beds intended for patients, excluding bassinets
O	Laundromat	One (1) parking space for each two (2) machines used in the operation of the business, including laundry or dry cleaning.
P	Motels, bed and breakfast establishments, rooming/boarded houses	1 space for each accommodation
Q	Group day care home, day care center, nursery school or kindergarten	1 space for each 10 children plus 1 space for each employee on a shift, plus 1 space for each vehicle used in the operation
R	Intermediate care homes, nursing homes and convalescent homes	1 space for each 3 living units
S	Office Building, Professional Building, or Similar Use:	One (1) parking space for each two hundred (200) square feet of gross floor area.
T	Recreational Establishment, not otherwise mentioned herein	Twenty-five (25) parking spaces for patrons
U	Residence	Single Family, Two Family or Three Family: Two (2) parking spaces for each dwelling unit through the first three (3) plus one (1) additional space for every two (2) units above the first three (3)
V	Restaurant or similar place dispensing food, drink or refreshments	One (1) parking space for each one hundred (100) square feet of gross floor area plus one (1) parking space for each employee
W	Tennis Courts; Ball Fields; and Recreation areas which provide seating and/or picnic facilities	Four (4) spaces for each tennis court, twenty (20) parking spaces for each ball field, and two (2) parking spaces for each picnic table.
X	Wholesale Establishment	2 spaces for each regular employee up to 15, plus 1 space for each employee in excess of 15

SECTION 8-3. PERMITTED ON STREET PARKING.

- A. Parking on the public right-of-way of any public street within the Town of Clermont which has a paved area of 29' (feet) or more is permitted with the following stipulations:
1. No vehicle shall be parked within twelve feet of a corner where two streets intersect, in order to provide a clear vision of approaching traffic
 2. Vehicles must be positioned parallel to the side line of the street in a manner which will not interrupt the flow of traffic in the adjacent lane of travel.
 3. No vehicle may be parked on any street within the Town of Clermont in a manner which will limit property owners access to their property.
 4. State Highway regulations concerning parking on State Highway right—of—way, shall be enforced on any street, or highway within the Clermont Street System which is also part of the State Highway System.
- B. The Town Council of Clermont reserves the right to limit parking on streets with a paved area of 29' (feet) or greater to parking on only one (1) side of the street, where the Council determines that such a limitation is in the best interest of the public and/or adjacent property owners because of density of private access drives, to assure the orderly flow of traffic and to decrease risks to the pedestrian traffic on streets which do not have sidewalks.
- C. Authority of Town Council.
1. The Town Council of the Town of Clermont shall purchase and erect such "No Parking" signs as is deemed necessary to inform the public as to policy concerning parking regulations in the Town Limits.
 2. The Town Council shall cause to be posted "No Parking, Violators Will Be Towed at Owner' s Expense" which inform the public that illegally parked vehicles will be towed at the owner's expense, with the name of the wrecker service and the charge or tow fee stated.
 3. The Town Council will not be responsible for any damage to any vehicle which is towed by authorized wrecker personnel because of Ordinance violation. The Town Council will not be responsible for any damage or theft which occurs as a result of the car/ vehicle being illegally parked within the Town Limits of Clermont.

SECTION 8-4 OFF STREET LOADING AND UNLOADING REQUIREMENTS.

- A. Every Building or structure used for business, or trade or any institution shall provide space as indicated herein for the loading and unloading of vehicles off the street or public alley. Such space shall have access to a public alley, or if there is not an alley, to a public street.
1. Buildings used or designed primarily for use as storage, goods display, retail or wholesale stores, hospitals, or schools shall provide one vehicle loading or unloading berth.

2. Each loading or unloading berth shall be a minimum size of 25 feet by 15 feet with an overhead clearance of 14 feet.
- B. The off-street loading or unloading facilities shall, in all cases, be provided on the same lot or parcel of land as the structure they are intended to serve and in no case shall said off-street loading space be part of the area used to satisfy the off-street parking requirements of this Ordinance.

ARTICLE IX

SCREENING, FENCING & OUTDOOR STORAGE REQUIREMENTS

SECTION 9-1 OUTDOOR STORAGE

- A. Inventory items, and manufacturing scrap and by-products shall be stored inside a fenced enclosure in the rear or to the side of the facility. Fencing shall be six (6) feet in height and shall be constructed of materials which provide a non-visible screen. Old appliances, scrap materials, building materials, parts to machinery and similar type items which are not legitimate inventory items must be stored inside an enclosed building in all zoning districts with the exception of districts AR-III and AR-IV. In districts AR-III and AR-IV such items must be stored in such a manner so as not to be visible to surrounding properties. Any of the above-noted items found to be stored other than as provided for in this section shall be removed by the property owner within ten days after proper notice by the building official. Buildings or additions to buildings which are under construction with a valid building permit will be exempt from this requirement.
- B. Non-operable vehicles shall be stored no longer than ten (10) days in the front or side yard area. Vehicles stored more than ten (10) days must be stored in the rear yard area but must not be within twenty (20) feet of any property line. Violators will be notified in writing and given ten (10) days from the date of the notice to comply before the vehicle is removed by such company as the Town shall cause to remove said vehicle with the cost of removal at the expense of the owner of the property. The Town shall in no instance be held liable for any damage(s) occurring to said vehicle during removal or subsequent storage at the site of the removing company. A maximum of two non—operable vehicles shall be stored on the rear of any lot.
- Non-operable vehicles may be stored inside an enclosed building in all zoning districts with the exception of AR-III and AR-IV. Any non-operable vehicles found to be stored outside shall be removed by the property owner after proper notice by the building official within ten days.
- In districts AR-III and AR-IV all outdoor storage and/or inoperable vehicles must be stored in such a manner so as not to be visible to surrounding properties.
- C. No junk yards are allowed to exist within the Town Limit boundary of Clermont. Three or more non-operable vehicles shall be considered a violation of this Ordinance and shall be

considered to constitute a junk yard. Appropriate legal action shall be taken if after notification by the Town Clerk's Office that a violation of this Ordinance exists or is reported to exist, and a period of ten (10) days from the date of the notification has passed with no corrective action on the part of the property owner. Non-operable vehicles will be subject to removal by an appointed wrecker service of the Town at the property owners expense. The Town will not be liable for any damage, theft, or expenses incurred as a result of a violation of this Ordinance.

- D. For all automobile repair garages: any operative or non-operative vehicle which is visible from beyond the premises shall have a current vehicle registration and a paid ad valorem tax receipt, except that a maximum of three vehicles which are either non-operative and [or] not registered, exempt from registration because they are used for racing or competition events or qualify as antique or classic vehicles undergoing restoration, may be stored within view from beyond the premises without having a current vehicle registration.
- E. Inventory items and manufacturing scrap and by-products at all business and industrial locations shall be stored inside a fenced enclosure in the rear or to the side of the facility. Fencing shall be six feet in height and shall be constructed of materials which provide a non-visible screen.

SECTION 9-2 PLANTED BUFFERS & VISION CLEARANCE

- A. Planted buffers. Except as noted under paragraph K. of this section, a vegetated buffer screen with a minimum width as specified below shall be planted parallel with the lot line when a non-residential use is made of a lot and the adjacent property is zoned R-I, AR-III, AR-IV, PRD, or PCFD.
- B. Buffer width. The buffer width shall be determined by the intensity of commercial use and the distance to the residential use from the property line as follows:
 - 1. Where an office or retail use with no outside activity (beyond parking and loading areas) abuts residential use, the minimum buffer shall be ten feet.
 - 2. Where a retail use with outside activity abuts residential use, the minimum buffer shall be 20 feet.
 - 3. Where an industrial use with no outside activity abuts residential use, the minimum buffer shall be 30 feet.
 - 4. Where an industrial use with outside activity abuts residential use, the minimum buffer shall be 50 feet.
 - 5. Where existing residential structures are less than 50 feet from the property line, or where zoning or Comprehensive Plan designation suggests that future residential structures will be less than 50 feet from the property line, the buffer shall be increased by a minimum of ten feet.

6. Where outside machinery, loading docks, drive-up windows, storage areas or other areas of special impact are immediately adjacent to residential use, the planning commission or Town Council may require a greater buffer width as a condition of their approval.
- C. Buffer materials. The buffer strip shall be planted in a minimum ten-foot area and shall consist of evergreen trees or shrubs of a minimum height of five feet at the time of planting, spaced to provide a continuous screen. Where buffer widths of greater than ten feet are required, the remaining buffer adjacent to residential use shall be left in a natural forested state, if such condition exists, or planted with a mix of deciduous and evergreen trees to re-establish a forested area. Where natural evergreen material in good condition meeting the minimum height remains in the buffer area after clearing and construction, it may be utilized and credited toward meeting the screening requirement. The Town must approve the materials and planting plan for the buffer prior to the buffer being established. Authority for questions of plant characteristics shall be publications and recommendations of the Cooperative Extension Service of the University of Georgia College of Agriculture, or other authority acceptable to the Town.
 - D. Height. The screening vegetation shall attain a minimum height of ten feet within five years of establishment of the buffer. Growth during the five-year period shall be adequate to ensure compliance by the end of five years. Where the required interim growth has not been attained, the property owner is responsible for replacing the vegetation with new vegetation that will meet the buffer requirement within the remaining portion of the original five-year period.
 - E. Setbacks. The vegetation shall be planted far enough from the property lines to prevent encroachment over the property lines.
 - F. Planting requirements. Spacing of screening plants shall be the minimum required for mature plants, and two staggered rows shall be used if necessary to attain the required initial screening. Screening plants shall be nursery-grown and of such size, species and condition as to ensure the maximum initial screening commensurate with a high rate of survival and a high growth rate. Other trees planted to re-establish a forested area shall be a minimum of two feet tall at the time of planting.
 - G. Substitution of fence. A solid fence buffer may be substituted, with Town Council approval, for part or all of the vegetated buffer as follows:
 1. A brick or stone wall with a minimum height of six feet may be placed on the property line in lieu of some or all of the buffer requirements.
 2. A solid wooden fence with a minimum height of six feet may be placed on the property line. The fence must have a natural finish. If stained or varnished, the resulting finish must be natural in appearance, and the finished side of the fence shall face the neighboring property.

3. The width of the buffer may be reduced and the planted screening may be reduced or eliminated if the Town Council finds that a wall or fence will provide a satisfactory overall screening of the property, considering use, topography and appearance, and that a wall or fence will not create a safety problem or impose an adverse visual barrier that could affect the use or value of the residential property.
- H. Berms. Earthen berms may be incorporated in the buffer design if approved by the Town Council after a determination that the berms will not cause drainage or erosion problems.
- I. Maintenance of buffer. All buffer strips required by this regulation shall be maintained in a healthy condition and pruned so as to provide a solid screen with maximum opacity from the ground to a height of at least ten feet. Should vegetation die or be removed such that the buffer no longer functions as required, that vegetation must be replaced. Fences serving as a buffer must remain in a good state of repair to provide a solid screen.
- J. Time of installation. The required buffer must be installed prior to occupancy or commencement of use. Where compliance with the preceding sentence is not possible because of the season of the year, the Town may grant a temporary occupancy permit until the season changes. In this case, a bond or other performance guarantee to cover the cost of planting the buffer will be required by the Town Council prior to the temporary occupancy permit being issued.
- K. Vision clearance. In all districts, no plantings, fences, walls, signs or other obstruction to vision between the heights of three feet and 15 feet shall be permitted within 25 feet of the intersection of the right of way lines of two streets, railroads or of a business driveway and a public road.
- L. Buffer modification or waiver.
1. The Town Council may modify or waive the buffer requirements on rezoning and uses subject to their approval, if it is determined that the buffer is not necessary, undesirable or creates a hardship. The Town may modify or waive the buffer requirements on uses subject to their approval, if it is determined that the buffer is not necessary, undesirable or creates a hardship.
 2. The Zoning Administrator may modify or waive the buffer requirements on plan approvals not subject to Town Council review, based on a specific finding that existing topography, vegetation, building orientation or other physical characteristics of the area will provide screening and buffering that meets the intent of this section.
 3. The Town Council may approve a reduction in the size of required buffer planting material on-sites adjacent to vacant properties where development is not imminent.

ARTICLE X
ANIMALS IN RESIDENTIAL DISTRICTS

SECTION 10-1 PURPOSE

It is the intent of this section to permit certain uses in residential districts which involve the keeping of limited numbers of domestic pets and fowls. This section is further intended to minimize problems which may arise from such uses and to provide suitable standards for protection of health, safety, welfare and preservation of residential districts and business districts from indiscriminate raising of animals. These restrictions apply in Districts: Residential I (R-I); Highway Business (H-B) and Town Center (T-C).

SECTION 10-2. PERMITTED USES

- A. Domestic pets: Cats, dogs, rabbits, or other generally recognized domestic pets may be kept or bred by persons residing on the property for their own use and enjoyment. No such domestic pets shall be raised for commercial sale.
- B. Fowl: Ducks, quail, chickens, turkeys, squabs, pheasants, etc. may be raised for home use provided such fowl are adequately contained within that property (i.e. not for sale, whether for profit or gain).
- C. These permitted use provisions in residential districts are meant to apply only to outside of the residence on an individual lot and are not intended to restrict the type or number of animals within a residence.

Notwithstanding any provision in this chapter to the contrary, buildings or other structures which are located in residential districts and are used to accommodate or restrain animals noted in subsections A of this section shall be located no less than 50 feet from all property lines.

SECTION 10-3 PROHIBITED USES.

- A. The keeping, breeding, or training of any animals or fowl for monetary gain or profit shall be deemed a commercial business and is expressly prohibited in all residential districts except where such operations may qualify as a home occupation on tracts of more than three acres.
- B. Notwithstanding any provision in this chapter to the contrary, the killing, slaughtering and/or butchering of livestock, fowl or other domestic or farm animals, whether for personal consumption or for resale or gift, is expressly prohibited in all residential districts, R-1, and shall include AR-III and AR-IV districts where the subject parcel is three acres or less and the principal use is residential and not a bona fide "farm" or "agricultural" use as is otherwise defined in Article III.

ARTICLE XI
DETERMINATION OF UNCLASSIFIED USES

SECTION 11-1 METHOD OF DETERMINATION

In the event an applicant wishes to use property for a use which is not specifically identified under Inherent Uses, Special Exceptions, or Uses Permitted Subject to Planning & Zoning Advisory Committee Hearing and approval by the Clermont Town Council and where such use is not specifically Prohibited within the district, the following provisions shall apply:

- A. The Administrative Officer shall submit to the Planning and Zoning Advisory Committee, a written request for a determination of the unclassified use.
- B. The Planning and Zoning Advisory Committee shall review the request as submitted and determine if the proposed use is of a similar character to the district in which it is proposed.
- C. If the Planning and Zoning Advisory Committee determines that the use is of a similar character and meets the intent of the Uses Permitted Inherently, within the district, then they shall advise the Town Council of their decision and the Town Council shall vote to approve or disapprove the use applied for.
- D. In the event the Planning and Zoning Advisory Committee determines that the proposed use in the district is consistent with the character and intent of the Uses Permitted by Special Exception and Approval by the Town Council, then the applicant shall apply for a Special Exception in the normal manner.
- E. In no event shall the provisions of this section be used to allow an incompatible use or a use specifically prohibited by this Ordinance within a certain district.
- F. Once a use has been disallowed by the Town Council, it shall not be reconsidered again for inclusion in the uses of the same district as in the previous request.
- G. Once a use has been allowed by the Town Council, it shall then be considered classified under the appropriate category in the district. (i.e. Inherent Uses, Special Exceptions, etc.)

ARTICLE XII

SPECIAL USE EXCEPTIONS AND USES PERMITTED SUBJECT TO APPROVAL OF CLEMON'T TOWN COUNCIL VARIANCES

SECTION 12-1 SPECIAL EXCEPTIONS

Special Exception is any use of land which requires approval of the Town Council prior to the issuance of a building or occupancy permit for said use. A Special Exception may be granted when the Town Council finds from a preponderance of the evidence produced at a public hearing that:

- A. The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood; and
- B. The proposed use will not adversely affect the health, safety, and general welfare of residents or workers in the area; and
- C. The proposed use has been so designed to minimize traffic problems as well as other adverse effects on the surrounding community; and
- D. The standards set forth in this Ordinance for each particular use for which a Special Exception has been sought, have been met; and
- E. The proposed use is in conformance with the Future Land Use Plan for the physical development of the area, as adopted by the Town Council.
- F. The proposed use shall in no event be used to circumvent the uses allowed in any district or to circumvent the standards for each use as set forth in this Ordinance.
- G. In the event the standard(s) for the proposed use has not been set forth in this Ordinance, nor included in any district set forth in this Ordinance, the standard (s) that is set by the Town Council shall prevail.

SECTION 12-2 BURDEN OF PROOF

The applicant for a Special Exception shall have the burden of proof, which shall include the presentation of evidence and the burden of persuasion on all questions of fact which are to be determined by the Town Council.

SECTION 12-3 SPECIFIC SPECIAL EXCEPTIONS

- A. Caretaker and/or Employee Residences: An accessory residence for use by a bona fide caretaker, employee, or the owner himself, may be placed on an occupied tract or lot upon a finding by the Town Council that the residence is necessary to the property's orderly operation or safety and that all required setbacks for that district can be met. Further, only one such residence may occupy the tract or lot during the same period of time.
- B. Hardship Mobile Home: One (1) mobile home may be placed on an occupied residential lot as a conditional use upon a finding by the Town Council that a genuine hardship exists and that the occupant of the mobile home is a relative by blood or marriage of the owner

of the property. The mobile home shall be removed from the property when the specified hardship ceases to exist, and under no circumstances shall the mobile home be rented or otherwise occupied. Mobile Home Standards (ARTICLE XIX) shall apply to any mobile home allowed under this Hardship Section. Upon the relative using the mobile home vacating the mobile home for any reason, then the mobile home will be removed from the property and the conditional use will end.

SECTION 12-4 VARIANCES

The Official Building Inspector of Clermont, upon written approval of the Administrative Officer, shall have the power to grant a Variance from the setback and/or total lot area requirements, provided the total Variance will result in less than a 2 % reduction of the total setback and/or lot area requirements set by this Ordinance.

