

APPENDIX A COMPREHENSIVE ZONING ORDINANCE¹

ARTICLE I. LEGAL PROVISIONS

Sec. 1-1. Authority and title.

- A. This ordinance is enacted pursuant to the authority granted by O.C.G.A. § 36-67, "The Zoning Procedures Law."
- B. This Appendix shall be known and cited as the "Zoning Ordinance of the City of Winder, Georgia" ("Zoning Ordinance").

Sec. 1-2. Effective date.

The City of Winder first enacted a zoning ordinance in 1989. After a number of subsequent amendments, a comprehensive update was undertaken in 2019. This Zoning Ordinance was adopted on April 7, 2020 and became effective on April 8, 2020.

Sec. 1-3. Purpose.

The purpose of this ordinance shall be to:

- A. Promote the health, safety, aesthetics, convenience, order, growth, prosperity and general welfare of the present and future inhabitants of the city;
- B. Improve the city's appearance;
- C. Further traffic safety through proper transportation management;
- D. Improve the general safety of pedestrians and bicyclists;
- E. Conserve the environmental and natural elements of the city;

¹Editor's note(s)—Ord. No. W-3-20, adopted April 7, 2020, repealed App. A and enacted a new App. A as set out herein. Former App. A pertained to similar subject matter and derived from Ord. No. 11-W-89, adopted August 8, 1989. Absence of a history note in parentheses following a section indicates that the section originated from Ord. No. W-3-20; conversely, the presence of a history note indicates an amendment thereto.

Cross reference(s)—Corporate powers of city to adopt zoning provisions, § 1-3(36).

State law reference(s)—Administration, ch. 2; alcoholic beverages, ch. 3; animals and fowl, ch. 4; buildings and building regulations, ch. 5; flood damage prevention ordinance, ch. 9.5; housing, ch. 12; mobile homes, ch. 14; loading zones, § 15-163 et seq.; planning and development, ch. 19; designation of historic districts, § 19-49; soil erosion and sedimentation control, ch. 24; subdivisions, ch. 28.

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- F. Secure safety from fire, panic, natural and manmade disasters, and other dangers;
 - G. Provide adequate light and air;
 - H. Prevent the inappropriate overcrowding of land;
 - I. Avoid unmanaged concentrations of population and unmanaged growth or the effects of sprawl;
 - J. Facilitate the adequate provision of transportation, water, sewer, parks, fire, police, and other public facilities necessary to promote the health and education of the city's citizens;
 - K. Sustain the stability of neighborhoods;
 - L. Protect property against blight and depreciation;
 - M. Secure economy in governmental expenditures;
 - N. Conserve the value of buildings;
 - O. Encourage the most appropriate use of land, buildings, and structures; and
 - P. Promote the orderly, efficient, and integrated development of the city.

Sec. 1-4. Severability.

If any article, section, paragraph, clause, sentence, or provision of this Zoning Ordinance is adjudged by any court of competent jurisdiction to be unconstitutional or invalid, that judgment does not affect, impair, invalidate, or nullify the remainder of this Zoning Ordinance. The effect of the judgment is confined to the article, section, paragraph, clause, sentence, or provision immediately involved in the controversy in which judgment or decree was rendered.

Sec. 1-5. Zoning districts.

The city is hereby divided into the following zoning districts, as shown on the Official Zoning Map:

Agricultural Districts
AG Agricultural
Single-Family Residential Districts
R-1 Low Density Single-Family Residential
R-1A Medium Density Single-Family Residential
R-1B High Density Single-Family Residential
Multifamily Residential Districts
R-2 Two-Family Residential
R-3 Multifamily Residential
MH Manufactured Home
Commercial Districts
G Government/Institutional
B-1 Neighborhood Commercial
B-2 General Commercial
I Industrial
Combination Use Districts
MU Mixed Use
DT Downtown

Overlay Districts
AO Airport Overlay
Mixed Use Districts
PUD Planned Unit Development

(Ord. (W-5-21) of 12-7-21, § I)

Sec. 1-6. Legacy districts.

The following districts are referred to as legacy districts. The Official Zoning Map may continue to show these districts designated under the former Zoning Ordinance, but no new legacy district may be added to the Official Zoning Map, nor may any boundary of an existing legacy district be expanded.

Legacy District
TNPD Traditional Neighborhood Planned Development

Sec. 1-7. Official zoning map.

- A. The Official Zoning Map for the City of Winder is incorporated and made part of this Appendix.
- B. The boundaries of each zoning district are as shown on the Official Zoning Map. The original Official Zoning Map is kept in the office of the City of Winder Planning Department and must indicate the date of the adoption and most recent amendment. The Official Zoning Map may be kept electronically in a Geographic Information System. Any copy of the Official Zoning Map published on the internet or otherwise portrayed electronically does not constitute the original Official Zoning Map. The Planning Department may make paper copies of the Official Zoning Map available for a fee.
- C. If, in accordance with the provisions of this Zoning Ordinance, changes are made in zoning district boundaries and/or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map within five business days after the amendment has been approved by City Council. Such changes, including a full list of conditions of zoning adopted, shall be recorded in the minutes of the City Council meeting in which the changes are adopted.
- D. No changes or alterations of any nature shall be made to the Official Zoning Map except in conformity with the procedures set forth in this Zoning Ordinance.
- E. The City Council, at any time or when deemed necessary or appropriate, may adopt a new zoning map, which shall supersede the prior Official Zoning Map. A final zoning action by City Council shall be deemed an update to the Official Zoning Map.
- F. All properties annexed into the City of Winder shall be rezoned from the zoning district of Barrow County or the prior jurisdiction to a City zoning district by the City Council following procedures established under O.C.G.A. § 36-66-4(d).
- G. In all rezoning of properties, the proposed zoning district and use shall be consistent with the Comprehensive Plan.

Sec. 1-8. District boundaries.

Where uncertainty exists with respect to the boundaries of any zoning district, the following rules shall apply:

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- A. Unless otherwise indicated, zoning district boundaries shall be construed as following the centerlines of streets, railroad rights-of-way, utility lines, streams, or extensions of such lines.
 - B. Where a block is divided into multiple zoning districts, the zoning district boundary shall be construed as following the appropriate lot line.
 - C. Where zoning district boundaries are shown as approximately following the city limits, the zoning district boundary shall be construed as following with city limit line.
 - D. Where zoning district boundaries are shown as approximately parallel to the centerlines of streets or roads, the zoning district boundary shall be construed as being parallel to said centerline.

Sec. 1-9. Penalties.

Any person who violates or fails to comply with the requirements of this Zoning Ordinance may be punished with a fine of not more than \$1,000.00. Each day the violation continues shall be considered a separate offense.

Sec. 1-10. Fees.

A complete schedule of fees for rezoning applications, appeals, variances, conditional use permits, home occupation permits, and sign permits, shall be maintained in the office of the Planning Department. The City Council may establish these fees from time to time.

Sec. 1-11. Conformity to district requirements.

- A. General lot provisions: Except as hereinafter provided, no building or structure shall be erected on a lot unless such lot conforms with the area regulations of the zoning district in which it is located.
- B. Every new building constructed after the effective date of this ordinance shall be located on a lot of record.
- C. The minimum yards, open spaces, and parking spaces required by this ordinance for each building existing at the time of the effective date of this ordinance, or for any building erected or structurally altered after the effective date of this ordinance, shall not be encroached upon or considered as part of the yard, open space, or parking space required for any other structure, nor shall any lot area be reduced below the minimum lot area for the district in which the lot is located.
- D. No building shall be erected, converted, enlarged, reconstructed or moved except in conformity with the lot area setbacks and building height regulations of the district in which the building is located.
- E. If a building is constructed on a through lot, the front yard setback shall apply to each frontage.

Sec. 1-12. Nonconforming uses and lots.

- A. Any building, structure, or use lawfully existing at the time of the enactment of this ordinance may be continued as a nonconforming use even though such building, structure or use does not conform with the provisions of this ordinance and any subsequent amendments including those of the district in which it is located. Similarly, whenever a district shall be changed hereafter, uses existing and lawful at the time may be continued.
- B. No building, structure, or property containing a nonconforming use shall hereafter be expanded or altered unless such expansion or alteration shall conform to the provisions of the zoning district in which it is located.
- C. Any nonconforming building or structure which has been damaged to the extent of not exceeding 50% of its replacement valuation may be reconstructed and reused as before if done within 12 months from the time

such damage occurred. If such damage is greater than 50% of its replacement valuation, such building or structure may only be reconstructed to conform with the provisions of the use district in which it is situated. This valuation may be determined by the Zoning Administrator or their designee based upon such information as the Zoning Administrator or their designee deems appropriate.

- D. *Discontinuance*: Wherever a nonconforming use has been discontinued for a period of three months, such use shall not thereafter be reestablished, and any future use shall be in conformity with the provisions of this ordinance.
- E. *Change*: No conforming use shall be permitted to revert to a nonconforming use.
- F. *Unsafe buildings*: Nothing in this ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the building inspector or not in compliance with the City of Winder or State of Georgia's lawful requirements.
- G. *Pending application for building permits*: Nothing herein contained shall require any change in the plans, construction, size or designated use of any building, structure or part thereof for which a building permit has been granted prior to the adoption of this ordinance; provided that construction shall start within 60 days after the granting of such permit.
- H. *Reduction of lot area*: No lot shall be reduced in area so that the total lot area shall be smaller than that prescribed by the ordinance.
- I. *Recorded lots less than minimum area*: Lots of record at the time of the enactment of this ordinance which have less than the minimum requirements for the zoning district in which it is located may, nevertheless, be used for uses permitted in the respective district; providing that a variance is granted by City Council.
- J. The minimum lot sizes established by district regulations are not intended to apply to lots exclusively used for open space, recreational amenities, private streets or alleys, or publicly owned parking lots. No lot used for these purposes shall be considered a lot of record.
- K. *Building on landlocked lots*: In the event that a property is a lot with no frontage on any public street, the property owner shall be entitled to construct one principal building, provided that:
 - 1. No other principal building exists or has been issued a valid building permit on said property;
 - 2. The property owner shall acquire a 30-foot easement to a public street, and said easement shall be duly recorded and made a part of the property deed; and
 - 3. In the event that said property is divided, no additional principal buildings may be constructed.

ARTICLE II. DEFINITIONS

Sec. 2-1. As used in this appendix.

For the purpose of this Appendix, certain words or terms are defined as follows. All other words not defined below shall have their customary dictionary meanings.

All words used in the present tense include the future tense. All words in the plural number include the singular number, and all words in the singular number include the plural number, unless the natural construction of the wording indicates otherwise. The word building includes the word structure the words shall and must are intended to be mandatory; the word 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.

Abandoned vehicle. Any motor vehicle which is either non-operable, dismantled, or does not bear a current state license plate, unless said vehicle is stored within a completely enclosed building or on a bona fide sales lot and is in satisfactory operating condition.

Accessory building or use. A use or building customarily incident and subordinate to that of the principal building on the same building lot.

Accessory dwelling. A dwelling unit within, or on the same lot as, a single-family dwelling. It is an independent dwelling unit, but it may share an entrance, yard, and parking with the principal unit.

Alley. A privately owned access drive located in the rear of a single or multifamily residential unit that provides residents with vehicular access.

Automobile wrecking yard or automobile used parts lot. Any place where three or more vehicles not in running condition, or the parts thereof, are stored in the open or any building or structure used principally for wrecking or storage of automobiles not in running condition.

Automotive or other vehicle sales. Any business or dealer that engages in the sale or lease of new or used motor vehicles, motorcycles, boats or any motorized watercraft, recreational vehicles, or trailers.

Average finished grade. The average final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

For the purpose of determining building height, average finished grade shall be the average of the highest and lowest point of the building footprint on a given elevation.

Bank, savings & loan, or credit union. A financial institution as defined by O.C.G.A. § 7-1-4 and regulated by the Georgia Department of Banking and Finance or Federal law as national banks, savings and loans, or credit unions.

Bar, pub, or tavern. Any establishment selling alcoholic beverages for consumption on the premises not otherwise qualified as a restaurant or brew pub.

Basement. Any portion of a building in which the floor elevation is below the finished grade of the adjoining ground.

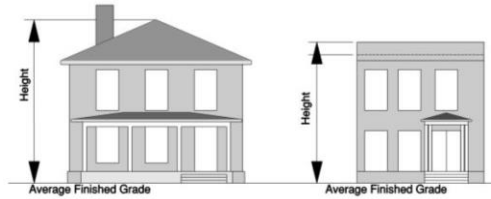
Bed and breakfast. An owner-occupied dwelling unit in which no more than four rooms are provided for sleeping accommodations for transient guests, for a daily fee and for no more than 14 consecutive days. Breakfast and refreshments are the only food typically served for guests staying at the bed and breakfast. A bed and breakfast is not a hotel or a boarding house.

Brew pub. Any restaurant in which beer or malt beverages are manufactured or brewed, subject to the barrel production limitation prescribed in O.C.G.A. § 3-5-36, for retail consumption on the premises and solely in draft form.

Buffer. An area or portion of a lot set aside for open space and visual screening purposes, to separate different zoning districts, or to separate uses on one property from uses on another property of the same zoning district or a different zoning district.

Building. Any structure for the shelter, housing, or enclosure of persons, animals, or property of any kind.

Building height. The vertical distance measured from the average finished grade to the highest point of the roof or building.



Catering establishment. An establishment with a commercial kitchen used for preparing food for transportation to off-site events.

CBD store. A retail establishment primarily engaged in the sale of products that contain cannabidiol (CBD).

Chord length. The length of the front property line of a cul-de-sac lot that follows a straight line with end points on the circumference of the cul-de-sac right-of-way.

Church. See place of worship.

City. The City of Winder or its designee.

Clinic. An establishment where patients who are not lodged overnight are admitted for examination and treatment by one or more physicians or dentists.

Club. Buildings and facilities owned or operated by a corporation, association, person or persons 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.

Commercial outdoor storage. The outdoor storage of vehicles, soil, mulch, stone, lumber, pipe, steel, tires, salvage or recycled materials, and other similar merchandise, material, or equipment.

Comprehensive Plan. The official Joint Comprehensive Plan for Barrow County and the municipalities of Bethlehem, Carl, Statham & Winder, as adopted by Winder City Council, including the official Future Development Map.

Conditional use. A use within certain zoning districts of this Zoning Ordinance which is not permitted as a matter of right, but may be permitted within these districts by the City Council. A conditional use permit shall remain in force until three months after the use is discontinued.

Concentrated animal feeding operation. A facility where animals are kept and raised in confined situations and where feed is brought to the animals rather than the animals grazing or otherwise seeking feed in pastures or fields.

Consignment store. Any retail establishment primarily engaged in the sale of goods on consignment, not otherwise meeting the definition of pawn shop.

Copy, print, or mailing shop. A retail location offering photocopying, small batch printing, office supplies, mailing and packaging services, and similar goods and services to walk-in customers.

Cottage court. A group of detached single-family dwelling units organized around a shared courtyard.

Council. The Mayor and City Council Members of the City of Winder, Georgia. The word Council is synonymous with City Council.

Craft manufacturing. The use of hand-operated tools for the manufacturing of products or parts, including their design, processing, fabrication, assembly, treatment, and packaging. Craft manufacturing may also include the incidental storage, sale, and distribution of said products or parts. Craft manufacturing specifically includes, but is not limited to, the manufacturing of electronic goods, food and bakery products, alcoholic and non-alcoholic beverages, printmaking, household appliances, leather products, jewelry and clothing, soap and cosmetics, metal work, furniture or cabinets, glass or ceramics, and paper. No equipment or process may be used that creates,

without limitation, noise, dust, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses, off the premises.

Cul-de-sac lot. Any lot fronting primarily on a cul-de-sac turnaround or any right-of-way having a curve radius of 60 feet or less.

Day care center. A firm, partnership, corporation, individual, or other business entity, licensed by the State of Georgia as a day care facility, providing care for more than six children not related by blood or marriage or not the legal wards or foster children of the attendant adult or adults.

DBH (diameter at breast height). The widest cross sectional dimension of a tree trunk measured at 4 feet above the ground or at a point below 4 feet for multi-trunk species, but in no case less than 6 inches above the ground.

Distribution center or warehouse. A facility involved in the storage or movement of goods. Goods are generally delivered to other firms or the final consumer with little on-site sales activity to customers.

Drive-through facility. A facility at which the customer is served while sitting in a vehicle.

Dry cleaning establishment or laundromat. A retail location offering dry cleaning or laundering services to walk-in customers, or where washers and driers are provided for use by walk-in customers.

Dwelling, single-family detached. A residential building with a permanent foundation, other than a manufactured home, and designed for and used by one Family.

Dwelling, two-family. A building which contains two dwelling units. The floor area of each unit must not be 20% more or less than the floor area of the other unit. The floor area of each unit must not be less than the minimum required floor area.

Dwelling unit. One or more rooms located within a building and forming a single habitable unit with facilities which are used or intended to be used by one family for living, sleeping, cooking, and eating purposes.

Dwelling, multi-family. A building or portion thereof designed for three or more dwelling units, with the number of families in residence not exceeding the number of dwelling units provided, and not otherwise meeting the definition of townhouse or two-family dwelling.

Family. A person living alone, or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking and eating facilities:

1. Any number of persons related by blood, marriage, adoption, guardianship, foster or other duly authorized custodial relationship; or
2. A maximum of four unrelated persons; or
3. Two unrelated persons and any parents or children related to either.

Feed manufacturing. An industrial facility for the processing and manufacturing of animal feed.

Fitness facility or gym. A commercial establishment that provides services or facilities that assist patrons in improving their physical condition or appearance.

Flood hazard area. The area possibly threatened by periodic flooding as determined by various data, including maps provided by the United States Department of Housing and Urban Development, United States Soil Conservation Service, Army Corps of Engineers, Federal Emergency Management Agency, or hydrological studies utilizing generally accepted engineering practices. Flood hazard areas shall include all lands underneath a permanent body of water, such as a lake, pond, river, and stream, and all land within the limits of a flood hazard area having a 100-year return frequency.

Floor area, gross. The total number of square feet of floor area in a building determined by horizontal measurements between the exterior faces of walls, excluding basement areas, unfinished attics, porches, carports, and garages.

Game room. Any business in which amusement machines, coin-operated or fee-paid mechanical, electronic or other similar devices primarily manufactured for amusement and entertainment purposes or otherwise, are available for the entertainment of the public, and where the proceeds from the operation of said amusement machines consists of 50% or more of the gross revenues of said business, or in which there exist more than eight such machines or more than two pool or billiard tables.

General retail. A facility involved in the sale, lease, or rental of new or used products to the general public.

Government building. Any building owned by the City of Winder, Barrow County, any County or City, the State of Georgia, or the United States government.

Greenhouse, nursery, or landscape service. An establishment with greenhouses or areas where plants are grown for sale or distribution, or where landscaping equipment is stored for use off site.

Group home. A dwelling unit containing up to four unrelated persons who are mentally or physically impaired who are protected under the Fair Housing Act, including any support or supervisory personnel or family members who reside at the facility. The term mental or physical impairment includes conditions such as blindness, hearing impairment, mobility impairment, HIV infection, mental retardation, alcoholism, drug addiction, chronic fatigue, learning disability, head injury, and mental illness. Current users of illegal controlled substances, persons convicted for illegal manufacture or distribution of a controlled substance, sex offenders, and juvenile offenders are not considered to be mentally or physically impaired under the Fair Housing Act.

Group living. Residential occupancy of a structure by a group of people that does not meet the definition of a family. Generally, group living facilities have a common eating area for residents, and residents may receive care or training. Group living includes assisted living facilities, independent living facilities, nursing homes, personal care homes, group homes, hospice, and similar uses.

Guest quarters. A single non-commercial lodging unit, accessory to an owner-occupied single-family dwelling, either within the dwelling or on the same lot as the dwelling.

Home occupation. Any business, profession, occupation, trade, or activity conducted within a dwelling or its accessory building, which is clearly incidental to the residential use, which is conducted by a person or family residing on the premises, and which does not change the essential residential character of the building.

Hospital. A facility providing health services and medical or surgical care to persons suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions, licensed by the State of Georgia, including facilities such as laboratories, outpatient facilities, or training facilities that are an integral part of the facility.

Hotel. A facility containing seven or more guest rooms in which short-term sleeping accommodations are provided for compensation.

Impervious surface. Any road, driveway, parking area, building, swimming pool, concrete, pavement, rooftop landscape, or other impermeable material covering the natural land surface which impedes the free passage of water, air, or nutrients through the soil to the natural watershed, aquifer, or water zone below the surface. For an uncovered deck with drainage spaces between the deck boards and that is located over a pervious surface, 50 percent of the horizontal area of the deck is included in the measurement of impervious surface.

Impound lot. A facility used for the storage of non-consensual towing by the act of towing improperly parked or trespassing on private property, at the request of the property owner or their authorized agent, without prior consent or authorization of the owner or operator of the vehicle and in which a fee is required to release the vehicle.

Kennel, commercial. Any location which provides board and care for profit for domestic animals but not livestock.

Kennel, non-commercial. Any location upon which more than six domestic animals but not livestock are kept as pets, or otherwise not for profit.

LED strip lighting. Any lighting using LED technology to attract attention and typically applied as a row or ribbon of lights to buildings, windows, or glass doors as accent lighting.

Light manufacturing. A facility conducting light manufacturing operations within a fully enclosed building and not meeting the definition of craft manufacturing. Light manufacturing includes but is not limited the following:

1. Clothing, textile, or apparel manufacturing;
2. Food manufacturing;
3. Facilities engaged in the assembly or manufacturing of scientific measuring instruments; semiconductor and related devices, including, but not limited to, clocks, integrated circuits, jewelry, medical, musical instruments, photographic or optical instruments or timing instruments;
4. Pharmaceutical or medical supply manufacturing;
5. Sheet metal, welding, machine shop, tool repair;
6. Stone, clay, glass, or concrete products;
7. Woodworking, cabinet makers, or furniture manufacturing.

Live/work. Non-residential activity conducted wholly within a dwelling unit that allows employees, customers, clients, or patrons to visit.

Lot of record. A lot which is part of a subdivision, a plat of which has been recorded by the Barrow County Clerk of Superior Court; or a parcel of land, the deed of which has been recorded by the same office as of the effective date of this ordinance.

Lot coverage. The area of a lot occupied by all impervious surface, expressed as a percentage of the gross area of the lot.

Lot, corner. A lot which abuts the intersection of two public streets or is bounded on two or more adjacent sides by public street lines.

Lot line. A boundary of a lot. Lot line is synonymous with property line.

Lot frontage. The linear distance along which a lot abuts a public right-of-way or prescriptive easement for public access.

Lot width. The distance between the side lot lines as measured at the front setback.

Lot, through. A lot, other than a corner lot, having frontage on more than one public street, or a corner lot having frontage on three or more public streets.

Manufactured home. A single-family dwelling constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401-5426) and bears an insignia issued by the U.S. Department of Housing and Urban Development (HUD).

Media production facility. A facility in which video or audio content is created and/or recorded, whether for live broadcasting or for recording, and including television and radio stations, recording studios, and film studios.

Net useable acres. The total acreage of any parcel or combined parcels of land to be developed as a single development, less the sum of the total number of acres contained in the 100-year flood hazard area, wetlands, the

total number of acres contained in rights-of-way for roads, and the total number of acres contained in detention or retention ponds to be constructed.

Nonconforming structure. Any structure lawfully constructed at the time of the effective date of this ordinance, or at the time of the effective date of an amendment to this zoning ordinance, which does not conform with the regulations of this zoning ordinance, including the district in which it is situated.

Nonconforming use. Any building or lot lawfully occupied by a use at the time of the effective date of this ordinance, or at the time of the effective date of an amendment to this zoning ordinance, which does not conform with this zoning ordinance, including the use regulations of the district in which it is situated.

Nonconforming lot. A lot of record that does not conform to the lot requirements of the applicable zoning district, but which was a conforming lot of record prior to the effective date of this ordinance or an amendment to this ordinance.

Outdoor recreation facility. A commercial facility providing regularly scheduled recreation activities that primarily take place outdoors or within outdoor structures. Includes the following: extreme sports facility (such as BMX, skateboarding, or roller blading), outdoor amusements (such as batting cage, golf driving range, miniature golf, or water park), outdoor sports field or court, and shooting range.

Package store. A business for which more than 75% of the monthly gross income comes from the sale of alcoholic beverages for off-site consumption.

Pain clinic. A clinic where more than 50% of the patients receive Schedule II or III controlled substances to treat chronic pain.

Parking space, off-street. An enclosed or unenclosed space, other than a driveway or loading area, used exclusively for the temporary storage of a vehicle and directly connected with a street or alley by a driveway.

Pawn shop. A business involved in any part of the pledge, pawn, or exchange of any goods, wares, merchandise, or any kind of personal property or title as security for the repayment of money lent.

Personal service. A facility providing personal or repair services to the general public, including animal care; barber shop; beauty or hair salon; day care center; dry cleaning establishment or laundromat; copy, print, or mailing shop; food catering; fortune telling; funeral home or crematory; massage therapist; nail salon; photography studio; repair of personal goods; tailor or upholsterer; and tattoo artist and/or body piercing establishment.

Place of worship. A facility that is primarily intended for conducting organized religious services. Associated accessory uses include, but are not limited to, schools, meeting halls, indoor and outdoor recreational facilities, rectories, day care centers, nursing homes, counseling centers, and commercial kitchens.

Porch. A raised and not fully enclosed structure that is attached to and forms a covered entrance to and/or exit from a building.

Principal building. A building or structure in which is conducted the principal use of the lot on which the principal building is situated.

Produce stand. A roadside stand for the sale of agricultural products that does not exceed 500 square feet in floor area.

Recreational vehicle (RV). A motorized vehicle, designed and/or maintained for use as a temporary dwelling or sleeping place exclusively for travel or recreation purposes, having no foundation other than wheels or jacks.

Recreational vehicle (RV) park. A parcel of land of at least five acres which is used solely for the rental or lease of lots or areas for recreational vehicles.

Renewable energy facility. A facility used for generating electricity with solar panels, wind turbines, geothermal sources, and similar devices.

Repair of personal goods. An establishment where small personal goods are repaired on site. Personal goods include jewelry, clocks, small appliances, bicycles, computers, cellular telephones, electronics, canvas products, office equipment, musical instruments, radios, shoes, watches, televisions, or similar items.

Research and development. A facility focused primarily on the research and development of new products. Research and development includes laboratories, offices, and other facilities used for research and development; prototype production facilities that manufacture a limited amount of a product in order to fully investigate its merits; and pilot plants used to test manufacturing processes planned for use in production elsewhere.

Restaurant. A business which regularly prepares and serves food and drink for on- or off-premise consumption and which derives at least 50% of its monthly gross income from the sale of prepared food. A restaurant is not a catering establishment.

Riding stable. A facility used primarily for the care, breeding, boarding, rental, riding, or training of horses or for the teaching of equestrian skills.

Salvage yard/junkyard. Any use involving the parking, storage, or disassembly of vehicles and/or machinery; the storage, sale, or resale of used auto parts, used tires, scrap iron, or metal; used plumbing fixtures, old stoves, refrigerators, or other old household appliances; used brick, wood, or other building/structural materials; or used paper, rags, or other scrap materials. These uses shall be considered salvage yards/junkyards regardless of whether these operations are conducted inside a building, or in conjunction with or accessory to other uses on the premises.

School, private (K-12). An educational facility having a curriculum at least equal to a public school, but not operated by the Barrow County School System.

Seasonal activity or temporary event. An event open to the general public, including fairs, carnivals, temporary livestock exhibits, temporary sales events, flea markets, parades, marches, rallies, assemblies, concerts, temporary camping, and festivals.

Self-service storage facility. A facility providing independent bays and/or self-contained units which are leased to or owned by individuals exclusively for storage of personal property.

Setback. A line, established by yard requirements, between which and any property line no building, structure, or part thereof may be erected.

Short-term rental. An accommodation for transient guests where, in exchange for compensation, an entire residential dwelling unit is provided for lodging for a period of time not to exceed thirty days in one year. For the purposes of this definition, a residential dwelling shall include all housing types and shall exclude group living, bed and breakfasts, and hotels.

Sign. See definitions contained in Article X of this Appendix.

Stoop. A small, raised, covered platform that serves as an entrance to a building.

Structure. Anything constructed or erected on the ground or attached to the ground. The term includes tents, bleachers, gasoline pumps, walls, fences, signs, antennas site-built buildings, industrialized buildings, or manufactured homes.

Subdivision. The division or redivision of a lot, parcel, or tract of land into two or more lots for any purpose.

Temporary outdoor display. The temporary outdoor display of products actively available for sale. Outdoor display does not include the storage or sale of any items identified under the definition of commercial outdoor storage. Outdoor display also does not include the outdoor placement of propane gas storage racks, ice storage bins, and soft drink or similar vending machines.

