



CITY OF COLLEGE PARK

Zoning Ordinance

Adopted June 4, 2018

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Article 1 – Basic Provisions

Article One: Basic Provisions

1.1 Title and Authority

- A. This document shall be formally known as the City of College Park Zoning Ordinance and it may also be cited and referred to as the Zoning Ordinance, Ordinance, or Code.
- B. This Ordinance shall be for the purpose of promoting the public health, safety and general welfare of the city and all of its citizens.
- C. This Ordinance shall be under the authority of Official Code of Georgia Annotated, Title 36, Chapter 66, Zoning Procedures, and Title 36, Chapter 67, Zoning Proposal Review Procedures, and all acts amendatory thereto.

1.2 Jurisdiction

This Ordinance shall apply to all land within the jurisdiction of the City of College Park, being all portions of the City not in the ownership of the municipal, state, or federal government and to any area for which the City of College Park Mayor and City Council has jurisdiction consistent with the provisions of Georgia law.

1.3 Purpose

This Ordinance is intended to guide the growth and development of City of College Park in accordance with the City of College Park Comprehensive Plan and for the following purposes:

- A. To secure adequate light, air, and convenience of access; and safety from fire, flood, and other dangers.
- B. To promote the public health, safety, comfort, convenience, morals and general welfare.
- C. To plan for the future development of the City to the end:
 - a. that the community grows only with adequate public ways, utilities, health, education, and recreation facilities,
 - b. that the needs of agriculture, industry, and business be recognized in future growth,
 - c. that residential areas provide healthful surroundings for family life,
 - d. that the growth of the community is commensurate with and promotes the efficient and economical use of public funds, and
 - e. that the community strives for high aesthetic value and quality planning and design.

1.4 Definitions

- A. The definitions contained in this Article shall be observed and applied in the interpretation of all other actions in this ordinance;
 - 1. Words used in the present tense shall include the future;
 - 2. Words used in the singular number shall include the plural and the plural the singular;
 - 3. Words used in the masculine gender shall include the feminine;
 - 4. The word “shall” is mandatory, not discretionary;
 - 5. The word “may” is permissive;
 - 6. The word “lot” shall include the words “tract” and “parcel;”
 - 7. The word “building” includes all other structures of every kind regardless of similarity to

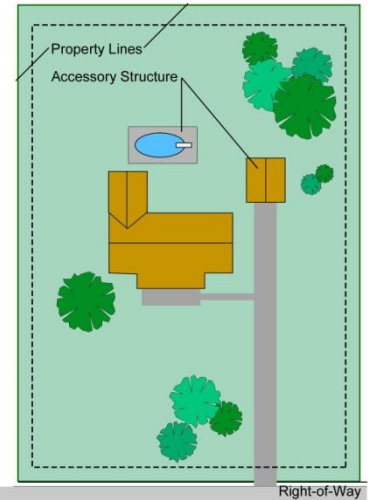
- buildings;
8. The phrase “used for” shall include the phrase “arranged for,” designed for,” intended for,” “maintained for,” and “occupied for;”
 9. The word “person” includes a corporation, firm, partnership or similar, as well as an individual;
 10. All measured distances shall be to the nearest whole foot;
 11. Parenthetical words or statements are integral parts of the definitions in which they are located;
 12. Any words not defined in Article 1.4 shall be construed in their generally accepted meanings as defined by standard dictionaries.
- C. The words generally used in this Ordinance are defined in Article 1.4, Definitions, and shall be viewed in that context.
- D. For the purpose of these regulations, certain words or terms used shall be defined as follows:

Abandonment: The relinquishment of property or a cessation of the use of the property for a continuous period of one (1) year by the owner with neither transferring rights to the property to another owner nor of resuming the use of the property.

Accessory Dwelling: A dwelling unit, which is used for residential occupancy, created within an existing single-family home or on the same lot. It is an independent unit, but it may share an entrance, yard and parking with the principal unit.

Accessory Equipment: Any equipment serving or being used in conjunction with a Telecommunications Facility or Support Structure. This equipment includes, but is not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or other structures.

Accessory Structure: A structure which is subordinate to a primary structure in area, intent, and/or purpose; contributes to the comfort, convenience, or necessity of occupants of the primary building, structure, or principal use, and does not alter or change the character of the premises; is located on the same lot as the primary building, structure, or use.



Adult Day Care Facility: Adult day care facilities shall include any building or portion thereof used to house six (6) or more adults requiring care, maintenance, and supervision for part of the day.

Administrative Approval: Zoning approval that the City Planner is authorized to grant after an internal review of submitted document, site plan, or application.

Administrator: The individual or group responsible for the implementation and enforcement of the Ordinance. The City Planner, or his/ her designee,

shall be the administrator for the Zoning Ordinance.

- Agriculture:** The use of land for the purpose of farming, dairying, pasturage or livestock yard, apiculture, horticulture, floriculture, viticulture, forestry and animal and poultry husbandry, and the necessary accessory uses. The operation of any accessory uses shall be secondary to that of the normal agricultural activities.
- Airport parking and shuttle services:** Parking facilities designed primarily to serve Hartsfield-Jackson Atlanta International Airport. Such facilities allow parking for a fee on an hourly, daily, weekly or other periodic basis and may provide shuttle services between the parking facility and the airport terminal or other airport use. Commercial parking lots which primarily serve the airport and its related activities but which do not provide shuttle services are nonetheless included in this definition.
- Airport related employee parking:** Parking, whether privately owned or governmentally owned, reserved for employees of Hartsfield-Jackson Atlanta International Airport or employees working for any person, firm or corporation which provides airport related services associated with the airport.
- Alley:** A street which affords only secondary means of access to abutting property, and not intended for general traffic.
- Alteration:** A change in size, shape, character, occupancy or use of a building or structure.
- Alteration, Structural:** Any change in the supporting elements of a building such as bearing walls, columns, beams or girders.
- Airport:** An area of land which is designed, used or intended to be used for landing and takeoff of aircraft and any appurtenant areas, including buildings and other facilities such as refueling, parking, maintenance and repair facilities. The term "airport" applies to all such facilities, whether the facility is public or private.
- Amend or Amendment:** Any repeal, modification, or addition to a regulation; or any new regulation.
- Animal Hospital:** A building or portion thereof designed or used for the care, observation or treatment of domestic animals.
- Apartment:** One (1) or more rooms in an apartment building, with private bath and kitchen facilities or combination living space and commercial building, arranged, intended, designed, or occupied on a rental basis as a dwelling unit for a single family, an individual, or a group of individuals.
- Apartment Building:** A multi-family housing structure designed and constructed to accommodate three (3) or more dwelling units with independent cooking

and bathroom facilities.

- Appeal:** The process by which an aggrieved party may petition for review of a decision made by an official or department of city government.
- Applicant:** The owner, owners, or legal representative of real estate who makes application to City of College Park for action affecting the real estate owned thereby.
- Application:** The application for and all accompanying documents and exhibits required of a petitioner by an approving authority for a development review process.
- Arcade:** A row of arches, free-standing and supported on piers or columns.
- Arterial Street/Road:** See Street/Road, Major Arterial
- As Built Plan:** A plan and supporting documentation which describes a particular site after construction has been completed. This plan should indicate all structures, hard surface features, utilities, landscaping areas, tree preservation zones and tree replacement areas.
- Assisted Living Facility:** A state licensed use in which domiciliary care is provided to adults who are provided with food, shelter and personal services within independent living units which include kitchen facilities in which residents have the option of preparing and serving some or all of their own meals. This use shall not include hospitals, convalescent centers, nursing homes, hospices, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.
- Attached Building:** A building that is structurally connected to another building by a foundation, wall, or roof line. Carports, garages, porch awnings and the like shall be considered attached buildings.
- Attached Wireless Communication Facility:** An antenna array that is attached to an existing structure. These structures include, but are not limited to, utility poles, signs, water towers, rooftops, equipment facilities, and towers with any accompanying pole or device which attaches the antenna array to the existing building or structure and associated connection cables.
- Automobile Repair, Major:** A business where engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers; collision service, including body, frame, or fender straightening or repair; and overall painting of vehicles is performed.
- Automobile Repair, Minor:** A business that conducts repairs other than major repair including engine tune-up, muffler shops, shock absorber replacement shops, undercoating shops and tire stores.
- Automobile:** A self-propelled, free-moving vehicle with four wheels, usually used to

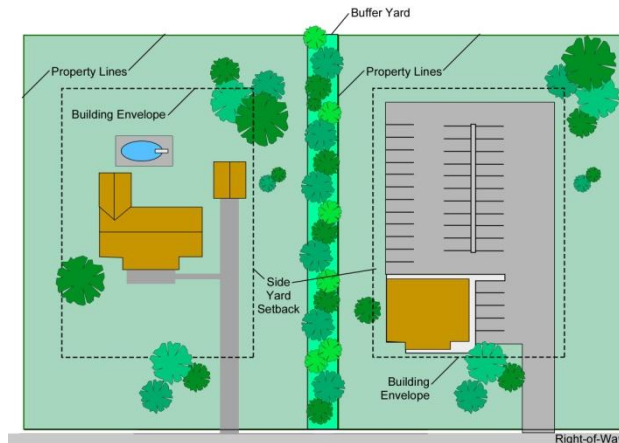
transport not more than six passengers and licensed by the appropriate state agency as a passenger vehicle.

- Automobile Wash:** Any building or premises or portions thereof used for washing automobiles. The facility for washing automobiles may be self- service, semi-automatic, or automatic application of cleaner, brushes, rinse water, and heat for drying.
- Automobile Sales:** The use of any building, land area, or other premise for the display and sale of new or used automobiles, generally, but may include light trucks or vans, trailers, or recreational vehicles and including any vehicle preparation or repair work conducted as an accessory use.
- Automobile Service Station:** Any building, land area, or other premise, or portion thereof, used for the retail dispensing or sales of vehicular fuels; servicing and repair of automobiles, and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar vehicle accessories.
- Awning:** A sheet of canvas, metal or other material stretched on a frame and used to keep the sun or rain off a storefront, window, doorway, or deck.
- Awning Sign:** A sign applied to an awning that does not change the shape or function of the awning structure itself.
- Bank:** An officially state or federally chartered institution, empowered to receive deposits, make loans, and provide checking and savings account services.
- Banquet Hall:** A principal use consisting of a large room or hall that is available for rent for use for specific banquets, exhibitions, and/or meetings that may include the provision of food, drink, and/or entertainment.
- Bar/Pub** Establishment where the primary purpose is the serving of drinks, especially alcoholic drinks, to the general public.
- Basal Area:** The cross-sectional area expressed in square inches, of a tree trunk at diameter breast height expressed herein in terms of "units" per acre.
- Basement:** A story partly underground but having more than one-half of its height below finished grade.
- Bay (building):** An opening or recess in a wall.
- Bay window:** A large window or series of windows that projects out from the exterior wall of a building and forms an alcove within.
- Bed and Breakfast Facility:** An individual owner occupied residence containing no more than eight (8) guest rooms for hire, for lodging by prearrangement for periods not to exceed three (3) consecutive weeks and providing for occasional meals daily (usually breakfast) and not a hotel, boarding, lodging house, or

motel.