No Variance of any use shall be granted in any District, under this Section. No Variance of any minimum code of shall be granted in any District, under this Section.

ARTICLE XIII

MINIMUM STANDARDS FOR APARTMENTS

SECTION 13-1. PURPOSE

The purpose of this section is to prevent the construction of undesirable apartment uses in the Town; to prevent the overcrowding of land; to avoid the undue concentration of population within certain districts and to insure the adequate protection of the surrounding area. These requirements are designed for districts in which such development is permitted by this Ordinance and in districts where they are permitted subject to the Planning and Zoning Advisory Committee Hearing and Approval by the Town Council.

SECTION 13-2. DESIGN STANDARDS AND RESTRICTIONS.

- A. Apartment construction shall be according to a Comprehensive Development Plan, submitted by the owner(s) and/or developer with adequate provisions for access and for adequate protection of the surrounding properties.
- B. When more than one (1) apartment building is constructed, the buildings shall collectively and individually adhere to the setback requirements, plus five (5) feet per story over two (2) stories.
- C. When more than one (1) apartment building is constructed, external walkways shall be lighted.
- D. When more than one (1) apartment building is constructed, no apartment building shall be closer than thirty (30) feet from any other apartment building.
- E. Off-street paved parking shall be provided at the rate of space requirements as set forth in Section 8-2 U.
- F. In the event that swimming facilities are designed as a part of the project, these facilities shall be enclosed by a fence not less than four (4) feet high.

- G. All areas not utilized for building, off street parking or off-street loading facilities, shall be landscaped and maintained in a suitable manner.
- H. There shall be off-street loading, unloading and service areas provided. These areas shall be screened through landscaping or permanent construction from adjoining areas.
- I. Minimum Codes for Multi—family Construction shall be enforced.
- J. Occupancy Permit issued by the Building Inspector is required before occupancy.

ARTICLE XIV

PLANNING AND ZONING ADVISORY COMMITTEE

SECTION 14-1 MEMBERSHIP.

The Planning and Zoning Advisory Committee for the Town of Clermont shall consist of five (5) members who shall be the property owners of Clermont, Georgia, appointed by the members of the Town Council. Each duly elected Town Council member shall appoint one (1) member to serve on the Planning & Zoning Advisory Committee. Committee members shall serve at the discretion of the Council member who appointed them. The term of appointment for each member shall coincide with the term of the elected official who appointed said member. The Town Council may dismiss and/or replace members on the Planning & Zoning Advisory Committee without cause and without a hearing. The unexcused absence of a Planning and Zoning Advisory Committee member from three (3) consecutive meetings (hearings) without prior notice to the Chairman of the Committee or the City Clerk's office shall terminate said member's appointment. All members shall serve without compensation.

SECTION 14-2 ORGANIZATION.

The Chair of the Planning & Zoning Advisory Committee shall be elected from the members of the Committee and shall preside over all official meetings (hearings). The Planning and Zoning Advisory Committee shall elect a Secretary from among its members. The term of the Secretary shall be one (1) year, provided that the Secretary remains a member of the Planning and Zoning Advisory Committee for the entire year. The Planning and Zoning Advisory Committee shall hold all meetings (hearings) in accordance with Roberts Rules of Order in addition to meeting all State requirements for Planning & Zoning Action. All meetings of the Planning and Zoning Advisory Committee shall be open to the public and advertised so as to comply with Planning & Zoning requirements and the Sunshine Law of the State of Georgia. All reports and/or records of the Planning & Zoning Advisory Committee shall be public record. Planning and Zoning Advisory Committee meetings (hearings) shall be advertised in the legal organ of the town at least 15 days prior to the meeting.

SECTION 14-3. POWERS AND DUTIES.

The Planning and Zoning Advisory Committee shall have the following powers and duties:

- A. To accept applications, make recommendations at a Public Hearing for all amendments, including but not limited to rezoning requests and text amendments to the zoning ordinance, to the Planning & Zoning Ordinance and forward said recommendations to the Town Council.
- B. To hold Hearings for all "Uses Permitted Subject to Planning and Zoning Advisory Committee hearings and Approval by the Town Council. If a public hearing is required by this Ordinance for a particular use or amendment, a sign(s) shall be posted at least fifteen (15) days prior to said public hearing in a conspicuous place on the property and shall state the nature of the request and the time and place of said Public Hearing. Further, the Town Clerk may notify each adjoining property owner at their address as shown on the official street numbering lists, by mail postmarked fifteen (15) days prior to said Planning and Zoning Advisory Committee Hearing on the application.
- C. To review Preliminary Subdivision Plats and advise the Clermont Town Council when the requirements of this Ordinance have been met.
- D. To review Final Subdivision Plats and advise the Clermont Town Council when the applicable Subdivision requirements of this Ordinance have been met.
- E. To review Soil Erosion and Sediment Control applications submitted to the proper entity of the State of Georgia and advise the Clermont Town Council when the requirements of this Ordinance have been met.
- F. To initiate, direct and review, from time to time, a study of the provisions of this Ordinance and to make reports of its findings and recommendations as to amendments to the Town Council. To investigate and make recommendations to the Town Council regarding the acceptance of streets into the Town Street System. To accept and determine requests regarding Unclassified Uses and advise the Clermont Town Council of their findings so that the Town Council may take final action.

SECTION 14-4 FINAL AUTHORITY.

In all matters reviewed by the Planning and Zoning Advisory Committee, the Clermont Town Council shall have the final authority. Each advisory recommendation forwarded to the Town Council shall contain a statement of the grounds and findings forming the basis for said decision, and the full text of the motion and record of members' votes shall be incorporated in the minutes of the Planning and Zoning Advisory Committee. No appeal requesting the same relief in regard to the same property shall be received or heard by the Planning and Zoning Advisory Committee or the Town Council for a period of twelve (12) months following the date of the official decision by the Town Council except that the Town Council acting in their capacity as the Board Of Appeals may grant a rehearing (appeal) as provided for in this Ordinance.

ARTICLE XV

BOARD OF APPEALS

SECTION 15-1 MEMBERSHIP

The Clermont Town Council shall serve as the Board of Appeals for the Town of Clermont. The Mayor of Clermont shall serve as the Chairman of the Board. The 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 a fact, and shall keep records of its examinations of applicants and witnesses and other official actions, and state in its minutes the reasons for its actions, or decisions of the Board. At least three (3) members must concur. The Mayor shall not vote, except in the case of a tie. No appeal requesting the same relief in regard to the same property shall be received or heard by the Board of Appeals for a period of twelve months following the date of the Board's final decision. If the Council has already addressed the issue pursuant to a provision of this ordinance, then there is no appeal from the Council decision to the Council in its position as the Board, and the Council action is final.

SECTION 15-2 POWERS AND DUTIES

The Board of Appeals shall have the following powers and duties:

- A. To authorize upon appeal in specific cases such variances from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will in an individual case, result in unnecessary hardship and so that the spirit of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done. Such variances may be granted in such individual cases of unnecessary hardship upon a finding of the 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 requirements of this Ordinance to this particular piece property would create an unnecessary hardship and,
 - 3. Such conditions are peculiar to the particular piece of property involved and are not common to other properties in the same neighborhood and/or district; and
 - 4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance, provided; however, that no variance may be granted for a use of land or building or structure that is prohibited by this Ordinance.
 - 5. The conditions required by Sections 15-3 and 16-9 must be demonstrated by the applicant.
- B. To hear and decide such Special Exceptions as the Board is required to act upon under the terms of this Ordinance.
- C. To receive and act upon applications for the continuance and/or enlargement of a Non-Conforming Use as provided for in these regulations.

- C. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Administrative Official in the enforcement of this Ordinance.

SECTION 15-3 BASIS FOR VARIANCE

In order to make a variance permissible, certain conditions shall be shown:

- A. There must be a proved hardship by showing beyond a doubt the inability to make reasonable use of the land if the provisions of this Ordinance were applied literally.
- B. The hardship cannot be self-created; such as a case where the lot was purchased with knowledge of an existing restriction or claiming hardship in terms of prospective sales.
- C. The applicant must be able to prove that an effort was made prior to the purchase of the property to contact proper elected officials and/or their agents to inquire about the zoning, uses permitted, and any other relevant or pertinent restrictions.

In exercising the above powers, the Board of Appeals may in conformity with the provisions of this Ordinance, reverse or affirm, wholly or in part, or may modify the order requirement, decision or determination, and to that end, may direct the issuance of a Building Permit, Occupancy Permit or Certificate of Zoning Compliance.

The official action of the Clermont Board of Appeals (Town Council) shall be final administrative decision and may be appealed only to a Court of Jurisdiction as provided by law.

SECTION 15-4 RIGHTS OF APPEAL FROM CLERMONT TOWN COUNCIL DECISION.

- A. Any person or persons who may have a substantial interest in any decision of the Town Council, may appeal from any final decision of said body to the Superior Court of Hall County, Georgia, by filing with the Clerk of said Court a notice of appeal in writing setting forth plainly, fully and distinctly wherein such decision is contrary to law. Such notice of appeal shall be filed within 30 days after the decision of said body is rendered. A copy of the notice of appeal shall be served on the clerk, or other representative, of the Town Council whose decision is being appealed. Upon the filing of a notice of appeal, the Clerk of the Hall County Superior Court shall give immediate notice thereof to the secretary or clerk of the body whose decision is being appealed, and within 30 days from the time of such notice the body whose decision is being appealed shall cause to be filed with said Clerk of Superior Court a duly certified copy of the minutes of the proceedings had before said body and the decision of the body.
- B. Cost of Appeal: In the event of an appeal to the Superior Court, the appellants shall bear the cost of preparing the necessary documents as required by the Court.
- C. Hearing on Appeal: Thereafter at the next term of Hall County Superior Court, or in accordance with the procedure of said Court, the Judge of said Court shall proceed to hear and pass upon said appeal.

ARTICLE XVI

PROCEDURES FOR THE CALLING AND CONDUCTING OF PUBLIC HEARINGS AND ADOPTING STANDARDS GOVERNING THE EXERCISE OF ZONING POWER

The purpose of this article is to establish procedures for the calling and conducting of public hearings and adopting standards governing the exercise of the zoning power. The intent of the Town Council of Town of Clermont, Georgia, is that this article shall be controlling over any other article within the ordinance and establish said procedures and standards. Further, it is the intent of the Town Council that this article should be construed and interpreted to be consistent with the other articles of the ordinance, but in the event of a conflict, the provisions of this article shall control. Finally, it is the intent of the Town Council to provide for both a public hearing before the Planning and Zoning Advisory Committee, in order that the Town Council can receive the recommendation of said committee, and to provide for a public hearing before the Town Council as to zoning decisions.

Section 16-1. AUTHORITY TO AMEND

The Clermont Town Council (hereinafter referred to as "the Governing Body") may from time to time amend the number, shape, boundary or area of any zoning district, or may amend any regulation pertaining to any district; or may amend any Article or Section of the zoning ordinance. The procedure for adopting a new zoning ordinance and for amending the zoning ordinance and zoning map shall be as provided in this ordinance.

SECTION 16-2. INITIATION OF ZONING AMENDMENTS.

A petition to amend the text of these zoning regulations or the official zoning map may be initiated by the Governing Body, the Planning and Zoning Advisory Committee (hereinafter referred to as "the Planning Commission"), or any person, firm, corporation or agency that owns property involved in a petition for amendment, subject to the provisions established herein.

SECTION 16-3. FREQUENCY OF APPLICATION.

The Governing Body or the Planning Commission, or both, may at any time file, in its own name, an application for amendment to the text of the zoning regulations or the official zoning map, except that if a zoning decision of the Governing Body is for the rezoning of property and the amendment to the zoning ordinance and map to accomplish the rezoning is defeated by the Governing Body, then the same property may not again be considered for rezoning until the expiration of at least twelve (12) months immediately following the defeat of the rezoning by the Governing Body.

A property owner or subsequent property owner shall not initiate action for a map amendment, conditional use permit, or variance affecting the same or any portion of property more often than once every twelve (12) months from the date of any previous decision rendered by the Governing Body. A property owner or subsequent property owner shall not initiate action for a text amendment affecting the same or any portion of property more often than once every twelve (12) months from the date of any previous decision rendered by the Governing Body.

This section shall not be construed as to limit new applications involving the same property for which the application was made, provided the new application contains substantive differences from the original application as determined by the Governing Body.

SECTION 16-4. WITHDRAWAL OF AMENDMENT APPLICATION.

Any petition for an amendment to the zoning ordinance text or official zoning map including but not limited to petitions for variances, conditional uses, uses including but not limited to petitions subject to Planning Commission hearing and approval by Town Council, determination of unclassified uses, or special exception uses, or any combination thereof, may be withdrawn, at the discretion of the person or agency initiating such a request, at any time prior to closing the required public hearing by the Governing Body. If the public hearing before the Governing Body has been completed, withdrawal by the Applicant is not permitted. Any required application fees shall be refunded to the applicant only if such application has not been prepared and submitted for advertisement as determined by the Governing Body.

SECTION 16-5. APPLICATION REQUIREMENTS.

Application materials specified in this section shall be required for the following petitions: amendments to the official zoning map, conditional use permits, variances, uses subject to Planning Commission hearing and approval by Town Council, special exception uses, determination of unclassified uses, and appeals.

- A. An application form furnished by the Town of Clermont through its Administrative Officer; and
- B. A legal description of the property to be considered in the application. The legal description shall be by metes and bounds unless an alternative legal description (such as a tax plat map) is accepted by the Governing Body. Boundary surveys of the property should be submitted with the application whenever available; and
- C. A letter of intent which describes general characteristics of the proposed development such as type and time frame of development, background information in support of such application, and any other information deemed pertinent by the applicant. For variance applications, the letter of intent shall address the criteria specified in Section 16-9 of this ordinance. For zoning map amendment applications, the letter of intent shall address the standards specified in Section 16-7 of this ordinance. For conditional use permit applications, the letter of intent shall address the standards specified in Section 16-8 of this ordinance.
- D. Applications for variances, conditional use permits, uses subject to Planning Commission hearing and approval by Town Council, special exception uses, determinations of unclassified uses, and map amendment to commercial or industrial zoning districts shall require a site plan with all information specified. Unless otherwise noted in the approval, the site plan submitted in support of an approved application shall be considered a part of the approval and must be followed, unless the Town Council waives one or more of the requirements for good cause shown by the applicant.

- E. A fee for said application as established by resolution by the Governing Body from time to time.
- F. Applications which require action by the Governing Body shall also require disclosure of any conflicts of interest as specified by Georgia law.
- G. Applicants shall submit three (3) copies of any required site plans and letters of intent to the Governing Body for distribution to the applicable bodies and/or review agencies. The Governing Body may require more or less copies depending on the nature and extent of required review and may waive one or more requirements of the application or site plan, or both, for good cause shown by the applicant.

SECTION 16-6. SITE PLAN REQUIREMENTS.

All site plans required by this ordinance shall, at a minimum (unless one or more of the requirements are waived by the Town Council for good cause shown by the applicant), contain the following information:

- A. Title of the proposed development and the name, address and telephone number of the property owner.
- B. The name, address and telephone number of the architect, engineer or other designer of the proposed development.
- C. Scale, date, north arrow, and general location map showing relationship of the site to streets or natural landmarks.
- D. Boundaries of the subject property, all existing and proposed streets, including right-of-way and street pavement widths; buildings; water courses; parking and loading areas; and other physical characteristics of the property and proposed development.
- E. If applicable, all information required by the Town of Clermont Subdivision Regulations Ordinance of the Town of Clermont.

SECTION 16-7. CRITERIA TO CONSIDER FOR MAP AMENDMENTS/ZONING DECISIONS.

The Planning Commission, regarding its recommendations, and the Governing Body, as to its zoning decisions, should review an application for zoning map amendment, variances (also in accordance with Sections 15-2 and/or 16-9), conditional uses (also in accordance with Section 16-8), uses subject to Planning Commission hearing and approval by Town Council, special exception uses, or determinations of unclassified uses, or any combination thereof, with regard to the following criteria and in accordance with Section 6-2.E of the Planning and Zoning Ordinance (as to Map Amendments):

- A. The extent to which property values are diminished by the particular zoning restrictions.

- B. The extent to which the destruction of property values promotes the health, safety, morals or general welfare of the public.
- C. The relative gain to the public, as compared to the hardship imposed upon the individual property owner.
- D. The physical suitability of the subject property for development as presently zoned and under the proposed zoning district.
- E. The length of time the property has been vacant, considered in the context of land development in the area in the vicinity of the property, and whether there are existing or changed conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the rezoning request
- F. The zoning history of the subject property.
- G. The extent to which the proposed zoning will result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, schools, police protection, fire protection, public health facilities, emergency medical services, or other public facilities.
- H. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan, land use plan, or other adopted plans.
- I. Whether the zoning proposal will permit a use that is suitable in view of the use, development, and zoning of adjacent and nearby property.
- J. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.
- K. Whether the change would create an isolated district unrelated to the surrounding districts, such as "spot zoning".
- L. Whether the present zoning district boundaries are illogically drawn in relation to existing conditions in the area.
- M. Whether the change requested is out of scale with the needs of the Town as a whole or the immediate neighborhood.
- N. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned.
- O. Whether the need for rezoning could be handled instead by a variance request.
- P. Whether there would be an ecology or pollution impact resulting from major modifications to the land if the request is granted.

- Q. Whether there is reasonable evidence based upon existing and anticipated land use that would indicate a mistake was made in the original zoning of the property.
- R. The existing uses and zoning of nearby property and whether the proposed zoning will adversely affect the existing use or usability of nearby property.
- S. The Planning Commission and the Governing Body may consider other factors deemed relevant before formulating recommendations and taking action on a particular request.

SECTION 16-8. CRITERIA TO CONSIDER FOR CONDITIONAL USES.

The applicant, Planning Commission, and Governing Body should review applications for conditional uses with regard to the following criteria.