Temporary storage container. A portable, weather resistant container holding 200 cubic feet or more of storage capacity that is designed and used for the temporary storage or shipment of household furniture, clothing,

and other household goods, excluding refuse, and is transported by truck or trailer to desired locations for drop off and retrieval.

Townhouse. Three or more dwelling units where each unit is separated vertically by a common side fire wall. Units cannot be vertically mixed.

Travel trailer. Any vehicle or similar portable structure mounted on wheels, designed and intended primarily for short-term occupancy, for dwelling or sleeping or other purposes and not exceeding 30 feet in length.

Use. The purpose or purposes for which land or a building is designed, arranged, intended, or for which said land or building is occupied, maintained, or leased.

Utility facility, major. Public or private infrastructure, including, but not limited to, water, sewer, gas, electric, telephone, Internet, cable and other similar services serving the general community and possibly having on-site personnel. Major utilities includes, but is not limited to, the following: electrical substation, electric or gas generation plant, and water or sanitary sewer treatment plant.

Utility facility, minor. Public or private infrastructure, including, but not limited to, water, sewer, gas, electric, telephone, Internet, cable and other similar services serving a limited area with no on-site personnel and less than 6 feet in height. Minor utilities includes, but is not limited to, the following: on-site stormwater retention or detention facility; neighborhood-serving cable, telephone, gas or electric facility; and water or wastewater pump or lift station.

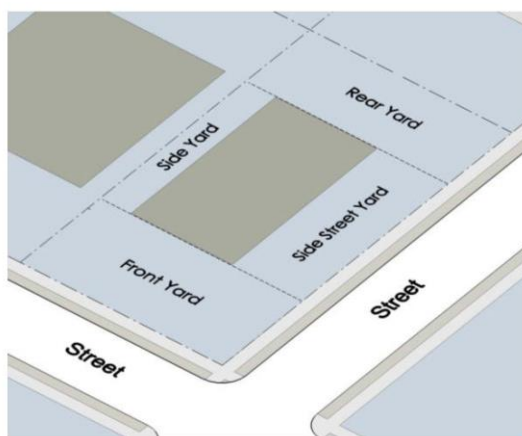
Variance. A minimal variation of the terms of this Zoning Ordinance which permits construction in a manner otherwise prohibited by this Zoning Ordinance.

Yard. An open space situated between a lot line and any principal or accessory structure from the ground upward, unoccupied, unpaved, and unobstructed except for trees, plant material, fences, and driveways.

Yard, front. The yard extending the full width of the lot between any lot line abutting an existing or proposed right-of-way and any principal or accessory structure.

Yard, rear. The yard extending the full width of the lot between the rear lot line and any principal or accessory structure, excluding the area of a corner lot that meets the definition of front yard.

Yard, side. The yard situated between the side lot line and any principal or accessory structure on the lot extending from the required front yard to the required rear yard, excluding the area of a corner lot that meets the definition of front yard.



Yard, side street. For corner or through lots, the yard situated between the side right-of-way line and any principal or accessory structure on the lot extending from the required front yard to the required rear yard.

Zoning Administrator. The City Administrator or their designee.

Zoning district. Area of zoned property within the City of Winder, Georgia, and shown on the Official Zoning Map which is part of this Zoning Ordinance.

Zoning ordinance. The zoning and land use regulations contained in this Zoning Ordinance and adopted for use within the City of Winder that constitute a Zoning Ordinance within the meaning of O.C.G.A. § 36-66-1 et seq.

ARTICLE III. GENERAL PROVISIONS

Sec. 3-1. Design standards.

- A. The purpose and intent of these standards is to:
 - 1. Promote high quality, long-lasting development and building materials.
 - 2. Enhance visual appeal and livability.
 - 3. Foster architectural diversity and interest, yet achieve a consistent, durable, and pleasing aesthetic.
 - 4. Ensure that large commercial/retail buildings incorporate designs that reduce their visual mass and create the impression of smaller buildings.
- B. These standards shall not apply to properties within any historic district.
- C. Application requirements.
 - 1. Plans submitted for a building permit must include drawings that clearly indicate compliance with all the requirements of this article.
 - 2. Groups of buildings on the same site may be reviewed as a single application. This is encouraged to minimize the number of reviews required and to allow for originality and design flexibility.
 - 3. Prior to the City issuing a certificate of occupancy, the Zoning Administrator or their designee must confirm that all aspects of the design have been completed in conformance with the requirements of this section.

Sec. 3-2. Residential design standards.

- A. All residential buildings (including all detached single-family dwellings, cottage courts, duplexes, townhouses, and multifamily buildings) in any zoning district shall be subject to the standards of this section, unless alternate standards are approved by City Council. Accessory buildings shall be subject to only the exterior wall requirements of this section, except in agricultural districts, where accessory buildings shall be exempt from all requirements of this section.
- B. *Exterior walls.* The following standards apply to all exterior walls.
 - 1. Exterior wall finish materials (excluding windows, doors, trim, soffits, porches, balconies, foundations, or architectural details) are limited to the following:
 - i. Brick, including full-depth and half-depth masonry brick, but not simulated brick veneers;
 - ii. Stone, including unpainted natural stone, unpainted cast stone having the appearance of natural stone, and unpainted terra cotta;
 - iii. Stucco, including true cement stucco but not EIFS;
 - iv. Wood, including natural wood, engineered wood, or cementitious siding; and

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- v. Shingles, including wood or cementitious shakes and shingles.
 - 2. Where more than one exterior finish material is used, visually lighter materials must be used above visually heavier materials.
 - 3. No more than three different exterior finish materials, textures, colors, or combinations thereof may be used on a single building, excluding materials used on windows, doors, porches, balconies, foundations, or architectural details.
 - 4. Foundation when visible must be constructed as a distinct building element that is finished in a different material or color. Above-ground foundations must be coated or faced in cement, hard coat stucco, brick, natural stone, paint, a concrete slurry finish or cast stone to contrast with exterior wall materials.
 - 5. Single Family detached units, townhome units and condominium units shall not have identical units adjacent to each other. Differentiation between adjacent façades may be accomplished by a change in materials, building height, color, roof form or architectural styles.
- C. *Windows and doors.* The following standards apply to all street-facing exterior walls.
- 1. The total area of all windows on an individual story must not be less than 10%, nor greater than 50%, of the total exterior wall area for that story. Total exterior wall area shall include the area of garages and other doors.
 - 2. Doors and windows that operate as horizontal sliders are prohibited as building front walls.
 - 3. Individual windows must be vertically shaped, with a height greater than width.
 - 4. Windows must have true or simulated divided lites, or be one-over-one lites.
 - 5. Transom windows are permitted, but do not need to be vertically shaped, have divided lites, or include a sill.
 - 6. Window panes must be recessed a minimum of 1 inch from the face of the exterior wall where no trim is provided, or a minimum of 1.5 inches from the face of the trim where trim is provided.
- D. *Porches and stoops.*
- 1. A front porch or stoop is required and shall at least 36 square feet in area and at least 6 feet in depth.
- E. *Roofs and chimneys.*
- 1. Pitched roofs, if provided, must be symmetrically sloped at no less than 5:12, except that roofs for front porches and attached sheds may be sloped at no less than 2:12.
 - 2. Flat roofs shall be enclosed by parapets a minimum of 42 inches high, or as required to conceal mechanical equipment.
 - 3. All exposed roofing materials must have a minimum 25 year manufacturer's warranty and no visible roll roofing.
 - 4. Eaves and overhangs. Eaves and gables on pitched roofs must extend a minimum of 12 inches beyond the façade.
 - 5. Chimneys, where provided must extend to the ground and must be faced in brick, stone, cast stone or hard coat stucco or cementitious siding.
- F. *Garages and carports.* The following standards shall apply to all residential types except for multifamily residential.

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1. For lots with alley access, the garage or carport shall be placed to the rear of the dwelling unit or incorporated into the dwelling unit with the garage door or vehicular opening facing the alley.
 2. Garage doors that face a public or private street may not be more than 50% of the overall width of the front façade.
 3. Garage doors that face a street must be separated by at least 12 inches of material identical to the adjacent exterior wall material.
- G. *Driveway slope.* The maximum slope for all driveways shall be 10%. (Site grading requirements are provided in Sec. 3-6.)
- H. *Additional standards for multifamily residential developments, excluding townhouse developments.*
1. All dwelling units above the first floor shall have balconies with minimum dimensions of four feet by eight feet.
 2. Interior floor to ceiling height for all floors shall be a minimum of 9 feet.
- I. No more than 6 townhouse units may be connected in a single structure.

Sec. 3-3. Non-residential design standards.

- A. All non-residential buildings shall be subject to the following standards.
- B. *Exterior walls.* The following standards apply to all exterior walls.
1. Within the I Industrial district, exterior wall finish materials (excluding windows, doors, awnings, foundations, or architectural details) shall be limited to the following:
 - i. Brick, including full-depth and half-depth masonry brick, but not simulated brick veneers;
 - ii. Stone, including unpainted natural stone, unpainted cast stone having the appearance of natural stone, and unpainted terra cotta;
 - iii. Stucco, including true cement stucco and EIFS; Impact resistant EIFS shall be used from ground level to a height of 4 feet;
 - iv. Painted concrete block, including painted split-face concrete block;
 - v. Wood, including natural wood or cementitious siding;
 - vi. Shingles, including wood or cementitious shakes and shingles;
 - vii. Tilt/architectural pre-cast concrete;
 - viii. Glass; and
 - ix. Decorative architectural metal, a siding with imbedded color or finish.
 2. Within all other non-residential districts, exterior wall finish materials (excluding windows, doors, awnings, foundations, or architectural details) are limited to the following:
 - i. Brick, including full-depth and half-depth masonry brick, but not simulated brick veneers;
 - ii. Split-face concrete block;
 - iii. Stone, including unpainted natural stone, unpainted cast stone having the appearance of natural stone, and unpainted terra cotta;
 - iv. Stucco, including true cement stucco and EIFS; Impact resistant EIFS shall be used from ground level to a height of 4 feet;

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- v. Wood, including natural wood or cementitious siding;
 - vi. Shingles, including wood or cementitious shakes and shingles;
 - vii. Glass; and
 - viii. Decorative architectural metal, a siding with imbedded color or finish.
- 3. Notwithstanding subsection B.2 above, painted concrete block shall be allowed in all non-residential districts on exterior walls that do not face a public or private street.
 - 4. Where more than one exterior finish material is used, visually lighter materials must be used above visually heavier materials.
 - 5. Building floors shall be delineated and shall be executed through windows, belt courses, cornice lines, or similar architectural detailing, so as to distinguish each floor.
- C. *Building massing.* In any non-residential district except the I Industrial district, facades over 50 feet in length must incorporate wall projections or recesses a minimum of 12 inches in depth. The combined length of said recesses and projections must constitute at least 20% of the total façade length.

Sec. 3-4. Required open space amenities for residential developments.

- A. All single-family and multifamily residential developments with more than 20 units shall provide open space amenities as specified in this section. For residential developments in a TNPD or MU district, these requirements shall apply to the portion of the development that is residential. Residential developments in the DT Downtown district shall be exempt from these requirements.
- B. Cottage court developments shall be exempt from these requirements, but shall provide a landscaped courtyard of at least 40 feet in width and 3,000 square feet in total area for every 10 units or fraction thereof. No more than 10 dwelling units may face any courtyard. Portions of the courtyard located in a setback or buffer shall not count toward this requirement. The courtyard shall not be parked or driven on, except for emergency access and permitted temporary events.
- C. All open spaces must be designed to be accessible to all residents of the development. The Zoning Administrator may allow other amenities to count toward these requirements where they are of equal or greater value to those listed below.
- D. Prior to the issuance of a certificate of occupancy for 50 percent of the units in a development, each development shall provide open space amenities as specified below.
 - 1. Required amenities for single-family developments.
 - i. 1-19 units: no amenities required.
 - ii. 20-100 units: one Type 1 amenity or two Type 2 amenities.
 - iii. 101-150 units: the requirement in 1(ii) above, plus one additional Type 1 amenity or one additional Type 2 amenity.
 - iv. 151+ units: the requirement in 1(ii) above, plus one additional Type 1 amenity or two additional Type 2 amenities.
 - 2. Required amenities for townhouse and multifamily developments.
 - i. 1-19 units: one Type 1 amenity or one Type 2 amenity.
 - ii. 20-100 units: one Type 1 amenity or two Type 2 amenities.

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- iii. 101-150 units: the requirement in 1(ii) above, plus one additional Type 1 amenity or one additional Type 2 amenity.
 - iv. 151+ units: the requirement in 1(ii) above, plus one additional Type 1 amenity or two additional Type 2 amenities.
- E. *Type 1 amenities.*
- 1. Swimming pool.
 - 2. Clubhouse, meeting facility, or indoor workout facility (1,200 square feet minimum).
 - 3. Wading pool.
 - 4. Splash pad.
 - 5. Tennis courts (lighted and enclosed, minimum of two courts).
 - 6. Baseball, softball, football, or soccer field (regulation size) or general athletic field.
 - 7. Basketball court (regulation size).
 - 8. Amphitheater.
- F. *Type 2 amenities.*
- 1. Multi-use path (minimum 2,500 feet in length, six feet in width).
 - 2. Outdoor exercise stations (10 stations minimum).
 - 3. Dog park.
 - 4. Community garden (2,000 square feet minimum).
 - 5. Community lawn (5,000 square feet minimum).
 - 6. Public plaza (5,000 square feet minimum).
 - 7. Each individual designated natural area (minimum 0.5 acres).
 - 8. Pond (minimum 1 acres) with fishing dock and boat access optional.
 - 9. Children's play area (minimum 5,000 square feet).
 - 10. Stormwater management facility must be designed by a registered landscape architect or registered civil engineer as a formal or a natural amenity, and may not be fenced or enclosed by walls over 30 inches in height.
- G. Covenants or other legal arrangements must specify ownership of all open space amenities, the method of and responsibility for maintenance, taxes, and insurance, compulsory membership and assessment provisions (where applicable), and must be incorporated into legal instruments sufficient to ensure that the open space requirements of this section are maintained.
- H. The following areas shall not count as required open space amenities, unless designed as an amenity as approved by the Zoning Administrator.
- 1. Required setbacks or buffers.
 - 2. Wetlands, floodplains, or required stream buffers.
 - 3. Utility easements.
 - 4. Slopes in excess of 25%.

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5. Stormwater management facility must be designed by a registered landscape architect or registered civil engineer as a formal or a natural amenity, and may not be fenced or enclosed by walls over 30 inches in height.

Sec. 3-5. Residential landscaping standards.

- A. Within all single-family, duplex, and multifamily residential developments, all disturbed areas on a lot must be landscaped with sod or incorporated into a landscape bed prior to the issuance of a certificate of occupancy for the lot. All drainage swells must be sodded with turf.
- B. Prior to the issuance of a certificate of occupancy, any parcel of land for which a building permit has been requested for a new single-family dwelling, townhouse, or duplex shall plant at least one tree per dwelling unit. Said tree or trees shall have a minimum caliper of 2 inches and be located within the front yard. This requirement shall not apply where the front yard is less than 15 feet.

Sec. 3-6. Grading standards.

The maximum finished grade for disturbed areas in all developments shall not exceed 33%. Retaining walls shall be subject to the requirements of Sec. 3-21.

Sec. 3-7. Site lighting.

- A. *Purpose and Intent.* The purpose and intent of this section is to permit reasonable uses of outdoor lighting for nighttime safety, utility, security, productivity, enjoyment, and commerce; curtail and reverse the degradation of the nighttime visual environment and the night sky; preserve the dark night sky for astronomy; minimize glare, obtrusive light and artificial sky glow by limiting outdoor lighting that is misdirected, excessive, or unnecessary; conserve energy and resources; and help to protect the natural environment from the damaging effects of night lighting from man-made sources.
- B. *Applicability.* All outdoor lighting fixtures in all zoning districts shall meet the requirements of this section.
- C. *Exempt lighting.* The following are exempt from these requirements:
 1. Interior lighting;
 2. Lighting for pools used at night;
 3. Underwater lighting used for the illumination of swimming pools and fountains;
 4. Temporary holiday lighting;
 5. Lighting required and regulated by the Federal Aviation Administration or other federal or state agency;
 6. Emergency lighting used by police, fire, or medical personnel, or at their direction;
 7. All outdoor light fixtures producing light directly from the combustion of fossil fuels, such as natural gas; and
 8. Security lighting controlled and activated by a motion sensor device for a duration of 10 minutes or less.
- D. *Prohibited lighting.* The following lighting systems are prohibited:
 1. Searchlight style lights. (Temporary searchlights may be turned on for 8 hours within a 24-hour period and for no more than 3 consecutive days, once each calendar year.)

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2. Other very intense lighting, defined as having a light source exceeding 200,000 lumens, or intensity in any direction of 2 million candelas or more.
 3. LED strip lighting.
- E. *Outdoor lighting standards.* All nonexempt outdoor lighting fixtures shall meet the following criteria:
1. Flood or spot lamps must be positioned no higher than 45 degrees above straight down (half way between the vertical and the horizontal) when the source is visible from any lot with an occupied dwelling unit or a public street.
 2. All light fixtures that are required to be shielded shall be installed and maintained in such a manner that the shielding is effective as described herein for fully shielded fixtures.
- F. *Specific uses.* All lighting not directly associated with the specific uses designated in this subsection must conform to the lighting standards described elsewhere in this section.
1. *Outdoor sports, recreation fields, or performance areas.* Lighting of outdoor recreational facilities (public or private), such as, but not limited to, outdoor athletic fields, courts, tracks, special event or show areas shall meet the following requirements:
 - i. *Luminaires.* Facilities shall utilize luminaires with minimal uplight consistent with the illumination constraints of the design. Where fully shielded fixtures are not used, acceptable luminaires shall include those which are provided with internal or external glare control louvers or lenses, are installed so as to minimize uplight and offsite light trespass and glare, and are installed and maintained so as to avoid aiming more than 2.5 times the mounting height.
 - ii. *Off-site spill.* The installation must also limit off-site spill (off the parcel containing the sports facility) to the maximum extent possible consistent with the illumination constraints of the design. Illumination levels must not exceed 1.5 foot-candles at any location along any non-residential property line, and 0.5 foot-candles at any location along the property line of any lot with an occupied dwelling unit.
 - iii. *Curfew.* Field lighting for these outdoor athletic facilities shall be turned off within 30 minutes after the last night of the event.
 - iv. *Setback.* All light poles shall be set back the greater of 50 feet or one foot for every foot in height from any right-of-way or property line of any lot with an occupied dwelling unit. This shall not apply to street lights.
 2. *Gas station or drive-in establishment canopies and parking structures.*
 - i. All luminaires mounted on or recessed into the lower surface of canopies and parking structures must be fully shielded and use flat lenses.
 - ii. The total light output of luminaires mounted on the lower surface, or recessed into the lower surface of the canopy, and any lighting within signage or illuminated panels must not exceed 50 foot-candles.
 - iii. The total light output of illuminated areas other than as detailed in 2(ii) above shall not exceed 15 foot-candles.
 - iv. Illuminance levels for the interior of parking structures, where interior lighting is visible from outside the structure, must conform to the IESNA recommendation (RP-20).
 - v. Lights must not be mounted on the top or sides of a canopy and the sides of a canopy must not be illuminated.

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3. *Security lighting.* Security lighting is lighting that provides a level of illumination to clearly identify persons or objects and creates a psychological deterrent to unwanted or unsafe activity in the area being protected. Security lighting. Security lighting is lighting that provides a level of illumination to clearly identify persons or objects and creates a psychological deterrent to unwanted or unsafe activity in the area being protected.
 - i. Security lighting must be directed toward the targeted area, and not adjacent properties.
 - ii. Sensor activated lighting must be located in such a manner as to prevent direct glare and lighting into properties of others or into a public right-of-way, and the light must not be triggered by activity off the property.
 4. *Pedestrian path lighting.* Lighting posts shall not exceed 16 feet in height above finished grade.
 5. *Architectural accent lighting.*
 - i. Fixtures used to accent architectural features, materials, colors, style of buildings, landscaping, or art must be located, aimed and shielded so that light is directed only on those features. Such fixtures must be aimed or shielded to minimize light spill into the dark night sky in conformance with the luminaire standards.
 - ii. Lighting fixtures must not generate glare or direct light beyond the façade onto a neighboring property, streets, or into the night sky.
 6. *Commercial parking areas.*
 - i. All lighting fixtures servicing parking lots, except floodlights, must be cutoff fixtures, directed downward and not toward buildings or other areas.
 - ii. The minimum illumination level for a parking lot is 0.4 foot-candles at grade level and the ratio of the average illumination to the minimum illumination must not exceed 4:1.
 - iii. Floodlights must be aimed or shielded to minimize uplight.
 - iv. Light poles used in parking lots must not exceed 35 feet in height.
 - G. *Variances.* Any person may submit an application for a variance from the provisions of this section. The application should include, but not be limited to, evidence about the following. The application may include the recommended practices of the Illuminating Engineering Society of North America, a professional engineer, or other authority on outdoor lighting.
 1. How the proposed design and appearance of the luminaire are superior;
 2. How light trespass and glare will be limited;
 3. How the proposed solution will provide a benefit without negative impact on the health, safety, or welfare of the community.

Sec. 3-8. Curb cut design standards.

Within any zoning district where the lowering or cutting away of any street curbs for purposes of ingress and egress is required, such curb cut shall be subject to the following provisions:

- A. For any lot with less than 100 feet of frontage on a public street, only one combined entrance-exit shall be permitted per lot frontage. For lots with more than 100 and less than 300 feet of frontage, no more than two combined entrances and exits shall be allowed, but shall not be located closer than 50 feet apart curb to curb. For lots with greater than 300 feet of frontage, additional entrances or exits may be permitted by the Zoning Administrator where necessary.

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- B. No residential curb cut shall be allowed within 5 feet of any property line. No commercial curb cut shall be allowed within 8 feet of any property line.
 - C. All driveways shall be constructed so as to be located at least two feet from any property line.
 - D. The maximum width of any driveway shall not exceed 30 feet measured at the right-of-way line, except where wider driveways are permitted by the Zoning Administrator to accommodate vehicles larger than a passenger vehicle, and except where stricter standards apply in the Downtown District.

Sec. 3-9. Interparcel access.

- A. For all parcels used for non-residential uses along state highways, internal vehicular circulation areas must be designed and installed to allow for cross-access between abutting parcels.
- B. Vehicle cross-access may not be gated.
- C. When an abutting parcel is vacant or already developed, a stub for a future cross-access connection must be provided at the point where the connection to the abutting parcel is expected to occur in the future.
- D. The stub street right-of-way, pavement and curbing must extend to the boundary of the abutting property to the point where the connection to the anticipated street is expected.
- E. Where a stub street is provided, a barricade using a design approved by the City must be constructed at the end of the stub street, pending the extension of the street into abutting property. A sign noting the future street extension must be posted at the developer's expense.
- F. If a cross-access driveway stub exists on an abutting parcel, the internal vehicular circulation area must connect to the stub to form a cross-access connection.
- G. When cross-access for vehicles is deemed impractical by the Zoning Administrator on the basis of steep slopes in excess of 18%, the presence of natural features, easements, or vehicular safety factors, relief from the requirement for interparcel access may be granted by administrative variance. Bicycle and pedestrian connections must be provided between abutting parcels when cross-access relief is granted.
- H. Property owners who establish cross-access easements must:
 - 1. Allow pedestrian and vehicular access to all properties on the same block face as the property owner establishing the cross-access. Pedestrian and vehicular access is contingent upon the granting of reciprocal vehicular, bicycle, and pedestrian access rights to the granting property;
 - 2. Record an easement allowing cross-access to and from properties served by the cross-access easement;
 - 3. Record a joint maintenance agreement requiring each property owner to maintain the vehicular, bicycle, and pedestrian access areas on their lot;
 - 4. Contain a provision prohibiting the erection of fences, walls, and other obstructions that prevent the use of vehicular, bicycle, and pedestrian access ways;
 - 5. Include a statement that the cross-access agreement is conveyed with the land, is binding on all successors, heirs and assigns and that the easement rights are perpetual; and
 - 6. Ensure that all of the owners of the granting property sign the interparcel access agreement.

Sec. 3-10. Parking or Storage of vehicles.

- A. In any residential district, the parking of any vehicle on other than surface concrete or asphalt to accommodate the vehicle is prohibited. In any residential district, the parking of any vehicle in the front yard,

side yard or in front of the principal building line is prohibited except on a concrete, asphalt or traffic rated paver driveway. Not more than twenty-five (25) percent of each yard area (Front, sides or back) shall be used for parking under any circumstances. This shall not apply to townhomes or condominiums. Graveled parking areas may be approved by the Zoning Administrator on a case by case basis.

- B. No parking of any boat, boat trailer, travel recreational vehicle, or abandoned vehicle shall be used for living or sleeping purposes when parked or stored on a lot in any district.
- C. Parking, storing, or maintaining any commercial vehicle, trailer over 24 feet in length, or school bus is allowed only in I, B-2, or G districts. Commercial vehicle is defined as any vehicle whose gross vehicle weight rating (GVWR) is over 26,000 pounds, or a trailer with a GVWR of over 10,000 pounds, such as commercial tractor-trailers, dump trucks, wreckers, and construction equipment. Agricultural vehicles and equipment shall be excluded from this definition in AG districts only.

Sec. 3-11. Parking requirements.

- A. After the effective date of this ordinance, no building shall be constructed, converted, enlarged, or moved except in conformity with the off-street parking requirements of this section. The Zoning Administrator may determine if a reduction in the parking requirements is appropriate on a case by case basis.
- B. Required parking spaces shall be located entirely on the same property as the primary use, except in the DT Downtown District, with no portion of the parking area other than necessary drives extending into any street or other public right-of-way.
- C. Two or more neighboring uses of the same or different types and located on separate lots, may provide joint facilities, provided that the number of off-street parking spaces are not less than the sum of the individual requirements, unless a shared parking analysis is approved per subsection G below.
- D. When multiple uses occupy a building, the parking requirement shall be met by determining the percentage of the total building area devoted to each type of use and then applying the appropriate requirements by use, unless a shared parking analysis is approved per subsection G below.
- E. *Exemptions.* There shall be no minimum parking requirements for any use in DT Downtown district.
- F. *Shared parking.*
 - 1. Applicants wishing to use shared parking as a means of reducing the total number of required spaces may submit a shared parking analysis study using the Urban Land Institute (ULI) Shared Parking Model (latest edition).
 - 2. The study must be provided in a form established by the Zoning Administrator.
 - 3. Reductions in the total number of required spaces for shared parking are not permitted unless the Zoning Administrator determines a reduction is appropriate on a case-by-case basis through the use of the ULI Shared Parking Model (latest edition).
 - 4. Uses providing shared parking must have either mutually exclusive or compatibly overlapping normal hours of operation. The Zoning Administrator will determine whether hours of operation are compatibly overlapping on a case-by-case basis through the use of the ULI Shared Parking Model (latest edition).
- G. *Reduction in parking requirements for on-street parking.* A reduction in the number of required off-street parking spaces shall be allowed in all zoning districts as follows:
 - 1. Where on-street parking spaces exist in a public right-of-way, one on-street parking space may be substituted for every required off-street parking space, provided the on-street space immediately abuts the subject property.

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2. Each on-street parking space shall only be counted for one property. Where a space straddles a property line (as projected into the right-of-way), the space shall only be counted by the owner whose property more than 50% of the on-street parking space.
 3. The Director of Public Works may determine that to ensure future road capacity, the on-street parking reduction may not be available.
- H. No vehicle shall be allowed to park on any surface unless it is designed to accommodate vehicle parking and paved with concrete, asphalt, or pavers.
- I. *Design standards.* All parking areas and driveways shall be paved with asphalt, concrete, or pavers, unless alternate paving materials are approved by the Zoning Administrator. Driveways in Agricultural districts shall be exempt from this requirement.
1. Each standard automobile parking space shall not be less than 9 feet wide by 18 feet deep, exclusive of access or maneuvering area. Compact car spaces shall not be less than 8 feet wide by 16 feet deep.
 2. Accessible automobile parking spaces shall have an access aisle at least 60 inches wide adjacent to the parking space. Van-accessible parking spaces shall have an access aisle at least 96 inches wide adjacent to the parking. All accessible spaces must be identified by pavement markings and appropriate signage.
 3. All off-street parking areas shall be separated from walkways, sidewalks, and public streets by curbing, landscaping, or other suitable protective device. No portion of any vehicle shall overhang any walkway, sidewalk, or public street. See Sec. 3-12 for additional parking lot landscaping requirements.
 4. Where a parking area adjoins a single-family residential use, a wall, fence, or compact planting screen at least 6 feet high shall be erected and maintained between such area and the residential use.
 5. All off-street parking facilities shall be designed with maneuvering area and appropriate means of access to a public right-of-way.
- J. *Parking spaces required.* The following table indicates the minimum number of off-street parking spaces required by type of permitted use. Where a use is not specifically listed or only a use category is shown, the Zoning Administrator shall categorize the use in accordance with Sec. 4-15.