- Berm:** A man-made, formed, earth mound of definite height and width used for landscaping and obscuring purposes.
- Best Management Practices (BMPs):** A collection of structural measures and vegetative practices which, when properly designed, installed and maintained, will provide effective erosion and sedimentation control. The term "properly designed" means designed in accordance with the hydraulic design specifications contained in the *"Manual for Erosion and Sediment Control in Georgia"* specified in O.C.G.A. § 12-7-6(b).
- Block:** Property abutting on one side of a street and lying between the two (2) nearest intersecting or intercepting streets, intersecting railroad, intersecting waterway, or the end of a dead end street.
- Board of Zoning Appeals:** The City of College Park Board of Zoning Appeals as established in this Ordinance.
- Boarding House:** A dwelling other than a hotel where, for compensation and by prearrangement for a definite period, where meals and/ or lodging are provided for four (4) or more persons.
- Booking Agent:** Any person or entity that facilitates reservations or collects payment for limited lodging accommodations on behalf of or for an owner or primary resident. Merely publishing an advertisement for accommodation in a dwelling unit for limited lodging does not make the publisher a booking agent.
- Buffer:** An area adjacent to front, side or rear property lines, measured perpendicularly from adjacent property lines and/or right-of-way lines, intended to provide attractive spaces to reduce the impacts of proposed uses on adjacent property or natural features and to screen incompatible uses from each other. Buffers also help to maintain existing trees or natural vegetation, to block or reduce noise, glare or other emissions and to maintain privacy. Buffers may be undisturbed vegetated areas or planted buffers. Buffers are in addition to, but separate from, the front, rear, or side yard setbacks.
- Building line:** The building line is the same as the front yard setback line or build to line.
- Building:** A structure having a roof, supported by columns or walls, and intended for the shelter, housings, or enclosure of an individual, animal; process, equipment, goods, or materials of any kind.
- Building Area:** The horizontal area of the buildings on a lot, measured from the outside exterior walls, excluding open areas or terraces, unenclosed porches or decks, and architectural features that project less than two feet.

- Building, Detached:** A building surrounded by open space on the same lot.
- Building Code:** The International Building Code pursuant to O.C.G.A. §8-2-20.
- Building Envelope:** The three-dimensional space within which a structure is permitted to be built on a lot and that is defined by the maximum height regulations, minimum yard setbacks, and buffers when applicable.



- Building Height:** See Structure Height
- Building Inspector:** The person or persons charged with the responsibility of issuing building permits, inspecting buildings, and issuing certificates of occupancy. This person is certified by the State or the International Code Council (ICC) in one or more disciplines; a residential or commercial building inspector, a plumbing, electrical or mechanical inspector or other specialty to inspect structures at different stages of completion.
- Building Permit:** A permit allowing a person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure or before starting any construction, excavation, or work within a subdivision within its jurisdiction, or the pursuit of changes to the condition of land.
- Building, Principal:** A building or structure in which is conducted the predominant use of the lot, on which it is located.
- Building, Residential:** A building which is arranged, designed, used, or intended to be used for residential occupancy by one or more families which includes, but is not limited to the following types:
- A. single-family detached dwellings;
 - B. two-family dwellings;
 - C. single-family or two-family attached and semi-detached dwellings developed initially under single ownership or unified control;

D. multiple-family dwellings.

Bulkhead	The unit that occupies the lowest level of a storefront and can be described as the base which supports the display window; also referred to as a kick plate.
Business:	The engaging in the purchase, sale, barter, or exchange of goods, wares, merchandise, or services; an occupation, employment, or enterprise which occupies time, attention, labor, and materials; or the maintenance or operation of offices, recreational, or amusement enterprises.
Caliper:	The diameter of thickness of the trunk of a young tree or sapling as measured at six inches above the top of the root mass. This measurement is used for nursery-grown trees having a diameter of less than six inches.
Canopy:	A permanent roof-like structure projecting from a building and open on at least one side for the purpose of shielding a pedestrian walkway from the elements, or a freestanding roof-like structure supported by columns intended to shield a vehicular driveway or service area from the elements.
Casement window:	A window in one (1) or two (2) vertical parts, mounted on hinges and opening in the center or from one (1) side.
Cash Advance Outlet:	A short-term loan from a bank or alternative lender that generally feature high interest rates or fees, but they are attractive to many borrowers as they also feature fast approval and quick funding.
Car rental agencies:	Businesses which have as their primary purpose, or as a significant purpose, the furnishing of motor vehicles for hire on a periodic basis and which store vehicles pending-their rental so that such vehicles may be available for rental or lease.
Carport:	A roofed automobile shelter with two or more open sides formed by extension of the roof from the side of a building to which it is attached.
Cemetery:	Property used for the interring of the dead. Includes any crematory, mausoleum, or mortuary operated in conjunction with and on the same tract as the cemetery.
Certificate of Occupancy:	A certificate stating that the occupancy and use of a structure complies with the provisions of the City of College Park Building Code and all other applicable regulations of City of College Park.
Church:	See Place of Worship.
Check Cashing Outlet:	A person or entity that, for compensation, engages in whole or in part in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. It does not include a state

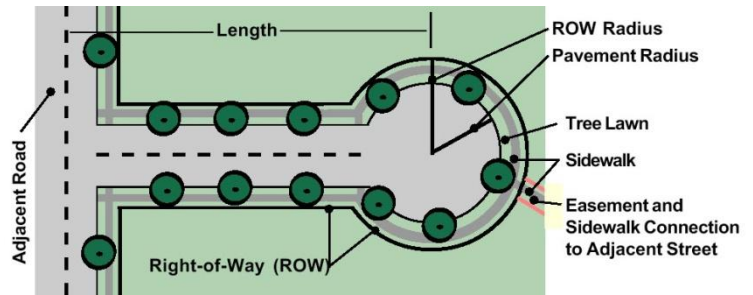
or federally chartered bank, savings association, credit union, or industrial loan company.

- City Planner:** The person appointed by the Mayor and City Council of the City of College Park, and his or her designee, and having the duties and responsibilities set forth within the Ordinance.
- City Street:** For the purpose of this ordinance only, a city street is a street which is owned and/or maintained by City of College Park. Nothing herein shall be construed to designate any street as a city street for other than zoning purposes.
- Clearing:** The removal of vegetation from a property by any means.
- Cluster:** A development design technique that concentrates buildings on part of the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.
- Clinic:** An establishment in which human patients, who are not lodged overnight, receive medical or dental study or treatment and in which the services of at least two physicians or dentists are provided.
- Club or Lodge, Private:** An association of persons, who are bona fide members paying annual dues, which owns, hires, or leases a building or portion thereof; the use of such premises being restricted to members and their guests. (The affairs and management of such "private club or lodge" are conducted by a board of directors, executive committee, or similar body chosen by the members. It shall be permissible to serve food on such premises.
- Collection Bin:** A freestanding, unattended container, drop-off box, receptacle, trailer or similar device that is located outdoors and is held out to the public as a place for the public to donate household materials, clothes, shoes, books and other salvageable items of personal property to store such items until taken away for donation or resale by the person that owns, operates, or maintains the container. The term does not include:
- a. Any unattended collection or donation box located within a building;
 - b. A drop-off box maintained by a public library for the return of books or audio visual items; or
 - c. Any "public bookcase," which is a cabinet containing one or more shelves, frequently is enclosed by a cabinet door or lid, and may resemble a birdhouse that is used for the free and anonymous storage and exchange of books by the general public without the formality associated with a public library. For purposes of this section, the term "public bookcase" includes a "little free library."
- Collector Road:** See Road, Collector.
- Colonnade:** A sequence of columns.
- Commercial District:** Refers to the DO, DC, OP, C1, C2, HC, and BP zoning districts.
- Commercial Vehicle:** Any motor vehicle licensed by the State as a commercial vehicle.

- Common Area:** Those portions of a site and/or building(s) collectively owned or controlled.
- Cornice:** A continuous horizontal molding that sits atop a wall or building.
- Community Garden:** An area of land managed and maintained by a group of individuals to grow and harvest food crops and/or non-food, ornamental crops, such as flowers, for personal or group use, consumption or donation. Community gardens may be divided into separate plots for cultivation by one (1) or more individuals or may be farmed collectively by members of the group and may include common areas maintained and used by group members.
- Comprehensive Plan:** Refers to the City of College Park Comprehensive Plan. The plan includes goals, objectives and strategies for land use, transportation, community facilities and services, environment concerns, infrastructure, aesthetics and identity, economic development, and parks and recreation. The plan was developed and adopted by the City pursuant to the Georgia Planning Act of 1989 and includes any part and/or policies separately adopted and any amendment to such plan and/or policies, or parts thereof.
- Conditional Use:** A use that is designated by the Zoning Ordinance as being permitted in the district concerned if it meets special conditions, if found to be appropriate and upon application, is specifically authorized by the Mayor and City Council.
- Condition of Approval:** Stipulations or provisions that are provided above and beyond the minimum requirements that are set forth as a prerequisite for the approval of an application.
- Condominium:** Real estate lawfully subject to the Georgia Condominium Act, O.C.G.A. 44-30-70 et. seq. by the recordation of condominium instruments, in which undivided interests in the common areas and facilities are vested in the condominium unit owners.
- Conforming Building or Structure:** Any building or structure that complies with all the regulations of this Ordinance or of any amendment hereto governing the zoning district in which building or structure is located; and is designed or intended for a conforming use.
- Construction Plan(s):** The maps or drawings showing the specific location and design of improvements to be built in accordance with the applicable requirements of City of College Park.
- Consumer fireworks retail sales facility:** A permanent or temporary building or structure, consumer fireworks retail sales stand, tent, canopy, or membrane structure that is used primarily for the retail display and sale of consumer fireworks to the public. The definition of consumer fireworks retail sales facility shall

have the same meaning as set forth in O.C.G.A. § 25-10-1 and NFPA 1124 should that definition differ from the definition in this subsection.

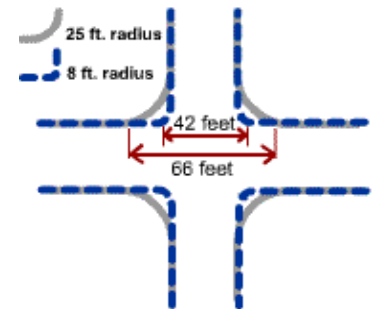
- Consumer fireworks retail sales stand:** A permanent or temporary building or structure that has a floor area of not greater than 800 ft² (74m²), other than tents, canopies, or membrane structures, that is used primarily for the retail display and sale of consumer fireworks to the public. The definition of consumer fireworks retail sales stand shall have the same meaning as set forth in O.C.G.A. § 25-10-1 and NFPA 1124 should that definition differ from the definition in this subsection.
- Convalescent Center** See Nursing Home
- Coop (cage):** A structure, not necessarily attached to the ground, with a top and sides and designed to provide shelter and protection for small animals or birds.
- Courtyard:** An open unoccupied space bounded on two or more sides by the exterior walls of a building or exterior walls and lot lines.
- Covenants:** Private and legal restrictions of various kinds on the usage of lots, typically within a subdivision and applied by the sub-divider and/ or developer, that are recorded with the plat and deed.
- Crematory:** Any place where cremation is performed, other than a hospital, clinic, laboratory, or other facility authorized by the Department of Human Resources for such purposes. This shall include any place where the cremation of animals is performed in accordance with O.C.G.A. § 40-13.5-.04.
- Cremation:** The reduction of dead human or animal bodies to residue by intense heat.
- Critical Establishment Period:** The first two years after a tree is planted.
- Critical Root Zone (CRZ):** The minimum area beneath a tree which must be left undisturbed in order to preserve a sufficient root mass to give a tree a reasonable chance of survival. The critical root zone will typically be represented by a concentric circle centering on the tree's trunk with a radius equal in feet to one and three-tenths (1.3) times the number of inches of the trunk diameter.
- Cross Dock:** Any structure designed for the immediate transfer of material from one vehicle to another. A cross dock structure has no area designed for long term storage of materials.
- Cul-de-Sac:** The turnaround at the end of a dead end street.