- A. Off-street parking and loading facilities are adequate in terms of location, amount and design to serve the use.
- B. The number, size and type of signs proposed are compatible with the surrounding area.
- C. The amount and location of open space and the provision of screening is such that buffering of incompatible uses is achieved.
- D. Ingress and egress to the property is suitable and safe, and the effect of the proposed activity on traffic flow along adjoining streets is not adverse.
- E. The location and intensity of outdoor lighting is such that it does not cast light on adjacent, adjoining or neighboring properties.
- F. Hours and manner of operation of the proposed use are not inconsistent with adjacent and nearby uses.
- G. Public facilities and utilities are capable of adequately serving the proposed use
- H. The proposed use will not have a significant adverse effect on the level of property values or the general character of adjacent land uses or the general area.
- I. The physical conditions of the site, including size, shape, topography and drainage, are suitable for the proposed development.
- J. The proposed use is consistent with the goals and objectives of the Town's Comprehensive Plan.

The Planning Commission and Governing Body may consider other factors deemed relevant including but not limited to those factors listed in Section 16-7 before formulating recommendations and taking action on a particular conditional use application.

SECTION 16-9. CRITERIA TO CONSIDER FOR VARIANCES.

The Governing Body is hereby empowered to authorize upon application in specific cases such variance (as to requests for variance which would not be allowed pursuant to Section 12-4 of the

Planning and Zoning Ordinance) from the dimensional requirements of zoning regulations (any provisions requiring a number to be achieved, such as height in feet, setback, lot area, lot width, parking and loading requirements, etc.) as will not be contrary to the public interest that where, owing to special conditions, a literal enforcement of the provisions of these regulations will in an individual case, result in unnecessary hardship, and so that the spirit of this ordinance shall be observed, public safety and welfare secured, and substantial justice done. The existence of a non-conforming use of neighboring land, buildings or structures in the same zoning district or of permitted or non-conforming uses in other districts shall not constitute a reason for the requested variance. A variance may be granted in an individual case of unnecessary hardship, after appropriate application in accordance with Section 16-5 of this ordinance, upon specific findings that all of the of the following conditions exist. The absence of any one (1) of the conditions shall be grounds for denial of the application for variance.

- A. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other land or structures in the same district; and
- B. A literal interpretation of the provisions of these zoning regulations would create an unnecessary hardship and would deprive the applicant of rights commonly enjoyed by other property owners within the district in which the property is located; and
- C. Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located; and
- D. Relief, if granted, will be in harmony with the purpose and intent of these regulations and will not be injurious to the neighborhood or general welfare in such a manner as will interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value; and
- E. The special circumstances are not the result of the actions of the applicant; and
- F. The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure; and
- G. The variance is not a request to permit a use of land, building or structures which are not permitted by right in the district involved;
- H. The Planning Commission and Governing Body may consider other factors deemed relevant to a variance request, including but not limited to those factors listed in Section 16-7 and Sections 15-2. and 15-3. of the Planning and Zoning Ordinance before formulating recommendations and taking action on a particular variance request;
- I. A variance shall not be granted in cases where the requested relief to the property owner can be remedied by a change to a zoning district which otherwise would not require a variance.

SECTION 16-10. PROCEDURES FOR APPEALS.

The Governing Body is empowered to hear and decide where it is alleged there is an error in any order, requirement, decision or determination made by the Administrative Officer in the interpretation or enforcement of these zoning regulations, as well as those matters as to which it acts as the Board of Appeals pursuant to Article XV of the Planning and Zoning Ordinance. The Board is empowered to hear an appeal made by any person, firm, or corporation, or by any officer, department, board, or bureau affected by any decisions of the Planning Commission or Administrative Officer based on the zoning ordinance.

This section shall not be construed as permitting as appeal of the Governing Body's denial of a rezoning request variances, uses subject to Planning Commission hearing and approval by the Town Council, special exception uses, determination of unclassified uses, or conditional use, the appropriate remedy of which would be suit in Hall Superior Court (see Section 15-4. of the Planning and Zoning Ordinance). Such appeal shall be taken within thirty (30) days, or as provided by the rules of the Board, by filing with the Administrative Officer notice of appeal specifying the grounds thereof.

All papers constituting the record upon which the section appealed from was taken shall forthwith be transmitted to the Governing Body.

The Board shall select a reasonable time and place for the hearing of the appeal and give at least fifteen (15) days of public notice thereof and due notice (which may be verbal) to the parties in interest and shall render a decision on the appeal within a reasonable time.

SECTION 16-11. CONDITIONAL APPROVAL PERMITTED.

In exercising the powers to grant variances, zoning map amendments, conditional use approvals, uses subject to Planning Commission hearing and approval by the Town Council, special exception uses, determination of unclassified uses, or any combination thereof, the Planning Commission may recommend, and the Governing Body may attach any conditions to its approval which it finds necessary to render the proposed zoning district, conditional use, variance, uses subject to Planning Commission hearing and approval by the Town Council, special exception uses, or determination of unclassified uses, or any combination thereof, compatible with adjacent and nearby properties and land uses. Applications to alter or modify any such conditions shall be considered only after compliance with procedures and notice requirements as established in this ordinance, for the particular type of application.

SECTION 16-12. PUBLIC NOTICE AND PUBLIC HEARING REQUIRED.

This section shall apply only to adoption of a new zoning ordinance, applications for amendments to the text of the zoning regulations, and amendments to the official zoning map, including but not limited to conditional uses, uses subject to Planning Commission hearing and approval by Town Council, or special exception uses, or any combination thereof. Public notice and public hearing shall not be required for applications for variances.

Upon receipt of a completed application, fees and other information required by the zoning ordinances, the Administrative Officer shall cause notice of such application to be published at least one (1) time in a newspaper of general circulation in the community at least fifteen (15) days but not more than forty-five (45) days prior to the date of public hearing before the Planning

Commission and in the same manner prior to the date of the public hearing before the Governing Body (one notice may be done for both hearings so long as the time limitation is met). Said published notice shall include, as a minimum, the purpose, location, date and time of the public hearing before the each body, the location of the property being considered, the present zoning classification of the property, and the proposed zoning district or proposed zoning change. The Administrative Officer shall also cause to have posted in a conspicuous place on said property one (1) or more sign(s), each of which shall contain the information specified for published notices. The public hearing before each body shall not take place until said sign(s) have been posted for at least fifteen (15) days but not more than forty-five (45) days prior to the date of the public hearings. Posting of sign(s) shall not be required for appeals, since an appeal only applies to interpretation of zoning regulations which apply to all similarly situated properties.

Public hearings may be delayed, rescheduled or continued at another time and date, provided announcement is given at the time and place of the initially scheduled and advertised public hearing, and provided such date, time, and location of the public hearing to be delayed, rescheduled or continued is announced. The public hearing before the Governing Body may be on the same date and at the same time as the public meeting of the Governing Body to take action on the specific petition and zoning decision, as provided by the Planning and Zoning Ordinance, including but not limited to Sections 6-2., 11-1., 12-1., 12-3., 15-3., 16-20.

SECTION 16-13. WRITTEN NOTICE TO ADJOINING PROPERTY OWNERS.

Upon receipt of completed applications for amendment to the official zoning map, conditional use, uses subject to Planning Commission hearing and approved by the Town

Council, special exception uses, determination of unclassified uses, or any combination thereof, the Administrative Officer, at the direction of the Governing Body and as authorized in its discretion, may provide written notice of the application, including all information for published notices specified in this Ordinance, by mail postmarked at least fifteen (15) days but not more than forty-five (45) days prior to the date of public hearing before the Planning Commission or the Governing Body, or both, to all property owners with land adjoining the subject property, including those across public right-of-way. Said written notices shall be mailed to the address of the current property owner of adjoining lands as indicated on the current tax rolls of the Town of Clermont. The failure to receive the written notice by a property owner shall not be considered a violation of due process notification requirements or a mandatory requirement.

SECTION 16-14. RECOMMENDATION BY PLANNING COMMISSION.

The Administrative Officer may, as appropriate, customarily submit to the Planning Commission and/or Governing Body, prior to a scheduled meeting or public hearing, copies of the site plan and letter of intent along with a written recommendation by the Planning Commission for approval, disapproval, deferral, withdrawal or other recommendation. Said recommendation shall include adequate justification, considered within the context of the appropriate criteria as specified by this ordinance. The recommendation of the Planning Commission shall have an advisory effect only and shall not be binding on the Governing Body. Copies of the Planning Commission's recommendations shall be made available to the applicant and other interested parties upon completion and distribution to the Governing Body. Prior to the meeting and public hearing held by the Governing Body, the Planning Commission shall hold a hearing and meeting, pursuant to Section 16-20 and related sections of the Planning and Zoning Ordinance to consider any zoning decision and all applications for amendment to the text of the zoning regulations, amendments to

the official zoning map, conditional use applications, uses subject to Planning Commission hearing and approval by the Town Council, special exception uses, determination of unclassified uses, or any combination thereof. After completing its studies of the particular petition, the Planning Commission shall submit a recommended action in writing to the Governing Body. The Planning Commission may submit any additional report it deems appropriate. The recommendations of the Planning Commission shall have an advisory effect only and shall not be binding on the Governing Body. Copies of the Planning Commission's recommendations and reports shall be made available to the applicant and other interested parties upon completion and distribution to the Governing Body and at the meeting and public hearing before the Governing Body. The Planning Commission shall submit its recommendations in accordance with the provisions of the Planning and Zoning Ordinance, including but not limited to Section 16-20. The Governing Body shall hold the advertised public hearing but shall not take action on any of said applications, until it has received the recommendation of the Planning Commission as specified by the Zoning Ordinance (as amended). If the Planning Commission fails to submit a recommendation, it shall be deemed to have approved the proposed application.

SECTION 16-15. CONDUCT OF PUBLIC HEARINGS.

All public hearings regarding applications considered by the Governing Body, and by the Planning Commission (with the provisions of Section 16-20 of the Planning and Zoning Ordinance also applicable to hearings before the Planning Commission, except in the event of a conflict and in which event, the provisions of this ordinance shall control) shall be held in accordance with any procedures adopted by said body and, in addition, shall be governed by the following procedures:

- A. The presiding officer shall open the hearing by stating the specific application being considered at the public hearing. At this time, the presiding officer may summarize the public hearing procedures.
- B. The Administrative Officer or other agent of the Town may present a description of the proposed application, any applicable background material regarding action on said application as appropriate, and the recommendations and reports of the Planning Commission, if any, as appropriate.
- C. Persons who support the application will be asked to comment first. The petitioner may, upon recognition and upon statement of name and address, present and explain his application. The petitioner, or his designated agent, is expected to attend the public hearing unless written notice of hardship is received prior to such meeting. A time limitation may be imposed at the discretion of the presiding officer. However, the minimum time period for all those in support of the application shall not be less than ten minutes (per side and not per person).
- D. Persons who oppose the application or who have questions about the subject application will be asked to comment next. All interested parties after being recognized shall be afforded an opportunity to address the proposed application by standing before the appropriate body and identifying their name, address and interest along with any comments on the proposed application. A time limitation may be imposed at the discretion

of the presiding officer. However, the minimum time period for all those in opposition to the application shall not be less than ten minutes (per side and not per person).

- E. The petitioner shall have an opportunity to answer any questions raised by the public, for summary remarks and rebuttal concerning the proposed application.
- F. Upon the completion of any comments from interested parties and the petitioner, the public hearing shall be completed and adjourned.
- G. All public comments having been heard, the members of the body considering the application may discuss the request among themselves. During this discussion period, the members of the body may call on the petitioner or other interested parties to clarify points made previously or to answer questions. Said petitioner or interested parties may respond upon recognition. Additional questions from the general public may not be asked once the public hearing has been closed. Once the public hearing is closed, and a vote or other action is being considered, unrecognized responses from the petitioner or other participant shall be ruled out of order by the presiding officer.

SECTION 16-16. ACTION BY THE GOVERNING BODY.

After the public hearing has been completed, and also in compliance with the provisions of Section 6-2. of the Planning and Zoning Ordinance, the Governing Body may take action to approve or deny the request, refer the application back to the Planning Commission for further study, or the Governing Body may table or defer action until a later meeting. In voting on a petition, the Governing Body shall follow applicable bylaws for such body, or in lieu of adopted bylaws, may generally follow "Robert's Rules of Order" (However, no action of the Town Council shall be invalidated by a technical non-compliance with said Rules.).

SECTION 16-17. SIMULTANEOUS CONSIDERATION OF MULTIPLE APPLICATIONS.

Except for petitions involving annexation and simultaneous zoning, a petitioner may submit, and the Planning Commission and Governing Body may simultaneously consider, multiple applications involving the same property, such as a rezoning request, conditional use, and variances, provided that specified filing fees shall be paid for each individual application. The proper order of consideration of multiple applications involving the same property shall be the rezoning request first, conditional use second, and variance(s) third.

SECTION 16-18. PETITIONS FOR ANNEXATION AND SIMULTANEOUS ZONING.

Petitions for annexation into the town limits of Clermont are subject to the requirements for annexation under Georgia law, as it now or hereafter exists. The effective date as to the zoning imposed upon any property annexed into the Town shall be as allowed by O.C.G.A. 36-66-4(d)(4) and as provided by ordinance by the Town Council concerning said property.

In addition to these requirements for annexation, the petitioners seeking annexation shall also simultaneously submit an application for proposed zoning district or districts for the property or properties in question. Said zoning map applications must meet all application, site plan, public hearing and notice, fee submittal and other requirements specified in this ordinance. The Planning Commission shall review and provide a recommendation on all annexation requests. The public hearing for annexation required by state law, if any, and the required public hearing for rezoning

action required by this ordinance may be combined at the discretion of the Governing Body. Simultaneous applications for conditional uses and or variances shall not be considered along with an annexation petition.

SECTION 16-19. AVAILABILITY OF THIS ORDINANCE FOR PUBLIC REVIEW.

The Administrative Officer, or other agent in the town, shall ensure that copies of this ordinance are printed and available for distribution to the general public, and also have available for review at public hearings, a copy of the Planning and Zoning Ordinance of the Town of Clermont.

SECTION 16-20. HEARINGS REQUIRED ON PROPOSED ZONING DECISIONS.

- A. A hearing shall be held prior to any zoning decision being made as authorized by this ordinance. The Hearing shall be conducted as follows, and printed copies of the following shall be available for distribution to the general public:
1. A Public hearing shall be conducted by the Planning and Zoning Advisory Committee prior to any decision being made by the Town Council regarding any Amendment to the Official Planning and Zoning Map or any Amendment to the Planning and Zoning Ordinance, or any Use Subject to Planning and Zoning Advisory Committee Hearing and Approval by the Town Council.
 2. At least 15 days prior to the date of the hearing, a Notice of Public Hearing shall be published in the legal organ of the Town. The Notice shall state the date, time and place of the Hearing; the person(s) initiating the proposal for change; the location (street address) of the property for which the change is requested; and the change sought.
 3. Upon the convening of the Hearing, the Secretary of the Planning and Zoning Advisory Committee shall read the published notice of the proposed zoning amendment (s) to be considered. Proposed zoning amendments shall then be considered in the order indicated by the published notice.
 4. Both persons favoring and persons opposing a proposed zoning amendment shall have an opportunity to address the Committee. The party proposing a zoning amendment shall be invited to speak first, followed by persons favoring the proposed zoning amendment, then by persons opposed to the proposed zoning amendment. Each speaker will be asked to state their name and current address. When all opposing statements have been heard, the party proposing a zoning amendment shall be permitted to rebut those statements;
 5. The Hearing Officer may place reasonable limits on the number of persons who may speak for or against the proposal, on the time allowed for each speaker, and on the total time allowed for presentation of the proposed Zoning Amendment;
 6. Each speaker shall speak only to the merits of the proposed Zoning Amendment and shall address remarks only to the Committee. Each speaker shall refrain from personal attacks on any other speaker or the discussion of facts where opinion is irrelevant to the proposed Zoning Amendment. The Presiding Officer may limit or refuse a speaker

the right to continue if the speaker, after first being cautioned, continues to violate this requirement;

7. Because of time constraints in hearings, interested parties shall be encouraged to submit petitions, studies, letters and other materials requiring prior study in time to have them included in the final agenda for the hearing. The Committee shall have the discretion to accept such materials at the hearing if circumstances did not permit earlier submittal. Such materials, if presented orally at the hearing, shall be subject to the time limits provided herein;
 8. Upon conclusion of public comments, as determined by the Presiding Officer, the Committee may discuss the merits and/or detriments of the proposed change, after which the Presiding Officer shall call for a motion and vote on the proposed change.
 9. Nothing in this Section shall be construed to limit the ability of the Presiding Officer to assure that the hearing is conducted in a fair and orderly manner, with a quorum present;
 10. The Secretary of the Planning and Zoning Advisory Committee shall forward to the Mayor and Town Council of Clermont a true and correct copy of the minutes of the Public Hearing, and an Advisory statement of the committee's findings. Each Advisory shall contain a statement of the grounds and findings forming the basis for said decision and the full text of the motion and record of members' votes; and a copy of all supporting documents submitted to the Committee.
 11. The Clermont Town Council shall consider final action on the proposed change(s) submitted to the Planning and Zoning Advisory Committee at the next regularly scheduled Town Council meeting, but in no case shall the Town Council consider final action on any proposal previously heard by the Planning and Zoning Advisory Committee unless the statement of Advisory from the Planning and Zoning Advisory Committee is received by the Town Council at least seven (7) days prior to the regularly scheduled meeting of the Town Council . The Town Council shall have the discretion to call on previous speakers as necessary for clarification of use expressed or the material s submitted;
 12. The Town Council shall have the discretion to continue a hearing to a later date if the material submitted or views expressed require more time for study and consideration than may reasonably be allocated in one (1) meeting. The Town Council may call for such additional views, studies or other information from any source as they consider necessary to making a sound decision on the proposed Zoning Amendment.
- B. At least 15 days prior to the date of the regularly scheduled Town Council meeting, a notice shall be published in the legal organ of the town stating: the change in zoning requested; the name (s) of the party or parties initiating the change; the location (street address) of the property; and the recommendation of the Planning and Zoning Advisory Committee;

- C. If the application is for a rezoning of property and the rezoning is initiated by a party other than the local government, then:
1. The notice, in addition to the requirements of subsection B of this code section, shall include the present zoning classification of the property, and;
 2. A sign containing information pertaining to the rezoning classification shall be placed in a conspicuous location on the property not less than 15 days prior to the date of the Planning and Zoning Hearing and shall not be removed prior to a decision being made by the Town Council concerning the proposed change in zoning.
- D. If the zoning decision is for the rezoning of property and the amendment to the zoning ordinance to accomplish the rezoning is defeated, then the same property may not again be considered for rezoning until the expiration of at least twelve (12) months immediately following the defeat of the rezoning.