Use	Required Minimum Number of Parking Spaces
Residential Uses	
Single-family detached dwelling	2 per dwelling
Two-family dwelling	2 per dwelling
Cottage Court	1 per dwelling
Townhouse	2 per dwelling
Multi-family dwelling	2.5 per unit
Manufactured home	2 per dwelling
Group home	2 per dwelling
Group living	1 per bedroom plus 2 per lot
Civic Uses	
Place of worship	1 per 4 seats in room or area with greatest seating capacity or 1 per 40 sq. ft. in largest assembly room or area without fixed seating
Private K-12 school, college, university, or technical school	1 per 1,000 sq. ft. (grades K-8) 2 per 1,000 sq. ft. (grades 9-12 and colleges)
Government building	2 per 1,000 sq. ft.
Club or museum	1 per 4 seats in room or area with greatest seating capacity or 1 per 40 sq. ft. in largest assembly room or area without fixed seating or 2 per 1,000 sq. ft. (whichever is greater)
Cemetery	none
Micro telecommunications facility	none
Macro telecommunications facility	none
Telecommunications tower or antenna	none
Public park or public recreation area	none
Commercial Uses	
All lodging as listed below:	
Bed & Breakfast	1 per guest room
Hotel	1 per guest room
Recreation vehicle (RV) park	1 per dwelling
All general retail	3 per 1,000 sq. ft.
Restaurant, including bar, pub, tavern, or brew pub	5 per 1,000 sq. ft.
All personal service, except as listed below:	3 per 1,000 sq. ft.
Funeral home or crematory	1 per 4 seats in room or area with greatest seating capacity or 10 per 1,000 sq. ft. (whichever is greater)
All vehicular service and sales, as listed below:	
Automotive or other vehicle sales	3 per 1,000 sq. ft.
Car wash	1 per 1,000 sq. ft.
Gas or fueling station	3 per 1,000 sq. ft.
All indoor recreation, except as listed below:	3 per 1,000 sq. ft.

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Shooting range (indoor)	2 per 1,000 sq. ft.
Theater	1 per 4 seats
All outdoor recreation, except as listed below:	none
Drive-in theater	none
Golf course	50 spaces for every 9 holes
Shooting range (outdoor)	5 spaces minimum
All medical, as listed below:	
Hospital or pain clinic	0.5 per bed or 3 per 1,000 sq. ft.
Medical, office, dentist, or clinic other than pain clinic	3 per 1,000 sq. ft.
Veterinary office, hospital, or clinic	3 per 1,000 sq. ft.
Bank, savings & loan, or credit union	3 per 1,000 sq. ft.
Business and professional offices	3 per 1,000 sq. ft.
Public parking	none
Sexually oriented businesses	4 per 1,000 sq. ft.
Media production facility (not including communications antennas or towers)	2 per 1,000 sq. ft.
Minor utility facility	none
Major utility facility	none
Industrial Uses	
All light industrial uses, except as listed below:	1 per 300 sq. ft. of office space plus 1 per 2,000 sq. ft. of additional indoor area
Bus terminal	none
Heavy equipment displays, sales, or storage	2 per 1,000 sq. ft.
Renewable energy facility	none
Self-service storage facility	1 per 40 storage units
All craft manufacturing	2 per 1,000 sq. ft.
All heavy industrial uses	1 per 300 sq. ft. of office space plus 1 per 2,000 sq. ft. of additional indoor area
Agricultural Uses	
Commercial kennel	none
Concentrated animal feeding operation	none
Cultivation of crops or raising of livestock	none
Commercial forestry	none
Greenhouse, nursery, or landscape service	1 per 1,000 sq. ft.
Non-commercial keeping and raising of livestock, horses, or fowl	none
Riding stable	1 per 4 horse stalls
Accessory Uses	
Accessory uses not listed below	as determined by the Zoning Administrator
Accessory dwelling	1 per dwelling
Accessory building	none
Commercial outdoor storage	none

Drive-through facility	none
Guest quarters	1 per dwelling
Home occupation	1 space
Non-commercial garden	none
Non-commercial kennel	none
Short term rental	1 per guest room
Swimming pool	none
Recreational facility for residents	none
Temporary Uses	
Produce stand	5 spaces
Seasonal activity or temporary event	5 spaces

Sec. 3-12. Parking lot landscaping requirements.

- A. Shade trees and landscaping shall be provided within or adjacent to any parking lot designed or intended to accommodate ten or more cars, in accordance with the requirements of this section.
- B. *Landscaping requirements.*
 1. Landscape islands, strips or other planting areas shall be located within the parking lot and shall constitute at least 12% of the entire area devoted to parking spaces, aisles, and connecting driveways.
 2. Parking areas shall be separated from public sidewalks by a strip of landscaping at least 5 feet wide (except for sidewalks that cross the planting strip).
 3. Landscape islands, strips or other planting areas shall be landscaped with a combination of such plant materials as trees, shrubs, grass or ground cover. Such planting areas shall be well drained and contain suitable soil and natural irrigation characteristics for the planting materials they contain.
 4. A landscaping island shall be located at the end of every parking bay between the last parking space and an adjacent travel aisle or driveway. The island shall be no less than 7 feet wide for at least one-half the length of the adjacent parking space. Interior landscaped islands, strips, or other planting areas must also be installed so that no more than 12 adjacent parking spaces exist without a landscaped separation of at least 5 feet in width.
 5. Landscape islands between side-by-side parking spaces shall be no less than 7 feet in width and extend for at least one-half the length of the adjacent parking space. Landscaping strips between head-to-head parking spaces shall be no less than 5 feet in width and provided with wheel stops in the parking spaces so that no vehicular overhang is permitted.
- C. *Tree planting requirements.*
 1. Each landscaped island, strip, or planting area shall include at least 1 shade tree.
 2. Shade trees shall be provided within or immediately adjacent to and surrounding the parking lot at a ratio of at least one tree for every ten parking spaces, or portion thereof.
 3. Trees must be placed in or around the parking lot such that every parking space is within 50 feet of a shade tree. The fifty-foot distance is measured from the center of the tree to any point within the parking space.
 4. New trees shall have a caliper of no less than 2 inches DBH upon planting, and shall be maintained in good condition. Trees must be removed as a result of disease, damage or death, and must be replaced.

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5. Tree planting areas. Tree planting areas shall be no less than 5 feet in width and shall provide at least 120 square feet of useable planting area per tree. No tree shall be located less than 2 feet from the back of curb. All parking lot landscape islands, strips or other planting areas shall be curbed in accordance with city specifications.
- D. *Other requirements.*
1. Landscape islands shall require regular maintenance including, but not limited to, the following; pruning, mulching, weeding and shall remain free of litter, rubbish and other obstructions.
 2. Plants that die will be required to be replaced. To assure plant material survivability it is imperative that all generally accepted professional horticultural standards and practices be conducted. All plant material is to be installed to meet or exceed current industry standards.
 3. A landscape plan along with a list of desired plants shall be submitted to the Planning Department for approval. In general, all plant material selected shall be tolerant of the local growing conditions.
 4. All required landscaping shall be installed prior to occupancy or commencement of use. Where compliance is not possible due to the season of the year or other circumstances beyond the control of the owner or contractor, the city may grant a temporary certificate of occupancy until installation is completed. At the time installation is completed, a standard certificate of occupancy will be issued.
- E. *Administrative variance.* If there are conditions pertaining to a particular piece of property because of its size, shape, or topography where the strict application of the provisions of this subsection would create an unnecessary hardship, and where relief if granted would not cause a substantial detriment to the public good or impair the purpose of this subsection, then the Zoning Administrator is authorized to grant a variance to the conditions of this section.

Sec. 3-13. Minimum garage size.

Each detached single family residential unit shall have a garage, enclosed on at least 3 sides, of at least 500 square feet as measured outside wall to outside wall. Each townhome or condominium unit shall have a garage of at least 250 square feet. This section shall not apply to manufactured homes, or be required in the MU and DT districts.

Sec. 3-14. Relocated structures.

No structure or building previously constructed and used at another location shall be allowed to be occupied as a dwelling.

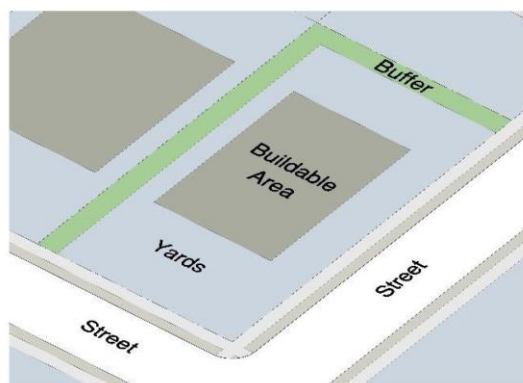
Sec. 3-15. Screening requirements.

- A. Dumpsters and trash compactors shall be located behind the building they serve or, for dumpsters and trash receptacles that serve multiple buildings, in the least visible location, but in no case between any building and a public street without an intervening building.
- B. Dumpsters and trash compactors shall be screened to a height of 8 feet on three sides with an opaque screen made of a permitted façade material that is also compatible with the façade material on the primary building on the parcel. The fourth side must be screened with an opaque gate of wood or metal, but not chain link fence. For industrial, distribution, or warehouse buildings exceeding 25,000 gross square feet, no screening of dumpsters or trash receptacles is required.
- C. All dumpsters and trash compactors shall be placed on a concrete pad at least 6 inches thick, sloped to drain. The pad shall extend 10 feet in front of the dumpster enclosure for the full width of the dumpster.

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- D. All mechanical, HVAC, and similar systems shall be screened from view from any public or private street in a residential district. All mechanical, HVAC, and similar systems located on the rear lot of the principal residential structure will not require screening from view. All mechanical, HVAC and similar systems on any commercial lot shall be screened from view if the unit(s) are located on ground level in the front or side yards. Any units located in the rear yard will not require screening. All rooftop units shall be placed in such a location as not to be visible from 20 feet at ground level.
 - E. All utility substations, salvage yards, junkyards, and commercial outdoor storage shall be screened from view from any public or private street by a fence, wall, or opaque landscaping.
 - F. All properties in any commercial district must provide an opaque fence or wall or landscaping or compact planting or combination thereof of at least 6 feet in height along all property lines abutting a residential district or use. A natural undisturbed buffer may satisfy this requirement but must be approved by the Zoning Administrator on a case by case basis.

Sec. 3-16. Planted buffer requirements.

- A. In addition to the screening requirements provided in Sec. 3-15, all property in an I Industrial district must provide a planted buffer of at least 20 feet in depth along all property lines abutting a residential district or use.
- B. In addition to the screening requirements provided in Sec. 3-15, all property in a B-1 or B-2 district must provide a planted buffer of at least 15 feet in depth along all property lines abutting a residential district or use.
- C. All property in an R-3, MH, or MU district must provide a planted buffer of at least 10 feet in depth along all property lines abutting an R-1, R-1A, R-1B, or R-2 district.
- D. No buffers shall be required within the DT Downtown district.
- E. Where a buffer is required, all setbacks shall be measured from the interior edge of the required buffer and shall be in addition to the required setback.



- F. The following are minimum specifications for required planted buffers. Buffers shall:
 - 1. Be depicted in detail on each site plan or plat prior to approval. The type and location of natural and planted vegetation are to be clearly illustrated.
 - 2. Utilize existing vegetation in an undisturbed state where the Zoning Administrator has determined that existing vegetation is appropriate for inclusion within the buffer.
 - 3. Be completely installed in accordance with the approved plan prior to issuance of the certificate of occupancy.

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4. Not be used for temporary or permanent parking or loading or for a structure other than fence.
 5. Attain a minimum height of six feet within three years of the planting date.
 6. Include a minimum of one tree for each 20 linear feet of required buffer, or majority portion thereof. Retention of existing trees on site in order to meet this requirement is encouraged.
- G. Where the natural vegetation and topography are insufficient to achieve the desired level of screening as determined by the Zoning Administrator, existing vegetation must be supplemented to provide a visual screen.
- H. All buffers required by this section shall be guaranteed for the life of the commercial development. Necessary trimming and maintenance shall be performed to maintain the health of the plant materials, to provide an aesthetically pleasing appearance, and to assure that the buffer serves the purpose for which it is intended.

Sec. 3-17. Accessory buildings.

- A. No accessory building shall be located closer than 10 feet to any lot line.
- B. No accessory building shall be located closer than 10 feet to any structure containing one or more dwelling units, as measured at the closest point between the two structures, excluding building projections such as cornices, eaves, steps, handrails, gutters, and downspouts, except where a greater distance is required by the City of Winder Ordinance Code.
- C. All accessory buildings shall be located in the rear yard or side yard but not in front of the façade of the principal structure.
- D. Accessory buildings shall not be used for any residential inhabitants whether permanent or part-time.
- E. Exterior walls of accessory buildings greater than 120 square feet shall be finished with brick, stone, cementitious siding, decorative architectural metal, wood or with materials and colors similar to that of the principal building. Roofing materials shall closely match that of the principal building.
- F. No accessory building shall exceed 25 feet in height, or the height of the principal building, whichever is less.
- G. There shall be no maximum size for accessory buildings in agricultural or industrial districts. The maximum total square footage of all accessory buildings on a lot in any other district shall be as follows:
1. Lots less than 0.24 acres: 120 sq. ft.
 2. Lots 0.24 to 0.99 acres: 500 sq. ft.
 3. Lots 1 acre to 1.99 acres: 650 sq. ft.
 4. Lots 2 acres and larger: 2,000 sq. ft. or 50% of the total gross floor area of the principal building, whichever is less.
- H. Tents shall be allowed in any residential or agricultural district. No permit is required for the use of a tent but tents are subject to Section 3-17A, A tent shall not remain in use for more than thirty days in any 12 month period.

Sec. 3-18. Swimming pools.

- A. No swimming pool, including any decks, fences, or associated structures or improvements, may be located closer than 10 feet to any lot line.
- B. No swimming pool shall be located in any front yard.

Sec. 3-19. Exceptions to height limits.

In any district, the following structures and structures similar to the following may extend above the maximum height, providing that they shall not be used for dwelling purposes:

1. Agricultural buildings or silos;
2. Antennas;
3. Chimneys or smokestacks;
4. Elevator penthouses;
5. Energy generation devices;
6. Fire or parapet walls;
7. Flagpoles;
8. Skylights;
9. Steeples, spires, belfries, cupolas, domes, and monuments;
10. Water tanks or standpipes.

Sec. 3-20. Projections into required yards.

- A. Cornices, sills, eaves, gutters, chimneys, and other similar architectural features may project up to 12 inches into a required yard.
- B. Porches, stoops, bay windows, balconies and decks may not encroach into any required yard. Ground level patios containing no permanent vertical structures may encroach into rear yards.

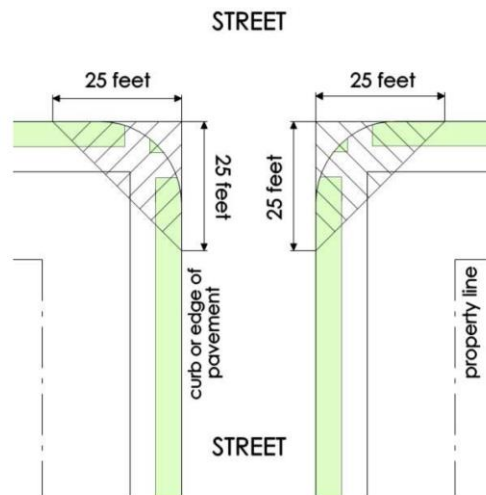
(Ord. (W-4-22) of 10-4-22)

Sec. 3-21. Fences and walls.

- A. Fences and walls shall be prohibited in the front yards of all B-1 and B-2 commercial districts.
- B. Where conflicts exist between the maximum height requirements of this section, the higher maximum height shall apply. Lower maximum heights may be established by the Zoning Administrator on properties where public safety issues have been identified and presented to the property owner by the Zoning Administrator.
- C. Nothing in this section shall be construed to limit City Council from imposing conditions on any rezoning or conditional use permit to allow fences or walls higher than allowed in this section or in any yard where the City Council determines that walls or fences are necessary to provide screening.
- D. The maximum height for any fence or wall in a front yard shall be as follows:
 1. Agricultural districts: 6 feet.
 2. Single-family residential districts: 4 feet.
 3. Multifamily residential district: 4 feet TNPD district: 4 feet.
 4. MU Mixed-Use district: see Sec. 8-1(G)3 and 8-1(M).
 5. Downtown DT district: see Sec. 8-1(G)3 and 8-1(M).
 6. Industrial district: 6 feet.

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- E. The maximum height for specific fence and wall types shall be as follows:
1. No fence or wall that encloses an approved stormwater management pond, utility, or telecommunications facility shall exceed 6 feet in height.
 2. No fence or wall that encloses an approved gated multi-family dwelling shall exceed 8 feet in height.
 3. No fence or wall that encloses an approved cemetery shall exceed 6 feet in height.
 4. No fence or wall that encloses an approved playground or recreational area for a day care center, non-profit organization, or private K-12 school, shall exceed 6 feet in height.
 5. No fence or wall enclosing a tennis court, basketball court, or other recreational facility shall exceed 12 feet in height.
- F. The maximum height for all other fences shall be 8 feet.
- G. All fences and walls located in required front or side street yards shall be decorative and shall be constructed of brick, stone, cast stone vinyl, wood (including split rail), vinyl, or wrought iron. Additional decorative fence or wall materials may be approved in writing by the Zoning Administrator.
- H. Notwithstanding the requirements of subsection (G) above, vinyl coated chain link fences shall be allowed in front yards and side street yards where they enclose a stormwater facility, and woven wire or metal fabric fences shall be allowed in front yards and side street yards in any agricultural, I Industrial, or G Government/Institutional district.
- I. Barbed wire fences, razor wire fences, electrified fences, and other similar fences intended to cause injury to persons shall be prohibited in residential districts. Provided however, that barbed wire fences may be approved as a conditional use in the agricultural district, commercial districts and industrial district.
- J. Exposed concrete block, tires, scrap metal, sheet metal, plastic/fiberglass sheeting, vinyl siding or fabric, plywood, pallet material, junk or other discarded items shall be prohibited as fence material in all districts.
- K. No retaining wall within 20 feet of any right-of-way, easement, or property line shall exceed 6 feet in height.
- L. Where multiple retaining walls are necessary, they must be separated by at least 36 horizontal inches, at least 24 inches of which shall be landscaped.
- M. All retaining walls visible from any public or private street shall be faced with brick, stone, cast stone, hard coat stucco, interlocking decorative block, or concrete block having the appearance of brick or stone. Gabion walls or similar construction shall be prohibited.
- N. No fence or wall shall be allowed within any public right-of-way unless approved in writing by the Zoning Administrator. Approval may be revoked if any fence or wall is determined to be in direct conflict with public utilities or public safety.

Sec. 3-22. Visibility at intersections.



- A. Except in zoning districts with 0 foot setbacks, an unobstructed view shall be provided at all intersections within a triangle formed by joining two points measured 25 feet from the intersection of the edge of pavement or curbs at the intersection of two streets.
- B. Within this triangle there shall be no sight obscuring walls, signs, fences, or foliage higher than 30 inches above grade, or in the case of trees, foliage lower than eight feet above grade. Height shall be measured from the top of the curb or, where there is no curb, from the edge of pavement.

ARTICLE IV. USE STANDARDS

Sec. 4-1. Institutional uses.

Places of worship, private K-12 schools, colleges, universities, technical schools, clubs, or museums within any G Government/Institutional district shall be subject to the following standards:

- A. The side and rear yard shall be a minimum of 50 feet.
- B. These uses shall only be allowed on lots that abut a major arterial street as designated by the Georgia Department of Transportation (GDOT).

Sec. 4-2. Minimum size for assembly uses.

All assembly uses must have a minimum floor area of 5,000 square feet within the Downtown DT district.

Sec. 4-3. Telecommunications tower or antenna.

Telecommunications towers and antennas shall be limited to a maximum height of 75 feet, except in the Airport Overlay District, where the maximum height shall be 35 feet. A variance may be granted outside of the Airport Overlay District to increase the maximum allowed height to 90 feet.

Sec. 4-4. Temporary storage containers.

- A. Only one temporary storage container is allowed per lot.
- B. No temporary storage container shall block or inhibit the visibility of vehicular traffic or in any way pose a danger to pedestrians or vehicular traffic.
- C. Temporary storage containers shall be allowed to be located in the required front yard, but in no case shall be located within 10 feet of the front lot line.

Sec. 4-5. Home occupations.

A. Overview.

- 1. The standards of this article dealing with home occupations are designed to protect and maintain the residential character of a neighborhood while permitting certain limited commercial activities that may be carried out in a home.
- 2. It shall be unlawful for any person to conduct a home occupation at a residence unless the person has applied for and received a license to do so in compliance with this article. Application for a home occupation permit shall be made in writing on forms provided by the city. Applications shall be reviewed and approved by the Zoning Administrator.
- 3. It shall be unlawful for the property owner or their agent to knowingly allow a person to use real estate for a home occupation in violation of this article.
- 4. All local and state licenses/permits as well as any necessary licenses/permits from any other agency required for the home occupation must be obtained prior to the business being opened.
- 5. A home occupation permit shall remain in effect until either it is revoked, the holder ceases the business, or the holder fails to pay any required occupational tax due the city.

B. Evaluation standards.

- 1. The structure or appearance of the exterior of the dwelling shall not be altered or remodeled for home occupational purposes either by color, materials, construction, lighting, or in any other way.
- 2. The entrance to the home occupation portion of the dwelling shall be from either within the dwelling or through an existing entrance; not through a new outside entrance.
- 3. No activities shall be allowed and no equipment or material shall be used that would change the fire safety or occupancy classifications of the premises.
- 4. Not more than 25% of the floor area in the residential unit may be used for a home occupation. This is a maximum amount regardless of the number of occupations at any one residence. Additionally, a home occupation may occupy a maximum of 200 square feet of floor area of any accessory building.
- 5. Hours of operation. Customer visits shall be limited to the hours of 6:00 a.m. to 8:00 p.m.
- 6. Any sign shall be non-lighted and non-reflective in nature and shall be attached to the dwelling or accessory building or located within 10 feet thereof.
- 7. The interior of the residence shall maintain an operational kitchen, bathroom, and sleeping area and shall have active utility accounts, including water and electricity.
- 8. The home occupation shall not generate pedestrian or vehicular traffic beyond what is normal to the neighborhood where it is located.

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9. There shall be no outdoor display or storage of equipment or material used in the home occupation.
 10. A home occupation permit/occupational tax certificate for a home occupation is valid for only the original applicant and is not transferable to any resident, address or any other occupation. Upon termination of the applicant's residency, the home occupation permit shall become null and void.
 11. If there are any changes proposed in the dwelling or in the plumbing or the electrical system, appropriate permits will be required.
- C. *Restriction on sales.* The home occupation shall involve the sale of only those goods or services produced on the premises, except in the case of mail order or home marketing services.
- D. *Mail order or home marketing services.* If the home occupation consists of either a mail order business or a home marketing business, the residence will be the mailing address and office only. The business will only take orders at the home and the orders will be filled by direct shipment from factory/warehouse to customer. No inventory beyond samples may be stored on the premises.
- E. *Catering and food sales.* A home occupation providing food catering or food sales must meet all of the requirements of O.C.G.A. 40-7-19 Cottage Food Regulations.
- F. *Beauty shops and barber shops.* Beauty shops and barber shops are allowed provided customer visits are by appointment only. The business shall consist of no more than one beauty/barber chair and no more than two customers shall be permitted at one time. Beauty shops and barber shops allowed under these provisions shall be registered with the appropriate licensing and inspection authorities.
- G. *In-home childcare.*
1. In-home childcare is limited to six children at a time, including the caregiver's own preschool-aged children.
 2. No other home occupation permit/occupational tax certificate can be combined with an in-home childcare home occupation permit.
 3. Home childcare providers and their employees must also pass a fingerprint check and a preliminary records check to make sure that there is no history of criminal behavior. A background check conducted by the state within 60 days will satisfy this requirement.
 4. All local and state licenses as well as any necessary permits from the Barrow County Environmental Health Unit must be obtained prior to the business being opened.
- H. *Impact-related standards.*
1. *Noise.* The maximum noise level for a home occupation is 50 dBA. Noise level measurements are taken at the property line. Home occupations that propose to use power tools or music must document in advance that the home occupation will meet the 50 dBA standard.
 2. *Deliveries.* Truck deliveries or pick-ups of supplies or products, associated with the home occupation, are allowed at the home only between 7:00 a.m. and 8:00 p.m.
 3. *Vehicles.* No more than one marked vehicle may be used in association with the home occupation.
 4. *Parking.* No on-street parking of business-related vehicles or customers shall be permitted at any time. The home occupation shall have necessary parking needed for both residents and customers without using public roads.
 5. *Nuisance.* There shall be no emission of smoke, dust, odor, fumes, glare, vibration, electrical or electronic disturbance detectable at the property line or beyond.
 6. *Employee.* The occupation shall be conducted by members of the family who are actively living in the primary residence and a maximum of one additional employee.

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- I. *Uses which are not allowed as home occupations.*
1. Motor vehicle and accessory/parts sales, rental, repair and/or painting.
 2. Vehicle detailing, cleaning or vehicle glass repairs.
 3. Combustion engine repairs or cleaning.
 4. Equipment rentals.
 5. The assembly, repair, or reconstruction of major household appliances, including refrigerators, freezers, clothes washers, clothes dryers, dishwashers, stoves, heating equipment, and air conditioning equipment.
 6. Consignment sales where items are stored on the property.
 7. Medical doctors or any practice of physical and/or medical application, including chiropractors and massage therapists or any other uses which involve medical procedures.
 8. Dentists.
 9. Funeral home.
 10. Uses that require the handling of any hazardous or toxic materials.
 11. No home occupation shall include the manufacture, repair, sale or storage of firearms, ammunition or other items which are regulated by the Bureau of Alcohol, Tobacco and Firearms, at the site of the home occupation.
 12. Dismantling, junk, scrap, or recycling materials.
 13. Outdoor recreational or sporting clinics or activities.
 14. Commercial greenhouses or nurseries.
 15. Commercial cabinet or furniture making, furniture refinishing/antique restoration and sales are not permitted.
 16. Restaurant.
 17. Occupation involving explosive materials.
 18. Breeding or selling of animals other than domestic animals typically weighing less than 150 pounds at maturity. Breeding and selling of animals of any weight is not permitted as a home occupation in any R-1B, R-2, R-3, or MH district.
 19. Animal hospitals, veterinary clinics; pet care services such as grooming, animal day cares or kennels of any size.
 20. Garage sales/yard sales are not allowed as a home occupation provided however that garage sales are allowed if they meet the requirements of chapter 13, article IX and are permitted as required by said ordinance.
- J. *Consent to inspection.* The signature of the applicant upon the application shall grant the consent by the applicant to an inspection of the home occupation premises by the City of Winder. The dwelling in which the home occupation is being conducted shall be open for inspection to city personnel during reasonable hours. Failure by the applicant to allow for the inspection of the premises by the code enforcement officer or position(s) designated by the city administrator shall be grounds for refusal to grant the permit or to revoke any current permit.
- K. *Revocation of a home occupation permit/occupational tax certificate.* The city administrator or their designee has the authority to revoke a home occupation permit/occupational tax certificate, or modify or amend the

conditions of a home occupation permit/occupational tax certificate, upon determining that the use as operated or maintained creates one or more of the following conditions:

1. A nuisance or other undesirable condition interfering with the public health, safety, or general welfare.
2. A violation of the provisions of this article or any other applicable law or ordinance, or a violation of the conditions imposed upon the home occupation permit.
3. Failure to allow the city to inspect the property during hours of operation.
4. Before revoking a home occupation permit, the city shall give a 10 day written notice to the permit holder addressed or delivered to the premises. The permit holder may appeal the revocation to the City Council by filing a written notice of appeal with the city clerk within said ten-day period. The revocation shall be stayed pending the council's decision on the appeal.

Sec. 4-6. Group living standards.

In districts where group living is allowed, the following standards shall apply:

- A. No group living facility shall be located within 3,000 feet of another existing group living facility, as measured by a straight line which is the shortest distance between the property lines of the parcels on which each facility is located.
- B. All group living facilities must comply with the rules and regulations for their operation established and enforced by the Georgia Department of Human Services ("DHS") and must obtain a permit from the DHS prior to obtaining a certificate of occupancy.
- C. All group living operators must obtain an occupational tax certificate from the City of Winder prior to providing any services and must annually renew their certificate.
- D. The owner of the group living facility must be a full-time resident of the facility.