Curb Level: The level of the established curb in front of such building measured at the center of such front. Where no curb level been established, the pavement elevation at the street center line similarly measured, or the mean elevation of the finished lot grade immediately adjacent to a building shall be considered the “curb level.”

Curb cut: A curb cut is a ramp leading smoothly down from a sidewalk to an intersecting street.

Curb radius: A term used by highway engineers to describe the sharpness of a corner. A large curb radius allows for turns at higher speeds; lower curb radii necessitate a decrease in speed to turn.



Cutting: The detaching or separating of any limb, branch, or root from a tree; for the purpose of erosion control, the removal of any soil or other solid material from a natural ground surface.

Day Care Center: As defined by Rules and Regulations of the Georgia Department of Human Resources and for the purposes of the Zoning Ordinance, any place operated by a person, society, cooperation, institution, or group wherein are received for pay for group care, for fewer than 24 hours per day without transfer of legal custody, having nineteen (19) or more children under eighteen (18) years of age, and which is required to be licensed by both City of College Park and the Georgia Department of Human Resources. "Day care facilities" shall be further differentiated by the following three (3) classifications:

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

2. Group day care home. Any place operated by any person or group wherein are received for pay not less than seven (7), nor more than eighteen (18), children under eighteen (18) years of age for care and supervision for less than twenty-four (24) hours per day.
3. Day care center. Any place operated by a person, society, agency, corporation, institution or group, wherein are received, for pay, for group care for fewer than twenty-four (24) hours per day, without transfer of legal custody, nineteen (19) or more children under eighteen (18) years of age.

Dead Tree:	A tree that does not contain any live tissue, i.e., green leaves or live limbs.
Decorative Wall:	A masonry wall consisting of brick, stone or similar materials as approved by the City Planner and constructed with a design that includes specific pattern elements or ornamentation.
Deciduous:	A plant with foliage that drops or dies at the end of a growing season.
Dedication:	The setting apart of land or interests in land for use that is accepted by the City by Code, resolution, or the recording of a plat.
Density Factor:	A unit of measure used to prescribe the calculated tree coverage of a site.
Detached Building:	A building that has no structural connection with the principal building.
Detention facility:	A low lying area that is designed to temporarily hold a set amount of water while slowly draining to another location
Developer:	An individual, partnership, corporation (or agent thereof), or other entity that undertakes the responsibility for land development, particularly the designing of a subdivision plat or site development plan showing the layout of the land and the public improvements involved therein. In as much as the subdivision plat is merely a necessary means to the end of assuring a satisfactory development, the term “developer” is intended to include the term “sub-divider,” even though the personnel involved in successive stages of the project may differ.
Development:	Any man-made change to improved or unimproved real estate including but not limited to: <ol style="list-style-type: none"> A. construction, reconstruction, or placement of a structure or any addition to a structure; B. installing a manufactured home on a site, preparing a site for a manufactured home; C. installing utilities, erection of walls and fences, construction of roads, or similar projects;

- D. construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;
- E. mining, dredging, filling, grading, excavation, or drilling operations;
- F. construction and/or reconstruction of bridges or culverts;
- G. storage of materials or vehicles; or
- H. any other activity that might change the direction, height, or velocity of flood or surface waters.

“Development” does not include activities such as the maintenance of existing buildings and facilities such as painting, re-roofing; resurfacing roads, gardening, plowing, and similar agricultural practices.

Diameter Breast Height (DBH): The standard measure of tree size for trees six inches or greater in caliper existing on a site. The tree trunk is measured at a height of four and one-half feet above the ground, and if a tree splits into multiple trunks below that point, the trunk is measured at its most narrow point beneath the split.

Diameter Tree:

The diameter of a tree measured as follows:

- A. for existing preserved trees, at a point four and one-half feet above the ground;
- B. for new replaced trees, at a point six inches above ground; and
- C. for multiple trunk trees, as provided in the measure of diameter at breast height.

Disabled:

Shall have the same definition as "handicapped" set forth in the Fair Housing Act, 42 U.S.C. § 3602(h), and shall mean: A physical or mental impairment which substantially limits one (1) or more of such person's major life activities; or A record of having such impairment; or Being regarded as having such impairment, but such term does not include the current, illegal use or addiction to a controlled substance or the current addiction to alcohol.

Distribution Center:

An establishment engaged in the receipt, storage, and distribution of goods, products, cargo, and materials, including transshipment by boat, rail, air, or motor vehicle.

District:

A section of City of College Park for which uniform zoning regulations governing use, height, area, size, intensity of use of buildings and land, and open spaces about buildings, are established by the Zoning Ordinance.

Domestic Pets:

Animals commonly used as household pets, protection, companions, and for the assistance of disabled persons. Domestic pets shall include, but

not be limited to, dogs, cats, parakeets, parrots, finches, spiders, guinea pigs, hamsters, gerbils, rats, mice, rabbits, and aquarium fish.

- Drainage Easement:** A grant by a property owner to specific persons, the general public, corporations, utilities, or others, for the purpose of transporting storm water.
- Drip Line:** A vertical line extending from the outermost branches of a tree to the ground.
- Ds1:** disturbed area stabilization with mulch only per “The Manual for Erosion & Sediment Control in Georgia”
- Ds2:** disturbed area stabilization with temporary vegetation per “The Manual for Erosion & Sediment Control in Georgia”
- Ds3:** disturbed area stabilization with permanent vegetation per “The Manual for Erosion & Sediment Control in Georgia.”
- Drive, Private:** See Road, Private
- Drive-in Establishment:** An establishment which offers merchandise, service, or entertainment to persons in motor vehicles.
- Drive In Restaurant:** Any place or premises used for sale, dispensing or service of food, refreshment or beverages in automobiles, including those establishments where customers may eat or drink the food or beverage on the premises.
- Driveway:** An access-way connecting one or more dwelling units and/or their parking spaces with a street.
- Dry Well:** An underground structure that collects storm water and dissipates slowly via small openings into the ground where it eventually merges with the groundwater.
- Duplex:** See Dwelling, Two-Family
- Dwelling:** A building or structure or portion thereof, conforming to all requirements applicable to the residential use districts of the Zoning Ordinance and City of College Park Building Code or Georgia Building Code used exclusively for residential occupancy, including single-family dwelling units, two-family dwelling units, and multi-family dwelling units, but excluding hotels, boarding houses, and lodging houses.
- Dwelling Site:** A site within a manufactured home park and/or mobile home park with required improvements and utilities that is leased for the long term placement of manufactured homes and/or mobile homes.
- Dwelling Unit:** Any structure or portion thereof designed for or used for residential purposes as a self-sufficient or individual unit by one (1) family and

having permanently installed sleeping, cooking, and sanitary facilities.

- Dwelling, Mobile Home:** A transportable dwelling unit manufactured prior to June 15, 1976 and not subject to the Federal Manufactured Housing Construction and Safety Standards 42 U.S.C.A. 5401 et seq.
- Dwelling, Multi-Family:** A residential building designed for or occupied by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided.
- Dwelling, Single-Family:** A detached residential dwelling unit designed for and occupied by one (1) family.
- Dwelling, Two-Family:** A residential building containing two (2) dwelling units designed for occupancy by not more than two (2) families.
- Easement:** A grant by a property owner to specific persons, the general public, corporations, utilities, governments, or others, for a specified purpose.
- Efficiency Unit:** A dwelling unit consisting of one principle room exclusive of bathroom, hallway, closets, or kitchen and dining alcove directly off the principal room.
- Erosion:** The process by which land surface is worn away by the action of wind, water, ice, or gravity.
- Establishment:** An economic unit, generally, at a single physical location, where business is conducted or services or industrial operation performed.
- Evergreen:** A plant with foliage that remains green year-round.
- Explosives:** Any chemical compound or other substance or mechanical system intended for the purpose of producing an explosion or containing oxidizing and combustible units or other ingredients in such proportions or quantities that ignition by fire, by friction, by concussion, by percussion, or by detonator may produce an explosion capable of causing injury to persons or damage to property.
- Facade:** The face of a building fronting along a street.
- Family:** A person, or group of persons, immediately related by blood, marriage, or adoption living and cooking together as a single housekeeping unit, exclusive of household servants; also, a group of not more than three (3) persons not necessarily related by blood, marriage, or adoption, living and cooking together as a single housekeeping unit.
- Family Day Care Home:** A use, in which shelter, care, and supervision are provided for fewer than twenty-four (24) hours per day, without transfer of legal custody, having no more than six (6) children under eighteen (18) years of age who are not related to such persons and whose parent or guardians are not

residents in the same private residence. All family day care homes shall meet the requirements of the adopted International Residential Building Code.

- Farm:** An area of at least three (3) acres used for agricultural operations, forestry, the operating of a tree or plant nursery, or the production of livestock and poultry as well as those properties classified by the Internal Revenue Service as a farm.
- Farm Animals:** Animals commonly used for transportation, food, skins, and other by-products. Farm animals include, but are not limited to, horses, cattle, pigs, sheep, goats, mules, donkeys, miniature horses, miniature donkeys, camels, emu, ostrich, llamas, alpacas, rabbits, mink, fox, buffalo, chickens, turkeys, quail, pheasants, and other animals or fowl of similar characteristics.
- Feedlots:** A lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals, including livestock and fowl, and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. Open lots used for the feeding and rearing of poultry (poultry ranges) shall be considered animal feedlots.
- Fence, Chain-Link:** A fence constructed of galvanized steel or similar materials as approved by the Building Inspector for the purpose of enclosing or securing an area. Chain-link fences shall not include wire fences or fences of similar construction.
- Fence, Electric:** Electrically-charged strand or strands of wire, intended to produce an electric shock upon contact, which are installed around the perimeter of an area. While low and high voltage/current electric fences may both be powered primarily by solar power and secondarily by a 12-volt battery, low voltage electric fences do not exceed an output of six (6) milliamps, while high voltage electric fences exceed an output of six (6) milliamps.
- Fence, Decorative Wall:** A masonry wall consisting of brick, stone, or similar materials as approved by the City Planner and constructed with a design that includes specific pattern elements or ornamentation.
- Fence, Industrial:** A chain-link or ornamental fence constructed of materials approved by the Building Inspector for the purpose of enclosing or securing an industrial use.
- Fence, Living:** A continuous hedgerow of living plant material planted and maintained for the purpose of enclosing an area.
- Fence, Obscuring Wall:** A masonry wall consisting of brick, stone, or similar materials as approved by the City Planner and constructed for the purpose of

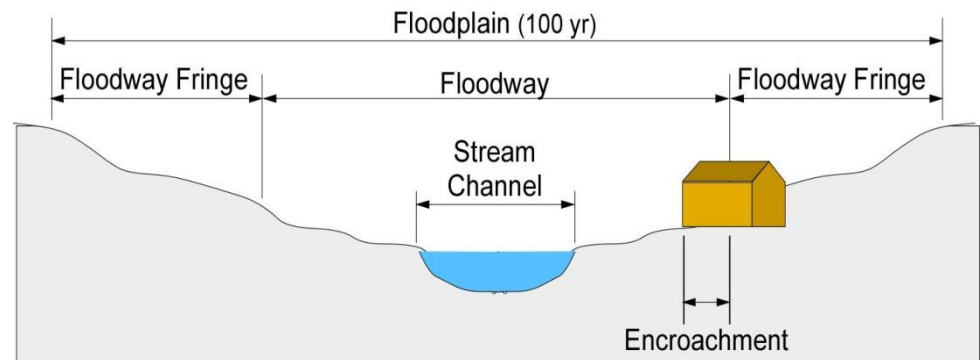
enclosing, obscuring or screening an area from view.