ARTICLE XVII

MINIMUM STANDARDS FOR MOBILE HOMES

SECTION 17-1 SPECIFIC REQUIREMENTS FOR MOBILE/MODULAR HOMES

- A. Mobile or Modular Homes shall meet the following:
1. Each Mobile or Modular Home lot shall contain at least two (2) acres of land. Lots of Record can be used provided they have been legally registered with the Clerk of Hall County Superior Court prior to the adoption of this Ordinance and actually exists as so shown or described. Although said lot may not contain sufficient land area to meet the minimum lot size requirements of this Ordinance, such lot may be used as a building site provided that all other requirements of this Ordinance are met.
 2. Each Mobile or Modular home shall contain a minimum of 780 square feet in living area.
 3. There shall be at least two (2) off-street parking spaces on each mobile or modular home lot.
 4. A septic system permit issued by the Hall County Health Department shall be furnished to the City Clerk's office before a mobile or modular home permit is issued.
 5. Each mobile or modular home shall be firmly fastened to the ground with no less than 4 anchors of the screw auger type having a 5/8-inch shaft, 6 inches in diameter and 4 feet long minimum, or the arrowhead type, deadman type or equivalent, with a horizontal area of at least 28 inches not less than 38 inches below the surface of the ground.

6. Each mobile or modular home shall be placed on a foundation that shall consist of a series of concrete or metal blocks or piers on concrete pads with a bearing area of at least 144 square inches or equivalent. Such bearing pads shall be placed not less than 10 feet nor more than 15 feet along both sides of the mobile or modular home. The area beneath the ground floor of the dwelling shall either be a slab foundation or shall be enclosed around the exterior of the dwelling with a foundation wall or a curtain wall constructed of masonry at least 4 inches thick, penetrated by openings only for installed vents and access doors.
 7. Each mobile or modular home shall be underpinned with either mortared brick, mortared concrete block, or aluminum or vinyl mobile home skirting. In no instance shall tin be used to underpin a mobile or modular home. Underpinning shall cover all that area from the base of the mobile or modular home to ground level on all sides
 8. Each mobile or modular home shall erect or place a porch (landing) at each entrance and exit. Porches shall be a minimum of six (6) feet by 8 (8) feet in size, made of durable materials, with a railing measuring at least three feet from the floor area to the top of the railing, with vertical dividers every four (4) inches for the enter length and width of the porch, except for a 36 entrance. Porches shall be erected on at least six (6) by six (6) inch treated timbers.
 9. Each mobile or modular home shall have at least two (2) entrance/exit doors with porches.
 10. The manufactured or mobile home shall have removed from the body of said manufactured or mobile home the tongue(s) (where the removing of said tongue(s) does not affect the structural integrity of the frame) and wheels.
- A. No R. V. (recreational vehicles) shall be used as permanent housing, within any district in the corporate boundary of Clermont. Temporary housing is allowed in R. V. 's with a minimum of 450 square feet in floor area, for a maximum of 30 days. No extension or reinstatement shall be granted after the 30-day time period has elapsed. There shall be a minimum of 365 days between temporary housing permits on the same parcel, or tract of land. All sanitary septic system regulations of the Hall County Health Department must be met. No R. V. shall be parked at any time on the right—of—way of any street within the Clermont City limits. No R. V. shall be parked closer than fifteen (15) feet from any property line.
 - B. No Mobile or Modular Home Parks or Subdivisions shall be allowed within the corporate boundary of the City of Clermont, Georgia.
 - C. Setbacks: The same setbacks shall be required as for other single-family residences in the district.

- D. Only one mobile or modular home shall be placed on each two-acre lot, parcel or tract.
- E. Each mobile or modular home shall be occupied by only one family.

ARTICLE XVIII

APPLICATION OF ORDINANCE

SECTION 18-1. ORDINANCE APPLICATION TO BUILDINGS AND USES.

- A. The provisions of this Ordinance shall apply to any building, and/or mobile or modular home, erected, moved, extended, enlarged, or structurally altered.
- B. The provisions of this Ordinance which specifically govern Use and Use Districts shall be applied to every lot, parcel, or building, existing or erected, moved, extended, enlarged, or structurally altered. No building, structure or land shall change the Use of said building, structure or land until all provisions of this Ordinance are met and an Occupancy Permit is issued.
- C. The provisions of this Ordinance requiring an occupancy permit, apply to every building, mobile or modular home, existing or erected, moved, extended, enlarged, or structurally altered, rented, leased or purchased.

ARTICLE XIX

MISCELLANEOUS

SECTION 19-1. CONFLICT WITH OTHER REGULATIONS

- A. All ordinances and/or parts of ordinances in conflict with this ordinance are hereby repealed.
- B. In the event any portion of this Ordinance shall be declared or adjudged invalid or unconstitutional, by any Court of competent jurisdiction, it is the intention of the Town Council of the Town of Clermont, Georgia, that such adjudication shall in no manner affect the other sections , sentences, clauses, or phrases of this ordinance which shall remain in full force and effect as if the invalid or unconstitutional section, sentence, clause or phrases were not originally a part of the ordinance .

SECTION 19-2. PENALTY FOR VIOLATION OF THIS ORDINANCE.

Any person who violates any provision of this Ordinance or any amendment thereto, or who fails to perform any act required hereunder or does any prohibited act, shall be guilty of a misdemeanor; and upon conviction thereof shall be punished for each offense as provided by law. Each day on which any violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. In addition to the foregoing penalties, the Town of Clermont shall be entitled to injunctive relief to require compliance with the provisions of this ordinance.

ARTICLE XX
EFFECTIVE DATE

SECTION 20-1 EFFECTIVE DATE.

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

ADOPTED this February 7 day of 2019.

SIGNED: James S. Nix
Mayor

ATTEST: Aly R. Lomas
City Clerk

ORDINANCE NO. 82-2023-06-05

AMMENDED ZONING PROCEDURES LAW

SEE EXHIBIT 1 ATTACHED HERETO AND INCORPORATED INTO THIS
ORDINANCE AS TO THE ZONING TEXT AMENDMENTS.

ADVERTISED: 5/31/2023

PLANNING AND ZONING COMMISSION MEETING/
PUBLIC HEARING: 6/20/2023

TOWN COUNCIL MEETING/PUBLIC HEARING: 7/6/2023

PASSAGE OF ORDINANCE: 7/6/2023

AN ORDINANCE NO. 82-2023-06-05

AN ORDINANCE TO AMEND THE COMPILATION OF ORDINANCES OF THE TOWN OF CLERMONT, GEORGIA AND THE ORDINANCE ESTABLISHING THE ZONING ORDINANCE OF THE TOWN OF CLERMONT, GEORGIA; TO UPDATE THE ZONING ORDINANCE IN ORDER FOR THE ORDINANCE TO COMPLY WITH THE PROVISIONS OF THE GEORGIA ZONING PROCEDURES LAW; AND FOR OTHER PURPOSES.

WHEREAS, the Town Council of the Town of Clermont, Georgia is authorized by Art. IV, § II, ¶ IV of the Constitution of the State of Georgia of 1983, as amended, its Town Charter and O.C.G.A. § 36-66-1, et seq., to exercise its police power to enact and amend its zoning ordinances for land use regulations as to property within the Town of Clermont, Georgia;

WHEREAS, the Town of Clermont enacted pursuant to said authority a zoning ordinance for land use regulations as to property within the Town of Clermont, Georgia in 2018, and as further amended, and as a part of said zoning ordinance, as amended, created certain zoning districts having specific permitted and special uses as to property within the Town of Clermont, Georgia;

WHEREAS, the Town Council of the Town of Clermont, Georgia finds that it is in the best interest of the Town to amend the Zoning Ordinance of the Town of Clermont, Georgia to update said ordinance to comply with the changes to the Georgia Zoning Procedures Law; and

WHEREAS, the Town Council of the Town of Clermont, Georgia, therefore finds it to be appropriate to adopt a zoning text amendment to facilitate the zoning procedures update; and

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Clermont, Georgia, and it is hereby ordained by the above-referenced authority, a zoning text amendment to the Clermont Zoning Ordinance as follows:

SECTION 1. **CLERMONT PLANNING AND ZONING ORDINANCE.**

(a) The Clermont Planning and Zoning Ordinance is hereby amended by updating said ordinance as outlined upon Exhibit “1” which is attached hereto and incorporated into this ordinance as to the zoning text amendments.

SECTION 2. **EFFECTIVE DATE.**

This zoning text amendment to the Clermont Zoning Ordinance shall become effective upon passage by the Town Council of the Town of Clermont, Georgia of this zoning text amendment ordinance.

SECTION 3. **SEVERABILITY.**

If any paragraph, subparagraph, sentence, clause, phrase, or any portion of this Ordinance shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to effect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared to be the intent of the Town Council of the Town of Clermont to provide for separate and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

SECTION 4.

**REPEAL OF CONFLICTING ORDINANCES TO THE
EXTENT OF THE CONFLICT.**

Any part of any prior ordinances, in conflict with the terms of this Ordinance, are hereby repealed to the extent of the conflict; but it is hereby provided, that any ordinance or law which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, is hereby adopted as a part hereof and shall be legally construed to be in favor of upholding this Ordinance on behalf of the Town of Clermont, Georgia.

SO ORDAINED this 7 day of July, 2023.

CLERMONT TOWN COUNCIL

By: James E. Nix
Mayor

J. M. V.
Councilperson

D. G. H.
Councilperson

J. M. V.
Councilperson

J. M. V.
Councilperson

Councilperson



Attest: Amy Lomax
Town Clerk Amy Lomax

RDS/lle/900/W280785

EXHIBIT "1"

ARTICLE III | DEFINITION OF TERMS USED IN THIS ORDINANCE.

Section 3-2. Definitions is amended by the addition of the following terms as set out herein. These terms to the extent possible will be construed to be consistent with the prior definition of any of the terms, but in the event of a conflict, the most recent definition shall control. Some definitions provided herein are as to uses not necessarily allowed, and the existence of the said terms within the definitions does not imply that certain uses are allowed under the ordinance.

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

Active Adult Living. Refer to "Senior Housing" definition herein.

Addition (to an existing building). Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common loadbearing wall other than a firewall. Any walled and roofed addition which is connected by a firewall or is separated by independent perimeter loadbearing walls is new construction.

Administrative Officer. Agent of the Town of Clermont as provided by Section 6-2.B. of the Planning and Zoning Ordinance. The Administrative Officer shall also be the Zoning Official.

Adult business means the following:

- (a) Any business which is conducted exclusively for the patronage of adults and to which minors are specifically excluded from patronage there either by law or by the operators of such business;
- (b) Any business where employees or patrons expose specified anatomical areas or engage in sexual activities as defined by a separate ordinance of the Town; or
- (c) Any other business or establishment which offers its patrons services, products, or entertainment characterized by an emphasis on matter depicting, describing, discussing or relating to sexual activities or anatomical areas.
- (d) Sexually oriented businesses are adult bookstores, adult video stores, adult dancing establishments, adult mini-motion picture theaters, adult motion picture arcade, adult video store, erotic dance establishment, or escort service, as those terms are defined in the Adult Entertainment Ordinance.

Alley. A public or private thoroughfare which affords only a secondary means of access to abutting property.

Alteration. Any change in the supporting members of a building or structure such as bearing walls, columns, and girders, except such emergency change as may be required for safety purposes; any addition to a building; any change in use from that of one district classification to another; or, any movement of a building from one location to another.

Apartment. See Dwelling, multifamily.

Aquifer. Any stratum or zone of rock beneath the surface of the earth capable of containing or producing water from a well.

Bed and breakfast home. Rooms for rent that are within a single-family dwelling which:

- (a) Is occupied by the owner as their principal residence;

- (b) The same rental occupants shall not reside at for more than seven (7) consecutive days;
- (c) Breakfast is the only meal served and only to registered overnight guests;
- (d) No person who is not a resident on the premises is employed;
- (e) The exterior appearance of the dwelling is not altered from its residential character except for safety purposes; and
- (f) The identification sign is no larger than two square feet and not internally lighted.

Bed and breakfast inn. A building, not necessarily owner occupied, that offers transient lodging accommodations and breakfast for four or more guestrooms for compensation; provided that:

- (a) Compliance with the same licensing, inspection and taxation requirements as hotels, motels, and restaurants.
- (b) If within a residential district, the building shall be residential in character.
- (c) Breakfast is the only meal served and only to overnight guests.
- (d) The owners may have employees.
- (e) The owner shall provide one off-street parking space for each rental room and one space for each employee.
- (f) In a residential district, signage shall be limited to one sign with a maximum size of two square feet.

Boardinghouse. A dwelling, permanently occupied by the owner or operator, where sleeping accommodation and meals, served upon the table, family style with no provision for cooking in any of the occupied rooms, are provided for five (5) or more persons not of the same family by prearrangement for definite periods and for compensation.

Brewery/distillery/winery. An industrial facility where malt, brewed or distilled beverages are produced (in spaces in excess of the micro-producer limits) on the premises and then sold or distributed for on- or off- premises consumption and must be licensed by the Alcohol & Tobacco Division of the Georgia Department of Revenue.

Buffer. A portion of a lot set aside for stream protection and/or screening purpose, to shield or block noise, light, glare, or visual or other nuisances; to block physical passage to dangerous areas; or to reduce air pollution, dust, din, and litter. A buffer may contain a barrier, such as a berm, wall or fence, where such additional screening is necessary to achieve the desired level of buffering between various activities.

Building. Any structure having a roof supported by columns or walls designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels, or property of any kind.

Building height. The vertical distance measured from the highest grade adjacent to the highest point of roof surface of a flat roof, to the deck line of a mansard roof, or to the top of the highest ridge of a gable, hip, or gambrel roof.

Building line. A line parallel to the street right-of-way line at a distance therefrom equal to the depth of the required front yard for the zoning district in which the lot is located. (See Setback line.)

Caliper. Diameter measurement of the trunk taken six inches above ground level for trees up to and including four-inch caliper size.

Cemetery, private. Any plot of ground, building, mausoleum, other enclosure used for the burial of deceased persons of one collateral line of descent.

Cemetery, public. A plot of ground, building, mausoleum, or other enclosure not located on property owned by or adjacent to a religious institution but used for the burial of deceased persons.

Cemetery, religious institution. A plot of ground, building, mausoleum, or other enclosure owned by or adjacent to a religious institution and used for the burial of deceased persons who are generally members of the religious institution.

Child care center, group. A building or portion of a building wherein is provided care and supervision of persons away from their place of residence for less than 24 hours a day on a regular basis for compensation; serves seven to 18 persons and is licensed by the state.

Child care facility. A building or portion of a building wherein is provided care and supervision of persons away from their place of residence for less than 24 hours per day on a regular basis for compensation; serves 19 or more persons and is licensed by the state; for children, the outdoor play area shall be enclosed by a fence of not less than four feet in height in the rear yard only. For the purposes of this chapter, the term "child care" shall include but not be limited to the terms "day care," "nursery school," "early learning center," "pre-kindergarten," "private kindergarten," "play school" and "preschool."

Child care home, family. A customary home occupation which provides, for six or less persons who are not residents of the premises; care and supervision by a state registered resident adult for less than 24 hours per day on a regular basis for compensation.

Child-caring institution. Any institution, society, agency, or facility, whether incorporated or not, which either primarily or incidentally provides full-time care (room, board, and watchful oversight) for children through 18 years of age outside of their own homes, and that is licensed by the state department of human resources as a child-caring institution.

Clinic. A building or a portion of a building where patients are not lodged overnight, but are admitted for examination and treatment by one or more physicians or dentists practicing together.

Club, private. A building or portion thereof or premises owned or operated by a corporation, association or person for a social, educational or recreational purpose but not primarily for profit or to render a service which is customarily carried on as a business.

Community living arrangement. Any dwelling, whether operated for profit or not, that undertakes through its ownership or management to provide or arrange for the provision of daily personal services, supports, care, or treatment exclusively for two or more adults who are not related to the owner or administrator by blood or marriage and whose residential services are financially supported, in whole or in part, by funds designated through the Department of Behavioral Health and Developmental Disabilities (DBHDD).

Condominium. A building or group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

Craft Beer. An alcoholic beverage that is obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination of such products in water, containing six (6) percent or more alcohol by volume and including ale, porter, brown stout, lager, beer, small beer, and strong beer. The term does not include sake, known as Japanese rice wine.

DBH (diameter breast height). The diameter of a tree 4.5 feet above average ground level.

Direct light. Light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.

District. A delineated section or sections of the Town for which the zoning regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform.

Drive-in or drive-thru. Any use providing the opportunity of selling, serving, or offering goods or services directly to customers waiting in vehicles or customers who return to their vehicles to consume or use the goods or services while on the premises of the principal use.

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

Dwelling, apartment. See Dwelling, multifamily.

Dwelling, multifamily. A building or set of buildings containing a group of dwelling units on a common lot containing separate living units for four or more families, having separate or joint entrances, and including apartments and condominiums. These are specifically distinguished from units defined as single-family attached dwellings where such units extend from the lowest level to the roof.

Dwelling, single-family, attached. A residential structure designed to house a single-family dwelling unit from lowest level to roof, with a private outside entrance, but not necessarily occupying an individual lot, and sharing a common wall adjoining dwelling units. This term includes duplexes, triplexes, and townhouses, either fee simple or condominium-owned.

Dwelling, single-family, detached. A residential structure designed to house a single-family dwelling unit located on an individual lot which is not attached to any other dwelling unit by any means.

Dwelling unit. One or more rooms located within a building and forming a single habitable unit with individual permanent sanitary and kitchen facilities and is used or intended to be used for living, sleeping, cooking, and eating purposes. Units in motels or other structures designed for transient residents are not included.