Sec. 4-7. Veterinary offices, hospitals, or clinics.

No outdoor activity associated with boarding of animals is allowed for any veterinary office, animal hospital, or animal clinic.

Sec. 4-8. Recreational vehicle (RV) park standards.

- A. All such parks must be connected to public water and sewer facilities.
- B. No such park shall be located except with direct access to an arterial street and having a minimum of 300 feet of frontage thereon to permit adequate design of entrances and exits. No entrance or exit shall be through a residential district, or shall require movement of traffic from the park through a residential district.
- C. The minimum area for such park shall be 5 acres, and the maximum density shall be 5 units per gross acre.
- D. No recreational vehicle (RV) may be located in the same recreational vehicle (RV) park for more than 14 consecutive days within a 60 day period.
- E. Management headquarters, recreational facilities, showers, coin-operated laundry facilities, and other uses and structures customarily incidental to operation of a recreational vehicle park are permitted as an accessory use in any district in which recreational vehicle parks are allowed, provided that:
 1. Such establishments and the parking areas primarily related to their operations shall not occupy more than 10% of the area of the park.

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2. Such establishments shall be restricted to the use of occupants of the park.
 3. Such establishments shall present no visible evidence of their commercial character that would attract customers other than occupants of the park.

Sec. 4-9. Impound lot, salvage yard, and junk yard standards.

All impound lots, salvage yards, and junk yards shall be subject to the following standards:

- A. Must be located on a lot of at least 2 acres.
- B. Must not have more than 50 vehicles stored or parked at any time.
- C. Must comply with the buffer requirements of Sec. 3-16.

Sec. 4-10. Non-commercial keeping and raising of animals.

- A. Where non-commercial keeping and raising of livestock, horses, or fowl is permitted, the following maximum numbers of animals shall be allowed:
 1. Horses or cows: one per acre;
 2. Sheep or goats: two per acre;
 3. Chickens or other fowl: 20 per acre;
 4. Other animals: as determined by the Zoning Administrator.
- B. All animals shall be restricted to the rear yard. No animal shall be allowed within 15 feet of any adjacent property with a residential use. Animals shall not be allowed to run on any adjacent properties.
- C. Roosters shall not be allowed.
- D. All places where animals are kept shall have drainage sufficient to prevent standing water in yards or pens and to prevent waste products from entering storm drains, rivers, streams, or sewer lines.
- E. Enclosures and coops and related structures and areas for chickens or other fowl must be maintained in a manner that will not disturb the use and enjoyment of neighboring lots due to noise, odor, or other adverse impact.
- F. No slaughtering of any animals shall be allowed.

Sec. 4-11. Mobile homes.

- A. In case of conflict between the provisions of this section and regulations of the Barrow County Environmental Health Unit, or ordinances or regulations of any other agency, whichever provisions are the most restrictive shall apply.
- B. Existing mobile home parks operating without an occupational tax certificate shall be required to meet the provisions of this section before a license shall be issued.
- C. *Minimum standards.*
 1. No mobile home trailer shall be allowed within three hundred (300) feet of an existing residence.
 2. A mobile home park shall be located on a well-drained site, properly graded to ensure rapid drainage, and shall be free from stagnant pools of water.
 3. No mobile home park site shall be issued a permit which contains an area less than 5 acres.

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4. Where any boundary of a mobile home park directly abuts property which is improved with a permanent residential building located within 25 feet of such boundary, or directly abuts unimproved property which may under existing laws and regulations be used for permanent residential construction, a fence, a wall and/or a hedge shall be provided along such boundary.
 5. Not less than 10% of the total site area shall be set aside as a recreation area in a mobile home park. Such recreation area shall be made safe from traffic by an enclosure or other device.
 6. It shall be the duty of the licensee, permittee or duly authorized attendant or caretaker in charge, at all times to keep a mobile home park, its facilities and equipment in a clean, orderly and sanitary condition.
 7. No such trailer shall be closer than 30 feet from the center line of any road within the park.
 8. All roads within a mobile home park shall be surfaced. These roads shall be easily accessible to all mobile home trailers and shall be adequately lighted.
 9. All mobile home spaces in a mobile home park shall abut upon an interior driveway. Each mobile home shall be parked with the mobile home hitch fronting on, or directly accessible to, any conforming interior road. All interior driveways shall have not less than 50 feet of right-of-way with a minimum of 20 feet of paving between paved drainage aprons.
 10. In mobile home parks where parking is permitted on interior roads, such roads shall be paved in excess of 20 feet, sufficient to allow for parking automobiles.
 11. Entrances and exits to and from a mobile home park shall be well marked and easily controlled and supervised. Entrances and exits shall meet the standards of the state department of transportation.
 12. The walkways to the various buildings within a mobile home park shall be adequately surfaced and lighted.
 13. Each mobile home trailer lot space within a mobile home park shall be a minimum of 60 feet by 80 feet in size and shall have a minimum area of 4,800 square feet.
 14. Each mobile home trailer lot space within a mobile home park shall have a concrete patio not less than 8 by 12 feet, over which an awning may be placed, provided that no structure will be allowed on such patio or abutting trailer.
 15. No mobile home side shall be less than 15 feet from the side of any other mobile home in a mobile home park, and no end shall be closer than 12 feet to any other mobile home.
 16. No mobile home shall be located closer than 20 feet from any building within a mobile home park.
 17. Skirting shall be required for all mobile homes and must consist of wood of a minimum thickness of 3/8 inches, vinyl, aluminum, concrete block, or true hard coat stucco.
 18. Garbage and refuse collection stations shall not be more than 100 feet from any mobile home, and there shall be vehicular access to every garbage and refuse collection station.
 19. Each mobile home space in a mobile home park shall be provided with garbage containers with a tight-fitting lid, sufficient in number and size to hold all garbage and waste from mobile homes, provided that substances other than metal with equivalent strength and durability shall be permitted. Waste shall be removed from the premises and disposed of often enough to prevent a nuisance or health hazard. The containers shall be kept in a sanitary condition and shall be at least 3 inches off the ground, preferably on a metal rack or hanger provided for such purpose.
 20. Laundry facilities in a mobile home park shall be centrally located but not over 500 feet from any mobile home.

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21. Any action towards the removal of wheels, except for the temporary purpose of repair, or other action to attach the trailer to the ground by means of posts, piers, foundation or skirting, shall subject the mobile home to the requirements of the building code.

Sec. 4-12. Seasonal activities and/or temporary events.

- A. Seasonal activities and/or temporary events are only allowed in zoning districts where they are permitted and with a valid permit.
- B. The Zoning Administrator shall have the authority to grant temporary event permits for seasonal activities and/or temporary events upon a determination that the activity or event, if permitted, would not cause substantial detriment to the public good, would not interfere with another event for which a permit has been issued, would not negatively affect the safety and welfare of pedestrian and vehicular traffic, nor would it impair the purposes or intent of this ordinance.
- C. If no building permit is required for the seasonal activity and/or temporary event, the Zoning Administrator shall have up to one week following the date of receipt of a written request for the temporary event permit to make a decision on the issuance of the temporary event permit. If the Zoning Administrator fails to act on the issuance before the expiration of the one-week period, the Zoning Administrator shall be deemed to have approved the temporary event permit request.
- D. If a building permit is required for the seasonal activity and/or temporary event, the Zoning Administrator shall have up to two weeks following the date of receipt of a written request for the temporary event permit to make a decision on the issuance of the temporary event permit. If the Zoning Administrator fails to act on the issuance before the expiration of the two-week period, the Zoning Administration shall be deemed to have approved the temporary event permit request.
- E. *Application requirements.*
1. Any applicant for a permit for a seasonal activity and/or temporary event shall have the written authorization of the property owner.
 2. All applications must be submitted at least 45 calendar days in advance of the event.
 3. Applicants for farmers or other regularly scheduled markets shall submit a schedule for approval and receive an annual permit for the months specified within that schedule.
 4. No single temporary outdoor sales permit for regularly scheduled markets shall be approved for the same lot or any portion thereof for a total of more than 90 days in a calendar year. Special events other than regularly scheduled markets and film production shall be subject to the requirements of Chapter 13 Article X.
 5. These uses shall be permitted only on lots that have access to improved parking areas with a curb cut.
 6. No operator, employee, or representative shall solicit directly to the motoring public.
 7. As a part of the application for a temporary outdoor sales permit, a scaled drawing indicating the boundary of the site, parking and location of associated activities, and/or structures shall be provided.
 8. Vendors shall be responsible for refuse and debris clean up. Property sanitation and maintenance requirements shall be strictly adhered and enforced by City code enforcement.

Sec. 4-13. Temporary outdoor display standards.

Temporary outdoor displays must:

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- A. Be located adjacent to the primary entrance of the establishment and may not extend more than 10 feet from the façade.
 - B. Not exceed 6 feet in height.
 - C. Be removed and placed inside a fully-enclosed building at the end of each business day.
 - D. Not encroach upon any public right-of-way or required sidewalk, except where the building is located less than 2 feet from the right-of-way, in which case the Zoning Administrator may approve a temporary encroachment into the right-of-way.
 - E. Not include any tires, wheels, or vehicle parts. All tires, wheels, and vehicle parts must be located within a building at all times.

Sec. 4-14. Commercial outdoor storage standards.

Commercial outdoor storage must:

- A. Be set back at least 10 feet from all property lines.
- B. Meet the screening requirements of Sec. 3-15.

Sec. 4-15. Allowed uses.

- A. In order to regulate a variety of similar uses, use categories have been established for principal uses. Principal and accessory uses allowed by district are shown in the table below. All uses are subject to all applicable requirements of this ordinance.
 - 1. *Permitted Use (P)*. Indicates a use is permitted in the respective district.
 - 2. *Conditional Use (C)*. Indicates a use may be permitted in the respective district only where approved by the City Council.
 - 3. *Use Not Permitted (X)*. Indicates that a use is not permitted in the respective district.
- B. A use not specifically listed is prohibited unless the Zoning Administrator determines the use to be part of a use category as described below. If a proposed use is not listed in a use category, but is similar to a listed use, the Zoning Administrator may consider the proposed use part of that use category. When determining whether a proposed use is similar to a listed use, the Zoning Administrator must consider the following criteria:
 - 1. Actual or projected characteristics of the proposed use;
 - 2. Amount of site area or floor area and equipment devoted to the proposed use;
 - 3. Sales volume;
 - 4. Type of customer;
 - 5. Number of employees;
 - 6. Hours of operation;
 - 7. Building and site arrangement;
 - 8. Types of vehicles used and their parking requirements;
 - 9. Number of vehicle trips generated;
 - 10. How the proposed use is advertised;

11. Likely impact on surrounding properties;
12. Whether the activity is likely to be found independent of the other activities on the site.
- C. Where a use not listed is found by the Zoning Administrator not to be similar to any other permitted use, the use is only permitted following a text amendment per Section 11-2.

Use	AG	R-1	R-1A	R-1B	R-2	R-3	TNPD	MU	MH	DT	B-1	B-2	G	I	Use Standards
Residential Uses															
Single-family detached dwelling	P	P	P	P	P	P	P	P	X	P	C	C	X	X	
Two-family dwelling	X	X	X	X	P	P	X	P	X	P	X	X	X	X	
Cottage court	X	X	X	X	X	P	P	P	X	P	X	X	X	X	
Townhouse	X	X	X	X	X	P	P	P	X	P	X	X	X	X	
Multi-family dwelling	X	X	X	X	X	P	X	P	X	P	X	X	X	X	
Manufactured home	X	X	X	X	X	X	X	X	P	X	X	X	X	X	see Sec. 4-11
Group home	P	P	P	P	P	P	P	X	X	X	C	C	X	X	
Group living	X	X	X	X	X	X	X	X	X	X	C	C	X	X	see Sec. 4-6
Civic Uses															
Place of worship	X	X	X	X	X	X	X	P	X	P	P	P	P	X	see Sec. 4-1 and Sec. 4-2
Private K-12 school, college, university, or technical school	X	X	X	X	X	X	P	P	X	P	P	P	P	X	see Sec. 4-1
Government building	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Club or museum	X	X	X	X	X	X	X	C	X	P	P	P	P	X	see Sec. 4-1 and Sec. 4-2
Cemetery	C	X	X	X	X	X	X	X	X	X	X	X	X	X	
Micro telecommunications facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Macro telecommunications facility	C	X	X	X	X	X	X	X	X	X	C	C	C	C	
Telecommunications tower or antenna	X	X	X	X	X	X	X	X	X	X	C	C	X	C	see Sec. 4-3, Sec. 9-1, and Chapter 29.5
Public park or public recreation area	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Commercial Uses															
All lodging as listed below:															
Bed & breakfast	C	C	C	C	C	X	C	C	X	C	C	C	X	X	
Hotel	X	X	X	X	X	X	X	X	X	C	C	P	X	X	

Recreational vehicle (RV) park	C	X	X	X	X	X	X	X	X	X	X	X	X	X	see Sec. 4-8
All general retail, except as listed below:	X	X	X	X	X	X	X	P	X	P	P	P	X	X	
Building supply displays, sales, or storage	X	X	X	X	X	X	X	X	X	X	C	P	X	P	
CBD store	X	X	X	X	X	X	X	X	X	X	X	C	X	X	
Firearm sales	X	X	X	X	X	X	X	X	X	C	C	C	X	X	
Consignment store	X	X	X	X	X	X	X	X	X	P	P	P	X	X	
Furniture store	X	X	X	X	X	X	X	X	X	P	P	P	X	X	
Liquor or package store	X	X	X	X	X	X	X	X	X	X	C	C	X	X	Chapter 3, Section 3-52
Pawn shop	X	X	X	X	X	X	X	X	X	X	C	C	X	X	Chapter 13, Article III
Tire sales, changing & minor repair	X	X	X	X	X	X	X	X	X	X	C	C	X	C	
Tobacco retailer	X	X	X	X	X	X	X	X	X	X	C	C	X	X	
Restaurant, except as listed below	X	X	X	X	X	X	X	P	X	P	P	P	X	X	
Bar, pub, tavern, or brew pub	X	X	X	X	X	X	X	C	X	P	C	C	X	X	
All personal service, except as listed below:	X	X	X	X	X	X	P	P	X	P	P	P	X	X	
Day care center	X	X	X	X	X	X	X	P	X	X	C	C	C	X	
Funeral home or crematory	X	X	X	X	X	X	X	X	X	X	C	C	X	X	
Massage therapist	X	X	X	X	X	X	X	C	X	C	C	C	X	X	Chapter 13, Article VII
Tattoo artist and/or body piercing establishment	X	X	X	X	X	X	X	X	X	C	C	C	X	X	
All vehicular service and sales, as listed below:															
Automotive or other vehicle sales	X	X	X	X	X	X	X	X	X	X	X	C	X	X	
Car wash	X	X	X	X	X	X	X	X	X	X	P	P	X	X	
Gas or fueling station	X	X	X	X	X	X	X	C	X	X	X	C	X	X	
Vehicle leasing	X	X	X	X	X	X	X	X	X	X	C	C	X	X	
All indoor recreation, except as listed below:	X	X	X	X	X	X	X	X	X	P	P	P	X	X	

Bowling alley	X	X	X	X	X	X	X	X	X	X	C	C	X	X	see Sec. 4-2 and Chapter 13 Article IV
Fitness facility or gym	X	X	X	X	X	X	X	C	X	P	P	P	X	X	
Game room or pool hall	X	X	X	X	X	X	X	C	X	C	P	P	X	X	see Chapter 13, Article IV
Shooting range (indoor)	X	X	X	X	X	X	X	X	X	X	X	C	X	X	
Theater	X	X	X	X	X	X	X	X	X	P	P	P	P	X	see Sec. 4-2
All outdoor recreation, except as listed below:	X	X	X	X	X	X	X	X	X	X	C	C	C	X	
Drive-in theater	X	X	X	X	X	X	X	X	X	X	X	X	X	C	
Golf course	X	C	C	C	C	C	X	X	X	X	X	C	P	X	
Shooting range (outdoor)	X	X	X	X	X	X	X	X	X	X	X	X	C	X	
All medical, as listed below:															
Hospital or pain clinic	X	X	X	X	X	X	X	X	X	X	C	C	X	X	
Medical office, dentist, or clinic other than pain clinic	X	X	X	X	X	X	X	P	X	P	P	P	X	X	
Veterinary office, hospital, or clinic	X	X	X	X	X	X	X	C	X	X	P	P	X	X	see Sec. 4-7
Auction house	X	X	X	X	X	X	X	X	X	X	C	C	X	X	
Bank, savings & loan, or credit union	X	X	X	X	X	X	X	P	X	P	P	P	X	X	
Business and professional offices	X	X	X	X	X	X	X	P	X	P	P	P	P	X	
Public parking	X	X	X	X	X	X	X	C	X	P	P	P	P	C	
Sexually oriented business	X	X	X	X	X	X	X	X	X	X	X	X	X	C	see Chapter 3.5- Amusements and Entertainments
Media production facility (not including communications antennas or towers)	X	X	X	X	X	X	X	C	X	C	C	C	P	X	
Minor utility facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Major utility facility	X	X	X	X	X	X	X	X	X	X	X	P	X	P	
Industrial Uses															
All light industrial uses, as listed below:															

Automotive or machinery repair	X	X	X	X	X	X	X	X	X	X	C	C	X	P	
Bus terminal	X	X	X	X	X	X	X	X	X	X	X	X	X	P	
Distribution center or warehouse	X	X	X	X	X	X	X	X	X	X	X	C	X	P	
Dry cleaning or laundering plant	X	X	X	X	X	X	X	X	X	X	X	X	X	P	
Heavy equipment displays, sales, or storage	X	X	X	X	X	X	X	X	X	X	X	X	X	P	
Industrial food or ice production	X	X	X	X	X	X	X	X	X	X	X	X	X	P	
Light manufacturing or assembly	X	X	X	X	X	X	X	X	X	X	X	C	X	P	
Renewable energy facility	X	X	X	X	X	X	X	X	X	X	X	X	X	P	
Research and development	X	X	X	X	X	X	X	X	X	X	C	C	X	P	
Self-service storage facility	X	X	X	X	X	X	X	X	X	X	C	C	X	P	
All craft manufacturing	X	X	X	X	X	X	X	P	X	P	P	P	X	P	
All heavy industrial uses, except as listed below:	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Airport, heliport, or landing area	X	X	X	X	X	X	X	X	X	X	X	X	X	C	
Ammunition/explosives manufacturing or storage	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Asphalt or concrete plant	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Central mixing plant for cement, mortar, plaster, or similar building materials	X	X	X	X	X	X	X	X	X	X	X	X	X	C	
Coal storage	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Feed manufacturing	X	X	X	X	X	X	X	X	X	X	X	X	X	C	
Fertilizer manufacturing or storage	X	X	X	X	X	X	X	X	X	X	X	X	X	C	
Hazardous waste treatment, handling, or disposal facility	X	X	X	X	X	X	X	X	X	X	X	X	X	X	

Impound lot	X	X	X	X	X	X	X	X	X	X	X	X	X	C	see Sec. 4-9
Lumber mill	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Mining and quarrying	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Petroleum or chemical refining	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Poultry processing plant	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Salvage yard or junk yard	X	X	X	X	X	X	X	X	X	X	X	X	X	C	see Sec. 4-9
Solid waste transfer station, recycling or materials recovery facility, or landfill	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Trucking yard, freight terminal, or truck stop	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Agricultural Uses															
Commercial kennel	C	X	X	X	X	X	X	X	X	X	X	C	X	X	
Concentrated animal feeding operation	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Cultivation of crops or raising of livestock	P	X	X	X	X	X	X	X	X	X	X	X	X	X	
Commercial forestry	P	X	X	X	X	X	X	X	X	X	X	X	X	X	
Greenhouse, nursery, or landscape service	P	X	X	X	X	X	X	C	X	X	P	P	C	P	
Non-commercial keeping and raising of livestock, horses, or fowl	P	X	X	X	X	X	X	X	X	X	X	X	X	X	see Sec. 4-10
Riding stable	P	X	X	X	X	X	X	X	X	X	X	X	X	X	
Accessory Uses															
Accessory uses not listed below, as determined by the Zoning Administrator	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Accessory dwelling	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Accessory building	P	P	P	P	P	P	P	P	X	P	P	P	P	P	
Commercial outdoor storage	X	X	X	X	X	X	X	X	X	X	C	P	X	P	see Sec. 4-14
Drive-through facility	X	X	X	X	X	X	X	X	X	X	P	P	X	X	
Guest quarters	C	C	X	X	X	X	X	X	X	X	C	C	X	X	
Home occupation	P	P	P	P	P	P	P	P	P	P	P	P	X	X	see Sec. 4-5
Non-commercial garden	P	P	P	P	P	P	P	P	P	P	P	P	P	P	

Non-commercial kennel	P	P	P	P	X	X	X	X	X	X	P	P	X	P	See Sec. 4-5
Short term rental	C	C	C	C	C	C	C	C	X	C	C	C	X	X	
Swimming pool	P	P	P	P	C	P	P	P	X	X	P	P	X	X	
Recreational facility for residents	X	P	P	P	P	P	P	P	P	P	X	X	X	X	
Temporary storage container (14 days or less in a 365-day period)	P	P	P	P	P	P	P	X	X	X	X	X	X	X	see Sec. 4-4
Temporary storage container (more than 14 days in a 365-day period)	C	C	C	C	C	C	C	X	X	X	X	X	X	X	see Sec. 4-4
Temporary Uses															
Produce stand	P	X	X	X	X	X	X	P	X	P	P	P	P	P	
Seasonal activity or temporary event	P	X	X	X	X	X	X	P	X	P	P	P	P	P	see Sec. 4-12; Chapter 13, Article X and Sec. 16-103 through 16-106

(Ord. (W-2-22) of 6-7-22, § I; Ord. (W-3-22) of 10-4-22, § III)

Sec. 4-16. Number of tobacco retailers.

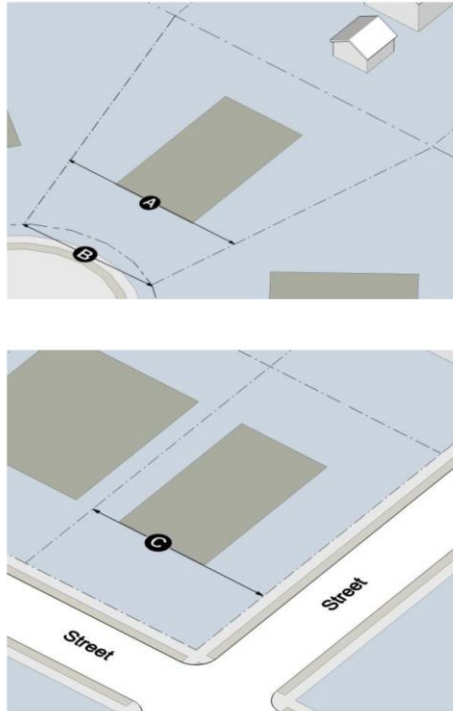
Effective as of the date of this section the number of occupational tax certificates granted to tobacco retailers in the City of Winder shall be _____. Effective January 1, 2023 and for each year thereafter, the number of occupational tax certificates granted annually to tobacco retailers in the City of Winder shall be _____. Applications for occupational tax certificates for tobacco retailers shall be filed with the city clerk on or before April 15th of each year and shall be processed in the order of which they are received until the maximum number of certificates are granted for that year.

(Ord. (W-3-22) of 10-4-22, § II)

ARTICLE V. RESIDENTIAL DISTRICTS

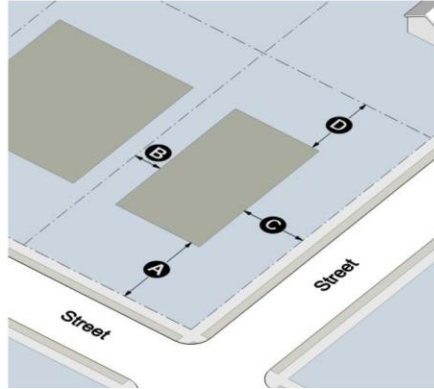
Sec. 5-1. R-1 low density single-family residential.

- A. *Purpose.* It is the intent of this district to provide for single-family residential dwellings of a low density character on individual lots.
- B. *Lot standards.*



Lots		
	Minimum lot area	25,000 sq. ft.
A	Minimum lot width See Sec. 2-1 At the building line (cul-de-sac lots)	125 feet
B	Minimum chord length See Sec. 2-1 (cul-de-sac lots)	75 feet
C	Minimum lot width At the building line (all other lots)	125 feet

C. *Building placement.*



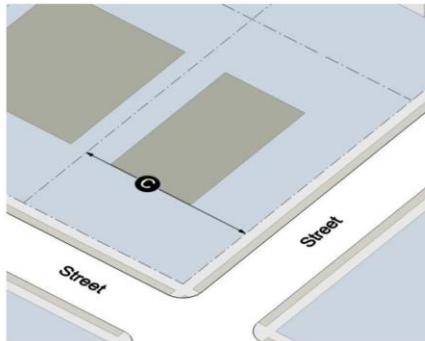
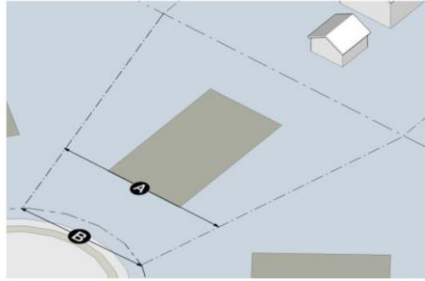
Minimum Yards		
A	Front	35 feet
B	Side	12 feet
C	Side Street	20 feet
D	Rear	35 feet

D. *Other regulations.*

1. Maximum height: 35 feet
2. Minimum floor area (heated space): 2,000 square feet
3. Maximum building coverage: 30% of total lot area
4. Maximum amount of front yard allowed to be paved for driveways or parking areas: 35% of total front yard area
5. Cul-de-sac lots: A variance to the required building front setback may be approved by the City of Winder Building Inspector or his designee in special circumstances as long as the side and rear yard setback requirements are met. In the case of lots served by septic tank, any variance must also be approved by the Barrow County Environmental Health Department.

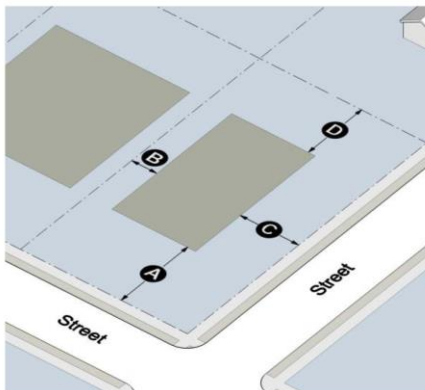
Sec. 5-2. R-1A medium density single-family residential.

- A. *Purpose.* It is the intent of this district to provide for single-family residential dwellings of a moderate density character on individual lots.
- B. *Lot standards.*



Lots		
	Minimum lot area	15,000 sq. ft.
A	Minimum lot width See Sec. 2-1 At the building line (cul-de-sac lots)	100 feet
B	Minimum chord length See Sec. 2-1 (cul-de-sac lots)	65 feet
C	Minimum lot width At the building line (all other lots)	100 feet

C. *Building placement.*



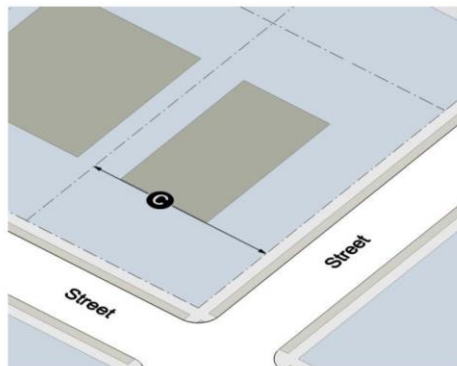
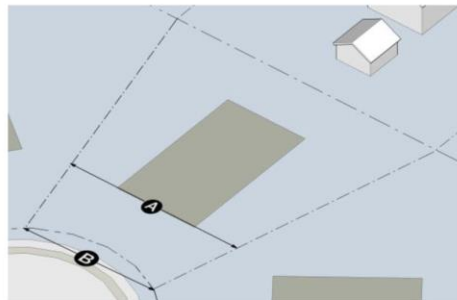
Minimum Yards		
A	Front	35 feet
B	Side	10 feet
C	Side Street	20 feet
D	Rear	35 feet

D. *Other regulations.*

1. Maximum height: 35 feet
2. Minimum floor area (heated space): 1,800 square feet
3. Maximum building coverage: 30% of total lot area
4. Maximum amount of front yard allowed to be paved for driveways or parking areas: 35% of total front yard area
5. Cul-de-sac lots: A variance to the required building front setback may be approved by the City of Winder Building Inspector or his designee in special circumstances as long as the side and rear yard setback requirements are met. In the case of lots served by septic tank, any variance must also be approved by the Barrow County Environmental Health Department.