- Fence, Ornamental:** A fence consisting of wrought iron, galvanized steel, aluminum, vinyl, wood or similar materials fabricated into a design with specific pattern elements or ornamentation. Columns, or support structures may consist of brick, stone or stucco that is architecturally consistent with the primary structure. All spaces in the fence shall be open and unobstructed and the fence shall not block vision to an extent greater than 40 percent. Ornamental fences shall not include chain-link or wire fences or fences of similar construction.
- Fence, Privacy:** A fence constructed of wood, vinyl or similar materials that blocks vision to an extent greater than 40 percent for the purpose of obscuring or screening an area from public view.
- Fence, Rail:** A fence constructed of wood, vinyl or similar materials and consisting of one to four horizontal rails connecting to vertical posts spaced a minimum of six feet apart. All spaces in such fences shall be open and unobstructed and such fences shall not block vision to an extent greater than 40 percent.
- Fence, Temporary:** A fence constructed of canvas, plastic, chain-link, wood or similar material as approved by the City Planner for the purpose of enclosing or securing an area for a limited period of time.
- Fenestration:** The arrangement, size, proportion and design of windows and doors on a building facade.
- Festoons:** Strings of ribbons, tinsel, small flags, pennants, streamers, pinwheels, or other devices or long narrow strips of fabric, plastic, or other pliable material designed to move in the wind.
- Final Plat:** The final map, drawing or chart upon which the sub-divider's as-built plan of subdivision is presented, and which, if approved, will be submitted for recording among the land records for City of College Park.
- Finished Floor Area:** See Floor Area, Finished
- Fireworks:** Any combustible or explosive composition or any substance or combination of substances or article prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration, or detonation, including blank cartridges, firecrackers, torpedoes, skyrockets, bombs, sparklers, and other combustibles and explosives of like construction, as well as articles containing any explosive or flammable compound and tablets and other devices containing an explosive substance. The definition of Fireworks shall have the same meaning as set forth in O.C.G.A. § 25-10-1 and NFPA 1124 should that definition differ from the definition in this subsection.

Fireworks, consumer: Any small fireworks devices containing restricted amounts of pyrotechnic composition, designed primarily to produce visible or audible effects by combustion, that comply with the construction, chemical composition, and labeling regulations of the United States Consumer Product Safety Commission as provided for in Parts 1500 and 1507 of Title 16 of the Code of Federal Regulations, the United States Department of Transportation as provided for in Part 172 of Title 49 of the Code of Federal Regulations, and the American Pyrotechnics Association as provided for in the 2001 American Pyrotechnics Association Standard 87-1, and additionally shall mean Roman candles. The definition of Consumer Fireworks shall have the same meaning as set forth in O.C.G.A. § 25-10-1 and NFPA 1124 should that definition differ from the definition in this subsection.

Flood: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

Flood, Regulatory Base: Flood having a one (1) percent chance of being equaled or exceeded in any given year. This is often referred to as a one hundred year flood.



Floodplain: The relatively flat area or low land adjoining the channel of a river or stream which has been or may be covered by flood water. The flood plain includes the channel, floodway, and floodway fringe. Flood plain boundaries are to be determined by using the Floodway-Flood Boundary Maps of the Federal Insurance Administration/Federal Emergency Management Administration.

Floodway: The channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.

Floodway Fringe: Those portions of the floodplain lying outside the floodway.

Flood Hazard Area: The floodplain consisting of the floodway and the floodway fringe area.

Flood Insurance Rate Map: The official map on which the Federal Insurance Administration has

delineated both the areas of special flood hazards and risk premium zones applicable to the community.

Floor Area (For determining floor area ratio): The sum of the gross horizontal areas of the several floors of the building enclosed by an exterior wall, excluding however, attic, and basement floors, open porches, breezeways, and garages.

Floor Area of a Building (For determining off-street parking and loading requirements): The sum of the gross horizontal areas of the several floors of the building, or portion thereof, devoted to a specific use; including accessory storage areas located within selling or working space such as counters, racks or closets; and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

Floor Area, Finished: That portion of floor area constructed, completed, and usable for living purposes with normal living facilities which includes sleeping, dining, cooking, working, entertainment, common space living rooms, areas for personal hygiene, or combination thereof. Floor area or portion thereof used only for storage purposes and not equipped for the facilities mentioned above shall not be considered Finished Floor Area.

Floor Area, Ground: That portion of Finished Floor Area located on the first (or nearest ground level) floor of the dwelling unit. The Floor Area of a primary structure does not include a garage, carport, deck, unfinished storage, patio, or open porch.

Floor Area Ratio: The floor area of the building or buildings on a lot divided by the area of such lot.

Food service facility, carry-out: Any place or establishment merchandising or dispensing food or drink, which is located on a permanent foundation and has at least four hundred (400) square feet of floor area, at which the customer is served:

1. Either over a counter or through an exterior sales window, and in which all food and drink merchandised and dispensed has been prepared and packaged so as to facilitate its consumption outside the structure from which the food or drink is dispensed, and
2. Said establishment has no seats for customers inside the establishment.

Foot candle: A unit of measure of the intensity of light falling on a surface.

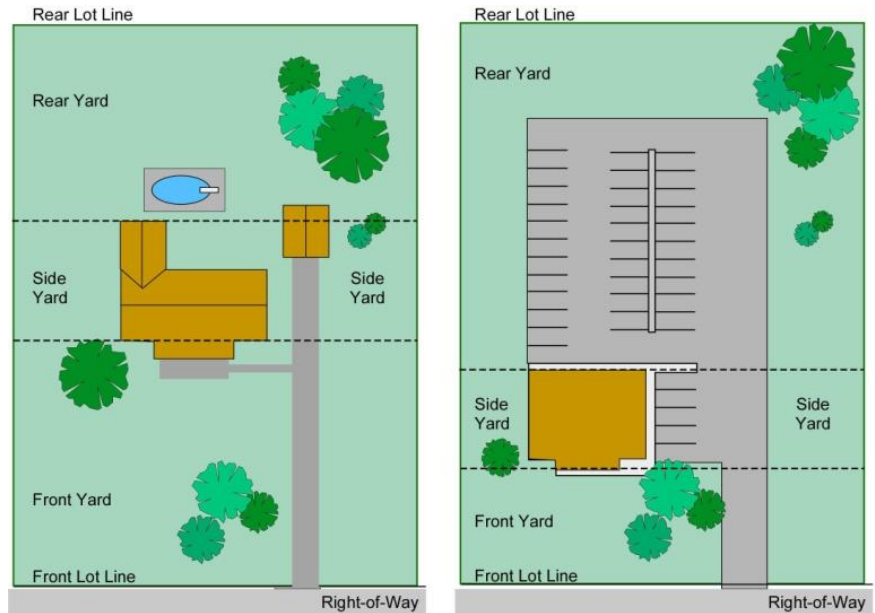
Forestry: The science, business and art of creating, conserving and managing forests on a continuous basis for both commodity and non-commodity purposes.

Foundation: The supporting member of a wall or structure.

Freeway: See Road/Street, freeway.

Front Line:

With respect to a building, the foundation line that is nearest the front lot line.

**Front Lot line:**

For an interior or through lot, the line marking the boundary between the lot and the abutting street right-of-way or a lake or watercourse; and for a corner lot, the line marking the boundary between the lot and each of the abutting streets.

Front Yard:

The horizontal space between the nearest foundation of a building to the front lot line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the front lot line.

Frontage:

See Lot Frontage

Fully Shielded Fixture:

An outdoor lighting fixture that is shielded or constructed so that all light emitted is projected below a horizontal plane running through the lowest part of the fixtures.

Funeral home/mortuary:

A place where embalming and/or funeral directing is practiced without engaging in the process of cremation or where observance, services or ceremonies are held for dead human bodies and which is open to the public and transacts business relating to funeral service.

Gabled roof:

A roof consisting of two sloping sides that form a ridge and a gable at each end.

Garage:

A deck, building, or parking structure, or part thereof, used or intended to be used for the parking and storage of vehicles.

Gas Station:

Any retail location where gasoline is sold.

Glare:	The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.
Greenhouse:	A building made of glass, plastic, or fiberglass in which plants are cultivated.
Green Space	See Open Space
Ground Floor Area:	See Floor Area, Ground
Gross Site Area:	One or more parcels of land included in a single development plan, and preferably under common ownership, which constitute the entire area of the development shown on the site plan or subdivision plat. Gross site area shall include all land needed for required open space, buffer areas, landscaping, drainage facilities, parking, internal access roads or driveways, and other physical design features needed to serve the proposed development. The gross site area shall also include all land in floodplain, floodway, and dedicated easements or road right-of-way.
Ground Cover:	Grasses or other plants grown to keep soil from being blown or washed away.
Group Day Care Home:	A use, wherein group care for not less than seven (7) nor more than eighteen (18) children under eighteen (18) years of age for less than twenty-four (24) hours without transfer of legal custody and which is required to be licensed by both City of College Park and the Georgia Department of Human Resources. All group day care homes shall meet the requirements of the adopted International Residential Building Code.
Group Home:	Any dwelling unit designed for single-family occupancy and occupied by no more than eight (8) disabled individuals. The term "group home" shall not include the business of operating a boarding house, rooming house, halfway house, homeless shelter, or other similar enterprise, nor shall the term "group home" include any releases of any penal institution or place for persons convicted of a crime, persons found to be juvenile delinquents, or juveniles found to be persons to be in need of supervision. In addition to disabled persons, up to two (2) additional persons acting as house parents or guardians may reside in a group home.
Hair Braiding	Hair weaving, interlocking, twisting, plaiting, wrapping by hand, chemical or mechanical devices, or using any natural or synthetic fiber for extension of the hair.
Half-way house:	Any building occupied by a group of not more than eight (8) unrelated individuals, provided that the majority of the residents shall meet at least one (1) of the following criteria: <ol style="list-style-type: none"> 1. Is on parole or probation, or has been ordered to reside in such type of facility as a condition of parole or probation; or

2. Has been convicted of a felony and has completed his or her sentence; or
3. Has been convicted of a criminal offense and has been ordered to reside in such type of facility as part of the criminal sentencing.

Handbill: Any written or printed notice distributed by hand for the purpose of communication, including but not limited to any pamphlet, booklet or leaflet.

Hardship: A proven difficulty with regard to one's ability to improve land stemming from the application of the development standards of the Zoning Ordinance, which may or may not be subject to relief by means of variance. In and of themselves, self-imposed situations and claims based on a perceived reduction of or restriction on economic gain shall not be considered hardships. Self-imposed situations include, but are not limited to: the purchase of land with actual or constructive knowledge that, for reasons other than physical characteristics of the property, the development standards herein will inhibit the desired improvement; any improvement initiated in violation of the standards of the Zoning Ordinance; any result of land division requiring variance from the development standards of this Ordinance in order to render that site buildable.

Height: See structure height.

Helicopter: Any rotor craft which depends principally for its support and motion in the air upon the lift generated by one or more power-driven rotors rotating on a substantially vertical axis.

Helicopter Port: A facility, either public or private, or an area of land, water, or structural surface which is designed, used or intended to be used for landing and takeoff of helicopters and any appurtenant areas, including buildings and other facilities such as refueling, parking, maintenance and repair facilities. The term "helicopter port" applies to all such facilities, whether the facility is public or private.