Dwelling, zero lot line. A development of single-family detached dwellings in which one interior side yard may be lawfully reduced to zero on any lot for the purpose of creating larger, more usable, and more easily maintained yard spaces, particularly on smaller lots.

Easement. The right of a person, government agency, or public utility company to use public or private land owned by another for a specific purpose.

Environmental conservation district. An environmental conservation district map overlay that imposes a set of requirements in addition to those of the underlying zoning district.

Existing construction. Any structure for which the start of construction commenced before the effective date of the Ordinance.

FAA. The Federal Aviation Administration.

Family. An individual, or two or more persons related by genetics, adoption, or marriage, or a group of four (4) or fewer persons who are not related by genetics, adoption, or marriage.

Farming. The business of cultivating land, or employing it for the purposes of husbandry; the cultivation and fertilization of the soil as well as caring and harvesting the crops.

FCC. The Federal Communication Council.

Fixture. The assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.

Flea market. A building or open area in which stalls or sales areas are set aside, and rented or otherwise provided, and which are intended for use by various unrelated individuals to sell articles that are either homemade, homegrown, handcrafted, old, obsolete, or antique and may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade.

Flood. A rise in stream flow or stage that results in temporary inundation of the areas adjacent to the channel.

Floor area, gross. The gross heated areas of all floors, measured from the exterior faces of the building.

Food Hall. Establishments consisting of three or more individually-licensed businesses within an enclosed building where food and beverages may be consumed on the premises, taken out, or delivered, and may also include small retail venues. Patrons may be served while seated and pay after eating, or orders may be made at a walk-up window, counter, machine, or remotely, and payment made prior to food consumption. Characteristics of food halls include but are not limited to: shared entrance/lobby areas, compartmentalized spaces for individually licensed businesses, shared eating areas, shared restrooms, and shared "back of house" areas (e.g. storage, dishwashing, food preparation). Each compartmentalized space may have access to the exterior of the building, along with outdoor dining and seating areas, which may be shared with other businesses within the establishment.

Footcandle. A unit of illuminance on a surface that is everywhere one foot from a uniform point source of light of one candle and equal to one lumen per square foot. One footcandle (FC) is the equivalent of 10.76 Lux (1 Lux = 0.0929 FC).

Frontage, street. The distance a lot abuts on a street; the front lot line.

Full cutoff luminaire. Outdoor light fixtures shielded or constructed so that no direct light rays are emitted by the installed fixture at angles above the horizontal plane.

Funeral home. A building used for human services. Such building contains a chapel and may include space and facilities for embalming and the performance of other services used in the preparation of the dead for burial or cremation, the performance of autopsies and other surgical procedures, the indoor storage of caskets, funeral urns, and other related funeral supplies, and the indoor storage of funeral vehicles. In addition, the actual cremation of the dead may occur within the building or accessory building.

Garage, general service. A building or portion thereof, other than a private, storage, or parking garage, designed or used for equipping, servicing, repairing, hiring, selling, or incidental short-term storing of motor-driven vehicles, but not including the storage of wrecked or junked vehicles, to which repairs are not intended to be made.

Garage, private. An accessory building designed or used for the storage of motor-driven vehicles owned and used by the occupants of the buildings to which it is accessory.

Glare. Light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see, and in extreme cases causing momentary blindness, or that causes annoyance or discomfort.

Grade. The average level of the finished ground surface adjacent to the exterior walls of the building.

Greenspace. Naturalized area or areas set aside for alternate purposes other than roads or residences to be approved as part of the overall site plan prior to commencement of construction.

Group home. Residential occupancy of a dwelling other than a "household," typically providing communal kitchen/dining facilities. Examples of group living uses include but are not limited to fraternities, sororities, convents, monasteries, nursing homes, personal care homes, child-caring institutions, community living arrangements, homeless shelters, supportive living, and transitional housing facilities.

Growler. A properly sanitized reusable bottle made of glass or other material customary to the industry provided that the bottle is capable of being sealed with a screw cap and then sealed with a plastic collar over the screw for the purpose of complying with open container laws, and further provided that the bottle does not exceed sixty-four (64) ounces and is filled by a licensee or employee of the licensed establishment with craft draft beer from a keg for off-premises consumption.

Hardship. An unusual situation on the part of an individual property owner which will not permit him to enjoy the full utilization of his property which is given to others within the Town.

Hazardous waste. Any solid waste which has been defined as a hazardous waste in regulations, promulgated by the administrator of the United States Environmental Protection Agency (US EPA) pursuant to the federal act, which are in force and effect on February 1, 1988, codified as 40 CFR 261.

Health department. The County health department and/or the state Department of Human Services.

Health officer. The legally designated health authority of the county, the state, or an authorized agent.

Homeless shelter. The provision of overnight housing and sleeping accommodations for one or more persons who have no permanent residence and are in need of temporary, short-term housing assistance, and in which may also be provided meals and social services including counseling services.

Hotel. A building offering overnight sleeping accommodations for travelers with ingress and egress to and from all rooms are made through an inside lobby or office supervised by a person in charge at all hours. Such use has 80 percent of the rooms occupied by a different registered guest every five (5) days, provides patrons with daily maid service, 24-hour desk/counter clerk service, and a telephone switchboard service to receive incoming/outgoing messages, and shall comply with the applicable requirements of the county health department and O.C.G.A. § 31-28-1 et seq., and may provide additional services such as restaurants, retail gift shops, meeting rooms, swimming pools, and exercise facilities.

Illuminance. The area density of the luminous flux incident at a point on the surface. It is a measure of light incident on a surface, expressed in lux or footcandles.

Impervious surface. A man-made structure, surface, or material which prevents the infiltration of stormwater into the ground below the structure, surface, or material.

Examples are buildings, roads, driveways, parking lots, decks, swimming pools, or patios.

Impervious Surface Ratio (ISR): The impervious surface ratio equals the total area of impervious surfaces divided by the net area (excluding the right-of-way of any public or private road) of the lot.

Industrialized home. Any structure or component thereof which is wholly or in substantial part made, fabricated, formed, or assembled in manufacturing facilities for installation on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof. Industrialized buildings are constructed and regulated in accordance with the Industrialized Building Act, 1982 Ga. Laws 1982, pp. 1637—1643 (O.C.G.A. §§ 8-2-110—8-2-121).

Industrial use. Activities that involve manufacturing, processing, fabrication, assembly, freight, handling, or similar operations, provided the operation of such use complies with all standards and limitations listed herein for the zone in which it is located.

Institution. A public or semipublic building occupied by a governmental entity, nonprofit corporation or nonprofit establishment for public use.

Isofootcandle plan. A site plan of a proposed development showing proposed outdoor illuminance with a series of isofootcandle lines that join points on a surface where the illuminance is the same.

Junk. Wrecked or inoperative (whether repairable or not) motor vehicles, scrap copper, scrap brass, scrap rope, scrap glass, scrap rags, scrap metal, scrap paper, scrap batteries, scrap appliance, scrap beds and bedding, scrap rubber, scrap tires, scrap motor vehicle parts, scrap furniture, scrap wood, scrap building materials, scrap tools or other used materials that have been abandoned from their original use but may or may not be used again in their present form or in a new form.

Junkyard. Any such use involving the storage of disassembly of wrecked automobiles, trucks, or their vehicles; storage, baling or otherwise dealing in bones, animal hides, scrap metal, commercial/residential appliances, used paper, used cloth, used plumbing fixtures and use brick, wood or other building materials. Such uses shall be considered junkyards whether or not all or part of such operations are conducted inside a building or in conjunction with, addition to, or accessory to other uses of the premises. A junkyard shall be presumed to exist if two or more inoperative motor vehicles are maintained for more than 45 days, except vehicles being held pursuant to a law enforcement agency impoundment; however, this presumption may be rebutted if no part of the motor vehicle is outside of a completely enclosed building and no part of the motor vehicle can be viewed from any portion of any adjoining property, road, or street.

Kindergarten. Any premises or portion thereof used for educational work or parental care of children of less than the age required for enrollment in the public or private school system.

Land disturbing activity. Any grading, scraping, excavating, or filling of land, clearing of vegetation; and any construction, rebuilding, or alteration of a structure. The term “land disturbing activity” shall not include activities such as ordinary maintenance and landscaping operations, individual home gardens, yard and grounds

upkeep, repairs, additions or minor modifications to a single-family dwelling, and the cutting of firewood for personal use.

Light trespass. The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

Lot. A portion or parcel of land separated from other portions or parcels by a legal subdivision process based on an approved subdivision plat of record and intended for use, transfer of ownership, or for building development.

Lot, corner. A lot abutting upon two or more streets at their intersection.

Lot, flag. A lot that sits behind lots which face directly onto a street with access provided to the bulk of the lot by means of a narrow corridor, whether providing the minimum amount of street frontage and width or not.

Lot, frontage. The length of the front lot line measured at the right-of-way line for the abutting street,

Lot of record. A lot which exists prior to the adoption or subsequent amendment of the Ordinance, as shown or described on a plat or deed in the records of the local registry of deeds.

Lot, through. A lot other than a corner lot abutting two streets.

Lot width. The width of the lot at the front building setback line.

Luminaire. A complete lighting system, including a lamp or lamps and a fixture. This term shall be interpreted broadly as applying to all outdoor electrically powered illuminating devices, outdoor lighting or reflective surfaces, lamps and similar devices, permanently installed or portable, used for illumination or advertisement.

Manufactured home. A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length or which when erected on-site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure.

Mayor and Town Council. The Mayor and Town Council for the Town of Clermont, Georgia. May also be referred to as Town Council or Council.

Mobile office. A factory fabricated structure designed to be transported on its own wheels, detachable wheels, flatbed or trailer and used or intended to be used or occupied for the transportation of business or the rendering of a professional service.

Modular home. Any structure which meets the requirements of 24 C.F.R. § 3282.12(b) and the certification requirements of 24 C.F.R. § 3282.12(c), (d) and (e).

Motel. A permanent building or group of permanent buildings in which overnight sleeping accommodations are provided for travelers and having a parking space near or adjacent to the entrance of the room. Such use has 80 percent of the rooms occupied by a different registered guest every five (5) days, provides patrons with daily maid service, 24-hour desk/counter clerk service, and a telephone switchboard service to receive incoming/outgoing messages, and shall comply with the applicable requirements of the county health department and O.C.G.A. § 31-28-1 et seq., and may provide additional services such as restaurants, retail gift shops, meeting rooms, swimming pools, and exercise facilities.

Multifamily dwelling. See Dwelling, multifamily.

Neighborhood center. A building or facility used to provide recreational, social, educational and cultural activities for an area of community, which is owned and operated by the management agency of that community, or the homeowners' association of that community. A community can be an incorporated area, a developed subdivision, or a planned development.

New construction. Any structure for which the start of construction commenced on or after the effective date of the Ordinance.

Nonconforming use. The use of any building or land which was lawful at the time of passage of the Ordinance, or amendment thereto, but which use does not conform, after the passage of the Ordinance, or amendment thereto, with the regulations of the district in which it is situated.

Nursery school. See Kindergarten.

Nursing home. An establishment providing inpatient, skilled nursing and rehabilitative services to patients who require health care but not hospital services. Care is ordered by and under the direction of a physician.

Official Zoning Map. The zoning map adopted by reference with the Zoning Ordinance, signed by the Mayor, attested to by the Town Clerk, and on file in the Office of the Town Clerk, as amended per the provisions of this Zoning Ordinance.

On-site sewerage management system. See Sewerage management system, on-site.

Outdoor lighting. The nighttime illumination of an outside area or object by any man-made device located outdoors that produces light by any means.

Open Space. Any parcel or area of land or water that is undeveloped land, a naturally landscaped area, or programmed spaces that is set aside, dedicated, or reserved for the enjoyment of property owners, occupants, property guests, and/or the general public for recreational or conservational purposes.

Parking area. An open, unoccupied space used or required for temporary parking of vehicles exclusively and in which no gasoline or vehicular accessories are sold, or no other business is conducted.

Parking lot. An open area used exclusively for the temporary storage of motor vehicles and within which motorfuels and oils may be sold and fees charged, but no vehicles are to be equipped, repaired, or sold.

Parking space. A space, enclosed or unenclosed, permanently reserved for the temporary storage of one vehicle and having access to a street or alley.

Perennial stream. A stream or section of a river/stream that flows continuously throughout the whole year.

Permit. Any written authorization for building, construction, alteration, development, occupancy, or other matter required by this chapter to be approved by a designated commission, board, official, or employee. The person to whom such permit is issued shall be known as the permittee or applicant.

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

nursing or other medical services, with the exception that those services defined specifically as "personal services" may be conducted by nurses or other appropriate medical personnel or admit and retain residents who need continuous medical or nursing care.

Community personal care home. A personal care home that offers care to eight or more persons.

Family personal care home. A personal care home that offers care to at least one but not more than four persons.

Group personal care home. A personal care home that offers care to at least five but not more than seven persons. The term "personal care home/facility" does not include buildings which are devoted to independent living units which include kitchen facilities in which residents have the option of preparing and serving some or all of their own meals or boarding facilities which do not provide personal care.

Pervious Surface. Any material or surface which does not impede the infiltration of stormwater into the soil beneath such material or surface, i.e., material or surface through which water can run. Gardens, forests, vegetated areas, permeable concrete, and permeable asphalt are examples of pervious surfaces.

Place of worship. A religious institution that has been granted 501(c) tax exempt status by the Internal Revenue Service and whose property is deemed tax exempt by the County tax assessor.

Planning Commission. The Town of Clermont Planning and Zoning Advisory Committee.

Plat. A map, plan, or layout of a county, Town, town, lot, section, subdivision, or development indicating the location and boundaries of properties.

Premises. A lot, together with all buildings and structures existing thereon.

Principal building. A building in which is conducted the main or principal use of the lot in which said building is situated.

Principal use. The primary purpose for which land or a building is used.

Private land. All lands and buildings not owned by government.

Public recreational park. Any park, playground, baseball field, tennis court, softball field, basketball court, ball field, bicycle area including mountain bike trails and paths, green space or green place owned and operated by the Town of Clermont, Georgia, and to which the general public has access and a right to frequent for business, entertainment, recreation, or for other lawful purposes, and which has been either deeded to or dedicated to public use or ownership. The term "public recreational park" also includes any building, structure, or improvement owned and operated by the Town of Clermont, Georgia for recreational purposes and includes but is not limited to indoor recreational facilities, skateboard areas, and any public sidewalks abutting any park, playground, or place described in this definition.

Recorded plat. A plat recorded in the office of the clerk of superior court of the county.

Recreational vehicle. A vehicle that is built on a single chassis; 400 square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently towable by a light duty vehicle; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use or any landscape utility trailers, horse trailers, storage trailers, campers, fifth-wheel trailers, travel trailers, pop-up campers, transport trailers, mobile offices, and boat trailers.

Redevelopment. Any project which increases gross floor area by 50% or more, or any project where the cost of remodeling is greater than the assessed value of the existing site improvements as shown on the applicable county assessment and taxation records for the current year.

Retaining wall. Any structure constructed and erected between lands of different elevations to protect structures and/or to prevent erosion.

Right-of-way. An area or strip of land, either public or private, on which a right of use has been recorded. A right-of-way, as distinguished from an easement, is owned in fee simple title by the Town or other government, a duly organized homeowners' or property owners' association, or any other person.

Right-of-way line. The dividing line between a lot, tract, or parcel of land and a contiguous right-of-way.

Rooming house. A dwelling, permanently occupied by the owner or operator, where only sleeping accommodation is provided for three or more permanent occupants not of the same family by prearrangement for definite periods and for compensation and which makes no provision for cooking in any of the occupied rooms.

Safety lighting. Exterior lighting that involves ensuring proper levels of illumination to provide safe working conditions, safe passage, and the identification of outdoor hazards.

Sanitized, properly. In reference to Growlers, it means the container was: sanitized per the instructions of Star San sanitizer or any product that is the equivalent of Star San sanitizer; or, placed in an oven at a temperature of 340 degrees or higher for at least sixty (60) minutes; or, washed in an automatic dishwasher for a full wash and heat dry cycle with or without the addition of detergent agents; or, sanitized in conformance with the sanitation requirements for glassware used in restaurants as set forth in the rules or regulations of the Hall County Health Department.

Senior housing. Also known as Active Adult Living Housing. A residential facility that is constructed, substantially rehabilitated, or substantially renovated for the purpose of housing persons aged 55 years or older.

Service station. Any building, structure, or land use primarily for the dispensing, sale, or offering for sale at retail any automobile fuels, oils, or accessories, but not including major repair work such as motor overhaul, body and fender repair or spray painting.

Setback. The mean horizontal distance between the front street right-of-way line and the front line of the building or the allowable building lines as defined by the front yard regulations of this chapter.

Sewerage management system, on-site. A septic tank, seepage tile sewage disposal system or any other sewerage management system other than a public or community sewerage system, serving single or multiple buildings, residences or other facilities designed for human occupancy or congregation, as approved by the County Board of Health.

Sewerage treatment system, public. A municipal or community sewerage treatment system, including pipelines or conduits, pumping station, force mains and all other constructions, devices, and appliances appurtenant thereto, designed for treating or conducting sewerage for treatment and disposal into lakes, streams or other bodies of surface water.

Shopping center. A group of two or more commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements.

Sign. A name, identification, description, display or illustration which is affixed to, painted or represented, directly or indirectly, upon a building, structure, parcel or lot and which directs attention to an object, product, place, activity, person, institution, organization, or business located on the premises. Story means that portion of a building between the surface of a floor and the surface of the floor next above it, or, if there is no floor above it, then the space between the floor and the ceiling.

Special use. A use not ordinarily permitted but which may be permitted upon additional review based on the particular characteristics of the proposed use and property and surrounding properties related to the promotion of the public health, safety, morals, or general welfare. This additional review is designed to minimize the negative impact on the surrounding properties and value. A special use must be approved as specified through the Special Use Permit requirements. Since a special use is not ordinarily permitted, and only allowed after approval of the requirements as provided herein, the decision to allow a special use is a legislative decision by the Mayor and Council. This ordinance at times can use the term, "conditional zoning," but within the context of the use of this term within the ordinance, the term is being used in the context of special use zoning.