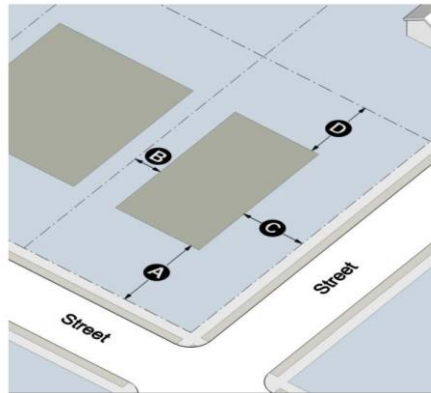
Sec. 5-3. R-1B high density single-family residential.

- A. *Purpose.* It is the intent of this district to provide for single-family residential dwellings of a moderate density character on individual lots.
- B. *Lot standards.*



Lots		
	Minimum lot area	10,000 sq. ft.
A	Minimum lot width See Sec. 2-1 At the building line (cul-de-sac lots)	75 feet
B	Minimum chord length See Sec. 2-1 (cul-de-sac lots)	65 feet
C	Minimum lot width At the building line (all other lots)	75 feet

C. *Building placement.*



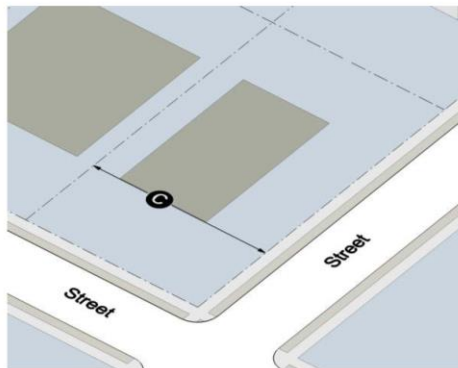
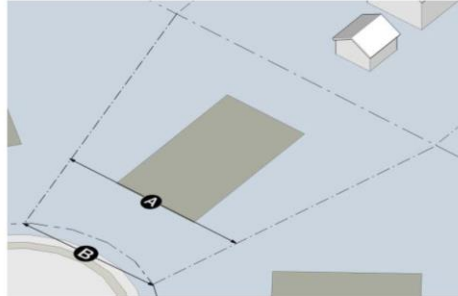
Minimum Yards		
A	Front	35 feet
B	Side	10 feet
C	Side Street	20 feet
D	Rear	35 feet

D. *Other regulations.*

1. Maximum height: 35 feet
2. Minimum floor area (heated space): 1,400 square feet
3. Maximum building coverage: 30% of total lot area
4. Maximum amount of front yard allowed to be paved for driveways or parking areas: 35% of total front yard area.
5. Cul-de-sac lots: A variance to the required building front setback may be approved by the City of Winder Building Inspector or his designee in special circumstances as long as the side and rear yard setback requirements are met. In the case of lots served by septic tank, any variance must also be approved by the Barrow County Environmental Health Department.

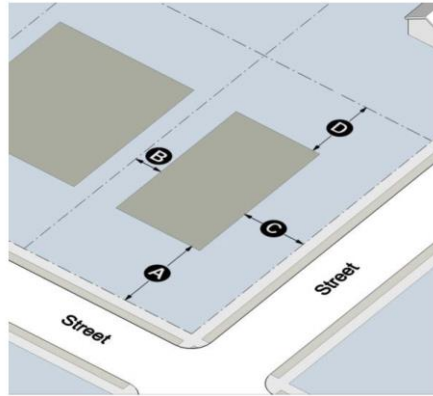
Sec. 5-4. R-2 two-family residential.

- A. *Purpose.* It is the intent of this district to provide for duplexes on individual lots.
- B. *Lot standards.*



Lots		
	Minimum lot area	15,000 sq. ft.
A	Minimum lot width See Sec. 2-1 At the building line (cul-de-sac lots)	100 feet
B	Minimum chord length See Sec. 2-1 (cul-de-sac lots)	65 feet
C	Minimum lot width At the building line (all other lots)	100 feet

- C. *Building placement.*



Minimum Yards		
A	Front	35 feet
B	Side	12 feet*
C	Side Street	20 feet
D	Rear	35 feet

*no side setback shall be required between the units of a duplex

D. *Other regulations.*

1. Maximum height: 35 feet
2. Minimum floor area (heated space): 1,200 square feet per unit
3. Maximum building coverage: 30% of total lot area
4. Maximum amount of front yard allowed to be paved for driveways or parking areas: 35% of total front yard area

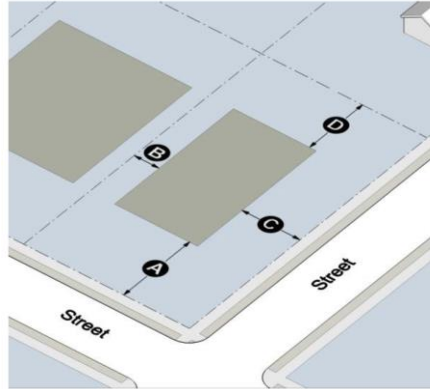
Sec. 5-5. R-3 multifamily residential.

A. *Purpose.* It is the intent of this district to provide for moderate density multifamily residential dwellings.

B. *Lot standards.*

Lots	
Minimum lot area	10,000 sq. ft.
Minimum lot width See Sec. 2-1 At the building line (townhouse)	26 feet
Minimum lot width At the building line (all other multifamily)	75 feet

C. *Building placement.*



Minimum Yards		
A	Front	35 feet
B	Side	25 feet
C	Side Street	25 feet
D	Rear	35 feet

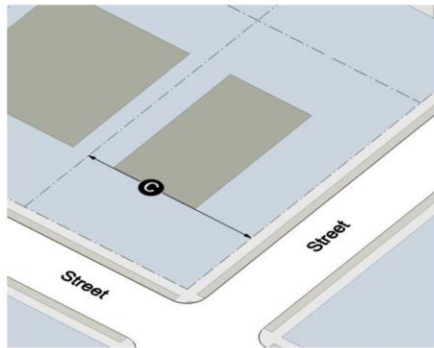
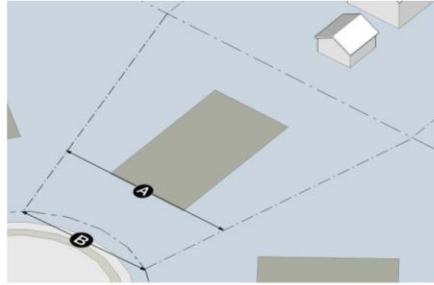
*no side setback shall be required between townhouse units

D. *Other regulations.*

1. Maximum height: 75 feet
2. Maximum density: 8 units per net useable acre
3. Minimum floor area (heated space):
 - i. Townhouse: 1,400 square feet
 - ii. Multifamily unit with one bedroom: 800 square feet
 - iii. Multifamily unit with two bedrooms: 1,100 square feet
 - iv. Multifamily unit with three or more bedrooms: 1,300 square feet
4. Maximum building coverage: 30% of total lot area
5. Minimum building separation distance: 25 feet

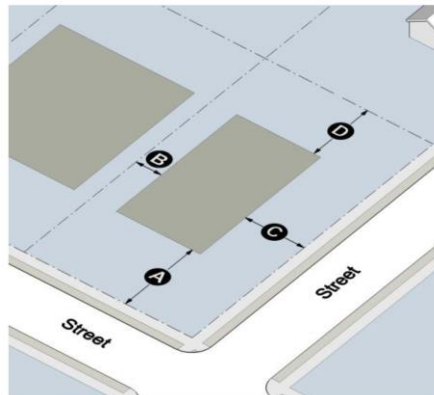
Sec. 5-6. MH manufactured home.

- A. *Purpose.* It is the intent of this district to provide for residential manufactured home developments. These developments shall be developed and located so as to provide safe and sanitary living conditions for the park occupants; to be convenient to employment, shopping centers, schools, and other community facilities; and to make the park a wholesome and attractive place to live and an asset to the community.
- B. *Lot standards.*



Lots		
	Minimum lot area	10,000 sq. ft.
A	Minimum lot width See Sec. 2-1 At the building line (cul-de-sac lots)	100 feet
B	Minimum chord length See Sec. 2-1 (cul-de-sac lots)	65 feet
C	Minimum lot width At the building line (all other lots)	100 feet

C. *Building placement.*



Minimum Yards		
A	Front	35 feet
B	Side	12 feet
C	Side Street	20 feet
D	Rear	35 feet

D. *Other regulations.*

1. Maximum height: 35 feet
2. Minimum floor area (heated space): 1,000 square feet
3. Maximum building coverage: 30% of total lot area

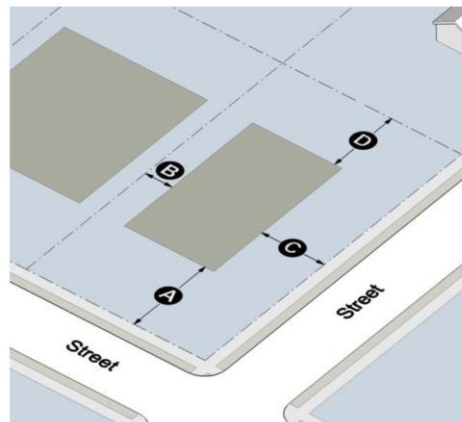
ARTICLE VI. OTHER DISTRICTS

Sec. 6-1. AG agricultural.

- A. *Purpose.* It is the intent of this district to encourage the maintenance of a rural character and the right to farm.
- B. *Lot Standards.*

Lots	
Minimum lot area	2 acres
Minimum lot width	200 feet

C. *Building placement.*



Minimum Yards		
A	Front	10 feet
B	Side	50 feet
C	Side Street	50 feet
D	Rear	50 feet

D. *Other regulations.*

1. Minimum floor area (heated space): 1,800 square feet

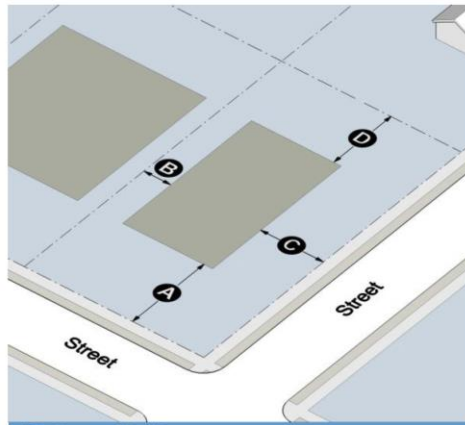
Sec. 6-2. G government/institutional.

- A. *Purpose.* It is the intent of this district to provide for a variety of federally, state, or locally owned public facilities; public parks and recreation facilities; and institutional uses.
- B. *Lot standards.*

Lots	
Minimum lot area	40,000 sq. ft*
Minimum lot width	200 feet

*The minimum lot area and width shall not apply to publicly owned parking lots, parks, or open spaces.

C. *Building placement.*



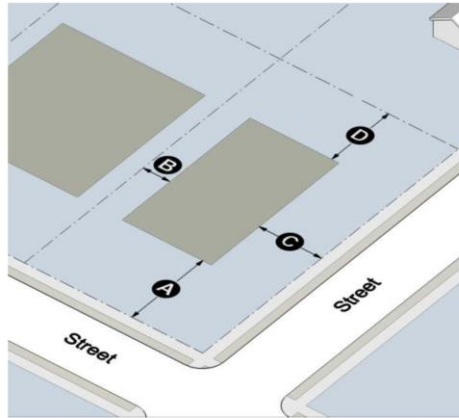
Minimum Yards		
A	Front	25 feet
B	Side	35 feet
C	Side Street	35 feet
D	Rear	50 feet

Sec. 6-3. B-1 neighborhood commercial.

- A. *Purpose.* It is the intent of this district to provide for a variety of commercial uses that are compatible with a neighborhood scale.
- B. *Lot standards.*

Lots	
Minimum lot area	10,000 sq. ft
Minimum lot width	none

C. *Building placement.*



Minimum Yards		
A	Front	25 feet
B	Side	15 feet
C	Side Street	15 feet
D	Rear	15 feet

D. *Other regulations.*

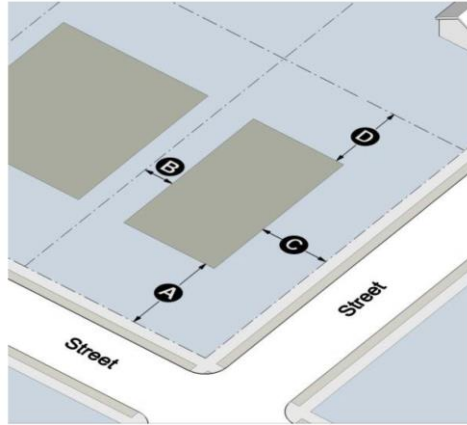
1. Maximum height: 35 feet

Sec. 6-4. B-2 general commercial.

- A. *Purpose.* It is the intent of this district to provide for a wide variety of commercial uses appropriate for major corridors.
- B. *Lot standards.*

Lots	
Minimum lot area	30,000 sq. ft
Minimum lot width	none

C. *Building placement.*



Minimum Yards		
A	Front	35 feet
B	Side	15 feet
C	Side Street	15 feet
D	Rear	15 feet

D. *Other regulations.*

1. Maximum height: 75 feet

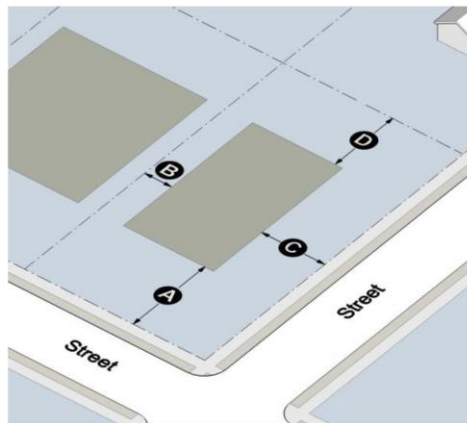
Sec. 6-5. I industrial.

A. *Purpose.* It is the intent of this district to provide for a variety of heavy commercial and light or heavy industrial uses that do not constitute a nuisance and are located on major streets or corridors.

B. *Lot standards.*

Lots	
Minimum lot area	40,000 sq. ft
Minimum lot width	none

C. *Building placement.*



Minimum Yards		
A	Front	50 feet
B	Side	30 feet
C	Side Street	30 feet
D	Rear	50 feet

D. *Other regulations.*

1. Maximum building coverage: 50% of total lot area
2. No use in an Industrial district shall cause injurious or obnoxious noise, vibrations, smoke, gas fumes, or odor, or present a fire hazard.

ARTICLE VII. TNPDP—TRADITIONAL NEIGHBORHOOD PLANNED DEVELOPMENT

Sec. 7-1. Purpose and permitted uses.

- A. *Purpose.* It is the intent of this district to provide for larger developments that seek to provide a walkable mix of uses in configurations not allowed by other zoning districts. This district is intended to be primarily a single-family residential district, with small percentages of the total land area as multifamily residential or commercial uses.
- B. *Permitted uses.* In order to ensure that limited uses and overall densities for a TNPDP are not violated, the following express limitations must be satisfied in each phase of the TNPDP approval and development process:
 1. The maximum area of a TNPDP to be developed or allotted for development as multifamily residential, single-family residential, professional or commercial cannot exceed the following percentages of the entire property.
 2. The maximum area of a TNPDP to be developed or allotted for development as multifamily cannot exceed 5% of the total TNPDP. The density of the multifamily shall not exceed 8 units per acre, however, the maximum density per acre within the multifamily portion of the TNPDP may be increased up to 15 units per acre if the multifamily area has designated open areas adjacent to same at least 25% as large as the multifamily area. No multifamily development within a TNPDP may be contiguous to any property outside of the TNPDP that is in a R-1, R-1A or R-1B zoning district.
 3. Any use permitted in the R-1 Single-Family Residential district shall be permitted anywhere in the TNPDP except those areas previously set aside as open space.

Sec. 7-2. Required open space.

- A. Open space shall be disbursed throughout TNPDP developments so the open areas are readily available to the various phases or developments within the TNPDP.
- B. Open space may be in the form of open fields or wooded areas, ballparks, golf courses, recreational fields and other recreational uses permitted by the Planning Board and City Council.
- C. All common open space shall be preserved for the purpose as shown on the developments master plan.
- D. One or more of the following methods must be used to administer required open spaces.

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1. Dedication to the City of Winder, which is subject to formal acceptance and available revenue sources to maintain the space.
 2. Establishment of an association or non-profit corporation of all property owners or corporations within the development to ensure perpetual maintenance.
 3. Retention of ownership, control, and maintenance by the developer, subject to the following requirements:
 - i. All privately owned open space shall continue as such and shall only be used in accordance with the development's master plan.
 - ii. Appropriate land use restrictions shall be contained in all deeds to ensure that the open space is permanently preserved according to the development's master plan. Said deed restrictions shall run with the land and be for the benefit of present as well as future property owners, and shall contain a prohibition against partition of open spaces.
- E. Wetlands and floodplains cannot count toward the total required open space.
- F. With the exception of walkways or bicycle paths, open spaces must be free from impervious surfaces.
- G. The minimum percentage of open space required for each portion of a development is as follows:
1. Single-family residential—20% of total land area;
 2. Multifamily residential—20% of total land area;
 3. Professional area—10% of total land area;
 4. Commercial area—5% of total land area.
- H. Open spaces shall be arranged so as to maximize access and utilization by residents of the TNPD.
- I. All landscape plans shall be approved by the City.

Sec. 7-3. Development standards.

- A. Height limitations, minimum lot area, setbacks (front, side and rear yard) and minimum building size shall be established by the Zoning Administrator and are to be approved in conjunction with the final approval for each area of development.
- B. Parking areas shall be to the side or rear of the buildings they serve.
- C. Density: Unless increased by approval of the mayor and City Council as part of the general approval of special criteria, the gross density for a TNPD shall not exceed five residential units per net acre.
- D. Net acreage means the gross area within the TNPD's exterior boundaries inclusive of streets, roads and other rights-of-way, but less the maximum area planned for either professional or commercial developments and less portions of the areas designated as open spaces.
- E. If over 100 residential units/structures are to be included within the boundaries of the TNPD, at least two entrances will be required. In extremely large developments more than two entrances may be required.
- F. The development is designed in a way to be pedestrian oriented with sidewalks, minimum 5 feet in width, on both sides of the streets with a fully connected pedestrian network throughout. Automobile traffic and parking shall be accommodated in ways that respect pedestrian passages and the form of public space.
- G. The layout of the TNPD development, as a whole, shall utilize the natural topography of the site and take advantage of existing trees and any historical features on the property.

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- H. Street trees shall be required along all new streets. At a minimum, trees are to be located at 30 feet intervals along both sides of the streets. The City of Winder shall review and approve all landscape plans. All buildings constructed within a TNPD shall have a minimum fifty-foot setback from all exterior boundary lines except where adjacent like uses are present.
 - I. If a phase within a development has a proposed density greater than the maximum overall allowed density per acre within the overall development, the applicant shall have designated and dedicated sufficient open areas so as to ensure that the overall approved density within the TNPD will not be exceeded if developed to its full potential. Open areas to be "dedicated" shall mean the official designation in the deed records of Barrow County, Georgia of a land area by plat dedication with metes and bounds of an area described as an open area in a TNPD under the City of Winder TNPD regulations in a form acceptable to the City of Winder attorney.
 - J. The developer shall submit the final restrictive covenants and/or easements for the area encompassed by the plan under consideration as an integral part of the application. The covenants must require language that allows the City of Winder to enforce said covenants at the discretion of the city.
 - K. Septic tanks and individual water wells are prohibited in a TNPD development.
 - L. The proposal cannot have commercial areas in excess of 10 percent of the proposed TNPD's land area.

Sec. 7-4. Miscellaneous.

- A. The City of Winder shall maintain such information as necessary to ensure that each portion of the TNPD development complies with the provisions of this section. Such information shall include a detailed listing of total areas within the TNPD, the maximum amount of multifamily residential development, the maximum amount of residential, professional or commercial development, the maximum number of residential units permitted within the TNPD, the maximum number of residential units per acre to be constructed in areas of the TNPD, other than multifamily, the number of acres to be dedicated to open space and a running total of final approvals given and areas thereby committed to specified densities and uses.
- B. Single-family residential portions of all TNPD developments must be platted and subdivided in accordance with the city's subdivision regulations as though they were in the R-1A district unless such subdivision would result in exceeding the overall density requirements of the TNPD.

ARTICLE VIII. COMBINATION-USE DISTRICTS

Sec. 8-1. Combination-use districts.

- A. This article shall be collectively known, cited, and referred to as the Combination Use Districts of the City of Winder, Georgia (hereinafter "Combination Use Districts").
- B. The following zoning districts are established as Combination Use Districts:
 - 1. Mixed-Use (MU);
 - 2. Downtown (DT).
- C. *Applicability.* The standards contained in this section apply to all Mixed Use Districts.
- D. *Administrative variances.*
 - 1. The Zoning Administrator is authorized to grant administrative variances to the requirements of Combination Use Districts.

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2. Administrative variances may provide relief from any of the requirements of the Combination Use Districts, but may not be used to increase permitted density, increase maximum height more than 5 feet, or permit a use that is not allowed.
 3. Administrative variances may only be granted to permit a practice that is not consistent with a specific provision of these regulations, but is justified by their purpose.
 4. In addition to the general criteria for variances provided in Sec. 11-7, administrative variances relating to a physical element or numeric measurement must be based upon credible submitted evidence demonstrating that:
 - i. Approval, if granted, would not offend the purposes indicated in Sec. 8-2A or Sec. 8-3A;
 - ii. There are such extraordinary and exceptional situations or conditions pertaining to the particular piece of property such that the literal or strict application of the regulations would create an unnecessary hardship due to size, shape, or topography or other extraordinary and exceptional situations or conditions not caused by the applicant;
 - iii. Relief, if granted, would not cause a substantial detriment to the public good and surrounding properties; and
 - iv. That the public safety, health and welfare are secured, and that substantial justice is done.
- E. **Building types.** Within Combination Use Districts, building types are used to regulate the design of buildings. Each building type is described below and is determined by the Zoning Administrator. Graphic depictions of building types are for illustrative purposes only. These building types are for zoning purposes only, and not linked to the Building Code. Freestanding parking structures are not considered to be a building type.
1. **Detached house.** A building type that accommodates one dwelling unit on an individual lot with yards on all sides. A detached house is not intended for non-residential uses.



2. **Cottage court.** A building type designed to accommodate 5 to 10 detached dwelling units organized around a shared internal courtyard. Units cannot be vertically mixed. All units must front a public street or a landscaped courtyard of at least 40 feet in width and 3,000 square feet in total area. Courtyard may not be parked or driven upon, except for emergency access and permitted temporary events.



3. **Duplex.** A building type that accommodates two dwelling units arranged either horizontally or vertically. Not intended for non-residential uses.



4. *Townhouse*. A building type that accommodates 3 to 6 dwelling units where each unit is separated by a common side wall. Units may not be vertically mixed.



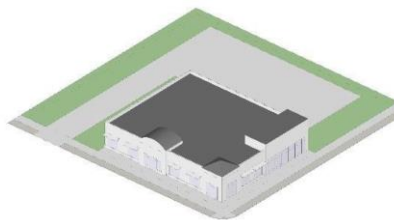
5. *Walk-up flat*. A building type that accommodates 3 to 8 dwelling units vertically and horizontally integrated.



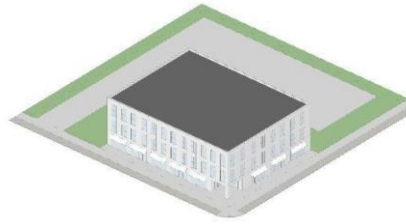
6. *Conventional multifamily*. A building type that accommodates 9 or more dwelling units vertically and horizontally integrated, with a maximum street facing façade length of 200 feet.



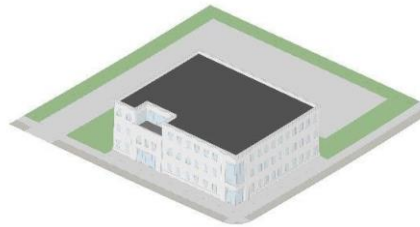
7. *Storefront*. A single-story building type that typically accommodates single-use retail or commercial activity. The maximum street facing façade length is 200 feet. Not intended for residential uses.



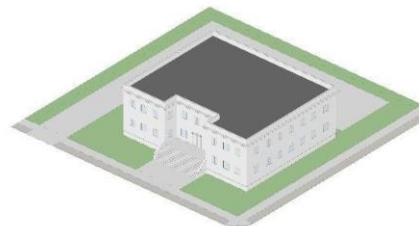
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8. *Mixed use building.* A multi-story building type that typically accommodates ground floor retail, office, or commercial uses with upper-story residential or office uses. The maximum street facing façade length is 200 feet. Not intended for ground floor dwelling units.



9. *General building.* A multi-story building type that typically accommodates non-residential uses such as industrial, hotel, or office uses on all stories. The maximum street facing façade length is 200 feet.



10. *Civic building.* A building type that accommodates civic uses. Not intended for commercial, retail, office, or residential uses.

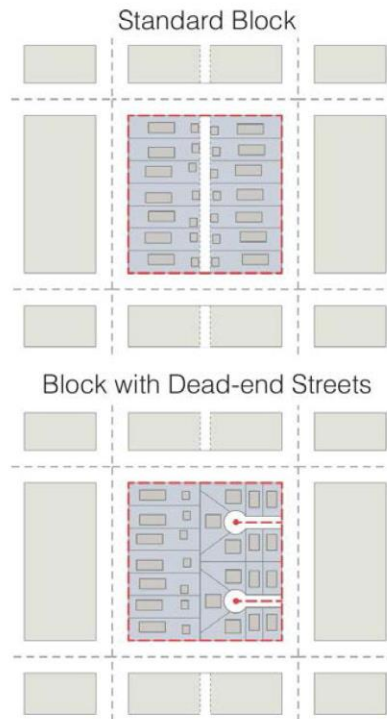


F. *Window requirements.* The following shall apply to the storefront and mixed use building types.

1. No exterior wall facing a public street shall exceed 20 feet in length without intervening windows or entryway.
2. Windows shall be provided on all exterior walls facing a public street for a minimum of 65% percent of the length of the wall as follows.
 - i. Beginning no more than 3 feet above the sidewalk to a height at least 10 feet above the sidewalk.
 - ii. Or, when the interior finished floor elevation is 3 feet or more above the sidewalk, beginning at the finished floor elevation to a height at least 10 feet above the finished floor elevation.
 - iii. Or, when the interior finished floor elevation is below the sidewalk, beginning at sidewalk level, to a height no less than 10 feet above the finished floor elevation.
3. The glass portion of entrances may count toward window requirements.
4. Windows shall use clear or tinted glass. Tinted glass shall have a transmittance factor of 50 percent or more and a visible light reflectance factor of 10 or less. Painted glass, frosted glass, reflective glass, or other similarly treated or opaque windows are prohibited.

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5. Buildings located on corner lots shall have windows on each street frontage façade that are substantially similar in size to the front facade windows.
- G. *Relationship of building to street.* The following regulations shall apply to all principal buildings.
1. The primary pedestrian entrance for pedestrians to access all street level uses and business establishments with street frontage:
 - i. Shall face and be visible from the street.
 - ii. Shall be directly visible and accessible from the sidewalk.
 - iii. Shall remain unlocked during business hours for non-residential uses.
 2. All multifamily, commercial or civic uses shall have paved walkways with a minimum width of 5 feet connecting all building entrances to ground level parking and the public sidewalk.
 3. No walls or fences, except those surrounding authorized outdoor dining, outdoor sales, or screening required by Sec. 3-15, are allowed between a storefront, mixed use, general, or civic building and the closest public street, unless an administrative variance is granted for topographic hardship. Fences within a maximum height of 30 inches are allowed surrounding outdoor dining, but may not encroach into the required sidewalk zone.
 4. No ground story interior finished floor elevation shall be more than 5 feet above or below the grade of the adjacent sidewalk.
 5. All buildings with more than four ground-floor dwelling units facing the sidewalk shall have individual entrances directly accessible from the sidewalk.
 6. No driveway or off-street parking lot, deck, or garage shall be located between a building and any public street without an intervening building.
 7. All parking for newly created single-family, duplex, townhouse, or cottage court lots must be accessed from alleys.
 8. All utilities must be buried or placed to the rear of structures.
- H. *Curb cuts, driveways, and parking decks.*
1. Driveways serving all commercial uses shall be limited to one-way entrances with a maximum width of 12 feet or two-way entrances with a maximum width of 24 feet.
 2. Driveways serving residential uses shall have a minimum width of 10 feet and a maximum width of 20 feet.
 3. Curb cuts for an individual lot containing exclusively non-residential uses shall be a minimum of 300 feet apart, except that properties with more than one frontage may have one curb cut per frontage.
 4. Adjacent lots may share driveways, provided they do not exceed the maximum widths established above.
 5. No circular drives shall be located between any building and any street.
 6. Parking deck facades shall conceal automobiles from visibility from any public right-of-way or private driveway or street that is open to the public. Parking deck facades shall have the appearance of a horizontal storied building.
- I. *Block standards.*

1. Sites greater than 4 acres in size must incorporate existing or new streets that terminate at other existing or new streets to form an interconnected network with a maximum block perimeter of 2,000 feet, as measured from intersecting centerlines.
2. A block is must be bounded by public streets. Block perimeter is measured along the edge of the property abutting a public street, except for the measurement of existing dead-end streets, which are measured from intersecting centerlines.