Helicopter Stop: A facility, either public or private, having a facility without the logistical support provided at a helicopter port at which helicopters land and take off, including the touchdown area. Helicopter stops may be at ground level or elevated on a structure. The term "helicopter stop" applies to all such minimum facilities, whether the facility is public or private.

Hipped roof: A roof sloping at the ends as well as the sides.

Historic Area: A district or zone designated by a local authority or state or federal government within which the buildings, structures, appurtenances, and places are of basic and vital importance because of their association with history; or because of their unique architectural style and scale, including

color, proportion, form, and architectural detail; or because of their being a part of or related to a square, park, or area the design or general arrangement of which should be preserved and/ or developed according to a fixed plan based on cultural, historical, or architectural purposes.

- Historic District:** See Historic Area
- Historic Preservation:** The protection, rehabilitation, and restoration of districts, sites, buildings, structures, and artifacts significant in history, architecture, archeology, or culture.
- Historic Site:** A structure or place of outstanding historical and cultural significance and designated as such by the State or Federal Governments
- Home Occupations:** Any occupation or activity carried on within the dwelling by a member of a family residing on the premises in connection with which there is no group instruction, assembly or activity, and there are no supplies or equipment visible to the public that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling; there is no commodity sold upon the premises, and no person is employed other than a member of the immediate family residing on the premises. No more than twenty-five (25) per cent of the floor may be used for occupation. Home occupation shall include the use of the premises by a physician, surgeon, dentist, lawyer, clergyman, or other professional person for consultation or emergency treatment, but not for the general practice of such person's profession. Home occupation shall also include the use of the premises for gardening and horticulture pursuits.
- Homeless shelter:** Any building in which meals and/or lodging is provided at nominal or no cost to not more than forty (40) persons who are homeless or indigent.
- Hookah Lounge:** Establishment where a Hookah (water pipe) is used to smoke shisha, a flavored tobacco or herbal product.
- Hoophouse:** A structure made of PVC piping or other material covered with translucent plastic, constructed in a “half-round” or “hoop” shape.
- Hospital:** An institution devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or care for three (3) or more unrelated individuals suffering from illness, disease, injury, deformity, or other abnormal physical conditions. The term “hospital” does not apply to institutions operating primarily for treatment of insane persons, drug addicts, alcoholics, and other types of cases necessitating restraint of patients, and the term “hospital” shall not include convalescent, nursing, shelter, or boarding homes.
- Hotel:** A building in which lodging or board and lodging are provided and offered to the public for compensation and in which ingress and egress to

and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public. Compensation is usually assessed on a day-to-day basis.

- Impervious Surface:** Any material that prevents absorption of storm water into the ground.
- Industrial District:** Refers to the LI, HI, and TR Zoning Districts.
- Industrial Waste:** Solid Waste generated by manufacturing or industrial processes or operations as defined in O.C.G.A. 12-8-22.
- Inoperable Vehicle:** Any motorized vehicle incapable of immediately being driven.
- Institutional Facility for the Developmentally Disabled/Mentally Ill:** A residential facility that provides care, supervision and protection and operates under a license issued under the Georgia Department of Human Resources; provides for delivery of mental health services that are appropriate to the needs of the individual; and, complies with the rules adopted by the Georgia Department of Human Resources.
- Interested Party:** Interested parties shall include, but are not limited to, those persons, groups, property owners or other entities which are considered or consider themselves to be affected by a change in land use or the intended results of an application for a development permit.
- Interior Lot:** See Lot, Interior
- Interstate:** See Limited Access Highway
- Junk:** An automobile, recreational vehicle, boat, truck, other motor vehicle, large appliances, furniture or like materials which has been damaged to such an extent that it cannot be operated under its own power or used and/or will require major repairs before being made usable.
- Junk Yard:** A place, usually outdoors, where waste or discarded property, other than organic matter, including but not limited to automobiles and farm implements and trucks, is accumulated and is or may be salvaged for reuse or resale; this shall not include any industrial scrap metal yard. The storage, dealing in or the permitting of the accumulation of significant quantities of combustible, organic or nonmetal scrap materials such as, but not limited to, wood, paper, rags, garbage, tires, bones and shattered glass on the premises of such an establishment will disqualify it from being classified as a scrap metal yard, and the same will be classified as a junk yard.
- Jurisdiction:** All land within the unincorporated limits of City of College Park, Georgia.
- Kennel:** A place primarily for keeping four (4) or more adult dogs, or other small animals that are ordinarily bred for sale as pets. This includes temporary

care facility for compensation.

- Landscape island (or parking island):** “Mini-medians” consisting of cutouts in the asphalt within the limits of the center lane of a roadway or in a parking lot. These cutouts will vary in size and can be at grade for water harvesting or raised with curbing.
- Landscaping:** The improvement of a lot with grass, shrubs, trees, and other vegetation and/or ornamental objects. Landscaping may include pedestrian walks, flower beds, berms, fountains and other similar natural and man-made objects designed and arranged to produce an aesthetically pleasing effect.
- Large Maturing Tree:** A tree species that shall be a minimum of eight feet in height and have a caliper of at least two inches immediately after planting. These species shall have an average mature crown spread of at least twenty-five (25) feet and a height of thirty-five (35) feet when grown in City of College Park, Georgia.
- Legal nonconforming fence or wall:** A fence or wall which was legally erected or installed but is no longer in compliance with the provisions of this article. Such fences or walls must be located outside of any existing right-of-way and wholly upon the parcel to which they are associated.
- Legal Nonconforming Use:** Any building, structure or land lawfully occupied by a use or lawfully situated at the time of the passage of this ordinance or amendments thereto, which does not conform after the passage of this ordinance or amendments thereto with the regulations of this ordinance.
- Limited Lodging:** The accessory use of all or part of a dwelling unit by rental for temporary occupancy for dwelling, sleeping, or lodging. Limited lodging includes the arrangement of such rental by the owner through a booking agent.
- Loading space:** A space within the main building or on the same lot, providing for the standing, loading or unloading of trucks, having a minimum dimension of twelve (12) by thirty-five (35) feet and a vertical clearance of at least fourteen (14) feet; no part of a required front yard can be considered as part of required loading space.
- Loan establishment:** A business engaged primarily in providing loans to members of the general public. Short-term loan establishments shall include businesses offering title loans, payday loans, signature loans, small loans, and other similar businesses.
- Local Street/Road:** A road designed primarily to provide access to abutting properties and discourage through traffic.
- Lodger:** A person who is a renter of all or part a dwelling unit and has mere use without actual or exclusive possession of the dwelling unit.
- Lost Tree:** A tree subjected to unauthorized damage and/or tree removal despite

designation in the development plan as a protected or preserved tree.

Lodging House:

See Boarding House.

Loading Space, Off Street:

Space logically and conveniently located for bulk pickups and deliveries, scaled to the size of delivery vehicles expected to be used.

Lot:

A contiguous area of land separated from other areas of land by separate description (including a recorded deed, a subdivision plat or record of survey map, or by metes and bounds) for purpose of sale, lease, and transfer of ownership or separate use.



Lot Coverage:

The area of a zoning lot occupied by the principal building and any accessory structures.

Lot Depth:

The horizontal distance between the front and rear lot lines.

Lot Frontage:

All property of a lot fronting on a street right-of-way or common, private drive, as measured between side lot lines.

Lot of Record:

A lot which is part of a subdivision, the map of which has been recorded in the office of the clerk of the superior court of Fulton or Clayton counties; or a parcel of land described by metes and bounds, and a description of which has been so recorded in the office of the clerk of the superior court of Fulton or Clayton counties.

Lot Width:

The distance as measured between the side lot lines at the front set back line.

Lot, Buildable:

Any lot upon which a building or structure is allowed to be constructed and occupied by the regulations of City of College Park. Generally, the lot shall have frontage on and access to an improved street, meet minimal setbacks, and have all necessary utilities available.

Lot, Corner:	A lot situated at the intersection of two (2) streets or which fronts a street on two (2) or more sides forming an interior angle of less than one-hundred thirty-five (135) degrees.
Lot, Developed or Improved:	A lot with buildings or structures.
Lot, Interior:	A lot other than a corner lot with only one frontage on a street other than an alley.
Lot, Through:	A lot fronting on more than one street, other than an alley, or abutting more than one street which do not intersect at the boundaries of the lot. Also includes lots fronting on both a street and a watercourse or lake.
Louver:	A framed opening, as in a wall, door or window that is fitted with fitted or movable horizontal slats that permit air and light while shedding rain.
Luminaire:	The complete lighting system including the lamp and light fixture.
Luminaire, Cut Off Angle:	The angle, measured up from the nadir, between the vertical axis and the first line of sight at which the bare source is not visible.
Luminaire, Fully Shielded:	A luminaire constructed or shielded in such a manner that all light emitted by the luminaire, either directly from the lamp or indirectly from the luminaire, is projected below the horizontal plane through the luminaire's lowest light emitting part as determined by photometric test or certified by the manufacturer.
Maneuvering Space:	An open space in a parking area which is immediately adjacent to a parking space; is used for and/or is necessary for turning, backing or driving forward a motor vehicle into such parking space, but is not used for the parking of or storage of motor vehicles.
Mansard roof:	A roof that is flat on top, sloping steeply down on all four sides, thus appearing to sheath the entire top story of a house or other building with a roof-like facade.
Market Garden:	An area of land managed and maintained by an individual or group of individuals to grow and harvest food crops and/or non- food, ornamental crops, such as flowers, to be sold for profit.
Massing:	The overall bulk, size, physical volume, or magnitude of a structure or project.
Mature Tree:	An existing hardwood, pine or other valuable tree that is at least four inches in diameter as measured four feet above grade and has attained the capability of flowering and reproducing
Mini-warehouse:	A building or portion thereof used for dead storage, mainly of the excess personal property of an individual or family, but also of small amounts of goods or merchandise for businesses or individuals.

- Modular Home:** A factory fabricated transportable building consisting of units designed to be incorporated at a building site on a permanent foundation into a permanent structure to be used for residential purposes and which bears a seal of compliance with regulations of either the Southern Building Code Congress International or the Georgia Industrialized Building Act.
- Monopole:** A single, freestanding pole-type structure supporting one or more telecommunications antenna.
- Motel:** An establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot, and designed for use by transient automobile tourists. A motel furnishes customary services such as maid service and laundering of linen, telephone, secretarial, or desk service, and the use and upkeep of furniture.
- Motorized ATV/Off Road Vehicle or Motor Bikes:** A motorized vehicle whose primary purpose and design is for usage other than transportation and generally off improved road surfaces. Also maybe referred to as not being street legal. Vehicles whose design and use are for use on challenging terrain and/or contests of speed and skill in adverse conditions. Examples but limited to; Dune Buggies, Motor Cross Bikes, Off-road motorcycles, Quad-runners, Three Wheelers.
- Motor Vehicle:** Any passenger vehicle, truck, tractor, tractor-trailer, truck-trailer, trailer, or semi-trailer propelled or drawn by mechanical power.
- Mulch:** A layer of wood chips, pine straw, hay or other material placed on the surface of the soil around plants to retain moisture, prevent weeds from growing, hold soil in place and aid in plant growth.
- Mullion:** The vertical dividing piece between panes of window.
- Muntin:** The horizontal strips separating window panes.
- Multiple Family:** See Dwelling, Multiple Family.
- Municipal Solid Waste:** Any solid waste derived from households as defined in O.C.G.A. 12-8-22.
- Natural Disaster:** A flood, tornado, hurricane, earthquake, or other occurrence for which the President of the United States has made a federal disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121-5206. Should the State of Georgia's definition of "Natural Disaster" found in O.C.G.A. § 50-1-9 differ from the definition herein, the definition in O.C.G.A. § 50-1-9 controls.
- Natural Area:** An area of natural vegetation that is generally undisturbed, unmaintained, and is self-perpetuating. It includes not only trees, but also

native shrubs, ground covers, wildflowers, vines, and grasses.