Spite strip. A piece of land used to separate a street or road rights-of-way from adjoining property and whose primary purpose is to preclude access to such rights-of-way.

Story, half. A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than two-thirds of the floor area is finished off for use. A half-story containing independent apartment or living quarters shall be counted as a full story.

Stream bank. The rising ground, bordering a stream, which serves to confine the water to the natural channel during the normal course of flow.

Street. A public or private vehicular transportation route and which affords the principal means of access to abutting property however designated as a street, highway, thoroughfare, parkway, road, avenue, or boulevard.

- (a) Minor or local street. Street used primarily for access to the abutting properties and serving travel demands in the immediate area.
- (b) Collector streets. Streets bringing traffic to arterials or interconnecting arterials. They provide for relatively easy movement at moderate speeds from homes and businesses to arterials.
- (c) Thoroughfare or arterial streets. Streets which function to move high volumes of traffic between principal traffic generators (such as residential, commercial, and industrial sectors) at moderate speeds and with minimum conflict to movements.

Structure. Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground, including, but not limited to, buildings, signs, billboards, backstops for tennis courts, fences, radio and water towers, grain and feed elevators.

Subdivision. The division, redivision, or separation of one parcel of land into two or more parcels, lots, building sites, or other divisions of land whether for the purpose of sale, legacy, or building development.

Supportive living. Four or more dwelling units in a single building or group of buildings that are designed for independent living for persons with disabilities of any kind and in which are provided supportive services to the residents of the complex but which supportive services do not constitute continuous 24-hour watchful oversight, and that does not require licensure as a personal care home by the Office of Regulatory Services of the State of Georgia Department of Human Resources.

Tower, telecommunications. Any physical component utilized in the provision of all types of telecommunications services, including all telecommunication support structures, alternative telecommunication support structures, antennas, equipment, infrastructure apparatus, base support mechanism, accessory equipment, towers, monopoles, small cell installations, and physical attachments necessary for the provision of such telecommunications services.

- (a) **Freestanding structure.** Any freestanding structure that is designed to support or capable of supporting and constructed primarily for the purpose of supporting telecommunication equipment; this term shall include self-supporting, guyed, and monopole support structures. The term includes, and is not limited to, radio and television transmission telecommunication support structures, microwave telecommunication support structures, common-carrier telecommunication support structures, cellular telecommunication support structures, man-made trees, alternative telecommunication support structures, and other similar structures.
- (b) **Co-location.** The placement or installation of a new antenna, including new small cell wireless technology on the property of a legally existing tower, structure, or building, or, if on a right-of-way, that of a utility or other franchisee legally existing in the public right-of-way. Such term includes the placement of accessory equipment within an existing equipment compound.
- (c) **Alternative telecommunication support structure.** Clock telecommunication support structures, bell telecommunication support structures, church steeples, light/power poles, electric transmission telecommunication support structures, man-made trees and similar natural or man-made alternative-design mounting structures that camouflage or conceal the presence of antennas or telecommunication support structures. An alternative telecommunication support structure may include a pre-existing building.

Townhouse. A single-family attached dwelling unit that is erected in a row as part of a single building, on adjoining lots, each separated from the adjoining unit by approved fire-resistant party walls extending from the basement or cellar floor to the roof along the dividing lot line. Each unit shall have its own front door which opens to the outdoors with no access between adjoining units.

Trailer. Any non-motorized vehicle or wheeled attachment designed to be towable and intended to be used as a mobile home. Vehicles or trailers defined as recreational vehicles are not considered trailers.

Transitional housing facility. The provision of long-term but not permanent living accommodations for more than six persons who have no permanent residence and are in

need of long-term housing assistance as licensed and regulated by the Georgia Department of Community Supervision.

Tree. A woody perennial plant having a single (usually elongate) main stem including, but not limited to, a shrub or vine of arborescent form.

Truck Terminal means a building, structure or place where, for the purposes of a common carrier, two or more trucks or transports are rented, leased, kept for hire, or stored, or parked or from which trucks or transports are dispatched.

Universal design. A method of design that allows aging in place by creating an environment that can be used by everyone, regardless of age or physical condition.

Utility. Public or private water or sewer piping systems, water or sewer pumping stations, electric power lines, fuel pipelines, telephone lines, roads, driveways, bridges, river/lake access facilities, stormwater systems and railroads or other utilities identified by a local government.

Vape shop. Any business whose principal product line for retail sale is alternative nicotine products or vape juice or both. For the purposes of this ordinance, alternative nicotine products refer to any products or devices that employ an electronic heating element, power source, electronic circuit, battery, or other electronic, chemical or mechanical means to produce a vapor that delivers nicotine to the person inhaling from the device, including electronic cigarettes, electronic cigars, electronic hookahs, electronic bonges, and electronic pipes, whether manufactured, distributed, marketed, or sold as an electronic cigarette, electronic cigar or electronic pipe. For the purposes of this ordinance vape juice refers to any liquid that contains compounds containing pharmaceutical grade vegetable glycerin, propylene glycol, nicotine, food grade flavoring, and water, and can be used for vaping by means as an alternative nicotine product. For the purposes of this ordinance, “principal” shall mean that alternative nicotine products, vape juice, or both constitute at least 25 percent of the business’s aggregate retail sales.

Water system, public. A system, owned and operated by a Town, county, or a legislatively-created authority, for the provision to the public of piped water for human consumption, if such system has at least 15 service connections, or regularly serves an average of at least 25 individuals daily, at least 60 days out of the year in accordance with the Rules of Georgia Department of Natural Resources, Environmental Protection Division, Rules for Safe Drinking Water (Ga. Comp. Rules and Regs. 391-3-5 et seq.).

Wetlands. Areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. The ecological parameters for designating wetlands include hydric soils, hydrological vegetation, and hydrological conditions that involve a temporary or permanent source of water to cause soil saturation.

Wine. Any alcoholic beverage containing not more than twenty-one (21) percent alcohol by volume, which is made from fruits, berries, or grapes, either by natural fermentation or by natural fermentation with brandy added. The term ‘wine’ includes, but is not limited to all sparkling wines, champagnes, combinations of such beverages, vermouths, special natural wines, rectified wines, etc. The term ‘wine’ does not include cooking wine mixed with salt or other ingredients so as to render it unfit for human consumption as a beverage.

A liquid shall first be deemed a wine at the point in the manufacturing process when it conforms to this definition.

Wing wall. A wall that is constructed and poured at the same time as the building foundation and is structurally a part of the building foundation. A wing wall is not a retaining wall.

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

Yard, front. An open, unoccupied space on the same lot with a principal building or use, extending the full width of the lot and located between the right-of-way line and the front line of the building projected to the side lines of the lot.

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

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

Zone, overlay. A district which applies supplementary regulations to land which is classified into a specific zoning district.

Zoning. The power of the Town to provide within its territorial boundaries for the zoning of property for various uses and the prohibition of other or different uses within such zones or districts and for the regulation of development and the improvement of real estate within such zones.

Zoning Official. The agent for, or the employee of the Town of Clermont, Georgia, designated by resolution of the Town Council to be the Zoning Official for the Town of Clermont, Georgia, and who shall perform the duties as set out within this Zoning Ordinance, including but not limited to enforcement of the Zoning Ordinance. The Town Council can designate the Mayor, or other proper agents, including but not limited to independent third-party contractors to be the Zoning Official, and by way of the authorizing resolution authorize the designated agent to delegate one or more duties of the Zoning Official to an appropriate designee or designees. The Zoning Official shall also be the Administrative Officer and perform the Administrative Officer's duties under this zoning ordinance.

Zoning Ordinance. The Zoning Ordinance adopted by the Mayor and Town Council of the Town of Clermont, Georgia and updated pursuant to the process outlined herein.

ARTICLE XXII | REVIEW AND APPROVAL PROCEDURES

Division 22.1 Common Provisions

Section 22-1 - Applicability.

The common provisions of this Division apply to all of the review and approval procedures of this Zoning Ordinance, unless otherwise expressly stated. The divisions of Article XXII, shall apply to the provisions of the Clermont Planning and Zoning Ordinance ("zoning ordinance"), and in the event of a conflict within

the provisions, the divisions and the provisions of Article XXII shall control, unless otherwise stated within Article XXII. References within the zoning ordinance to “uses permitted subject to Planning and Zoning Advisory Committee hearing and approval by the Town Council (e.g., Section 7-1.B.) shall be deemed to refer to “uses permitted subject to Planning Commission meeting and approval by the Town Council” and are deemed to be special uses. References to “uses permitted by special exception of the Town Council” are also deemed to be special uses. Article VII, “Special Use Exception and Uses permitted subject to Approval of Clermont Town Council Variances” shall be deemed to be special uses and follow the administrative procedures for special uses contained within Article XXII. Article XVI as to the Planning Commission shall have public meetings allowing public input during a comment period as to zoning applications but the formal zoning hearing will be before the Town Council. The variance procedures of Article XV are modified by the variance procedures of Article XXII and the procedures of Article XXII control. The zoning procedures of Article XVI are superseded by the provisions of Article XXII, and the procedures of Article XXII shall control.

Section 22-2 - Georgia Zoning Procedures Law.

The review and approval procedures of this Zoning Ordinance are intended to comply with the provisions of the Georgia Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq., which is incorporated by reference in its entirety. If any provision of this Zoning Ordinance is in conflict with any provision of the Zoning Procedures Law or if this Zoning Ordinance fails to incorporate a provision required for the implementation of the Zoning Procedures Law, the Zoning Procedures Law controls. This does not apply to procedures that are more restrictive than those established by the Georgia Zoning Procedures Law.

Section 22-3 - Procedures Summary Table.

Table 22-3 provides a summary of review and decision-making authority under this Zoning Ordinance. In the event of conflict between **Table 22-3** and the detailed procedures identified in this Zoning Ordinance, the detailed procedures govern.

Table 22-3—Reviews and Decision-Making Procedures			
Legend: R = Review/Recommendation DM=Decision-Making Body			
Procedure	Zoning Official	Planning Commission	Mayor and Town Council
Variance	R	R	DM
Administrative Variance	DM	--	--
Amendment and Special Use	R	R	DM
Annexation	R	R	DM
Concurrent Variance	R	R	DM
Appeals of Administrative Decision	--	--	DM

Section 22-4 - Application and fees.

(a) Form of application.

- (1) Applications required under this Zoning Ordinance shall be submitted on such forms as required by the Zoning Official.
- (2) The Zoning Official may develop checklists of application submittal requirements and make those checklists available to the public.

(b) Application filing fees. Applications shall be accompanied by the fee amount indicated in the fee schedule that has been approved by the Mayor and Town Council. Application filing fees are nonrefundable once the application has been accepted and determined to be complete.

(c) Application completeness, accuracy, and sufficiency.

- (1) An application will be considered complete and ready for processing only if it is submitted in the required quantity and form, includes all required information and supporting documentation, and is accompanied by the required application filing fee.
- (2) The Zoning Official shall make a determination of application completeness.
- (3) If an application is determined to be incomplete, the Zoning Official shall provide written notice to the applicant along with an explanation of the application's deficiencies.
- (4) No further processing of incomplete applications will occur, and incomplete applications will be pulled from the processing cycle. When the deficiencies are corrected, the application will be placed in the next available processing cycle.
- (5) Applications deemed complete by the Zoning Official will be considered to be in the next available processing cycle and will be reviewed by the Zoning Official, affected agencies, and other review and decision-making bodies in accordance with applicable review and approval procedures of this Zoning Ordinance.

Section 22-5 - Pre-application Meetings.

Pre-application meetings provide an early opportunity for Zoning Official and applicants to discuss the procedures, standards, and regulations required for development approval under this Zoning Ordinance. Pre-application meetings are required whenever the provisions of this Zoning Ordinance expressly state that they are required. They are encouraged in all cases.

Section 22-6 - Application Processing Cycles.

The Zoning Official is authorized to promulgate reasonable application processing cycles and schedules for processing applications under this Zoning Ordinance. Processing cycles may establish:

- (a) Deadlines for receipt of complete applications;
- (b) Timeframes for determination of application completeness;
- (c) Dates of regular meetings;
- (d) Timing of staff reviews and reports;
- (e) Estimated timeframes for completion of reviews and decision-making;
- (f) Timelines for consideration of Comprehensive Plan Amendments (e.g., annual or semi-annual); and

- (g) Other information regarding administrative practices and customs that will assist applicants and the general public.

Section 22-7 - Withdrawal and Hold of Applications.

(a) Withdrawal of applications.

- (1) Applications may be withdrawn at the discretion of the applicant and with approval by the property owner without prejudice at any time before the legal advertising. The applicant is required to submit the request to withdraw in writing to the Zoning Official.
- (2) Applications may be withdrawn without prejudice after the legal advertising but before a public hearing at the discretion of the applicant. The applicant/property owner shall not be entitled to a refund and is required to submit the request to withdraw in writing to the Zoning Official.
- (3) Applications may only be withdrawn after a public hearing by majority vote of the Mayor and Town Council.

(b) Administrative hold of applications.

Applications may be placed on an administrative hold by the Zoning Official and deferred to a later meeting if new information has become available about a request or additional information is needed related to the request.

Section 22-8 - Conditions of Approval.

When decision-making bodies approve applications with conditions, the conditions shall relate to a situation created or aggravated by the proposed use or development and must be roughly proportional to the impacts of the use or development. No condition in the form of a development exaction for other than a project improvement may be imposed within the meaning of the Georgia Development Impact Fee Act. Any conditions imposed shall comply with the following:

- (a) Conditions may be imposed to mitigate any possible adverse impacts of the proposal on neighboring persons or properties, consistent with the purposes of this Zoning Ordinance, the goals and objectives of the Comprehensive Plan, and State Law.
- (b) Once imposed, specific conditions adopted and set forth by any zoning amendment with respect to any property shall control or limit the use of such property and enforced against the then current owner and all successors in title, unless and until such zoning conditions are modified by the adoption of a new zoning amendment applicable to said property.
- (c) Except as otherwise expressly stated, amendments, changes to approved conditions, or special use permits may be approved or altered only by following the same procedures as the original approval.

Section 22-9 - Outside Agency Reviews.

Developments of regional impact. If a proposed development qualifies as a Development of Regional Impact (DRI) pursuant to O.C.G.A. § 50-8-7.1, no final action may be taken by the legislative or administrative bodies detailed in this ordinance until such DRI report is received from the Regional Commission and comments, if any, are addressed to the satisfaction of the Zoning Official.

Sections 22-10 – 22-20 – Reserved.

Division 22.2 Variances

Section 22-21 - Applicability.

All requests for relief from strict compliance with the regulations of this Zoning Ordinance require review and recommendation from the Zoning Official and Planning Commission before a final decision is rendered by Mayor and Town Council. Mayor and Town Council is authorized to consider and approve, approve with conditions, or deny variances in accordance with the variance procedures of this Division.

Section 22-22 - Prohibited Variances.

The Variance procedures of this Division shall not be used to:

- (a) Allow a structure or use not authorized in the subject zoning district;
- (b) Allow a prohibited use;
- (c) Allow an increase in maximum building height;
- (d) Waive, vary, modify or otherwise override a condition of approval attached to an amendment, special use permit, or other legislative development approval under this Zoning Ordinance;
- (e) Reduce, waive, or modify in any manner the minimum lot area or lot width required for any lot;
- (f) Allow the reestablishment of any nonconforming use that has been abandoned or lost its nonconforming rights; or
- (g) Allow the expansion or enlargement of any nonconforming use.

Section 22-23 - Authority to File.

Applications for variances may be filed by the owner of the subject property or the property owner's authorized agent.

Section 22-24 - Pre-application Meeting.

A pre-application meeting is recommended for all variance requests.

Section 22-25 - Application Filing.

Variance applications shall be filed with Town Hall.

Section 22-26 - Public Hearing Notices.

Notice of required public hearings shall be provided as follows:

- (a) Each notice shall provide the following information:
 - (1) Time of hearing
 - (2) Place of hearing
 - (3) Purpose of request
 - (4) Location of property
 - (5) Present zoning
- (b) Newspaper notice. Newspaper notice shall be provided at least 30 days before but not more than 45 days before the date of the Town Council public hearing.

- (c) Posted notice. Posted notice (signs) shall be posted at least 30 days but not more than 45 days before the date of the Town Council public hearing.
- (d) Property owner notice. Mailed notice shall be made via USPS to the owner(s) of the lot(s) subject to the requested action as identified on the Hall County tax assessor online database at the time of the mailing at least 30 days but not more than 45 days before the date of the Town Council public hearing. If a more current ownership record is submitted with the application, that information shall be used for the notice.

Section 22-27 – Zoning Official Review.

Upon receipt of a complete variance application, the Zoning Official shall review the proposal and prepare an analysis and recommendation for consideration by the Planning Commission and Mayor and Town Council. This review and analysis shall be transmitted to the Planning Commission and Mayor and Town Council before the Planning Commission meeting and the Council public hearing on the matter. The report shall also be made available to the applicant and the general public.

Section 22-28 - Planning Commission Public Meeting and Recommendation.

- (a) The Planning Commission shall hold a public meeting to consider all variance applications. At the public meeting, Town staff shall introduce the variance request and outline the Zoning Official recommendation based on the criteria of **Section 22-30 - Review and approval criteria**. During a public comment period of the meeting, the applicant for variance shall have the right to present testimony and other evidence in support of the variance request. Proponents and opponents of the variance request shall each be permitted a minimum of ten (10) minutes per side to present their testimony and any documentary evidence. The applicant shall have the right to refute by rebuttal any evidence presented by the other side, such rebuttal being limited to five minutes. The presiding officer of the meeting may extend the time for either or both sides. The Planning Commission may ask questions and seek clarification of any testimony or evidence presented.
- (b) Following the close of the public comment period and consideration of all testimony, documentary evidence, and matters of record, the Planning Commission shall act to recommend that the variance be approved, approved with conditions, or denied based on the applicable review and approval criteria of **Section 22-30 - Review and approval criteria**. The Planning Commission may also recommend deferral of the application, or, upon request of the applicant, withdrawal of the application without prejudice.
- (c) The Planning Commission's final recommendation shall be made within a reasonable period of time, but in no event, more than 30 days from the date of the close of the meeting.
- (d) The Planning Commission's recommendation shall be transmitted to the Mayor and Town Council. Neither the recommendation of the staff or the Planning Commission is binding on the Mayor and Town Council.