3. The Zoning Administrator may modify the block perimeter requirements by administrative variance when steep slopes in excess of 25%, preexisting development, tree protection areas, stream buffers, cemeteries, open space, or easements would make the provision of a complete block infeasible.
4. There is no maximum block perimeter length when a block contains a park of at least one acre in size and when no other use is located in that block.
5. Cul-de-sacs are prohibited except on local streets where topography, environmental protection, preservation of cultural resources, or similar considerations prohibit the creation of street connections. In no case shall any dead-end street be greater than 600 feet in length.

J. *Stub out streets.*

1. Where a development abuts a parcel greater than 4 acres in size, stub-out streets within the development must be installed to meet the block standards in subsection I.
2. The stub-out street right-of-way, pavement, and curbing must extend to the boundary of the abutting parcel to the point where the connection to the anticipated street is expected.
3. Stub-out streets must be located so that the portion of the block perimeter located on the development does not exceed 50% of the applicable block perimeter maximum.
4. If a stub-out street exists on an abutting parcel, the street system of any new development must connect to the stub-out street to form a through street.

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- 5. The Zoning Administrator may grant an administrative variance to eliminate the requirement for a stub-out street or require pedestrian and bicycle only access when steep slopes in excess of 25%, highways, waterways, tree conservation areas, stream buffers, cemeteries, open space, civic space, or easements would make the provision of a stub-out street infeasible.
 - K. *Lot requirements.* Every lot (except cottage court lots) and every cottage court site must have frontage on a public street. Alleys may not be used to satisfy this requirement.
 - L. *Decorative pedestrian lights of a type approved by the City must be installed in the landscape zone, a maximum of 40 feet on center and spaced equally between street trees.*
 - M. Fencing within the front yard is permitted only when:
 - 1. The front setback is located adjacent to ground floor dwelling units;
 - 2. Said fencing is used to separate authorized outdoor dining from the required sidewalk; or
 - 3. Said fencing surrounds public or private utility structures.
 - N. *Public art.* Placement or installation of outdoor sculpture and other art forms on private property intended to be viewed from a public right-of-way or other public property shall be subject to setback standards and shall not require a permit, provided that the following apply:
 - 1. The art is not offered for sale.
 - 2. The art does not constitute an advertisement.
 - 3. The placement does not impede the flow of pedestrian, bicycle or vehicle traffic or block motorist visibility at intersections, alleys or driveways.
 - O. *Miscellaneous provisions.*
 - 1. No development shall contain more than 250 multifamily units.
 - 2. Maximum residential density: 8 dwelling units per net useable acre, except that there shall be no maximum residential density on lots that are lots of record as of the effective date of this ordinance and that are 1 acre or less in size.

Sec. 8-2. MU mixed-use district.

- A. *Purpose.* It is the intent of this district to provide for a mix of uses in larger master planned developments, in order to encourage walking and bicycling, promote sustainability, and combine a variety of compatible commercial and residential uses in proximity.
- B. *Minimum district area.* The minimum area for any MU Mixed-Use district shall be 5 contiguous gross acres.
- C. The following building types are allowed:
 - 1. Detached house;
 - 2. Duplex;
 - 3. Townhouse;
 - 4. Cottage court;
 - 5. Walk-up flat;
 - 6. Conventional multifamily;
 - 7. Storefront;

8. Mixed-use building;
9. General building;
10. Civic building.

D. *Lot standards.*

Lots	A. Min. Area	B. Min. Width
Detached house	15,000 sq. ft.	100 feet
Duplex	5,000 sq. ft.	25 feet
Townhouse	800 sq. ft.	20 feet
Cottage court	1,000 sq. ft.	20 feet
All other building types	10,000 sq. ft.	75 feet

- E. For developments of 25 net usable acres or more, City Council may approve alternative standards to all requirements of this district as a condition of rezoning, except for the permitted number of dwelling units per acre.
- F. *Building placement.* The standards for setbacks below shall apply on the front, side, and rear of the development site. Setbacks or building separation on the interior of the development site shall be proposed by the applicant.

Minimum Yards		
A	Front	none
B	Side	none
C	Side Street	none
D	Rear	none

- G. *Maximum density.* The maximum number of dwelling units allowed on a site is determined by the minimum lot areas for each type of housing, but in no case shall exceed 8 dwelling units per net useable acre.
- H. Minimum lot sizes in some districts subject to "1" above may appear to allow additional units to be developed on a site; however, the zoning district's allowed density serves as the cap on the maximum number of units on a site.
- I. Maximum building coverage: 30% of lot area
- J. Other requirements:
1. Maximum height: 75 feet
 2. Development may be proposed on a single parcel, or two or more parcels. Where a single development is proposed that includes two or more parcels, the development shall be under unified control and management.
 3. The standards for buffers in Sec. 3-16 shall apply on the perimeter of the development site. Buffers shall not be required between uses on the interior of the development site.
 4. Development proposed within the MU zoning district shall be integrated.
 - i. Development sites in the MU zoning district shall provide vehicular access to adjacent parcels by means of connected parking lots, shared driveways, cross-access easements, or inter-parcel connections.

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- ii. For non-residential uses: each use or building within a development shall be connected by direct and convenient sidewalks or pathways to provide pedestrian access from one use or building to another use or building.
 - iii. For a combination of residential and non-residential uses: the residential portion of the site shall be connected by direct and convenient sidewalks or pathways to provide pedestrian or bicycle access from the residential development to the non-residential development.
 - 5. Where residential uses are proposed within the same building as non-residential uses, the residential uses shall be limited to upper floors.
 - 6. Containers for solid waste collection shall not be located within 25 feet of any residential district.
 - 7. The minimum heated floor area of a single-family dwelling shall be 1,800 square feet.
 - 8. Maximum building footprint: No building footprint may exceed 30,000 square feet.
 - K. *Public space requirement.* All single-family and multifamily residential developments shall provide the open space required in Sec. 3-4. All non-residential developments shall provide public space subject to the following requirements:
 - 1. A minimum of five percent of the total land area not devoted to exclusively residential use shall be devoted to public space. The required public space may be counted toward the required landscaping area.
 - 2. The following types of public spaces may be provided: pocket parks, playgrounds, picnic grounds, playing fields or courts, plazas, courtyards, atriums, pavilions, and trails for jogging or biking.
 - 3. Public spaces shall be within view of a street or public area and accessible by pedestrians and/or bicyclists.
 - 4. The type and design of public spaces shall be consistent with the type of development within the mixed-use area. Passive spaces are appropriate as a means of protecting views and natural features. Playgrounds, fields and courts are appropriate in or near residential developments.
 - L. *Concurrency requirement.*
 - 1. At least 25% of the total gross floor area of every development shall be exclusively devoted to residential uses and at least 25% of the total gross floor area of every development shall be exclusively devoted to non-residential uses.
 - 2. No more than 100 residential units shall be issued a certificate of occupancy until such time as at least 25,000 gross square feet of non-residential floor area has been issued a certificate of occupancy.
 - 3. No certificate(s) of occupancy shall be issued for more than 25,000 gross square feet of non-residential floor area until such time as a certificate of occupancy has been issued for 100 residential units.

Sec. 8-3. DT downtown district.

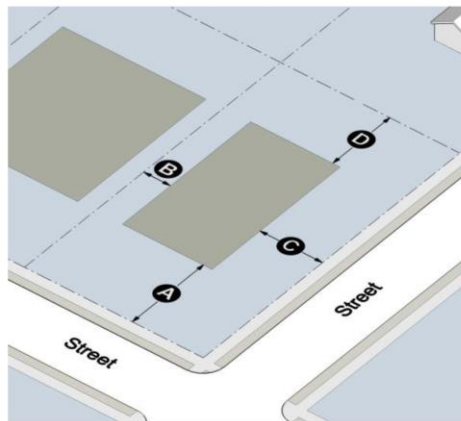
- A. *Purpose.* It is the intent of this district to provide for a vibrant downtown; implement the vision of Winder's Livable Centers Initiative plan; encourage walking and bicycling; support small businesses; create a sustainable mixed-use downtown; combine a wide variety of compatible commercial and residential uses in close proximity; and foster a safe and livable downtown.
- B. The following building types are allowed:
 - 1. Storefront;
 - 2. Mixed-use building;

3. Civic building;
4. Townhouse;
5. Cottage court;
6. Walk-up flat;
7. Conventional multifamily;
8. General building.

C. *Lot standards.*

Lots	
Minimum lot area	7,000 sq. ft.
Minimum lot width	20 feet

D. *Building placement.*



Minimum Yards		
A	Front	none
B	Side	none
C	Side street	none
D	Rear	none

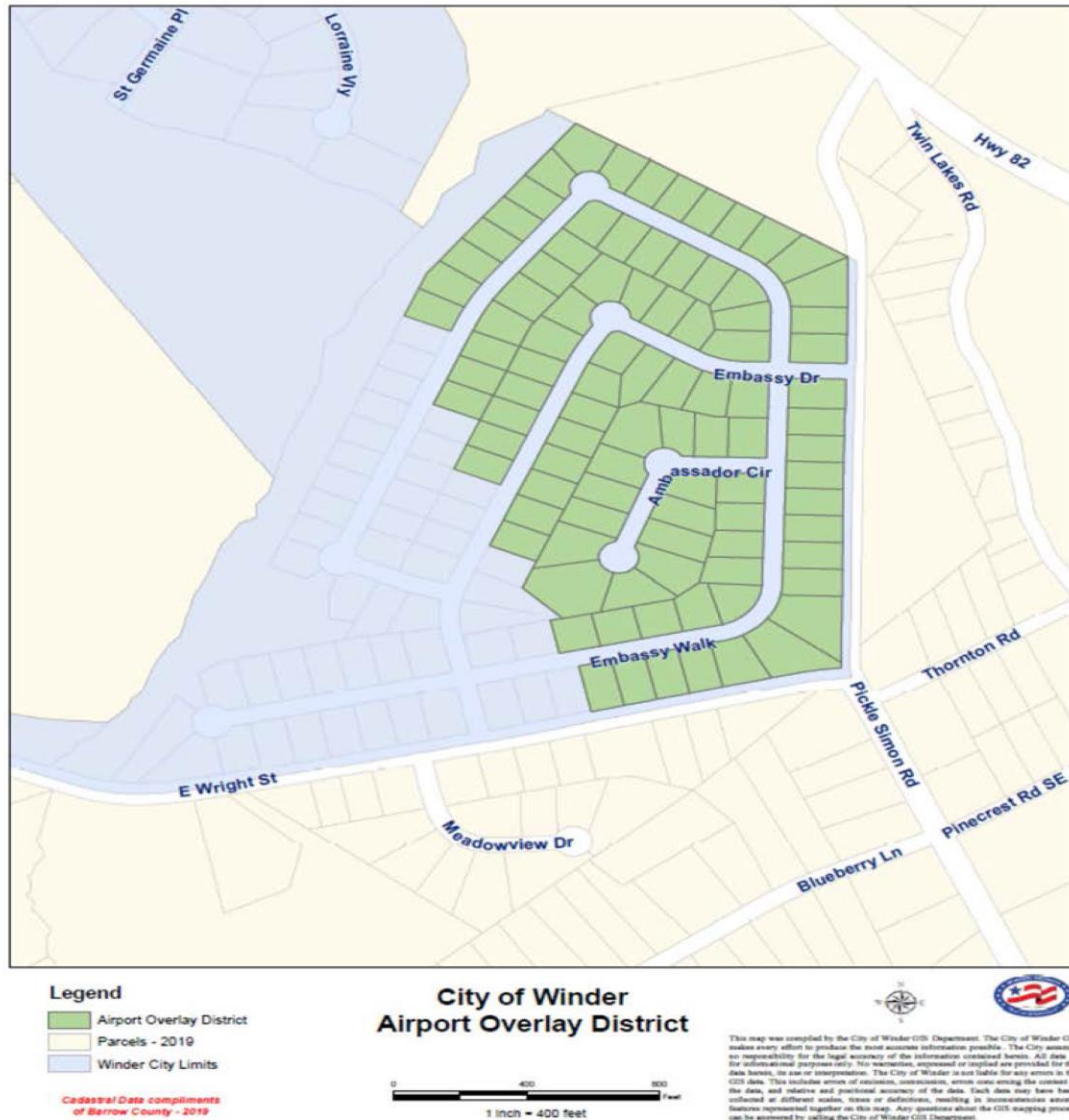
E. *Other requirements.*

1. Maximum height: 50 feet
2. Maximum lot coverage: 80%
3. Minimum floor area (heated space): none
4. Maximum residential density: 8 dwelling units per net useable acre, provided that a 4 story apartment style building will allow a maximum of 32 dwelling units per net useable acre.
5. No multifamily residential development shall have more than 250 units
6. Maximum building footprint: No building footprint may exceed 15,000 square feet.

ARTICLE IX. OVERLAY DISTRICTS

Sec. 9-1. Airport overlay district.

- A. Purpose. This overlay district is intended to establish height restrictions within the flight approach zones to the Barrow County Airport.
- B. The maximum height for all buildings and structures within the Airport Overlay District shall be 35 feet. No variances shall be granted from this restriction.
- C. The following uses shall be prohibited:
 - 1. Macro telecommunications facilities
 - 2. Telecommunications tower or antenna



ARTICLE IXA. PLANNED UNIT DEVELOPMENT (PUD)

Sec. 9A-1. Purpose.

- A. The purpose of this District is to provide for appropriate planned development of quality projects within the City of Winder by allowing greater freedom of design, by improving the opportunity for flexibility and creativity in the land development processes, by undertaking techniques which foster community and pedestrianism, and by limiting the expenditure of public funds in an effort to achieve the objectives and intent of the City's Comprehensive Plan.
- B. The proposed PUD may depart from strict conformance with the requirements of zoning and subdivision requirements to the extent specified in the master development plan and documents authorizing the PUD so long as tangible benefits are provided to the neighborhood or community in which it is located. These

benefits shall be in the form of provisions of exceptional amenities, design excellence, etc. The waiver of any requirement shall be the direct cause of accrual of positive benefits to the residents of the development as well as to the general community.

C. Specifically, the District is intended to promote the following objectives:

- (1) Provide for flexibility and creativity in responding to changing social, economic, and market conditions and that results in greater public benefits than could be achieved using conventional zoning and development regulations;
- (2) Implementation and consistency with the City's adopted plans and policies;
- (3) Efficient and economical provision of public facilities and services;
- (5) Variety in housing types and sizes to accommodate households of all ages, sizes, incomes, and lifestyle choices;
- (7) A coordinated transportation system that includes an inter-connected hierarchy of appropriately designed improvements for motorized and nonmotorized transportation;
- (8) Compatibility of buildings and other improvements as determined by their arrangement, massing, form, character, and landscaping to establish a high-quality livable environment;
- (9) The incorporation of open space amenities and natural resource features into the development design;
- (10) Conservation of natural amenities of the land by encouraging the preservation of environmentally significant, scenic, and functional open space;
- (11) Attractive, high-quality landscaping, lighting, architecture, and signage that reflects the unique character of the development;
- (12) Allow for and encourage diversification of uses, structures, densities, and open spaces and innovative concepts such as zero lot lines, townhouse-condominiums, traditional neighborhoods, villages, cluster-type, conservation subdivisions; mixed uses; and multi-uses.
- (13) Provide maximum opportunity for the application of innovative site planning concepts through the creation of aesthetically pleasing environments for living, shopping and working on properties of adequate size, shape, and location.
- (14) Ensure that development will occur according to the advantages and limitations of land, site design, population density, building coverage, improvement standards, and construction phasing as authorized through the approval of a comprehensive site development plan.
- (15) Encourage and allow the development of tracts of land as planned neighborhoods or communities according to designs that coordinate building forms that are interrelated and architecturally harmonious.
- (16) Encourage and allow more unique, flexible, creative, imaginative arrangements and mixes of land use in site planning and development than are permitted through zoning district requirements established in this Code, but not in conflict with the Comprehensive Plan of the City.
- (17) Encourage and allow for developments that offer enhanced protection of natural resources and sensitive environmental features, including streams, water bodies, floodplains, wetlands, steep slopes, woodlands and native plant communities
- (18) Encourage a broader mix of residential housing types, including detached and attached dwellings, than would normally be constructed in conventional subdivisions, and provide for unique dwelling arrangements not typically provided in conventional subdivisions.

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- (19) Preserve the natural amenities of the land through maintenance of conservation areas and open spaces within developments, provide amenities, and provide, where needed, the civic and semi-public uses that help to make up a community.
 - (20) Provide for the efficient use of land by encouraging smaller networks of utilities and streets which may lower development and housing costs.
 - (21) Provide an environment of stable character compatible with surrounding residential areas.
- D. This District is not intended to be used as an alternative to obtaining variances for developments unable to comply with other zoning district provisions.
 - E. The District is not intended to increase overall density or development intensity on a particular property except in relation to an improved design and benefit to the public through improved development through creative design and appropriate mixture of land uses.
- (Ord. (W-5-21) of 12-7-21, § II)

Sec. 9A-2. Conformance with comprehensive plan.

All PUD projects must be reasonably consistent with the goals and intents of the City's Comprehensive Plan.

(Ord. (W-5-21) of 12-7-21, § II)

Sec. 9A-3. Floating district.

This District is a "floating" (initially unmapped) zone, to be established and made applicable to specific parcel(s) of land upon successful application by the property owner/applicant and approval by the governing body.

(Ord. (W-5-21) of 12-7-21, § II)

Sec. 9A-4. Application thresholds.

- A. Application shall be made on forms provided by the City of Winder and shall be supplemented by a written explanation from the applicant describing the community benefits of the proposed development and how the proposed development provides greater benefits to the City than would a development carried out in accordance with otherwise applicable zoning ordinance regulations.
- B. Identification of variations to local and other jurisdictional development standards.
- C. Appropriate filing fees as adopted by the City of Winder.
- D. A recent boundary survey with north arrow and scale.
- E. A map indicating the location, arrangement, and dimensions of the following existing features within and immediately adjacent to the property: vegetation, including tree preserve areas, state waters, buildings, structures, utilities, drainage ways, easements, public street right-of-way, railways, and property lines.
- F. Plans showing the proposed location, arrangement, and dimension of all proposed land uses, including the number of floors per buildings, the height of all nonresidential and multifamily buildings above finished grade; lot sizes; residential density; minimum lot sizes; building setbacks from perimeter boundaries and from public rights-of-way; building standards, exterior finishes, landscaping plans; a proposed traffic circulation plan showing the location and dimensions of all streets, driveways, walkways, bikeways, parking spaces, and loading areas; amenities provided, and all proposed common elements including utilities, open spaces and recreational areas.

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- G. Please also include information on infrastructure improvements and intentions to dedicate either to the City or retain ownership.
 - H. A plan or statement showing the manner of improving common open spaces, together with ownership restrictions, and conditions anticipated for the use, maintenance, and operation of such common elements.
 - I. A statement of the anticipated gross residential density and overall project density, the total number of dwelling units by type, size, and number of bedrooms, and gross floor areas devoted to businesses or other nonresidential uses.
 - J. An architectural sketch or sketches of typical proposed structures is strongly encouraged.
 - K. A list of any variances from City ordinances, State law or regulation, or other applicable jurisdictional regulation.

(Ord. (W-5-21) of 12-7-21, § II)

Sec. 9A-5. Permitted uses.

- A. There are no pre-specified permitted or special uses for the PUD District. Within this District, a variety of land uses, and any land use, may be permitted if such use or uses can be shown to provide an orderly relation and function to other uses in the development and to existing land uses on-site and off-site, with due regard to the City's Comprehensive Plan.
- B. The permitted use or uses of property located in this District shall be determined at the time the development is approved via the rezoning process. Unless otherwise specifically noted in the governing body's approval of the District and the plan for development, the property within the District shall be limited to those uses requested as part of the application and which are approved by the governing body.
- C. An application that includes a use for which certain regulations apply shall not be required to demonstrate conformance with the specific use regulations applicable to such use or uses; provided, however, the governing body may condition uses in a manner consistent with the said provisions as it may determine appropriate. Therefore, applications which include specially regulated uses should address the consistency of the development proposal with applicable specific use provisions.

(Ord. (W-5-21) of 12-7-21, § II)

Sec. 9A-6. Design requirements.

- A. All projects should incorporate quality design and engineering principles, interconnectivity, pedestrianism, architectural detail, and appropriate scale.
- B. All projects must have a professionally prepared Master Plan for the entire project. It must be designed and incorporated together to provide a harmonious transition between uses. Common architecture, themes, significant natural features, and connectivity and other items must be included and addressed.
- C. Amenities of an appropriate nature, number, and scale, such as community greens, trails, recreational areas, parks, or other focal points, must be included to create character and identity.
- D. Interconnections to adjoining property, whether developed or undeveloped, should be included and incorporated into the design where appropriate.
- E. Interconnections with public amenities and infrastructure, such as trails, walking paths, sidewalks, etc., whether developed or undeveloped, should be included and incorporated in the design where appropriate.

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- F. Adequate off-street parking and loading areas shall be provided. The sharing of parking areas between uses is allowed and encouraged as well as parallel on street parking where appropriate and well designed. The use of porous alternative parking materials should be evaluated and are encouraged.
 - G. Landscaping, including entrance and gateway points, as well as individual lots, shall meet or exceed all of the minimum requirements of the City's Code of Ordinances. The preservation of mature trees, natural buffers, and scenic areas is strongly encouraged.
 - H. All on-site utilities shall be installed underground or otherwise camouflaged with the design of the master plan. Large transformers shall be placed on the ground within pad mounts, enclosures, or vaults. The developer shall provide adequate landscaping to screen all above ground facilities.
 - I. Architectural Standards for the project must be submitted with the Master Plan.
 - J. Planned unit developments should be designed around and connected to any open space corridors or networks that exist or are planned. Developments are expected to devote at least twenty (20) percent of the total land area to natural areas, conservation areas, open spaces, and active or passive recreational areas, or some combination thereof.
 - K. Protection of wetlands, creeks, streams, and other naturally occurring and environmentally sensitive areas shall be provided where appropriate.

(Ord. (W-5-21) of 12-7-21, § II)

Sec. 9A-7. Other development regulations.

- A. Unless otherwise expressly approved by the city council, properties within the PUD District are subject to all other applicable provisions of City ordinance. The City Council is authorized to approve PUDs that deviate from strict compliance with otherwise applicable regulations if they determine that the resulting development provides a greater level of public benefit than would normally be expected for projects developed in strict compliance with this zoning ordinance.
- B. The PUD District is expressly intended to accommodate the use of alternative standards for public improvements based on the approved development plans. The preliminary development plan shall specify the deviations from the City's infrastructure and development standards for streets, sidewalks, stormwater management, and any other public improvement if deviations from otherwise applicable standards are proposed.
- C. The City will not consider variations to standards or regulations of other regulating jurisdictions, such as erosion control, fire codes, floodplain control, stream buffers, or similar regulations, without the express written consent and approval of the applicable jurisdiction. Furthermore, said consent shall not guarantee nor require the City to waive any or all requirements.

(Ord. (W-5-21) of 12-7-21, § II)

Sec. 9A-8. Common open space requirements.

- A. All designated common open spaces shall be preserved by one or more of the following methods:
 - (1) Public Dedication, subject to acceptance by the City Council by formal vote.
 - (2) Conveyance to a property owners' association or nonprofit land conservation organization.
 - (3) Retention of ownership, control and maintenance by the developer within a permanent conservation easement donated to a nonprofit land conservation organization.

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- (4) All privately-owned common space shall conform to its intended use and remain as expressed in the approved site development plan through the inclusion in all deeds of appropriate covenants. Said deed restrictions shall run with the land.
 - B. Selection of preservation and maintenance shall be made, and proof thereof provided to the City prior to the approval of final platting.
- (Ord. (W-5-21) of 12-7-21, § II)

Sec. 9A-9. Approval criteria.

- A. PUD zoning may be approved only when the City Council, after receiving the recommendation of the Planning Commission, determines that:
 - (1) The proposed development cannot be reasonably accommodated by other available regulations of this zoning ordinance; and
 - (2) The proposed development would result in a greater benefit to the City as a whole than would development under conventional zoning district regulations.
- (Ord. (W-5-21) of 12-7-21, § II)

Sec. 9A-10. Conformance to approved site development plan.

- A. After rezoning to a PUD, no permits shall be issued and no development shall commence unless in conformance with the approved site development plan, unless a change or deviation is approved by the City.
- B. The Zoning Administrator may approve minor changes and deviations from the approved site development plan which are in compliance with the provisions and intent of this ordinance, and which do not depart from the principal concept of the approved site plan.
- C. Should the Zoning Administrator determine that a requested change or deviation from the approved site development plan does not comply with the provision and intent of this ordinance, or departs from the principles, the applicant may apply for approval of such change or deviation to the City Council as a Plan Amendment.

(Ord. (W-5-21) of 12-7-21, § II)

Sec. 9A-11. Amendment of a planned unit development.

Any proposed major and substantial change in the approved PUD master development plan which affects the intent and character of the development, rearrangement of lots, the density or land use pattern, the location or dimensions of arterial or collector streets, or similar substantial changes, shall be reviewed by the City Council in the same manner of the initial zoning application. A request for an amendment of the PUD master development plan shall be supported by a written statement and by revised sketch plans or maps.

(Ord. (W-5-21) of 12-7-21, § II)

Sec. 9A-12. Planned unit development time limitations.

If substantial construction, as determined by the Zoning Administrator, has not begun within two years after approval of the PUD, the approval of the PUD will expire. The Zoning Administrator may extend the period for beginning construction, at the request of the owner, for not more than three months after approval of the final

development plan. If the PUD expires under this provision, the Zoning Administrator shall petition the City Council for the PUD district to be removed from the official zoning map and to reinstate the zoning district which was in effect prior to the approval of the PUD. The owner of the PUD shall be given notice of the petition and shall be given an opportunity to be heard before the City Council.

(Ord. (W-5-21) of 12-7-21, § II)

ARTICLE X. SIGN REGULATIONS

Sec. 10-1. General provisions.

This article shall hereafter be known and cited as the "City of Winder Sign Ordinance."

Sec. 10-2. Purpose and findings.

A. *Purpose.* This article was enacted with the following purposes:

1. To protect the rights of individuals and businesses to convey their messages through signs.
2. To encourage the effective use of signs as a means of communication.
3. To promote economic development.
4. To improve traffic and pedestrian safety as it may be affected by distracting signs.
5. To prevent the destruction of the natural beauty and environment of the city and to ensure the harmony and compatibility of the character of the area including its physical appearance, natural setting, informal landscaping, and preserve the historic character of the city.
6. To encourage and ensure that development that is contemporary in design and materials compliments and is compatible and sensitive with the existing character of the area through its proportion, scale, design, style, placement, position, and architectural qualities.
7. To protect the public health, safety, and general welfare.
8. To restrict the continued existence of abandoned or nonconforming signs unless in compliance with the terms of this article and to eliminate, over time, all nonconforming signs.
9. To ensure the fair and consistent enforcement of sign standards.

B. *Findings.*

1. The city finds that signs are a proper use of private property, are a means of personal free expression and a necessary component of a commercial environment. As such, signs are entitled to the protection of the law. In the absence of regulation, however, the number of such signs tends to proliferate, with property owners desiring ever increasing numbers and sizes of signs, leading to cluttered and aesthetically blighted thoroughfares. In addition, the competition among competing sign owners for visibility of their signs contributes to safety hazards for both vehicles and pedestrians and undermines the sign owners' original purpose of presenting a clear message of its idea or identification of its premises.
2. The city further finds that the regulation of the size, height, number and spacing of signs is necessary to protect the public safety, to assure compatibility of signs with surrounding land uses, to enhance the business and economy of the city, to protect the public investment in the streets and highways, to maintain the tranquil environment of residential areas, to promote industry and commerce, to

eliminate visual clutter and blight, to provide an aesthetically appealing environment, and to provide for the orderly and reasonable display of advertising for the benefit of all the city's citizens.