- NFPA 1124:** National Fire Protection Association Standard 1124, Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles, 2006 Edition.
- Nightclub** A Restaurant or Bar that provides music and space for dancing by patrons.
- Nonconforming Building:** A building, structure, or portion thereof, which was designed, erected, or structurally altered in accordance with the provisions of a current such that it does not conform to the regulations of the zoning district in which it is located.
- Nonconforming Lot of Record:** A lot that predates the zoning regulations and was created such that it does not conform to the regulations of the zoning district in which It is located.
- Nonconforming Use:** A use of land, buildings, or structures which does not conform with the use regulations of the zoning district in which it is located.
- Noxious Matter or Materials:** Matter or materials that are capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well-being of individuals.
- Nursing Home:** A use in which domiciliary care is provided to 3 or more convalescing, chronically or terminally ill non-family members who are provided with food, shelter and care. This use shall not include hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured. Convalescent Center, nursing home and personal care home are further distinguished in administrative and conditional use provisions.
- Office Park:** A development on a tract of land in single ownership that contains a number of separate office buildings, as well as accessory and supporting uses, that is designed, planned, constructed, and managed on an integrated and coordinated basis.
- Official Zoning Map:** A map of City of College Park, Georgia, that legally denotes the boundaries of zoning districts as they apply to the properties within the planning jurisdiction.
- Off-site Improvements:** Any premises not located within the area of the property to be subdivided, whether or not in the same ownership of the applicant for subdivision approval, upon which is located improvements required by or related to the property to be subdivided.
- Open Sales Lot:** Land used or occupied for the purpose of buying or selling merchandise stored or displayed out-of-doors. (Such merchandise includes, but is not

limited to, passenger cars, trucks, motor scooters, motorcycles, boats, and monuments).

- Open Space:** An area of land not covered by buildings, parking structures, or accessory uses except for recreational structures. Open space may include nature areas; streams and flood plains; meadows or open fields containing baseball, football, and soccer fields, golf courses, swimming pools, bicycle paths, etc. Open Space does not include street rights-of-way, platted lot area, private yard, patio areas, or land scheduled for future development.
- Outdoor Lighting Fixture:** An electrically powered illuminating device or other outdoor lighting fixture including all parts used to distribute the light and/or protect the lamp, permanently installed or portable, used for illumination. Such devices shall include, but are not limited to, search, spot flood and area lighting.
- Outdoor Storage:** See Storage, Outdoor.
- Out Parcel:** A lot which either temporarily cannot be built upon or is not intended for development and is intended only for aesthetics, safety, common use, or the public good. Out parcels are normally owned in common by individuals, adjoining property owners, or homeowners associations.
- Overlay District:** A zoning district that encompasses one or more underlying zones and that imposes additional requirements above that required by the underlying zoning district.
- Over Story Tree:** Trees which, at maturity, are generally greater than fifty feet at mature height.
- Owner:** A titled-owner or a tenant/renter of a property who is in possession and control of the dwelling unit and who lives in the dwelling unit more than fifty-one percent (51%) of the calendar year. Any tenant or renter of the property must be authorized by the titled-owner of the property to provide limited lodging.
- Parapet:** A portion of a vertical wall of a building that extends above the roofline.
- Parcel:** See Lot.
- Parking area, private:** An open area for the parking of privately owned automobiles and not for public use.
- Parking area, public:** An open area, other than street, used for the temporary parking of more than four (4) automobiles and available for public use, whether free, for compensation or as an accommodation for clients or customers.
- Parking Space, Automobile:** Space within a public or private parking area for the storage of one (1) passenger automobile or commercial vehicle under a one and one-half

(1-1/2) ton capacity.

- Particulate Matter:** Dust, smoke, or any other form of air-borne pollution in the form of minute separate particles.
- Paved:** A durable surface for parking, driving, riding or similar activities that utilizes asphalt, concrete, brick, paving blocks or similar material. Crushed gravel, stone, rock, or dirt, sand or grass are not permitted as a paved surface.
- Pawnshop:** An establishment that engages, in whole or in part, in the business of loaning money on the security of pledges of personal property, or deposits or conditional sales of personal property, or the purchase or sale of personal property.
- Peddler/ Peddling:** The going from door to door, house to house, place to place, street to street, or remaining in one place, in the township carrying or conveying or transporting by person, wagon, motor vehicles or other type of conveyance for the purpose of offering for immediate sale, food products, including but not limited to, meat, fish, vegetables, farm produce or provisions, candy, goods, wares or merchandise of any nature and landscaping materials of all types. It shall also include the assisting of others in "peddling."
- Permanent Foundation:** A structural system for transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.
- Person:** A corporation, company, association, society, firm, partnership, organization, unit of government, or any other group that acts as a unit, as well as a natural person.
- Personal Care Home:** A building or group of buildings, a facility or place in which are provided two or more beds and other facilities and services, including room, meals and personal care for non-family ambulatory adults, as regulated by the State of Georgia Department of Human Resources. The term "personal care home" does not include buildings which are devoted to independent living units which include kitchen facilities in which residents have the option of preparing and serving some or all of their own meals, nor does it include halfway houses, residential treatment facilities, nursing homes, sanitariums, hospital or other institutional facilities, or rooming or boarding facilities which do not provide personal care.

For the purposes of these regulations personal care homes shall be classified as follows:

- A. A family personal care home shall be a personal care home for adults, in a family-type residence, non-institutional in character, which offers care to two through six persons.
- B. A group personal care home shall be a personal care home for adults, in a residence or other type building(s), non-institutional in character, which offers care to seven through 15 persons.
- C. A congregate personal care home shall be a personal care home for adults which offer care to 16 or more persons.

Pervious paving:

Pervious materials permit water to enter the ground by virtue of their porous nature or by large spaces in the material. Pervious concrete paving is included in this designation.

**Petition:**

See Application

Petitioner:

A person submitting an application for a development permit or for the rezoning of land.

Physical Activity Center:

A commercial or non-profit establishment that has as its sole purpose the improvement of health and physical fitness through special fitness and health equipment, facilities, and related educational programs. This term shall not include hospitals or other professional health care establishments separately licensed as such by the State of Georgia, not any Place of Assembly.

Place of assembly:

A structure, portion of a structure, or area (either indoor or outdoor), designed primarily for people to gather to observe or participate in a single event or series of events.

Place of Worship:

Buildings and related lands and/or structures used for and generally open to the general public for group religious worship. "Group religious worship" shall mean the practice of praying to, giving thanks to, or otherwise worshiping or studying about a god or gods or other such higher entity or entities, which practice may include instructional, recreational, utility and maintenance activities. Places of Worship shall not include any building or property used solely for administrative activities related to an institution or group practicing group religious worship.

Plan Book

A document submitted by the Applicant to the City Planner for all proposed development of new single family, two family, townhouse, condominium, and multiple family development. The documents shall include, but are not limited to: allowable building elevations, design criteria applicable for entries, porches, doors, windows, dormers, columns, cornices, rakes, garages, roofs, landscaping, fencing, retaining walls, exterior colors and materials, and other pertinent information as

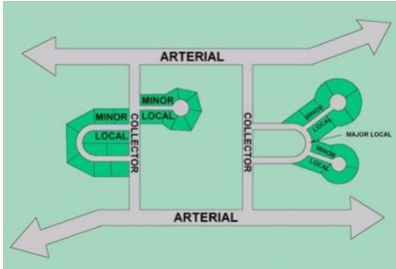
required by the City Planner.

- Planned Center:** A single office, commercial, or industrial property or contiguous properties, planned, developed and managed as a unit for occupancy by five (5) or more principal businesses not sharing common space, that are separately owned and have no corporate relationship, such as a shopping center or office complex.
- Planned Unit Development (PUD):** A large-scale unified development meeting the requirements of the Zoning Ordinance. Generally a planned unit development consists of a parcel or parcels of land, controlled by a single landowner, to be developed as a single entity which does not correspond in size of lots, bulk or type of buildings, density, lot coverage, and required open space to the regulations established in any district of this Zoning Ordinance.
- Planting Season:** The time period or season during which newly planted trees will have the best opportunity for survival, and consisting of that period from November 1st of any year to March 31st of the following year.
- Porch:** A roofed-over structure projecting out from the wall or walls of a main structure and commonly open to the weather in part.
- Practical Difficulty:** A difficulty with regard to one's ability to improve land stemming from regulations of the Zoning Ordinance. A practical difficulty is not a "hardship," rather it is a situation where the owner could comply with the regulations within the Zoning Ordinance, but would like a variance from the Development Standards to improve his site in a practical manner.
- Primary Building/Structure:** The building or structure in which the primary use of the lot or premises is located or conducted, with respect to residential uses, the primary building or structure shall be the main dwelling.
- Primary Residence:** The use of a dwelling unit for residential household living purposes of more than fifty-one percent (51%) of the calendar year by the owner, tenant/renter, or person in possession and control of the dwelling unit.
- Primary Use:** The main use of land or buildings as distinguished from an accessory use. A principal use may be either a permitted use or a conditional use.
- Private Road:** See Road, Private
- Professional Office:** An office used by members of a recognized profession such as architects, artists, dentists, engineers, lawyers, musicians, physicians, surgeons or pharmacists, and Realtors or insurance agents and brokers.
- Pruning:** The elimination of live and dead branches from a tree's crown to improve tree structure, enhance vigor and maintain safety.
- Public Improvements:** Any storm drainage facility, street, highway, parkway, sidewalk, pedestrian-way, tree, lawn, off-street parking area, lot improvement,

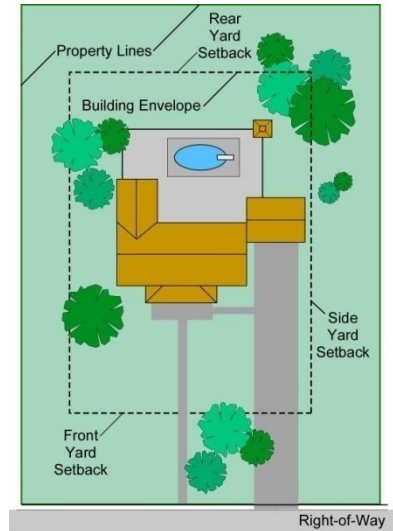
utility, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

- Public Tree:** Any tree located on property belonging to the City.
- Public Sewerage System:** A community sewer system including collection and treatment facilities owned and maintained by a local government or an authority.
- Public Street/Road:** All property dedicated or intended for public highway, freeway, or roadway purpose and subject to public easements therefore.
- Public Utility:** Any person, firm, or corporation duly authorized to furnish under public regulation to the public, electricity, gas, steam, telephone, fiber optics, transportation, water, or sewerage systems.
- Public Water System:** A community water supply system including existing and new wells and/or surface water sources and intakes, treatment facilities, and distribution lines and includes such of the above facilities owned and maintained by a local government or an authority.
- Public/Private Parking Area:** A group of parking spaces in an open area not including any part of a street or alley, designed or used for temporary parking of motor vehicles.
- Rear Lot line:** The lot line that is opposite the front lot line and farthest from it, except that for a triangular or other irregularly-shaped lot, the line ten feet long, parallel to the front lot line, and wholly within the lot, that is farthest from the lot line.
- Rear Yard:** The horizontal space between the nearest foundation of a building to a rear lot line and that rear lot line, extending to the side lines of the lot, and measured as the shortest distance from the foundation to the rear lot line. The rear yard of a corner lot shall be that yard at the opposite end of the lot from the front yard.
- Recharge Area:** Any portion of the earth's surface where water infiltrates into the ground to replenish an aquifer.
- Recreational Vehicle:** A vehicle which is built on a single chassis; 400 square feet or less when measured at the largest horizontal projections; designed to be self-propelled by a light duty truck; and designed primarily not for use as a permanent dwelling, but as quarters for recreational camping, travel, or seasonal use. A vehicle that is a temporary dwelling for travel, recreation and vacation use including but not limited to:
- Recycling Center:** A lot of parcel of land, with or without buildings, upon which used household goods materials are separated and processed for shipment for eventual reuse in new products.