Section 22-29 - Town Council Public Hearing and Decision.

- (a) The Town Council shall hold a public hearing to consider all variance applications. At the public hearing, Town staff shall introduce the variance request and outline the recommendation based on the criteria of **Section 22-30**. The applicant for variance shall have the right to present testimony and other evidence in support of the variance request.

Proponents and opponents of the variance request shall each be permitted a minimum of ten (10) minutes per side to present their testimony and any documentary evidence. The applicant shall have the right to refute by rebuttal any evidence presented by the other side, such rebuttal being limited to five minutes. The presiding officer of the hearing may extend the time of either or both sides. The Town Council may ask questions and seek clarification of any testimony or evidence presented.

- (b) Following the close of the hearing and consideration of all testimony, documentary evidence, and matters of record, the Town Council shall act to approve the variance, approve the variance with conditions, or deny the requested variance. The Town Council is also authorized to defer action on the variance or allow the applicant to withdraw the variance without prejudice. The Town Council's final decision shall be made within a reasonable period of time, but in no event, more than 60 days from the date of the close of the hearing.

Section 22-30 - Review and Approval Criteria.

- (a) The Town Council may authorize variances from the provisions of this Zoning Ordinance based on consideration all of the following criteria:
 - (1) There are extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape, or topography; and
 - (2) The application of the requirements of this Ordinance to the particular piece of property would create an unnecessary hardship; and
 - (3) Such conditions are peculiar to the particular piece of property involved;
 - (4) Such conditions are not the result of actions of the property owner; and
 - (5) Relief, if granted, would not cause substantial detriment to the public good nor impair the purposes or intent of this Zoning Ordinance.

Section 22-31 - Successive Applications.

If a variance application is denied, an application to vary the same Zoning Ordinance provision for the same portion of the subject property may not be resubmitted for twelve (12) months from the date of the denial.

Section 22-32 - Appeals.

See **Division 22.7**

Section 22-33 - Transfer.

Approved variances, and any attached conditions, run with the land and are not affected by changes in tenancy or ownership.

Section 22-34 - Amending Conditions of Approval.

A request for changes in conditions of approval attached to an approved variance shall be processed as a new variance application in accordance with the procedures of this Division, including the requirements for fees, notices, and hearings.

Division 22.3 Administrative Variances

Section 22-35 - Applicability.

The Zoning Official is authorized to approve the following administrative variances:

- (a) Allow the increase in maximum lot coverage by up to ten (10) percent;
- (b) Allow the increase in maximum parking by up to ten (10) percent;
- (c) Allow the decrease in minimum setback by up to ten (10) percent; but not including any transitional buffer;
- (d) Allow the increase in the maximum retaining wall or fence height by no more than two (2) feet.
- (e) Allow relief for utility requirements.

Section 22-36 - Authority to File.

Applications for approval of administrative variances may be filed by the owner of the subject property or the property owner's authorized agent.

Section 22-37 - Pre-application Meeting.

A pre-application meeting is recommended for all administrative variance requests.

Section 22-38 - Application Filing.

Administrative variance applications shall be filed at Town Hall.

Section 22-39 - Posted Notice

- (a) Posted notice (signs) shall be posted within five (5) days of the date of filing an application for an administrative variance. Posted notice shall provide the following:
 - (1) Purpose of request
 - (2) Location of property
 - (3) Present zoning
 - (4) Deadline for accepting comments outlined in Section 22-39(b)
- (b) Community members of the Town wishing to support or oppose a request for administrative variance shall file their comments in writing with the Zoning Official. The deadline for acceptance of comments is 14 days after notice was posted on the property.

Section 22-40 - Zoning Official's Decision.

- (a) The Zoning Official shall review each application for an administrative variance and act to approve the application, approve the application with conditions, or deny the application.
- (b) The Zoning Official shall not take final action to approve or deny an administrative variance until at least 15 days after the notice was posted. Any comments received with respect to the administrative variance request shall be taken into account, as they relate to the review and approval criteria of Section 22-30 only, prior to the Zoning Official reaching his or her decision. All decisions shall be made in writing within 30 days of the date the application was filed, unless the applicant agrees to an extension of time for the decision.

Section 22-41 - Review and Approval Criteria.

The Zoning Official's decision to approve or deny an administrative variance shall be based on the variance review and approval criteria of **Section 22-30**.

Section 22-42 - Appeals.

Final decisions on administrative variances may be appealed by any person aggrieved by the decision in accordance with the appeal procedures of **Division 22.6**.

Section 22-43 - Transfer.

Approved administrative variances and any attached conditions run with the land and are not affected by changes in tenancy or ownership.

Section 22-44 - Amending Conditions of Approval.

A request for changes in conditions of approval attached to an approved administrative variance shall be processed as a new application in accordance with the procedures of this Division.

Division 22.4 Amendments and Special Uses**Section 22-45 - Applicability.**

- (a) The procedures of this Division apply to all amendments (zoning map, Comprehensive Plan/future development map, annexations, changes to conditions of zoning, and text) and special use permits required under this Zoning Ordinance. If referenced generally as "amendments" herein this Division, the regulations are referring to all amendments, annexations, and special use processes.
- (b) Concurrency with Zoning Map Amendments. No zoning map amendment shall be considered if it is not consistent with the future development map. Pursuant to the future development map, an applicant may submit an amendment to the map, either separately or concurrently with a proposed zoning map amendment. If a future development map amendment is denied, then any concurrent zoning map amendment may be withdrawn in the discretion of the applicant, or the applicant can elect to have the Town Council proceed forward with a determination of the associated zoning map amendment.

Section 22.46 - Authority to Initiate.

- (a) Amendments to the future development map and/or character area map, the zoning map, annexations, modifications of conditions of approval, and the text of this Zoning Ordinance may be initiated by the Mayor following a motion and a second, any member of the Town Council following a motion and a second, or by the Zoning Official acting on behalf of the Mayor and Town Council.
- (b) Amendments to the future development map and/or character area map, the zoning map, annexations, or modifications to conditions of approval may be initiated upon application by the owner of the subject property or the subject property owner's authorized agent.
- (c) Applications for special use permit approval may be filed by the owner of the subject property or the property owner's authorized agent.

Section 22-47 – Pre-application Meeting.

A pre-application meeting is recommended for all amendments.

Section 22-48 - Application Filing.

- (a) Owner-initiated applications for amendments shall be filed at Town Hall.
- (b) No particular format is required for the Town Council or Zoning Official to initiate an amendment, but they shall follow the process of any owner-initiated application except for the pre-application meeting in **Section 22-47**.

Section 22-49 - Public Hearing Notices.

Notice of required public hearings shall be provided as follows:

- (a) Each notice shall provide the following information:
 - (1) Time of hearing
 - (2) Place of hearing
 - (3) Purpose of request
 - (4) Location of property
 - (5) Present zoning
 - (6) Proposed zoning
- (b) Newspaper notice. Newspaper notice shall be published at least 30 days before but not more than 45 days before the date of the Mayor and Town Council public hearings.
- (c) Posted notice. Posted notice (signs) shall be posted at least 30 days before but not more than 45 days before the date of the public hearing before the Mayor and Town Council. Town-initiated zoning text amendments shall not require posting of any signs.
- (d) Property owner notice. Mailed notice shall be made via USPS to the owner(s) of the lot(s) subject to the requested action as identified on the Hall County tax assessor online database at the time of the mailing at least 30 days but not more than 45 days before the date of the Town Council public hearing.
- (e) When any of the following actions are proposed, reference the Georgia Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq., for additional notice requirements:
 - (1) Town-initiated rezoning and/or text amendment to revise a zoning classification related to single-family residential uses of property so as to authorize multifamily uses of property pursuant to such classification or definitions, or to grant blanket permission, under certain or all circumstances, for property owners to deviate from the existing zoning requirements of a single-family residential zoning;
 - (2) Halfway house, drug rehabilitation center, or other facility for the treatment of drug dependency; or
 - (3) Annexations.

Section 22-50 - Staff Review.

Upon receipt of a complete amendment application, the Zoning Official shall review the proposal and prepare an analysis and recommendation for consideration by the Planning Commission and Mayor and Town Council. This review and analysis shall be transmitted to the Planning Commission and Mayor and Town Council before their public hearings on the matter. The staff report shall also be made available to the applicant and the general public.

Section 22-51 - Planning Commission Public Meeting and Recommendation.

- (a) The Planning Commission shall hold a public meeting to consider all amendment

applications. At the public meeting, Town staff shall introduce the amendment request and outline the recommendation based on the criteria of **Section 22-53**. During the public comment period of the meeting, the applicant for the amendment shall have the right to present testimony and other evidence in support of the amendment request. Proponents and opponents of the amendment request shall each be permitted a minimum of ten (10) minutes per side to present their testimony and any documentary evidence. The applicant shall have the right to refute by rebuttal any evidence presented by the other side, such rebuttal being limited to five (5) minutes. The presiding officer of the meeting may extend the time of either or both sides. The Planning Commission may ask questions and seek clarification of any testimony or evidence presented.

- (b) Following the close of the public comment period and consideration of all testimony, documentary evidence, and matters of record, the Planning Commission shall act to recommend that the amendment be approved, approved with conditions, or denied based on the applicable review and approval criteria of **Section 22-53 - Review and approval criteria**. The Planning Commission may also recommend deferral of the application, or, upon request of the applicant, withdrawal of the application without prejudice.
- (c) The Planning Commission may defer the application once for one period of up to 30 days or one (1) zoning cycle, whichever is longer, with the subsequent meeting date based upon the next available meeting on the approved calendar.
- (d) The Planning Commission's recommendation shall be transmitted to the Mayor and Town Council. Neither the recommendation of the Zoning Official or the Planning Commission is binding on the Mayor and Town Council.

Section 22-52 - Town Council Public Hearing and Decision.

- (a) The Town Council shall hold a public hearing to consider all amendment applications. At the public hearing, Town staff shall introduce the amendment request and outline the recommendation based on the criteria of **Section 22-53 - Review and approval criteria**. The applicant for the amendment shall have the right to present testimony and other evidence in support of the amendment request.
- (b) Proponents and opponents of the amendment request shall each be permitted a minimum of ten (10) minutes per side to present their testimony and any documentary evidence. The applicant shall have the right to refute by rebuttal any evidence presented by the other side, such rebuttal being limited to five (5) minutes. The presiding officer of the hearing may extend the time of either or both sides. The Town Council may ask questions and seek clarification of any testimony or evidence presented.
- (c) When any of the following actions are proposed, reference the Georgia Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq., for additional hearing requirements:
 - (1) Town-initiated rezoning and/or text amendment to revise a zoning classification related to single-family residential uses of property so as to authorize multifamily uses of property pursuant to such classification or definitions, or to grant blanket permission, under certain or all circumstances, for property owners to deviate from the existing zoning requirements of a single-family residential zoning;
 - (2) Halfway house, drug rehabilitation center, or other facility for the treatment of drug dependency; or
 - (3) Annexations.

- (d) Following the close of the hearing and consideration of all testimony, documentary evidence, and matters of record, the Town Council shall act to approve the amendment, approve the amendment with conditions, or deny the requested amendment. The Mayor and Town Council is also authorized to defer action on the amendment, refer the application back to the Planning Commission for reconsideration, or allow the applicant to withdraw the amendment without prejudice.
- (e) The Town Council's final decision shall be made within a reasonable period of time, but in no event more than 60 days from the date of the close of the hearing.

Section 22-53 - Review and Approval Criteria.

The review and approval criteria shall be used in reviewing and taking action on all Amendment applications. No application for an amendment may be granted by the Mayor and Town Council unless satisfactory provisions and arrangements have been made concerning each of the following considerations:

- (a) Zoning Map Amendments. The following review and approval criteria shall be used in reviewing and acting on zoning map amendments, including changing conditions to existing zoning:
 - (1) The extent to which property values are diminished by the particular zoning restrictions.
 - (2) The extent to which the destruction of property values promotes the health, safety, morals or general welfare of the public.
 - (3) The relative gain to the public, as compared to the hardship imposed upon the individual property owner.
 - (4) The physical suitability of the subject property for development as presently zoned and under the proposed zoning district.
 - (5) The length of time the property has been vacant, considered in the context of land development in the area in the vicinity of the property, and whether there are existing or changed conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the rezoning request.
 - (6) The zoning history of the subject property.
 - (7) The extent to which the proposed zoning will result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, schools, police protection, fire protection, public health facilities, emergency medical services, or other public facilities.
 - (8) Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan, land use plan, or other adopted plans.
 - (9) Whether the zoning proposal will permit a use that is suitable in view of the use, development, and zoning of adjacent and nearby property.
 - (10) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.
 - (11) Whether the change would create an isolated district unrelated to the surrounding districts, such as "spot zoning".
 - (12) Whether the present zoning district boundaries are illogically drawn in relation to existing conditions in the area.
 - (13) Whether the change requested is out of scale with the needs of the Town as a whole or the immediate neighborhood.

- (14) Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned.
 - (15) Whether the need for rezoning could be handled instead by a variance request.
 - (16) Whether there would be an ecology or pollution impact resulting from major modifications to the land if the request is granted.
 - (17) Whether there is reasonable evidence based upon existing and anticipated land use that would indicate a mistake was made in the original zoning of the property.
 - (18) The Planning Commission and the Governing Body may consider other factors deemed relevant before formulating recommendations and taking action on a particular request.
- (b) Comprehensive Plan and Future Development Map Amendments. The following review and approval criteria shall be used in reviewing and acting on all Comprehensive Plan and Future Development Map and/or character area map amendments:
- (1) Whether the Comprehensive Plan amendment proposal is compatible with the surrounding future land uses as identified in the Future Development Map and/or character area map;
 - (2) Whether the Comprehensive Plan amendment proposal can be adequately served by existing transportation facilities and other infrastructure, such as schools, water, and sewer;
 - (3) Whether the Comprehensive Plan amendment proposal negatively impacts natural and historic resources identified by the Town;
 - (4) Whether the Comprehensive Plan amendment proposal is in the best interest of the Town and the public good and whether the proposal protects the health and welfare of its citizens;
 - (5) Whether the property to be affected by the Comprehensive Plan amendment proposal has a reasonable economic use as currently designated on the Future Development Map and/or character area map; and
 - (6) Whether the land use amendment proposal meets the policies and intent established in the Comprehensive Plan for Clermont, as amended.
- (c) Text Amendments. The following review and approval criteria shall be used in reviewing and acting on all text amendments:
- (1) Whether the amendment is in conformity with the policy and intent of the Comprehensive Plan for Clermont, as amended; and
 - (2) Whether the proposed Zoning Ordinance text amendment corrects an error or inconsistency in the Zoning Ordinance, meets the challenge of a changing condition, or is necessary to implement established policy.
- (d) Special Permits. The following review and approval criteria shall be used in reviewing and acting on all special use permits:
- (1) Whether the subject property under the proposed special use is in conformity with the policies and intent of the adopted Comprehensive Plan for Clermont, as amended;
 - (2) Whether the proposed special use would allow a use that is generally suitable for the site compared to other possible uses and the uses and zoning of adjacent and nearby properties;
 - (3) Whether the change requested is out of scale with the needs of the Town as a whole or the immediate neighborhood;

- (4) Whether the establishment of the special use would impede the normal and orderly development of surrounding property for uses predominant in the area;
 - (5) Whether the location and character of the proposed special use would be consistent with a desirable pattern of development for the locality in general;
 - (6) Whether the proposed amendment would adversely affect the economic value or the uses of adjacent and nearby properties;
 - (7) Whether the property to be affected by the proposed special use can be used as currently entitled; and whether the value of the subject property are diminished by the current permitted uses;
 - (8) Whether the proposed special use permit, if approved, would result in a use which would or could cause an excessive or burdensome use of existing streets, schools, sewers, water resources, police and fire protection, or other utilities;
 - (9) Whether the property has been vacant as zoned and the length of time it has been vacant, if so;
 - (10) Whether the change requested is out of scale with the needs of the Town as a whole or the immediate neighborhood;
 - (11) Whether adequate sites for the proposed use can be permitted on properties already appropriately zoned;
 - (12) Whether there are other conditions or transitional patterns affecting the use and development of the subject property, if applicable, which give grounds for either approval or disapproval of the proposed special use; and
 - (13) Any of the criteria of Section 22-53(a) may be considered regarding a special use.
- (e) Annexations. The following review and approval criteria shall be used in reviewing and acting on all Annexations:
- (1) Compliance with applicable sections of O.C.G.A 36-36 for lawful Annexation of Territory;
 - (2) Adequacy of access to the site;
 - (3) Consistency of the proposal with the Town's adopted Comprehensive Plan, including but not limited to goals and policies for urbanization, housing, cultural, historic and natural resources, infrastructure, and provision of public infrastructure and community services;
 - (4) Adequacy and availability of the following public facilities and services to serve potential development at time of development;
 - a. Transportation. The urbanization of the site can be accommodated with existing transportation infrastructure in conjunction with proposed improvements. Any existing or proposed streets in the proposed annexation area shall be constructed or upgraded to Town standards, whether those streets are public or private. Prior to annexation, a performance bond may be required to demonstrate compliance with these requirements. Actual improvements are required as soon as practicable upon annexation approval.
 - b. Sewer. The urbanization of the site can be accommodated based on current sewer capacity.
 - c. Water. The urbanization of the site can be accommodated based on current water capacity.