3. The city further finds that there is a substantial difference between signs erected by public authority and signs erected by private citizens or businesses. Signs erected by public authority are virtually all erected for the purpose of maintaining the public safety either through direct control of traffic or through provision of such type signage as street signs which enable the traveling public to know where they are located and to find where they are going. As such, with the exception of signs identifying government buildings, virtually all government signs are erected purely for public safety purposes. Moreover, their use in the public right-of-way is necessary to ensure their visibility to the motoring public. The City Council finds that public utility signs are frequently of the same nature as those signs erected by governmental entities in that they provide necessary information to safeguard the public from downed power lines and from street excavations. Even where signs serve a propriety purpose, such as identifying markings on utility poles, those signs are marked primarily for the purpose of benefiting the public generally through identification of locations where there may be temporary losses of power.
4. The city further finds that some signage has a single targeted function and that identification of such signage by description is impossible without referring to its function. For instance, address numerals are used for the sole purpose of locating addresses, which is of benefit to persons looking for those addresses and is essential to public safety personnel responding to emergencies. Subdivision entrance signs favor a similar purpose in enabling both the traveling public and emergency personnel to quickly locate subdivision entrances for the purpose of either visitation or responding to emergency calls. While such signage is referenced based upon the function it serves within the context of this ordinance, the bulk of the provisions of this article are unrelated to the content of the speech provided and allow maximum expressive potential to sign owners.

Sec. 10-3. Definitions.

Words and phrases used in this article shall have the meanings set forth in this section. Words and phrases not defined in this section, but defined in the zoning ordinance of the City of Windermere, shall be given the meanings set forth in such ordinance. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this article.

A-frame sign. A detached moveable sign which has two display areas, hinged at the top and an interior angle not to exceed 60 degrees or less. It shall be located in front of and in connection with a business location.

Abandoned sign. Any sign that contains or exhibits broken panels, visible rust, visible rot, damaged support structures, or missing letters or which is otherwise dilapidated, unsightly, or unkempt, and for which no person accepts maintenance responsibility.

Animated signs. A sign or part of a sign which gives the appearance of movement to depict action or to create a special effect or scene, including, but not limited to, any electronic sign which contains anything other than static messages or changes its message more often than permitted by this article. This may also be referred to as a digital sign.

Audible sign. Any sign which emits a sound, which is audible or emits a signal, which can be converted into audible sounds, whether by radio or other means.

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

Banner. A sign with or without characters, letters, illustrations or ornamentation applied to fabric, vinyl, plastic, paper, or similar material mounted or hung either with a frame or without a frame at one or more edges. National flags, state and municipal flags, shall not be considered banners. This includes streamers, pendants, and similar devices.

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

Billboard. A sign with a copy area of 201 square feet or greater displayed outdoors or visible from a public road.

Building inspector. The city building inspector or his or her designee for a particular purpose.

Canopy. A permanent roof-like shelter extending from part or all of the building face and constructed of some durable material such as fabric, metal, glass or plastic, except gasoline canopy.

Changeable copy sign. Any sign that incorporates changing lights, lettering, or images to form a sign message or messages, whether such changes are accomplished electronically or manually. This may also be referred to as a digital sign.

City Council. The City Council of the City of Winder.

Copy. The wording, designs and other message display on a sign surface.

Double-faced sign. A sign which has two display areas against each other or where the interior angle formed by the display area is 45 degrees or less, where one face is designed to be seen from one direction and the other face from another direction.

Dilapidated or neglected signs. A sign (including sign structure) will be dilapidated or neglected if it does not present a neat and orderly appearance, which may be manifested by the following: rust or holes on or in the sign, broken, missing, loose or bent parts, faded or flaking paint, abandoned, or non-operative or partially operative illumination.

Digital billboard. A billboard which incorporates, in whole or in part, a digital sign.

Emergency signs. Warning signs erected by a governmental agency, a public utility company, or a contractor doing authorized or permitted work within the public right-of-way.

Façade. The exterior front of a building or structure exposed to public view.

Fall zone. The radius of a circular area around the billboard equal to the height of the billboard at its highest point above ground level at the base of the sign.

Flag. Any official flag of a government entity.

Flashing sign. A sign containing a pattern of changing light illumination where the sign illumination alternates suddenly between bright illumination and fully non-illuminated for the purpose of drawing attention to the sign. The term "flashing" excludes signs which are operated in conformity with this ordinance and where the only periods of full non-illumination are less than one second and exist only between the display of separate individual messages.

Frame effect. A visual effect on a digital sign which depicts movement, fading, mosaic flips, wipes, or other changing effects associated with the transition from one static message to another.

Freestanding sign. Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure. A permanently affixed sign which is wholly independent of a building for support. This includes signs commonly referred to as billboards or pylon signs.

Ghost sign. An old hand-painted advertising sign that has been preserved on a building for an extended period of time. The sign may be kept for its nostalgic appeal.

Graffiti. Unauthorized writing or drawing on the facade of any building sign, path, accessory structure, wall, fence, or other site element.

Height of sign. The vertical distance measured from ground level to the highest point of a sign, including the sign structure.

Illuminated sign, external. A sign illuminated by an external light source. Such source cannot be a device that changes color, flashes or alternates.

Illuminated sign, internal. A sign illuminated by an internal light source. Such source cannot be a device that changes color, flashes, or alternates.

SR316 signs. A sign located on a parcel of land directly abutting the right-of-way of State Highway 316.

Kiosk. A small structure with one or more sides that is used to vend merchandise or services.

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

Monument. A freestanding sign with a base of not less than 75% of the width of the sign face. This sign is generally a continuous width from the ground to the top of the sign.

Moving sign. A sign, which revolves, rotates, swings, undulates, or otherwise attracts attention through the structural movement of parts.

Multi-tenant. One or more buildings, located on a single premises or development, containing two or more separate and distinct individual establishments, which occupy separate portions of the building or buildings and which are physically separated from each other by walls.

Mural. Hand-painted, hand-tiled, or digitally printed restorative image on the exterior wall of a building that does not contain any commercial message.

Nonconforming sign. A sign erected or otherwise in use prior to the effective date of this article which fails in one or more respects to comply with all provisions of this article.

Obscene. Material shall be considered obscene if it meets the criteria provided in O.C.G.A. 16-12-80, as amended.

Owner. The title owner and its agents and assignees.

Pennant, streamer. Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind.

Permanent sign. Any sign which, when installed, is intended for permanent use. A permanent freestanding sign shall be of a type and construction as not to be easily or readily removed from the lot on which it has been erected.

Permit. A sign permit reviewed, approved, and issued by the city planning department.

Permittee. The person and/or entity owning or leasing the land on which the sign is erected or for which an application has been submitted.

Person. A natural or legal person, including a firm, organization, partnership, trust, and corporation.

Portable or trailer sign. A sign that is designed to be transported trailer or its own wheels, even though such wheels may be removed and the remaining chassis is attached to the ground.

Principal building. The building in which the principal use of the lot is conducted. Non-residential lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other structures with clearly accessory uses shall not be considered principal buildings.

Public signs. Signs erected by or on behalf of a governmental body.

Roof line. The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

Roof sign. Any sign erected and constructed wholly on and over the roof of a building, or supported by the roof structure.

Rotating sign. Any sign or portion of a sign that moves in a revolving or similar manner.

Sign face. That part of a sign that is or can be used for message purposes.

Sign. Any device, fixture, placard, or structure affixed to, supported by, or suspended by a stationary object, building or the ground that uses any color, form, graphic, illumination, symbol, or writing to communicate information of any kind to the public. For the purpose of removal, "sign" shall also include all of the sign structure.

Sign kiosk. A kiosk that contains signs.

Sign structure. Any structure which supports, has supported or is designed to support a sign. A decorative cover is part of a sign structure.

Standard informational sign. A sign with an area of not greater than 4 square feet containing no reflecting elements or projections and which, when erect, stands at a height not greater than 3 feet and is mounted on a stake or metal frame with a thickness or diameter not greater than 1½ inches.

Subdivision entrance sign. Any monument sign placed at the entrance of a platted residential subdivision consisting of more than five parcels, including subdivisions which contain both single-family and multifamily residences.

Temporary sign. Any sign that is not permanently mounted. Temporary sign includes banners, streamers, balloons, and similar signs.

Traffic or safety signs. Signs owned by a government, governmental agency, public utility or railroad which are designed and used for public safety purposes including the regulation or direction of vehicular, railcar or pedestrian movement or activity, or the identity and location of streets and public or emergency facilities.

Water tower. A tower or standpipe serving as a reservoir to deliver water at a required head.

Wall sign. Any sign attached parallel to a wall, painted on the wall surface or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building and which displays only one sign surface. Wall signs shall be flush with the wall, building, or structure to which it is mounted or affixed, except as otherwise set forth herein.

Window sign. Any sign that is placed inside a window or upon the windowpanes or glass, either inside or outside the building, and is visible from the exterior of the structure.

Sec. 10-4. Powers and duties of personnel.

The planning director, building inspector and the code enforcement officer are hereby authorized and directed to administer and enforce this article, unless otherwise specifically provided by resolution of the City of Winder City Council.

Sec. 10-5. Applicability.

- A. The standards of this article shall apply to all signs erected within the corporate limits of the city. This includes those areas that have been annexed into the corporate limits of the city.

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- B. Private signage agreements. Nothing in this article shall prevent any building owner or association of merchants from establishing by lease or other form of agreement sign regulations which are more stringent than those set forth in this article. However, the city shall not enforce private signage agreements.

Sec. 10-6. Permit required.

- A. A sign permit is required before a sign may be attached to, suspended from or supported on a building or structure or before a sign may be erected and before an existing sign may be enlarged, relocated or materially improved upon to and extent of 60% of its total replacement value.
- B. A sign permit shall be issued by the planning office when the plans, specifications and intended use of the applied sign or part thereof conform in all respects to the applicable provisions of this article and the city building code as certified by the building inspector.
- C. Sign permit/review required. All signs shall be permitted unless exempted by this article. For any sign requiring issuance of a sign permit under the provisions of this article, sign review shall be required prior to installation, relocation, renovation, expansion, enlarged, construction or reconstruction of the sign.
- D. The owner of the sign shall be responsible for maintaining the permit for each sign approved, erected or maintained for which a permit is required by this article. The planning director or their designee shall inspect each sign following its installation to ensure the sign is installed in accordance with the approved sign permit. Once it is determined the sign complies with said permit, a decal shall be affixed to the actual sign or to the entrance door of the place of business indicating the sign has been approved. The purpose of this decal shall be to notify city officers and employees that the sign complies with the provisions of this article and the approved sign permit application.

Sec. 10-7. Fees required.

- A. No permit shall be issued until the exact dimensions and area of the sign have been filed with the planning director or their designee and fees have been paid.
- B. For banners, balloons, inflatables and other temporary signs requiring a permit, a separate permit is required for each parcel, business, and or lot.
- C. A-Frame Signs/sidewalk signs. Permits will be valid for a 12 month period.

Sec. 10-8. Application.

- A. *Application content.* Applications for sign permits required by this article shall be filed in duplicate by the person owning the subject lot, or the owner's agent, at the planning office upon forms furnished by that office. The application shall describe and set forth the following:
 - 1. The type and purpose of the sign as defined in this article.
 - 2. The value of the sign.
 - 3. A drawing to scale showing the street address of the property upon which the subject sign is to be located, the proposed location of subject sign on subject property, the distance of the proposed sign from the subject property's boundaries, and all existing structures or buildings on the subject property.
 - 4. The square foot area per sign and the aggregate square foot area if there is more than one sign face.
 - 5. The name(s) and address(es) of the owner(s) of the real property upon which the subject sign is to be located.

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6. Written consent of the owner of the property, or his/her agent, granting permission for the placement, maintenance, size, and height of the subject sign to be placed on the property.
 7. For wall signs one set of building elevations.
 8. The name, address, telephone number, and a copy of the current business license of the sign contractor, if any. All applicants for signs that incorporate electricity must obtain an electrical permit.
 9. Sign details, including a proposed color scheme of sign, and scaled elevation of the size and height of the proposed sign from ground level and adjacent street level and a footing or base design detail, prepared and stamped by a registered engineer, for all freestanding signs shall be required at the discretion of the planning director or their designee.
 10. The zoning district in which the subject property is located, and a statement of compliance with all requirements of the zoning district.
- B. *Other zoning requirements.* Applications that conform to the requirements of this article shall be authorized except where standards from elsewhere in this ordinance apply.

Sec. 10-9. Application rejection.

- A. *Incomplete; false.* The building inspector or his designee shall reject any application that is incomplete, that contains false material statements or omissions, or that is for a sign which would violate any standard within this article within 30 business days of receipt of said application.
- B. *Processing time; denial.* The city shall process all complete and accurate sign permit applications within 30 business days of the city's actual receipt of a complete and accurate application and upon remittance of the appropriate sign permit fee. The building inspector or his designee shall give notice to the applicant of his/her decision by hand delivery or by mailing such notice by certified mail, return receipt requested, to the address on the permit application on or before the thirtieth business day. If the decision of the building inspector or his designee is to deny the application, the decision shall state the grounds upon which the denial is based. Failure of the city to act within the thirty-day period shall be deemed a denial of the permit. If notice is mailed in conformity with this section, notice shall be deemed to have been given upon the date of mailing. Any application meeting the standards of this article will be granted. Any application not meeting the standards of this article will be denied. Notifications may be made by email if the applicant requests same in writing.
- C. *Appealable.* A rejection pursuant to this section shall be appealable pursuant to the procedures of Sec. 11-9. However, notwithstanding the foregoing, a final decision will be rendered within 75 days from date an appeal is filed. If a final decision is not rendered within the seventy five-day period, the decision sought to be appealed shall be affirmed.
- D. *Resubmission.* A rejected application later resubmitted in conformity with this article shall be deemed to have been submitted on the date of resubmission, instead of the original submission date. An application that is resubmitted shall meet all the standards for an original application.

Sec. 10-10. Permit revocation.

Should it be determined that a sign permit was issued pursuant to an application containing a false material statement or omission, the planning director or their designee shall revoke said permit and the subject sign shall be immediately removed. A revocation pursuant to this article shall be appealable pursuant to the procedures of Sec. 11-9. However, notwithstanding the foregoing, a final decision will be rendered within 75 days from date an appeal is filed. If a final decision is not rendered within the 75 day period, the decision sought to be appealed shall be affirmed.

Sec. 10-11. Variances.

- A. An application for a variance from provisions of this article may be initiated by application to the City on the application provided by the planning department.
- B. *Timing.* City Council shall hear and decide upon a variance within 75 days of the submission of a complete and accurate application. If a decision is not issued within the said 75 days, the application shall be deemed granted.
- C. *Procedure.* Except as modified by this article, the procedures for requesting a variance from the standards of this article shall be the same procedures as that for seeking a variance from the city's ordinances regulating zoning.
- D. The planning director or their designee shall conduct a site inspection of and shall prepare a recommendation of each application for variance applying the criteria and standards set forth in this article.
- E. Variances shall be limited to the minimum relief necessary to overcome the hardship. No variances shall be granted to allow a greater number of signs than would be allowed if the hardship did not exist.
- F. Variances from the regulations of this article may be granted due to the following hardship situations:
 - 1. Where the proximity of existing signs on adjoining lots causes the subject property to be ineligible, due to spacing requirements, for a sign of the type sought; or
 - 2. Where visibility of a conforming sign from the nearest street would be substantially impaired by existing trees, plants, natural features, signs, buildings or structures on a different lot; and
 - i. Placement of the sign elsewhere on the lot would not remedy the visual obstruction;
 - ii. Such visibility obstruction was not created by the owner of the subject property; and
 - iii. The variance proposed would not create a safety hazard to vehicular traffic or pedestrians.
- G. City Council shall be allowed to grant variances to this article as to setback, building material, sign style, illumination or height. All variances shall be based on the criteria established in Sec. 11-7.
- H. *Limitations.* No variance shall be granted to allow a private sign to be placed on a public right-of-way or on city property.

Sec. 10-12. Expiration date.

A sign permit shall become null and void if the sign for which the permit was issued has not been installed and completed within six months after the date of issuance; provided, however, that where an applicant can demonstrate that a commercial entity was timely engaged to construct the permitted sign, but the fabrication has not yet been completed, one 90 day extension may be granted by the planning director. No refunds shall be made for a permit after the permit is issued. If a permit expires and later an individual desires to erect a sign at the same location, a new application for the sign must be processed and another fee paid in accordance with the fee schedule applicable at such time.

Sec. 10-13. Sign contractor requirements.

It shall be unlawful for any person to engage in the business of erecting or maintaining signs within the city unless and until such person has obtained a current occupational tax certificate issued within the State of Georgia and a certificate of insurance from an insurance company authorized to do business in the state evidencing that the person has in effect public liability and property damage insurance providing coverage for any one claim in an amount not less than \$100,000.00 for injuries, including accidental death or injury to person or property. The

certificate of insurance shall state that the insurance carrier will notify the city 30 days in advance of any termination or restriction of the coverage.

Sec. 10-14. Signs which require no permit.

A permit is not required for the following types of signs in any zoning district. However, such signs shall conform to the applicable requirements set forth in this article.

- A. Flags, provided, however, that there shall be no more than four flags on any lot, each flag and pole shall conform to the height and setback restrictions of the zoning district in which they are located.
- B. Markers and informational signs within public and private cemeteries.
- C. Signs on residential structures or premises and mail boxes identifying the name and address of the occupant, not to exceed one square foot in area.
- D. Utility signs. Signs of public utilities companies indicating danger or which serve as an aid to public safety or which show the location of underground utilities, or of public telephones.
- E. Non-illuminated standard informational signs in all districts as long as the signs are in compliance with this article. Each lot and/or development may display one standard informational sign not exceeding four square feet without a permit except that during a political election, between the date of qualification and final determination on each ballot issue or candidacy, each lot may display an unlimited number of standard informational signs.
- F. Numerals displayed for the purpose of identifying property location not to exceed 12 inches in height.
- G. Directional signs indicating the locations or routes of travel within the, subdivision, lot or parcel whereas each sign does not exceed 6 square feet.
- H. Window signs that do not cover or obscure more than 20% of window area.
- I. Door signs not to exceed 2 square feet in size and not more than one sign per door.
- J. Signs in the interior of a building that are not displayed on the window or intended to be seen for advertising externally.
- K. Public and emergency signs.
- L. Seasonal decorations or displays which are not displayed for more than 45 consecutive days in any 365 day period and which do not advertise a product, service, or entertainment.
- M. Signs during construction. One sign shall be allowed during construction. No permit shall be required when a building permit has been purchased. The sign may be externally illuminated, but shall not exceed 32 square feet in area and 9 feet in height, and shall be allowed beginning with the commencement of construction and ending with the issuance of a certificate of occupancy or installation of a permanent sign, whichever occurs first.
- N. Signs during marketing. Two signs shall be allowed during periods of an active listing/marketing of a property for sale or lease. Such sign shall not exceed 6 square feet in a R-1, R-1A, R-1B, R-2, R-3, MH, or TNP district. Such sign shall not exceed 32 square feet in a AG, A-2, B-1, B-2, P, E, G, or I district.

Sec. 10-15. Prohibited signs and devices.

Except as otherwise provided, the following types of signs or advertising devices are prohibited in the city:

- A. Rotating signs.

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- B. Flashing signs, scrolling, and electronic changeable signs which change more than once per 10 seconds. No sign shall be permitted which is flashing or blinking.
 - C. Signs which contain or are an imitation of an official traffic sign or signal or contain the words "stop," "go," "slow," "caution," "warning," or similar words in such a manner as to resemble official traffic control signs.
 - D. Signs which emit audible sound, fog/smoke, or odor.
 - E. Cardboard or paper signs with hand writing of ink, paint, or chalk placed on a structure except in residential zoning districts.
 - F. Promotional beacons, search lights or projected laser lights or images.
 - G. Window signs that exceed 20% of the window area.
 - H. Wind activated devices other than flags, banners and streamers.
 - I. Signs which by reason of their size, location and manner of illumination cast light directly on streets and roads so as to adversely affect traffic movement and safety.
 - J. Portable and trailer signs.
 - K. Dilapidated or neglected signs.
 - L. Abandoned signs or sign structures.
 - M. Sign structures which no longer support a sign.
 - N. Any sign exceeding permitted size or height.
 - O. Any sign placed or erected on property without the permission of the owner.
 - P. Signs which depict obscene material or advertise an activity which is illegal under federal, state or local laws.
 - Q. Signs attached to, painted on, or otherwise positioned in or on any vehicle or truck, whether having a current license or not, that is located in view of any street right-of-way and when in a location or for a period of time that indicates that the use of the vehicle is for displaying the sign to passing motorists or pedestrians, except that such signs shall be allowed on a temporary basis in association with a temporary event permit.
 - R. Signs or sign structures for which permits have been revoked.
 - S. Addresses must be obtained from Barrow County 911. Signs depicting address information must display such information in English so that emergency responders may understand them. Nothing in this article shall be construed to regulate content regarding the use of foreign language or symbols. This section is adopted with the express purpose of facilitating and aiding in the identification and location of businesses and other entities in the city to aid police, fire and other emergency responders and to avoid confusion and delay in such emergencies.

Sec. 10-16. Violations and penalties.

- A. *Noncompliance.* No person shall erect or maintain any sign which does not comply with the standards of this article.
- B. *Dangerous or defective.* No person shall maintain or permit to be maintained on any premises owned or controlled by that person any sign that is in a dangerous or defective condition. Any such sign shall be removed or repaired by the permittee of the sign, the owner of the premises, or as otherwise provided for in this article.

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- C. *Separate violation.* Each sign installed, created, erected or maintained in violation of this Article shall be considered a separate violation when applying the penalty portions herein.
 - D. *Public nuisance.* Any violation of this article is hereby declared to be a public nuisance.
 - E. *Notice.* The planning director, building inspector, code enforcement officer, or their designee shall give the permittee at least ten days' written notice to correct the deficiencies or to remove the sign(s) which is in violation of this article. If the permittee or property owner refuses to correct the deficiencies or remove the sign, the city may have the sign removed at the expense of the permittee or owner of the property.
 - F. *Citations.* If any sign or other device covered by this article is erected, constructed, altered, maintained, converted or used in violation of any provision of this article, the building inspector or code enforcement officer shall issue a citation returnable to Municipal Court. Additionally, the city may seek an injunction for a continuing violation or take other appropriate action to prevent such unlawful erection, construction, alteration, maintenance, conversion or use to correct or abate such violation. Any violation of this article shall be an offense, and the violator shall be subject to a fine of up to \$1,000.00 per day.

Sec. 10-17. Nonconforming signs.

- A. *Maintained.* Another nonconforming sign shall not replace a nonconforming sign, except that the substitution or interchange of poster panels, painted panels, paper, vinyl or similar material on nonconforming signs shall be permitted. Subject to the provisions of subsection B of this section, all nonconforming signs shall be maintained in good repair. No nonconforming sign may be converted to a changeable copy sign.
- B. *Repairs; material change.* Minor repairs and maintenance of nonconforming signs shall be permitted; provided, however, no structural repairs or changes in the size or shape of a nonconforming sign shall be permitted except to make the sign comply with the standards of this article. To the extent that any nonconforming sign allowable hereunder is damaged or destroyed by act of God or by other circumstances beyond control of the owner of the sign then such sign shall be brought into compliance with the current sign regulations or removed in its entirety. "Minor repairs" are repairs costing less than 20% of the replacement cost of the entire sign as determined by the planning director.
- C. *Grandfathering.* Legal nonconforming signs, except signs that are in violation of Sec. 10-19, may stay in place until one of the following conditions occurs:
 - 1. The advertised business ceases at that location;
 - 2. The deterioration of the sign or damage to the sign makes it a hazard or renders it dilapidated, unsightly, or unkempt; or
 - 3. The sign has been damaged to such extent that more than minor repairs or a material change is required to restore the sign. No structural repairs or change in shape or size shall be permitted except to make the sign comply with all standards of this article. To the extent that any nonconforming sign allowable hereunder is damaged or destroyed by act of God or by other circumstances beyond control of the owner of the sign then such sign shall be brought into compliance with the current sign regulations or removed in its entirety.

Sec. 10-18. Removal of certain signs.

- A. The City of Winder may remove or cause to be removed at the owner's expense all prohibited signs.
- B. The owner on record for the business or property shall be notified of the sign removal in writing, by first-class mail or notice delivered in-person.

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- C. No such notice is required when an illegal sign is of minimal value or is placed on a public right-of-way.
 - D. The owner may obtain any sign removed by the city within 30 days after notice is mailed or hand delivered and upon payment to the city of any storage and removal charge that may have been incurred by the city. If the owner does not contact the planning department within the 30 days of notice, the signs are subject to destruction. The city is not responsible for any damage which may occur to the sign through the removal.
 - E. Sign storage fees for removed signs shall be charged based on the current fee schedule maintained in the office of the Planning Department.
 - F. Forfeiture of signs. Any sign installed, attached, or placed on city property (except in conformance with the requirements of this article), shall be forfeited and subject to confiscation and immediate disposal. In addition to other remedies herein, the city shall have the right to recover from the owner or person placing or maintaining such a sign the full costs of removal and disposal of such sign.
 - G. Any sign associated with a business which has ceased operations or which no longer identifies as a bona fide business, service, product, or activity for 60 days shall be removed by the property owner of record within 10 days of notification from the planning director or code enforcement. The planning director or code enforcement officer shall provide official written notification to the property owner indicating the type and location of sign(s) which require removal.

Sec. 10-19. Sign location.

- A. *Obstructions.* No sign shall be erected, relocated, or maintained so as to:
 - 1. Minimum setback for any part of a freestanding sign shall be 10 feet from all property lines and rights-of-way.
 - 2. Interfere with safe and free ingress or egress from any door, emergency exit, window, fire escape, means of ventilation, driveway, street, or road;
 - 3. Prevent free passage from one part of a roof to any other part thereof;
 - 4. Block pedestrian or vehicular traffic; nor shall any sign block the view of any driver of oncoming traffic;
 - 5. Block or prohibit access to a fire hydrant or utility meter; or
 - 6. Interfere with any public utility.
- B. No sign shall be attached in any form, shape or manner to any:
 - 1. Fire escape, fence, free-standing sign, or similar structure;
 - 2. Street sign, sign directing or controlling traffic, or any pole or post supporting such signs (except that public signs or emergency signs shall not be subject to this prohibition); or
 - 3. Tree or shrubbery.
- C. Signs not to constitute traffic hazard or threat. No sign or any part thereof, except authorized public or emergency signs, shall be located in any government right-of-way or extend across the right-of-way of a public road or street. No sign shall be allowed to remain in place if it poses an immediate threat to the life or health of the public.
- D. No sign shall be located within a public right-of-way except for public signs or emergency signs.

Sec. 10-20. Measurement of copy area.

- A. *Size generally.*

1. The copy area of a sign shall be construed to include all lettering, working and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are incidental to the display itself.
2. The copy area of a sign painted upon or applied to a building shall be considered to include all lettering, working and accompanying designs or symbols, together with any backing associated with the sign.
3. Where the copy area of the sign consists of individual letters or symbols attached to or painted on a surface, building, wall or window, the area shall be considered to be that smallest rectangle or other single shape that encompasses all of the letters and symbols.
4. In computing square foot copy area of a double-faced sign, only one side shall be considered; provided that both faces are identical in area. In v-type structures, the interior angle of which exceeds 45 degrees, both sides shall be considered in calculating copy areas.
5. For any signs on which the words, letters, figures, symbols, logos, fixtures, colors, or other design elements routinely change or are intended to be changed from time to time, the copy area shall include the entire area within which any words, letters, figures, symbols, logos, fixtures, colors, or other design elements may be placed, together with any frame or material, texture or coloring forming an integral part of the sign face or used to differentiate the sign face from the structure upon which it is placed.

Sec. 10-21. Sign height.

- A. The height of a sign shall be computed as the distance from the base of the sign structure at normal grade to the top of the highest component of the sign. Normal grade shall be the lower of: (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of elevating the sign.
- B. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed based on the elevation of the crown of the nearest public street or the grade of the land at the principal entrance to the principal structure on the lot, whichever is higher.
- C. The following shall be the maximum sign height for all freestanding signs except subdivision entrance signs, which shall have a maximum height of 8 feet in all districts.

Zoning District	Max. Sign Height for all Freestanding Signs Except Subdivision Entrance Signs
AG	4 feet
R-1	4 feet
R-1A	4 feet
R-1B	4 feet
R-2	4 feet
R-3	4 feet
MH	4 feet
TNPD	4 feet
MU	8 feet
DT	8 feet
B-1	15 feet
B-2	15 feet

G	15 feet
I	15 feet

Sec. 10-22. Construction, maintenance, and inspection.