- Registered Land Surveyor:** A land surveyor properly licensed and registered through reciprocity permitted to practice in the State of Georgia.
- Registered Professional Engineer:** An engineer properly licensed and registered through reciprocity permitted to practice in the State of Georgia.
- Regulatory Flood:** The flood having a one percent probability of being equaled or exceeded in any given year, as calculated by a method and procedure which is acceptable to and approved by the Georgia Department of Natural Resources and the Federal Emergency Management Agency. The “Regulatory Flood” is also known by the term “Base Flood.”
- Regulatory Floodway:** The channel of a river or stream and those portions of the flood plains adjoining the channel which are reasonably required to efficiently carry and discharge peak flow of the regulatory flood of any river or stream and, is that area covered by floodwaters in significant downstream motion or covered by significant volumes of stored water during the occurrence of the regulatory flood.
- Replacement Tree:** A new tree planted on a site to meet minimum site density factor requirements, regardless of whether trees existed prior to any development.
- Recessed Lighting Fixture:** An outdoor lighting fixture recessed into a canopy ceiling so that the bottom of the fixture is flush with the ceiling.
- Residential District:** Refers to the AG, R1, R2, R3, and RM zoning districts.
- Restaurant:** An establishment where food and beverages are prepared for, served to, and consumed by the general public, primarily within the principal building. A restaurant must comply with the food service and gross receipt requirements of the Chapter 3, Alcoholic Beverages, definition. Does not include establishments that offer ordering and pick up of food from an automobile or any establishment requiring payment of a cover charge for admission.
- Restaurant, Drive-In:** An establishment where food and/ or beverages are sold in a form ready for consumption, where all or significant portion of the consumption takes place or is designed to take place outside the confines of the restaurant, and where ordering and pick up of food may take place from an automobile.
- Restaurant, Full Service** A Restaurant where food and drink is ordered at tables and booths by a waiter from a menu and consumed on premises.
- Right-of-Way:** A strip of land acquired by reservation, dedication, prescription, or condemnation, and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, and other similar uses.

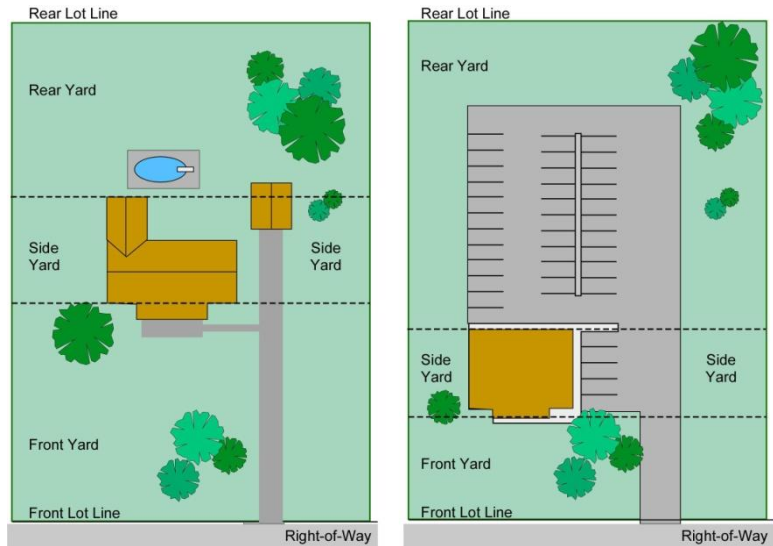
- Right-of-Way Width:** The distance between property lines measured at right angles of the centerline of the street.
- Road/Street:** Any vehicular route that: is an existing state, City, or municipal roadway; or is shown upon a plat approved pursuant to law; or is shown on a plat duly filed and recorded in the office of the City recording officer prior to the appointment of a planning board and the grant to such board to review plats; and includes the land between the street lines, whether improved or unimproved.
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- Roadside Stand:** A structure for the display and sale of agricultural products, with no space for customers within the structure itself.
- Rowhouse:** A multi-family dwelling consisting of three or more attached dwelling units of similar or identical design, separated from others in a row by a vertical unpierced fire wall extending from the basement to the roof.
- Sash:** A frame in which the panes of a window or door are set.
- Scrap Metal Yard:** A general industrial use established independent or ancillary to and connected with another general industrial use, which is concerned exclusively in new and salvaged metal pipes, wire, beams, angles, rods, machinery, parts, filings, clippings, and all other metal items of every type, and which acquires such items incidental to its connection with the other general industrial use or by purchase, consignment or bailment which stores, grades, processes, melts, cuts, dismantles, compresses, cleans, or in any way prepares said items for reuse by the connected other general industrial use or for storage, sale or shipment and use in other industries or businesses including open hearth, electric furnaces and foundry operations; such an establishment shall not include junk yards, dumps, or automobile graveyards.
- Service station:** Any building, structure, or land used for the dispensing, sale or offering for sale at retail of any automotive fuels, oils or accessories and in connection with which is performed general automotive servicing such as dispensing gas, changing oil, lubrication, checking tire pressure, fixing flats, replacing points and plugs, and adjusting or regulating parts, as distinguished from repairs such as repairing or replacing mechanical parts, or major engine or transmission overhaul, major body work, and a major automobile painting.

- Setback:** The minimum horizontal distance between the wall of the building or foundation and a lot line or right-of-way.
- Shared parking:** Parking spaces assigned to more than one use where persons utilizing the spaces are unlikely to need the spaces at the same time of day.
- Shed awning:** A flat awning projecting diagonally from the wall surface over a window or door opening; a traditional design.
- Sidelight:** A window (actually, usually a series of small fixed panes arranged vertically) found on either side of the main entry door of many Federal, Greek Revival and other late-18th- to mid-19th-century houses.
- Shrub:** A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground.
- Special Flood Hazard Area:** Those lands within the jurisdiction of City of College Park that is subject to inundation by the regulatory flood. The SFHA's of the City are generally identified as such on the Flood Insurance Rate Map of the City prepared by the Federal Emergency Management Agency.
- Shoulder:** The portion of a street or road from the outer edge of the paved surface or back of curb to the right-of-way limit.
- Shopping Center:** A group of commercial establishments having a building composition that is an architectural unit and is not a miscellaneous assemblage of stores; planned, developed, analyzed as a unit, related in location, size and type of shops to the trade area that the unit serves, and providing on-site parking in definite relationship to the types and sizes of stores.
- Side Lot line:** A lot boundary line other than a front or rear lot line.



Side Yard:

The horizontal space between the nearest foundation of a building to the side lot line and that side lot line. unoccupied other than by architectural appurtenances projecting not more than twenty-four (24) inches into that



space; steps or terraces not higher than the level of the first floor of the building; and open lattice-enclosed fire escapes, fireproof outside stairways and balconies projecting not over twenty four (24) inches into that space.

Site Development Plan:

A plan and supporting documentation which describes a particular site which is to be disturbed or developed. This plan should indicate all structures, hard surface features, utilities, landscaping areas, tree preservation zones and tree replacement areas.

Small Maturing Tree:

A tree species that shall be a minimum of five (5) feet in height and have a caliper of at least one and one-half inches immediately after planting. These species shall have an average mature crown spread of at least fifteen (15) feet and a height of twenty-five (25) feet when grown.

Solid Waste:

Any garbage or refuse as defined in O.C.G.A. 12-8-22.

Solid Waste Handling:

The storage, collection, transportation, treatment, utilization, processing, or disposal of solid waste, or any combination of such activities as defined in O.C.G.A. 12-8-22.

Sound Level Meter:

An instrument standardized by the American Standards Association for measurement of the intensity of sound.

Specimen Tree:

Any tree determined to be of notable historic interest, high aesthetic value or of unique character because of species, type, age, size, location or health. See Article 9, Tree Protection.

Stable, Private:

A building or structure which is located on a lot on which a dwelling is located, and which is designed, arranged, used, or intended to be used for

housing saddle horses, ponies, mules, or other draught animals primarily for the use of occupants of the dwelling, but in no event for hire. Horses shall be subject to the animal unit/acreage restrictions for the available pasture space, as defined within the Agricultural zoning district.

- Stable, Public:** A stable other than a private stable which is used to house horses, ponies, mules or other draught animals on a pay-for-services, for-profit basis.
- Stabilization:** The process of establishing an enduring cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.
- Storage, Outdoor:** The outdoor accumulation of goods, junk, cars, busses, tractor trailers, railroad cars, equipment, products, or similar materials for permanent or temporary holding.
- Story:** That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. Any portion of a story exceeding fourteen (14) feet in height shall be considered as an additional story for each fourteen (14) feet or fraction thereof. A basement having more than one-half the clear floor-to-ceiling height above grade shall be considered a “story.”
- Story, Half:** A space under a sloping roof which has the line of intersection of roof decking and wall, not more than three (3) feet above the top level of the story below. In such space, not more than sixty (60) percent of the floor area is completed for a principal or accessory use)
- Street:** See Road/ Street
- Street Grade:** The grade of the centerline of a street measured at any point along the street expressed as a percent.
- Street Tree:** Any existing tree or any tree to be planted on the street right-of-way.
- Structural Alteration:** A change, other than incidental repairs, which would prolong the life of the supporting members of a building, such as the addition, removal, or alteration of bearing walls, columns, beams, girders, or foundations. Also, substantial roofing and siding work when repairs are made to the structure beneath.
- Structure:** Anything constructed or erected with a fixed location on or in the ground, or attached to something having a fixed location on the ground. Structures include, but are not limited to the following: Site built buildings, industrialized buildings, modular homes, manufactured homes, mobile homes, swimming pools, satellite dishes, fallout shelters, telecommunication towers and facilities, and satellite communication

facilities.