- d. Stormwater. The urbanization of the site can be accommodated based on current stormwater capacity.
 - e. Police, Fire, and Emergency Services. Police, fire, and emergency services can adequately serve the site;
 - f. Parks. The urbanization of the site can be accommodated based on current parks resources.
 - g. Schools. The urbanization of the site may be analyzed for school capacity considering any school forecast approved by Hall County School District.
- (5) Demonstration of how the impacts of future development to Town public facilities and services will be mitigated. Mitigation may include on-site or off-site infrastructure or improvements to existing infrastructure to Town standards and specifications, payment of system development charges, etc. Funding for the mitigation must be identified. The Town Council reserves the right to enter into a development agreement with the applicant that governs the extent and timing of infrastructure improvements;
 - (6) The annexation is in the best interest of the Town. Generally, the Council may consider the annexation is in the best interest of the Town if it meets two or more of the following criteria:
 - a. It provides a needed solution for existing problems resulting from insufficient sanitation, water service, public safety, code enforcement, or other urban service-related problems;
 - b. It provides land for development to meet urban needs including jobs and/or housing in an orderly and logical growth pattern;
 - c. It fills in gaps in existing islands or other types of non-contiguous boundaries;
 - d. It provides needed routes for utility and transportation networks.
 - (7) All natural hazards identified by the Town, such as wetlands, floodplains, steep slopes and streams, including those mapped and unmapped by the Town, County, State or other government agencies are identified;
 - (8) All historically designated and potentially eligible historic structures are identified;
 - (9) Any significant adverse impacts on the economic, social and physical environment of the community or on specially designated open space, scenic, historic or natural resource areas identified in the Comprehensive Plan by urbanization of the subject property at time of annexation can be avoided or mitigated; and,
 - (10) The extent to which the proposed annexation territory includes preservation of natural features, landforms and significant tree canopy.

Section 22-54 - Successive Applications.

If an amendment application is denied, an application for an amendment affecting all or a portion of the same property may not be resubmitted for twelve (12) months from the date of the denial.

Section 22-55 - Transfer.

Approved amendments and special use permits and any attached conditions run with the land and are not affected by changes in tenancy or ownership.

Section 22-56 - Modifying Conditions of Approval.

Conditions attached to previously approved amendments may be modified in accordance with the following:

(a) Minor Modification.

- (1) Modification of any of the following site plan characteristics, if attached as a condition of approval to an approved amendment, constitute a “minor modification” for purposes of interpreting this Section. For the purposes of this Section, a minor modification in the approved amendment means a slight alteration or change in layout, such as, but not limited to, small shifts in the location of buildings, streets, driveways, sidewalks, trails, utilities, easements or other similar features that do not negatively impact adjacent property, the public health and safety, the quality of materials, the appearance of the project, or the health and quality of the natural environment, including:
 - a. The movement of any building or structure within the site, provided the movement of the structure is not closer to a property line or into a required buffer, landscape zone, sidewalk zone, or streetscape;
 - b. Any increase in the minimum size of residential units;
 - c. Any increase in the size of a required buffer or sidewalk;
 - d. Any decrease in building or structure height;
 - e. Any change in the proportion of floor space devoted to different authorized uses by less than 5 percent;
 - f. Any decrease in the land area of the subject property or project, provided it does not impact other approved conditions; or
 - g. Any relocation of site features that do not exceed any other minor site modification thresholds.
- (2) The Zoning Official is authorized to approve minor modifications.
- (3) Any request for a minor modification shall be made in writing to the Zoning Official. If an approved site plan exists, the request for minor modification shall be accompanied by a copy of the revised site plan.
- (4) Modification of conditions attached to an approved amendment that are not classified as a minor modification constitute a “major modification” for purposes of interpreting this Section.

(b) Major Modification.

- (1) Any modification request that exceeds the thresholds for a minor modification, or any modification the Zoning Official determined to be substantial enough to require Town Council review, is considered a major modification.
- (2) Any major modification of approved amendments shall be processed as a new amendment application in accordance with the procedures of this Division, including the requirement for fees, notices, and hearings.
- (3) Any future alterations of conditions attached to an approved amendment shall be processed as a new amendment application in accordance with the procedures of this Article, including the requirement for fees, notices, and hearings.

Division 22.5 Concurrent Variances

Section 22-57 - Authority.

The Mayor and Town Council is authorized to consider and approve, approve with conditions, or deny variance applications that would otherwise require approval under **Division 22.2** simultaneously with any amendment or special use permit application. In such instances, the notices published and posted pursuant to **Section 22-49 -Public Hearing Notices** shall also include notice that concurrent variances are being sought.

Section 22-58 - Process.

- (a) The Planning Commission shall make a recommendation on the requested concurrent variance in addition to its recommendation on the companion application.
- (b) The Planning Commission shall make its recommendation, and the Mayor and Town Council shall take action on the concurrent variance request in a separate motion after acting on the companion application.
- (c) Any application for a variance that is not processed simultaneously with an amendment or special use permit application shall be processed as a separate variance request in accordance with the procedures of **Division 22.2**.
- (d) The public hearing may be conducted concurrently with the public hearing for the amendment.

Section 22-59 - Review and Approval Criteria.

In taking action on concurrent variance requests, the Planning Commission and Mayor and Town Council shall apply the variance review and approval criteria of **Section 22-30 - Review and approval criteria**.

Section 22-60 - Appeals.

See **Division 22.7**.

Division 22.6 Appeals of Administrative Decisions

Section 22-61 - Applicability.

The procedures of this Division apply to appeals of administrative decisions.

Section 22-62 - Authority to File.

Appeals of administrative decisions may be filed by any person aggrieved by, or by any Town official, department, board or agency affected by any final order, requirement, or decision of an administrative official, based on or made in the enforcement of this Zoning Ordinance. A person may be considered aggrieved for purposes of this Section only if they are the applicant, the owner of the property that is the subject of the administrative official's decision, or they are a person with a substantial interest in the administrative official's decision who is in danger of suffering special damage or injury not common to all property owners similarly situated, as determined by the Town Council.

Section 22-63 - Application Filing.

Applications for appeals of administrative decisions shall be filed with the Zoning Official within 15 days of the date of the order, requirement, or decision being appealed. Failure to act is not an order, requirement, or decision within the meaning of this Division. The appeal shall be scheduled to be heard at the next regularly scheduled Town Council meeting for which required hearing notice can be provided, unless the applicant agrees to a later hearing date.

Section 22-64 - Effect of Appeal.

The filing of a complete notice of appeal stays all proceedings in furtherance of the action appealed, unless the official whose decision is being appealed certifies to the Town Council, after the appeal is filed, that, because of facts stated in the certification, a stay would cause imminent peril to life or property. In such a case, proceedings may be stayed only by a restraining order granted by the superior court on notice to the official whose decision is being appealed and on due cause shown.

Section 22-65 - Record of Decision.

Upon receipt of a complete application of appeal, the Zoning Official or other administrative official whose decision is being appealed shall transmit to the Mayor and Town Council all papers constituting the record upon which the action appeal is taken.

Section 22-66 - Hearing Notice.

Mailed notice via USPS of the Town Council hearing shall be provided to the following parties at least 30 days before the date of the Town Council hearing.

- (a) Appellant;
- (b) If the appellant was not the original applicant for the decision being appealed, the original applicant; and.
- (c) Owner(s) of record of the lot(s) subject to the required action as identified on the Hall County tax assessor online database at the time of the mailing, if different than the preceding notice requirements of this Section.

Section 22-67 - Hearing and Decision.

- (a) The Town Council shall hold a public hearing to consider all appeals of administrative decisions. The only active participants are the appellant, the original, applicant if other than the appellant, and the Zoning Official or other administrative official whose decision is being appealed. Participants in the meeting may present testimony, produce documentary evidence, and may cross examine testimony and evidence provided by another participant. The Town Council may ask questions or seek clarification from any participant in the hearing.
- (b) Following the close of the hearing and consideration of all testimony, documentary evidence, and matters of record, the Town Council shall make a decision. The decision shall be made within a reasonable period of time, but in no event, no more than 60 days from the date of the close of the hearing.
- (c) In exercising its powers, the Town Council may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from. To that end, the Town Council has all the powers of the administrative official from

whom the appeal was taken and may issue or direct the issuance of a permit, provided all requirements imposed by all other applicable laws are met.

Section 22-68 - Review Criteria.

An appeal may be sustained only upon a finding by the Town Council that the administrative official's action was based on an erroneous finding of a material fact or that the administrative official acted in an arbitrary manner.

Section 22-69 - Appeals.

See **Division 22.7.**

Division 22.7 Appeals

Section 22-70 - Applicability.

The procedures of this Division apply to all appeals not processed under **Division 22.6 - Appeals of Administrative Decisions.**

Section 22-71 - Authority to File.

Any person aggrieved by a final decision of the Mayor and Town Council may seek review in the Superior Court of Hall County within 30 days of the date of the decision in accordance with the procedures established by Georgia law. A person is considered aggrieved for purposes of this Section only if the person or their property was the subject of the action appealed from, or the person has a substantial interest in the action being appealed that is in danger of suffering special damage or injury not common to all property owners similarly situated.

Section 22-72 - Application Filing.

Appeals of final quasi-judicial decisions of the Town Council, as categorized by Georgia law, shall be by way of a petition for review pursuant to the Superior and State Court Appellate Practice Act (O.C.G.A. § 5-3-1, et seq.) to the Hall County Superior Court, with the petition for review filed within 30 days of the decision, and following the statutory procedures regarding the petition for review. All other final decisions of the Town Council shall be appealed to the Hall County Superior Court within 30 days of the date of the decision and in accordance with the procedures established by Georgia law.

Section 22-73 – Authority to Accept Service.

The Zoning Official shall be authorized, without additional board or agency action, to accept service and/or to approve or issue any form or certificate necessary to perfect the petition described in the Georgia Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq., for review of lower judicatory bodies and upon whom service of such petition may be effected or accepted on behalf of the lower judicatory board or agency, during normal business hours, at the Town of Clermont Town Hall.

ARTICLE XXIII | ADMINISTRATION AND ENFORCEMENT

Division 23.1 Inspections

Section 23-1 - Right of Entry.

- (a) Upon presentation of Town identification to the developer, contractor, owner, owner's agent, operator or occupants, Town employees or agents authorized by the Zoning Official shall be permitted to enter during all reasonable hours, or outside reasonable hours, in the event of any emergency threatening life or property, any public or private property for the purpose of making inspections to determine compliance with the provisions of this Zoning Ordinance during the open period of any development or building permit.
- (b) Upon presentation of Town identification to the developer, contractor, owner, owner's agent, operator or occupants, Town employees or agents authorized by the Zoning Official may seek to enter, during all reasonable hours, or outside reasonable hours in the event of any emergency threatening life or property, any public or private property for the purpose of making inspections to determine compliance with the provisions of this Zoning Ordinance following issuance of a certificate of occupancy/completion. Where consent is not given to entry, such Town employees or agents may seek a warrant to secure entry to the premises.
- (c) If a property or facility has security measures in force, which require proper identification and clearance before entry into its premises, the owner or operator shall make the necessary arrangements to allow access to the Zoning Official or his agents.
- (d) The owner or operator shall allow the Zoning Official or his agents ready access to all parts of the premises for the purposes of inspection, investigation, observation, monitoring, measurement, recording, enforcement, sampling and testing, photography, and videotaping for ensuring compliance with the provisions of this Zoning Ordinance. The owner or operator shall allow the Zoning Official or his agents to examine and copy any records that are required under the conditions of any permit granted under this Zoning Ordinance.
- (e) The Zoning Official or his agents shall have the right to set up on any premises, property, or facility such devices as are necessary to conduct any monitoring and/or sampling procedures.
- (f) The Zoning Official or his agents may require the owner or operator to install monitoring equipment and perform monitoring as necessary and make the monitoring data available to the Town. The owner shall maintain this sampling and monitoring equipment at all times in a safe and proper operating condition or operator at their own expense.
- (g) Any temporary or permanent obstruction to safe and easy access to the premises, property or facility to be inspected and/or sampled shall be promptly removed by the owner or operator at the written or oral request of the Zoning Official or his agents and shall not be replaced. The costs of clearing such access shall be borne by the owner or his agents or operator.
- (h) Unreasonable delays in allowing the Zoning Official or his agents access to a facility, property, or premises shall constitute a violation of this Zoning Ordinance.
- (i) If the Zoning Official or his agents have been refused access to any part of a premises, property, or facility and the Zoning Official or his agents are able to demonstrate probable cause to believe that there may be a violation of this Zoning Ordinance, or that there is a need to inspect and/or sample as part of a routine inspection

and sampling program designed to verify compliance with this Zoning Ordinance or any order issued hereunder, or to protect the overall public health, safety, environment and welfare of the Town, then the Zoning Official or his agents may seek issuance of an inspection warrant from the municipal court.

- (j) The Zoning Official or his agents may determine inspection schedules necessary to enforce the provisions of this Zoning Ordinance.

Section 23-2 - Inspection Warrants.

- (a) The Zoning Official or his agents, in addition to other procedures provided, may obtain an inspection warrant for the purpose of inspection or investigation of conditions relating to the enforcement of this Zoning Ordinance or observation, measurement, sampling or testing with respect to the provisions of this Zoning Ordinance.
- (b) Inspection warrants may be issued by the municipal court when the issuing judge is satisfied that the department has established by oath or affirmation that the property to be inspected is to be inspected as a part of a legally authorized program of inspection that includes the property or that there is probable cause for believing that there is a condition, object, activity, or circumstance which legally justifies such an inspection of the property.
- (c) An inspection warrant shall be issued only if it meets the following requirements:
 - (1) The warrant is attached to the affidavit required to be made in order to obtain the warrant;
 - (2) The warrant describes, either directly or by reference to the affidavit, the property upon which the inspection is to occur and is sufficiently accurate that the executor of the warrant and the owner or occupant of the property or discharger can reasonably determine from it the property for which the warrant authorizes an inspection;
 - (3) The warrant indicates the conditions, objects, activities, or circumstances which the inspection is intended to check or reveal; and
 - (4) The warrant refers, in general terms, to the code provisions sought to be enforced.

Division 23.2 Enforcement

Section 23-3 - Responsibility for Enforcement.

- (a) If the Zoning Official or his agents determine that any violation of this Zoning Ordinance is taking place, or that a condition of zoning, variance, or other permit or administrative approvals are not complied with, the Zoning Official or his agents shall present to the owner, owner's agent, occupier, or party responsible for such use or activity, a notice of violation and order the use or activity to cease immediately.
- (b) The written notice of violation shall at least contain the following information:
 - (1) The name and address of the owner or responsible person;
 - (2) The address or other description of the site upon which the violation is occurring;
 - (3) A description of the nature of the violation;
 - (4) A description of the remedial actions or measures necessary to bring an action or inaction into compliance with a permit, approved plan or this Zoning Ordinance;
 - (5) The deadline or completion date of any such remedial actions or measures, to consist of not less than ten days, except that in the event the violation constitutes an

immediate danger to public health or public safety, 24 hours' notice shall be sufficient; and

- (6) A statement of the penalty or penalties that may be assessed against the owner or responsible person to whom the Notice of Violation is directed.
 - (7) The name and contact information of the enforcement officer who drafted the Notice of Violation.
- (c) If the violation has not been corrected within a reasonable length of time, as noticed in the violation, the owner of the property on which such violation has occurred or the owner's agent, occupier, or other party responsible for the violation shall be subject to the penalties set forth in this chapter, provided that the Zoning Official or his agents may, at their discretion, extend the time for compliance with any such notice.
- (d) The Zoning Official or his agents also shall have authority to issue a warning notice prior to issuance of a notice of violation. A warning notice shall be discretionary when circumstances warrant such action in the opinion of the Zoning Official or his agents and shall under no circumstances be required prior to issuance of a notice of violation or other enforcement action. If issued, a warning notice shall include all of the requirements set forth in **Section 23-3(b)**. If a warning notice has not resulted in corrective action within the time specified in the notice, or within any time limit as extended by the Zoning Official for his agents, the Zoning Official or his agents may proceed with a notice of violation or other authorized enforcement action.
- The Zoning Official or his agents also shall have the authority to extend the originally issued deadline for compliance by up to 6 months, if it is established to the Zoning Official's satisfaction that the responsible party is:
- (1) Acting in good faith to comply with the notice by taking incremental action to remedy the situation; and,
 - (2) Is unable to comply with the original deadline presented due to financial, medical or legal hardship or another extenuating circumstance.
- (c) Appeals of notices of violation shall be made pursuant to the process outlined in **Division 23.3- Appeals of Administrative Decisions**.

Section 23-4 - Stop work Orders and Revocations.

The Zoning Official or his agents may issue a stop work order, which shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take necessary remedial measures to cure such violation or violations.

Section 23-5 - Other Enforcement.

In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of, any one or more of the following actions may be taken against the person to whom the notice of violation was directed. Before taking any of the following actions, the Zoning Official or his agents shall first notify the applicant or other responsible person in writing of its intended action as provided in **Section 23-3(b)**. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the Zoning Official may take any one

or more of the following actions or impose any one or more of the penalties provided in **Section 23-6:**

- (a) Withhold certificate of completion/occupancy. The Zoning Official or his agents may refuse to issue a certificate of completion/occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.
- (b) Suspension, revocation, or modification of permit. The Zoning Official or his agents may suspend, revoke or modify the permit authorizing the project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the Zoning Official or his agents may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations

Section 23-6 - Penalties for Violations

- (a) Civil penalties. Where authorized by statute, in the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described by the specified deadline or completion date, the Town may impose a penalty not to exceed \$1,000.00 for each day the violation is not remedied after the specified deadline or completion date.

Article VII, Section 7-1.A., is amended by striking said section in its entirety, and substituting in lieu thereof:

Section 7-1 – Residential.

Purpose: To provide an area which is limited to low and medium density residential development only.

A. Uses Permitted Inherently:

1. Site built single family detached dwelling units.
2. Single-family detached industrialized dwelling units.
3. Accessory residential uses, including but not limited to,
 - a. Private garage
 - b. Home workshop
 - c. Private recreational facility, such as a swimming pool and bathhouse or cabana, or tennis court, subject to applicable requirements of this Article.
 - 1) Location: Swimming pools accessory to detached, single-family dwellings shall be located in rear or side yards.
 - 2) Setbacks: All swimming pools shall be located at least ten (10) feet from all property lines.
 - 3) Fencing: Swimming pools must be enclosed by a fence or wall at least four (4) feet in height (or as otherwise

specified in any applicable swimming pool code or building code) and maintained in good condition with a gate.

- d. Greenhouse
 - e. Private storage buildings. Storage buildings cannot exceed 600 square feet in floor space and only one such storage building will be allowed for each single-family residence.
- 4. Home office (no outside sign).
 - 5. Governmental buildings.