- A. All signs shall be constructed and maintained in conformance with the applicable City of Winder building codes. Such signs, together with their supports, braces, guys, and anchors shall be kept in good repair and must be maintained in a safe condition with a clean appearance.
- B. The planning director or their designee may inspect signs installed under the provisions of this article to determine that each sign meets the requirements set forth in this article and is maintained in conformance with all applicable codes of the City of Winder and the provisions of this article.
- C. The planning director or their designee or duly authorized representatives are authorized to enter upon property for the purpose of making inspections to ensure compliance with all provisions of this article.
- D. *Faces.* The face of signs shall be flat, with protrusions of no more than 6 inches to allow for the texture of the sign and words, letters, figures, symbols, logos, fixtures, colors, or other design elements. No sign or other advertising structure shall be constructed so as to have nails, tacks, or wires protruding therefrom.
- E. *Lighting.*
 - 1. Lighted, neon or luminous signs giving off light resulting in glare, blinding or any other such adverse effect on traffic shall not be erected or maintained.
 - 2. The light from illuminated signs shall be established in such a way that adjacent properties and roadways are not adversely affected and that no direct light is cast upon adjacent properties and roadways.
 - 3. No illuminated signs shall be constructed or maintained within 50 feet of any single-family or duplex residential district or single-family, duplex, or cottage court dwelling.
 - 4. Digital signs shall only be allowed in B-1, B-2, and G districts.
 - 5. A digital sign/digital billboard may not allow the display or message to change more frequently than once every 10 seconds.
 - 6. Maximum brightness levels for digital signs shall not exceed 0.3 foot-candles over ambient light levels measured 250 feet from the sign. Certification must be provided to the city demonstrating that the sign has been preset to automatically adjust the brightness to these levels or lower. Re-inspection and recalibration shall be annually required by the city, in its reasonable discretion, at the permittee's expense to ensure that the specified brightness levels are maintained at all times.
- F. *Setbacks.* Setbacks shall be measured from the nearest point of the sign closest to the applicable right-of-way or property line.
- G. *Landscaping.* Landscaping and grass shall be maintained in front of, behind, underneath, and around the base of freestanding signs.

Sec. 10-23. Permitted signs and maximum area.

No sign shall be erected, used, or maintained except in accordance with the requirements of this article and the following tables of permitted signs.

AG, R-1, R-1A, R-1B, R-2, R-3, MH, TNP DISTRICTS

Sign Type	Number Allowance	Maximum Copy Area
Standard informational sign	1 per dwelling	4 square feet
Subdivision entrance sign	2 per entrance (see Sec. 10-26)	30 square feet

B-1 and B-2 DISTRICTS

Sign Type	Number Allowance	Maximum Copy Area
A-frame sign	1 per business	2 feet wide by 4 feet high
Standard informational sign	1 per lot	4 square feet
Monument sign*	1 per drive entrance, not to exceed 2 per lot, and not to exceed 1 per 500 linear feet of frontage or fraction thereof	125 square feet
Wall sign	1 per business	100 square feet (front wall signs) 150 square feet (per wall, all other walls)
Canopy sign	1 per building entrance	20 square feet
Banner**	2 per lot	48 square feet per banner
Roof sign	1 per business	100 square feet

* Only one monument sign is permitted per drive entrance, and under no circumstances will a second freestanding or monument sign be permitted for any one drive entrance.

** ;hg;Banners/temporary devices are only allowed for 15 days for a maximum of 3 times per year.

DT and MU DISTRICTS

Sign Type	Number Allowance	Maximum Copy Area
A-frame sign	1 per business	2 feet wide by 4 feet high
Standard informational sign	1 per lot	4 square feet
Monument sign*	1 per drive entrance, not to exceed 2 per lot, and not to exceed 1 per 500 linear feet of frontage or fraction thereof	125 square feet
Wall sign	1 per business	100 square feet (front wall signs) 150 square feet (per wall, all other walls)
Canopy sign	1 per building entrance	20 square feet
Banner**	2 per lot	48 square feet per banner

* Only one monument sign is permitted per drive entrance, and under no circumstances will a second freestanding or monument sign be permitted for any one drive entrance.

** ;hg;Banners/temporary devices are only allowed for 15 days for a maximum of 3 times per year.

I DISTRICTS

Sign Type	Number Allowance	Maximum Copy Area
Standard informational sign	1 per lot	4 square feet

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Freestanding sign**	1 per drive entrance, not to exceed 2 per lot, and not to exceed 1 per 500 linear feet of frontage or fraction thereof	400 square feet
Monument**	1 per drive entrance not to exceed 2 per lot or shopping center and no more than 1 per 500 linear feet of frontage	125 square feet
Roof sign	1 per business	100 square feet
Wall sign*	3 per business	100 square feet (front wall signs) 150 square feet (per wall, all other walls)
Canopy sign*	1 per building entrance	20 square feet
Banner***	2 per lot	48 square feet per banner

* Only one wall or canopy sign is permitted per entrance; and under no circumstances will both a wall and a flush canopy sign be permitted for any one entrance.

** ;hg;Only one freestanding or monument sign is permitted per drive entrance, and under no circumstances will a second freestanding or monument sign be permitted for any one drive entrance.

*** ;hg;Banners/temporary devices are only allowed for 15 days for a maximum of 3 times per year.

G DISTRICTS

Sign Type	Number Allowance	Maximum Copy Area
Standard informational sign	2 per lot	4 square feet
Freestanding sign***	1 per drive entrance not to exceed 2 per lot or shopping center and no more than 1 per 500 linear feet of frontage**	100 square feet
Monument sign***	1 per drive entrance not to exceed 2 per lot or shopping center and no more than 1 per 500 linear feet of frontage**	125 square feet
Wall	1 sign per business per front wall. Front wall signs must not exceed 100 square feet in area. A business can have a maximum of 3 signs on walls other than front walls as long as the total square footage of all signs on the wall does not exceed 150 square feet	
Canopy, flush or hanging*	1 per building entrance or service bay	20 square feet
Banners****	See Sec. 10-29	

* Only one wall or flush canopy sign is permitted per entrance, and under no circumstances will a wall and a flush canopy sign be permitted for any one entrance.

** ;hg;Provided that, if an owner has less than 500 feet of lot frontage, then the owner may be allowed one sign.

*** ;hg;Only one freestanding or monument sign is permitted per drive entrance, and under no circumstances will a second freestanding or monument sign be permitted for any one drive entrance.

**** ;hg;Banners/temporary devices are only allowed for 15 days for a maximum of 3 times per year.

Sec. 10-24. Freestanding billboards.

- A. The intent of this section is to establish size, location and operating standards and regulations for freestanding billboards with a copy area of greater than 201 square feet, including addressing those utilizing newer technologies, in order to minimize the secondary effects that can accompany the unregulated display of these types of signs, preserve the character and repose of adjacent areas, protect property values in all areas of the city, and reduce traffic and similar hazards caused by undue distractions. For purposes of this section, the words "billboard," "digital sign" and "sign" shall have the same meaning.
- B. Billboard structures having more than one surface display area which are tandem (side-by-side) or stacked (one above the other) are considered two billboards and are prohibited.
- C. Any double-faced billboard having back to back surface display areas, may not have an interior angle formed by the display area greater than 45 degrees.
- D. No freestanding billboard may be located within a radius of 1,000 feet of another freestanding billboard, within 500 feet of any residential zoning district, or within a minimum of 50 feet of any permitted permanent freestanding sign, except standard informational signs.
- E. No portions of the billboard may hang over a public right-of-way.
- F. No billboard may be located on top of, cantilevered over or otherwise suspended above any building.
- G. The lot on which the billboard is located shall have sufficient area to accommodate the Fall Zone. No buildings, structures, or appurtenances shall be contained in the Fall Zone.
- H. Construction. In addition to the requirements of Sec. 10-22 and Sec. 10-24, a freestanding billboard shall be constructed in such a fashion that it will withstand all wind and vibration forces that can normally be expected to occur in the vicinity and in compliance with all applicable codes. A freestanding billboard shall be maintained so as to assure proper alignment of structure, continued structural soundness and continued readability of message. All freestanding billboards shall submit a wind-load resistance plan.
- I. Removal: Non-conforming billboards and billboard structures may be removed or repaired within 30 days of notification by the city at the owner's or lessor's expense under the following circumstances: The billboard becomes damaged or dilapidated to the extent that repairs would cost 50% or more of its economic value as determined by the planning director.
- J. Other applicable laws. A billboard must comply with all applicable provisions of federal and state law.
- K. Erection and Maintenance. The following maintenance requirements must be observed for all freestanding billboard signs visible from any public street or highway within the city.
 - 1. No such sign shall have more than 20% of its surface area covered with disfigured, cracked, ripped or peeling paint or poster paper for a period of more than thirty successive days.
 - 2. No such sign shall be allowed to stand with broken or damaged supports, loose appendages or struts for a period of more than thirty successive days.
 - 3. No such sign shall be allowed to have weeds, vines, landscaping or other vegetation growing upon it and obscuring its view from the street or highway from which it is to be viewed for a period of more than thirty successive days.
 - 4. No neon or internally illuminated sign may be allowed to stand with only partial (less than 100% percent) illumination for a period of more than thirty successive days.
 - 5. If a sign or sign structure is damaged such that more than 50% of the value is lost, with such determination made by the planning director, any repair or replacement must be done in conformance with this article. If a sign or sign structure is damaged due to vandalism or other criminal or tortious

acts, it may be repaired or replaced, regardless of cost, but must be repaired or replaced as previously permitted or if no permit exists, it must be repaired or replaced to the same specifications to which and with the same materials of which the sign was constructed immediately prior to the act which caused the damage.

Sec. 10-25. Historic district signage.

- A. Applications for sign permits where the proposed sign is to be located in the historic district shall first be reviewed by the planning director, and the application shall then be submitted to the Historic Preservation Commission as an application for a certificate of appropriateness, which shall approve or disapprove such application under the same ordinances and rules as any other certificate of appropriateness is considered.
- B. In addition to the general requirements which may be applicable to signs located within the city's designated historic district, all signage in the city's designated historic district shall meet the following minimum requirements:
 - 1. Any sign attached to or painted upon any portion of a building on the National Register located in the city's historic district shall not cover, destroy, or otherwise alter the historic architectural features of the structure.
 - 2. Signs may be painted on windows, painted or sewn on awnings and/or hanging or perpendicular signs, provided they comply with all other ordinances of the city which are or may be applicable thereto.
 - 3. Contemporary design of signs on existing or new structures shall not be discouraged when such signs do not destroy significant historical, architectural, or cultural material and such design is compatible with the size, scale, color, material, and character of the property, where such signs are located.
 - 4. Historical markers or plaques may be placed on any historical building or site, provided the size and location are in compliance with all other requirements of this article.
 - 5. Any illumination or illumination device in or directed onto signs shall be installed and maintained so as not to detract from the historic district or any part thereof.
 - 6. No billboards are permitted in the city's designated historic district.
 - 7. Freestanding signs shall be limited to a maximum height of 8 feet, except where a lower height limit applies.
- C. There shall be no requirement that temporary signs, as defined in this article, must be submitted to the historic preservation commission for approval or disapproval.
- D. Ghost sign is an old hand-painted advertising sign that has been preserved on a building for an extended period of time. The sign may be kept for its nostalgic appeal. Ghost signs will not contribute to the square footage of signs allowed by the current sign ordinance.

Sec. 10-26. Subdivision entrance signs.

Subdivision entrance signs shall be subject to the following regulations:

- A. Such entrance signs shall not count toward the maximum allowable signage on a residential parcel.
- B. Such signs shall be located within 50 feet of an entranceway.
- C. Such signs shall be separated from signs at other entranceways by at least 200 feet and from other on-site signs by at least 100 feet, such distance to be measured along the property line. When such signs are located adjacent to more than one right-of-way, such separation shall be measured along the property line and continuing around the corner.

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- D. Such signs shall indicate only the platted subdivision or platted residential development served by the entrance. Where a multi-family development is located on more than one street, one sign may be displayed on each street.

Sec. 10-27. Murals.

- A. Murals shall only be allowed in the G Government/Institutional and DT Downtown zoning districts.
- B. Only one mural shall be allowed per building side.
- C. There shall be no maximum mural size.
- D. Under no circumstances may any mural be permitted within 200 feet of an intersection if the planning director or chief of police deems it to be a potential distraction for vehicles.
- E. The mural shall remain in place, without alteration, for a minimum period of two years. "Alterations" include any change to a permitted mural, including, but not limited to, any change to the image(s), materials, colors, or size of the permitted mural. Alterations shall trigger the need to apply for a new permit. "Alteration" does not include naturally occurring changes to the mural caused by exposure to the elements or the passage of time. Minor changes to the permitted mural that result from the maintenance or repair of the mural shall not constitute "alteration." Such minor changes may include slight and unintended deviations from the original image, colors, or materials that occur when the permitted mural is repaired due to the passage of time or as a result of vandalism. Murals may be removed within the first two years of the date of permit if the property on which the mural is located is sold; or the mural is altered in a way that precludes continuance of the mural.
- F. Any dispute as to whether the proposed mural is art suitable for public display or is a commercial advertisement shall be referred by the City Council to the University of Georgia, Lamar Dodd School of Art or other art school designated by the City Council. Any fees incurred by the review shall be the responsibility of the property owner seeking approval. If a determination cannot be reached in 90 days after receipt of the permit application, it shall be determined that the mural is art suitable for public display.

Sec. 10-28. Recreational signs and scoreboards.

Scoreboards accessory to arenas, stadiums, and recreational/sports fields. Signs within the premises of an arena, stadium, or recreational or sports field or erected on walls, fences, dugouts, press boxes, stadium stands, concession stands, ticket booths, benches and locker rooms of such facilities are allowed without a permit under the provisions of this section, pursuant to the following conditions:

- A. A freestanding on-premises sign shall face the arena, stadium, or sports field.
- B. Sign content may be placed on the front and rear of a freestanding on-premises sign.
- C. There shall be no limit on the number of signs per site provided that such sign faces the arena, stadium, or sports field.

Sec. 10-29. Temporary signs.

Banners, streamers, pennants, balloons, and similar temporary signs shall be permitted on private property with the property owner's permission and when the occupant has a valid occupational tax certificate. They shall be limited to three temporary advertising periods of 15 days per calendar year. Businesses shall have a minimum of 15 days between temporary advertising periods. Government properties are exempt from the limitations of the advertising periods.

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- A. During the opening of a new business with a valid occupational tax certificate, a business shall be permitted to display temporary signs for 15 days. A change in owner or management does not signify a new business.
 - B. Temporary signs shall be permitted only in B-1, B-2, DT, G, and I districts.
 - C. A banner shall not exceed 48 square feet.
 - D. A maximum of two temporary signs may be displayed at the same time per lot.
 - E. No banner shall be mounted so as to extend above the horizontal plane of the roof where the building wall and roof meet.
 - F. All such temporary signs must be maintained in good condition.
 - G. Balloons larger than 10 feet in diameter are not permitted.
 - H. Inflatables shall not be higher than 25 feet above grade; and shall not be erected or maintained on a building parapet or roof. These devices shall be located on either an attached, tethered or freestanding structure.
 - I. The device and its structure shall not block or inhibit the visibility of vehicular traffic or in any way pose a danger to pedestrians or vehicular traffic or property.

Sec. 10-30. Temporary window signs.

The planning director or their designee may permit the display of a temporary window sign or signs, in excess of the allowed area, for up to 45 consecutive days within a 365 day period.

Sec. 10-31. A-frame signs.

- A. Each sign must be located within one foot of the pedestrian entrance to which the sign relates. A-frame signs shall not be placed in a manner to block entrance into a neighboring business/property.
- B. Such signs may be utilized only during the hours of operation of the store or entity using it and shall be removed during the hours it is closed.
- C. A-frame signs shall not block the sidewalk so that a pedestrian cannot pass and shall allow for a standard wheelchair to move freely around the sign.
- D. A-frames signs are not permitted in the road, in public parking areas, or within 3 feet of a crossing or pedestrian ramp.
- E. A-frame signs shall be weighted or otherwise secured to reduce susceptibility to winds. Signs shall be removed when adverse weather is in the area or winds are advised to be above 20 miles per hour.
- F. In addition to other applicable provisions concerning permit revocation, the permit for an A-frame sign may be permanently or temporarily revoked without notice, if the planning director or his designee finds that the sign is a public nuisance or if the sign blocks pedestrian or wheelchair traffic, city operations or if the sign is not properly maintained.
- G. The owner of the A-frame sign shall assume all liability incurred by the placement of the sign on public property and shall carry applicable personal liability insurance to cover all claims. The city shall be held harmless for the placement of the sign.

ARTICLE XI. ADMINISTRATION

Sec. 11-1. Administration, interpretation, and application.

- A. The provisions of this ordinance shall be administered by the Zoning Administrator. The Zoning Administrator shall be responsible for interpretation of the provisions of the Zoning Ordinance, the Official Zoning Map, Subdivision Ordinance, and all other ordinances that are applicable to the development and growth of the city.
- B. The provisions of this ordinance shall govern all land, buildings, and structures within the present and future incorporated limits of the City of Winder, Georgia ("city").
- C. This Zoning Ordinance shall coordinate its policies and regulations, as well as future codes, standards, and guidelines with the Comprehensive Plan.
- D. In their interpretation and application, the provisions of this Zoning Ordinance shall be held to be minimum requirements.
- E. This Zoning Ordinance does not nullify any private agreement or covenant. However, when this Zoning Ordinance is more restrictive than a private agreement or covenant, this Zoning Ordinance controls. The City will not enforce any private agreement or covenant.
- F. If any condition or requirement imposed by this Zoning Ordinance is more restrictive than a condition or requirement imposed by any other law, rule, or regulation of any kind, the more restrictive condition or requirement governs.
- G. If any condition or requirement imposed by this Zoning Ordinance contains an actual, implied, or apparent conflict, the more restrictive condition or requirement controls, except when specifically stated otherwise.
- H. Whenever a provision of this Zoning Ordinance refers to any other part of the Winder Code of Ordinances or to any other law, the reference applies to any subsequent amendment of that law.
- I. Illustrations and graphics are included in this Zoning Ordinance to illustrate the intent and requirements of the text. In the case of a conflict between the text of these regulations and any Illustrations or graphics, the text governs.
- J. All other Zoning Ordinances are hereby repealed, provided that nothing herein shall be construed as repealing or modifying the zoning conditions of operation or conditions of site development accompanying those zoning approvals, variances, conditional use permits, or condition/compliance requirements issued under previous Zoning Ordinances; however, modification or repeal of these past conditions of approval may be accomplished through use of the procedures set forth in this Zoning Ordinance.

Sec. 11-2. Rezoning requests, text amendments, and conditional use permits.

- A. An application for a rezoning of property shall be considered a simultaneous request for an amendment to the official City zoning map.
- B. A request for rezoning, change of zoning conditions, or amendment to the text of the Zoning Ordinance may be proposed to the City Council by any public agency or department of the City of Winder, Georgia.
- C. Applications for rezoning, change of zoning conditions, or conditional use permit may also be submitted by an individual with 51 or more percent ownership in fee simple of the subject property, or their legal agent authorized in writing over the owner's signature.
- D. All requests by private groups, individuals, businesses and other nonpublic organizations for conditional use permits, rezoning, or change of zoning conditions shall be accompanied by a filing fee which is established from time to time by City Council and maintained in the office of the Planning Department.

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- E. For applicants requesting a rezoning to MU or DT zoning districts, a pre-submittal conference is required with appropriate City staff. In some instances, more than one pre-submittal conference may be required. City staff may take up to three weeks to review information presented at the pre-submittal conference(s).
- F. If an amendment to the zoning ordinance to accomplish a rezoning is denied by the City Council, the same property may not again be considered for rezoning until the expiration of at least six months immediately following the date of denial of the rezoning by City Council.
- G. The Zoning Administrator shall transmit all applications for conditional use permits, rezonings, change of zoning conditions, or text amendments to City Council to approve, approve with conditions, or deny the application, with reasons set forth based on the standards provided Section 11-5.
- H. Conditional zoning. In deciding upon any application for rezoning or conditional use permit, the City Council may, on their own motion or upon the suggestion of the applicant, or on consideration of the recommendations of the Zoning Administrator, grant the application subject to any of the following conditions.
1. Such conditions deemed necessary to promote and protect the health, safety, and general welfare.
 2. Such conditions deemed necessary to protect neighboring properties and to lessen any potentially adverse effects of the zoning change.
 3. Such conditions set forth on an approved site plan such as, but not limited to, the following:
 - i. Setback requirements from any lot line
 - ii. Specified or prohibited locations for buildings, parking, loading or storage areas
 - iii. Restrictions on land use activities to be permitted
 - iv. Maximum building dimensions and height
 - v. Landscaping or planted area which may include the location, type and maintenance of plant materials within a designated buffer area. Fences, walls, earth berms, or other landscape buffer provisions or protective measures
 - vi. Preservation of existing trees and vegetation
 - vii. Special conditions to eliminate or reduce undesirable views, light, glare, dust or odor
 - viii. Hours of operation
 - ix. Architectural details to be compatible with existing buildings in the area
 - x. Adherence to specific site plans as adopted
 - xi. Any other requirements that the City Council may deem appropriate and necessary for the protection of public health and welfare
- I. Prior to a final vote being taken on any application for which conditions shall be imposed, such conditions shall be announced at the public hearing and made a part of the motion to approve. If the applicant finds such conditions to be unacceptable, they may, before the final vote by City Council, withdraw the application. Such withdrawal shall not prevent the applicant from refiling a request for the same property until at least six months have elapsed from the date of withdrawal.
- J. The applicant or any successor in title may construct only those uses established as conditions and only in such a manner substantially consistent with any site plan submitted and approved with the application. Any zoning map amendment which is adopted with conditions shall be indicated on the Official Zoning Map. The property shall be indicated on the Official Zoning Map with the suffix "C" to indicate that the property has

been rezoned with conditions. Such conditions shall remain imposed upon the property until removed or modified by the City Council.

(Ord. (W-1-22) of 2-8-22, § I)

Sec. 11-3. Application requirements.

Applications for conditional use permits, rezonings, except those initiated by City Council, must contain the following:

- A. A completed signed application, application fee, and written letter of authorization (if required).
- B. A summary of the project, the purpose of the application, and any unique aspects of the proposed project.
- C. A copy of any proposed restrictive covenants to be placed upon the property which is subject to the application.
- D. A legal description of the area which is subject to the application.
- E. A site plan representing information on the location, extent and type of proposed development, which shall include, depending upon the type of development, the following minimum types of information:
 - 1. North arrow and scale.
 - 2. Present zoning and names of owners of all adjacent parcels.
 - 3. Uses proposed.
 - 4. The location of the parcel relative to existing or proposed public streets.
 - 5. Topographic information sufficient to show elevation and drainage conditions of the land.
 - 6. Existing conditions or improvements on the property, including any which are proposed to be removed or demolished.
 - 7. The location and extent of required buffer areas, including the extent of natural vegetation or fences as required.
 - 8. Existing property lines and proposed lot dimensions and layout (if applicable).
 - 9. All required yards and buffers.
 - 10. All easements and streets or other rights-of-way.
 - 11. Development phases (if applicable).
 - 12. All parking, buildings, and other structures.
 - 13. All rivers, streams, creeks, and other water features.
 - 14. Environmentally sensitive areas, historical structures or sites, archeological sites, and cemeteries. Location of water and sewer facilities.
 - 15. Flood zones and wetlands.
 - 16. Standards for the physical development of the property, which may include illustrations of proposed architectural, landscape, open space, signage and other hardscape concepts.
 - 17. The Zoning Administrator may require additional information to properly evaluate the application.

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- F. A table showing the following:
 - 1. Acreage to be developed by use, including required open space where applicable.
 - 2. Total heated square footage of each building.
 - 3. Total square footage of each proposed use.
 - 4. Lot coverage for each parcel.
 - G. When the proposed development exceeds 50 residential units or 10,000 total non-residential square feet, the Zoning Administrator may require a traffic analysis to be prepared by a certified traffic engineer.
 - H. The applicant shall submit all disclosures of campaign contributions to local government officials as required by O.C.G.A. § 36-67A-3, as amended.

Sec. 11-4. Public hearing and notice.

- A. Before adopting any change to the zoning map, zoning conditions, or zoning ordinance, the City Council shall hold a public hearing.
- B. Upon receiving a rezoning application, the City shall erect in a conspicuous place on the property in question a rezoning notification sign of not less than 4 square feet, with not less than one and one-half inch letters upon a white background.
- C. At least fifteen days prior to the date of the City Council meeting, the Planning Department shall cause to be published within a newspaper of general circulation within the city a notice of the hearing. The notice shall state the time, place, and purpose of the hearing.
- D. All zoning decisions of the City Council shall be final. Appeals of the decision of the City Council may be appealed to the Barrow County Superior Court within 30 days of the final decision by Writ of Certiorari.

(Ord. (W-1-22) of 2-8-22, § II)

Sec. 11-5. Standards.

The following standards shall be considered by the City Council in reviewing applications for proposed rezonings, change of zoning conditions, or text amendments:

- A. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
- B. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.
- C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.
- D. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;
- E. Conformity with the Comprehensive Plan.
- F. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

(Ord. (W-1-22) of 2-8-22, § III)

Sec. 11-6. Zoning reversion.

If, 24 months after a rezoning has been approved by City Council, either a preliminary plat has not been approved or a building permit has not been issued for the rezoned property, the Zoning Administrator may review the situation and report their findings with recommendations to the City Council. The City Council, after notifying the property owner in writing, can at a public hearing, change the zoning category to its prior or other appropriate zoning district. Decisions of the City Council shall be final. Appeals of the decision of the City Council may be appealed to the Barrow County Clerk of Superior Court within 30 days of the final decision, by writ of certiorari.

Sec. 11-7. Variances.

- A. The City Council is authorized upon application in specific cases to consider such variance 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 so that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done. Such variance may be granted in such individual case of practical difficulty or unnecessary hardship upon a finding by the City Council 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 ordinance to this particular piece of property would create an unnecessary hardship; and
 3. Relief, if granted, would not cause a substantial detriment to the public good or impair the purpose of this ordinance. Provided, however, that no variance shall be granted for the use of land or building or structure that is prohibited by this ordinance.
 4. The special circumstances or justifications for the variance are not the result of self-imposed actions or misfortunes of the applicant.
 5. The variance requested is the minimum variance that will make possible the legal use of the land, building or structure.
- B. Should the City Council deny a variance request on a parcel(s) of land, then the same request may not be considered until the expiration of at least 12 months from the date of denial.
- C. Decisions of the City Council shall be final. Appeals of the decision of the City Council may be appealed to the Barrow County Clerk of Superior Court within 30 days of the final decision, by writ of certiorari.
- D. The Zoning Administrator may grant administrative variances only for the following requirements. All administrative variances shall be based on the criteria established in Sec. 11-7A.
1. Setback reduction (maximum of 10% reduction allowed by administrative variance).
 2. Building height increase (maximum of 5 feet increase allowed by administrative variance).
 3. Minimum house size (maximum of 10% reduction allowed by administrative variance).
 4. Minimum garage size (maximum of 10% reduction allowed by administrative variance).
 5. Interparcel access (see Sec. 3-9).
 6. Parking lot landscaping requirements (see Sec. 3-12).
 7. Mixed-Use District requirements (see Sec. 8-1 D).

Sec. 11-8. Reserved.

Editor's note(s)—Ord. (W-1-22) adopted February 8, 2022, § IV, repealed § 11-8, which pertained to planning board and derived from Prior Code.

Sec. 11-9. Appeals of administrative decisions.

- A. When it is alleged that an error has been made in interpretation of the provisions of this ordinance by the administrative staff, or when a decision relating to provisions of this ordinance aggrieves any person, an appeal to the City Council may be made within 30 days of receipt of notification of the decision.
- B. Such appeal shall be filed with the Zoning Administrator and the purpose of the appeal shall be specified in writing.
- C. The City Council shall hold a public hearing for the appeal within 60 days of the filing of the appeal. The hearing shall be advertised in a newspaper of general circulation within the city at least 15 and not more than 45 days prior to the date of the scheduled meeting. Due notice shall also be provided to the parties in interest. The City Council shall decide the appeal within 30 days after the hearing. Any party may appear in person or by agent or by attorney and offer testimony or present opinions by expert witnesses qualified in the subject to which they are testifying. Decisions of the City Council shall be final. Appeals of the decision of the City Council may be appealed to the Barrow County Clerk of Superior Court within 30 days of the final decision by writ of a certiorari.