- Structure Height:** The vertical distance from the average elevation of the building to the highest point of the coping of a flat roof or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.
- Subdivision:** The division of a lot, tract or parcel of land into two (2) or more lots, parcels, sites or other divisions of land for the purpose, whether immediate or future, of transfer of ownership or for building development. It includes resubdivision and relates to the process of resubdividing or to the land or territory subdivided.
- Support Structure:** A structure designed and constructed specifically to support an antenna array. This includes, but is not limited to, a monopole, self-supporting tower, and guy wire-support tower. A support structure does not include any device that is used to attach a wireless communication facility to a building or structure.
- Swimming Pool:** A structure having a self-contained body of water at least eighteen (18) inches deep and eight (8) feet in diameter or width and used for recreational purposes. It may be above or below ground level, and shall be considered an accessory structure/ use.
- Teen Club:** Any club, business or establishment providing an on-going place of entertainment, to include but not limited to, night clubs, discotheques or such similar establishments, either with or without payment for persons between the ages of 13 and 18 on a full-time or occasional basis. A teen club does not include uses operated by public agencies or private non-profit or charitable organizations, such as religious youth centers, the boys' and girls' club, or youth community centers provided for recreation or congregation.
- Temporary Occupancy:** The accommodation of lodgers conducted in a dwelling unit, the primary use of which is for household living, and where the total accommodations of lodgers provided is for fewer than ninety-one (91) days per calendar year but where the provision of lodging to any particular lodger is for no more than thirty (30) consecutive days.
- Temporary Use/Structure:** A land use or structure established for a limited and fixed period of time with the intent to discontinue such use or structure upon the expiration of the time period.
- Tenant:** A natural person, business or other entity that occupies land or buildings by ownership, under a lease, or through payment of rent; an occupant, inhabitant, or dweller of a place.
- Theater:** A facility for audio and visual productions and performing arts, excluding adult motion picture theaters and adult entertainment

businesses.

- Timber Harvesting:** A timber management activity as part of a demonstrated ongoing agricultural land use.
- Title Loan Outlet:** An establishment providing loans to individuals in exchange for receiving title to the borrowers' motor vehicles as collateral.
- Topping:** The severe cutting back of branches to a stub, bud, or a lateral branch not large enough to assume the terminal role.
- Townhouse** A multi-family dwelling consisting of three or more attached dwelling units, separated from others by a fire rated wall extending from the basement to the roof, each of which has primary ground floor access to the outside.
- Tractor Trailer Drop Lot:** Property used solely for the temporary placement of tractor trailers where no structure is located on the premises.
- Tractor Trailer Storage:** Property used for the long term controlled storage of tractor trailers which include permanent office or security facilities.
- Trailer:** Trailers designed for human dwellings can be divided into RV or mobile homes. To be classified as a RV trailer it must be less than 400 sq. ft. and a trailer of 400 sq. ft. or more is classified as a mobile - single wide. Trailers used for construction or sales offices should not be considered the same as RV or as mobile homes. Also transport trailers used for storage or are abandoned present a different set of issues.
- Transom window:** A window above a window or door. Transoms can be either stationary or operating.
- Tree:** Any living, self-supporting woody or fibrous plant which normally obtains a diameter breast height of at least three (3) inches, and typically has one (1) main stem or trunk and many branches.
- Tree Bank:** A site such as a school or public park, where the owner/developer shall donate and plant the required trees when it is not feasible to plant the required trees within their site's project area.
- Tree Bank Fund:** A fund created to receive and hold monies paid by tree removal permit holder(s) in lieu of relocating or replacing trees when it is not feasible or desirable to do so on or off-site.
- Tree Density Standard (TDS):** The minimum number of Tree Density Units per acre which must be achieved on a property.
- Tree Density Unit (TDU):** A credit assigned to a tree, based on the basal diameter of the tree, in accordance with tables contained in Appendix D.
- Tree Planting List:** The recommended species of trees listed in Appendix A.

- Tree Planting Standards and Specifications:** The design standards and specifications adopted for the planting or maintenance of trees.
- Tree Pod:** A low impact design bio-retention system that removes ultra-fine and dissolved pollutants found in storm water runoff.
- Tree Protection or Planting Plan:** A plan that identifies tree protection areas where existing trees are to be protected and preserved, and replacement trees planted on a property to meet minimum requirements, as well as methods of tree protection to be undertaken on the site and other pertinent information.
- Tree Protection Area (TPA):** Any portion of a site wherein are located existing trees which are proposed to be preserved in order to comply with applicable requirements of these land development regulations, and shall include nothing less than the total area of the CRZ of the tree or group of trees collectively.
- Tree Preservation Area:** The total critical root zone surrounding a preserved or planted tree or trees that is essential to that tree's health and survival, and is protected within the guidelines of this Article.
- Tree Removal:** Any act which causes a tree to die within two (2) years after commission of the act, including but not limited to damage inflicted upon the root system in the critical root zone or trunk as the result of:
1. the improper use of machinery on the trees;
 2. the storage of materials in or around the trees;
 3. soil compaction;
 4. altering the natural grade to expose the roots or to cover the tree's root system with more than four (4) inches of soil;
 5. causing the infection or infestation of the tree by pests, fungus or harmful bacteria;
 6. pruning judged to be excessive by the administrator or not in accordance with the standard set forth by the International Society of Arboriculture (ISA);
 7. removal of more than twenty (20) percent of the critical root zone;
 8. paving with concrete, asphalt or other impervious surface within such proximity as to be harmful to the tree or its root system; and
 9. the application of herbicides or defoliant to any tree without first obtaining a permit.
- Tree Replacement Area:** The area designated for a tree or trees to be planted in order to meet tree density requirements.
- Tree Save Area:** All areas designated for the purpose of meeting tree density requirements, saving natural trees, and/or preserving natural buffers.
- Tree Thinning:** The selective cutting or thinning of trees only for the clear purpose of good forestry management in order to protect said forest from disease or

infestation and in no way shall be construed as including clear cutting.

Truck Sales:	The sale of vehicles primarily designed to carry cargo and material.
Truck Stop:	Any building, premises, or land in which or upon which a business, service, or industry involving the maintenance, servicing, storage, or repair of commercial vehicles is conducted or rendered, including the dispensing of motor fuel or other petroleum products directly into motor vehicles and the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop also may include overnight accommodations and restaurant facilities primarily for the use of truck crews.
Truck Terminals:	Land and buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another. The terminal facility may include storage areas for trucks and areas for the repair of trucks associated with the terminal.
Trucking Facility:	Property used for reoccurring trucking operations, including storage of trucks and trailers. A trucking facility may include offices, dispatch facilities, areas for refueling and routine maintenance of company owned trucks and vehicles. No warehousing or cross dock facilities are located on the premises.
Undisturbed Vegetation:	The natural vegetation in a generally untouched, maintenance free, self-perpetuating stand comprised of indigenous trees, shrubs, herbs, flowers or grasses.
Understory Tree:	Trees which, at maturity, comprise the sub-canopy of a natural forest. These are generally twenty (20) to forty (40) feet at mature height.
Unmanned Aircraft System	Also known as a “drone,” means an aircraft without a human pilot on board, controlled by an operator on the ground via remote control or other programming.
Unmanned Aircraft System Dispatch and Delivery Center	A property and/or building thereon that serves as a base for drones to initiate delivery of commercial products or services to retail or wholesale customers which may, but does not have to, contain storage capacity for said commercial products or service tools and/or the control center for dispatch and flight regulation of said drones, and which has been approved for drone usage by FAA registration and waiver.
Use:	The purposes of which land, building, or structure thereon is designed, arranged, or intended, or for which it is occupied, maintained, let, or leased.
Use, Principal:	The main use of land or buildings as distinguished from a subordinate or accessory use. (May be either “permitted” or “conditional”)

Use, Permitted:	A use which may be lawfully established in a “particular district or districts, provided it conforms to all requirements, regulations, and performance standards, if any, of such district.
Vacation Rental:	Any unit or group of units in a condominium or cooperative or any individually or collectively owned single-family, two-family, three-family, or four-family house or dwelling unit that is rented to transient occupants more than three (3) times in a calendar year for periods of less than thirty (30) days or one (1) calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to transient occupants.
Variance:	A specific approval granted by a Board of Zoning Appeals in the manner prescribed by the Zoning Ordinance, to deviate from the development standards that the Ordinance otherwise prescribes.
Vegetative screen:	Plantings that may be used to screen different uses from one another. Tall shrubs/hedges or fences covered in vines may be used.
Vehicle:	A device used as a mode of transportation of persons and/or goods including but not limited to automobiles, semi-tractor trailers, all types of trailers, snowmobiles, recreational vehicles, motorcycles and like devices.
Vehicle, Inoperable:	A vehicle which due to mechanical defect or failure or incorrect or unapparent licensing is not physically or legally able to be operated.
Vehicle parking facilities:	Surface parking lots or parking decks dedicated for the parking of vehicles either as a primary use of a parcel of property or as a secondary use of property unrelated to the property's primary use.
Warehousing and Distribution Centers:	Land and building facilities engaged in storage, wholesale and distribution of manufactured products, supplies and equipment.
Wetland:	An area that is inundated or saturated by surface or ground water at a frequency and duration that under normal circumstances supports a prevalence of hydrophilic vegetation.
Wholesale Establishment:	A business establishment engaged in selling to retailers or jobbers rather than consumers.
Yard:	An open space on the same lot with a building or structure, unoccupied and unobstructed from the general ground level to the sky, except as otherwise permitted. (a “yard” extends along a lot line, and to a depth or width specified in the yard requirements for the zoning district in which such lot is located).
Yard, Front:	A yard extending along the full length of the front lot line between the

side lot lines.

Yard, Rear:	A yard extending along the full length of the rear lot line between the side lot lines.
Yard, Side:	A yard extending along a side lot line from the front yard to the rear yard.
Yard, Corner Side:	A side yard which adjoins a public street, road, or highway.
Yard, Interior Side:	A side yard which is located immediately adjacent to another lot or to an alley separating such side yard from another lot.
Yard, Transitional:	A yard which must be provided on a lot in a Business District which adjoins a lot in a Residential District, or a yard which must be provided on a lot in a Manufacturing District which adjoins a lot in either a Residential or Business District.
Zoning District:	See District
Zoning Map:	See Official Zoning Map
Zoning Ordinances:	An ordinance or resolution of a local government establishing procedures and zones or districts within its respective territorial boundaries which regulate the uses and development standards of property within such zones or districts. The term also includes the zoning map adopted in conjunction with a zoning ordinance which shows the zones and districts and zoning classifications of property therein.” O.C.G.A. § 36-66-3.
Zero Lot Line:	The location of a building on a lot in such a manner that one or more of the building’s sides rest directly on a lot line.

1.5 Compliance

No structure shall be located, erected, constructed, reconstructed, moved, altered, converted, or enlarged; nor shall any structure or land be used or existing use be expanded, except in full compliance with all provisions of this Ordinance and after the lawful issuance of all permits and certificates required by this Ordinance.

1.6 Severability

If any provision of this Ordinance or the application of any provision to particular circumstances is held unconstitutional or invalid by the courts, the remainder of the Ordinance or the application of such provision to other circumstances shall not be affected.

1.7 Interpretation

The provisions of this Ordinance shall be held to be the minimum requirements for the protections of the health, safety, and general welfare of the people at large, and are designed to encourage the establishment and maintenance of reasonable community standards for the physical environment. If two or more

provisions within this Ordinance are in conflict or are inconsistent with one another, then the provision which is most restrictive shall control.

1.8 Application

When this Ordinance along with private covenants, private contracts, commitments, permits, agreements, state laws, federal laws or other regulations regulates a structure or parcel of land, the greater restriction shall control. In no instance shall this Ordinance be interpreted as altering or negating any other applicable regulations.

1.9 Saving Provision

This ordinance shall not be construed as eliminating or reducing any action now pending under, or by virtue of, an existing law or previous Zoning Ordinance. Also, this Ordinance shall not be construed as discontinuing, reducing, modifying or altering any penalty accruing or about to accrue.

1.10 Repeal and Adoption of Ordinance

The City of College Park Zoning Ordinance dated November 21, 1957, and its associated Zoning Map and any revisions are hereby repealed. In the event, all of this Ordinance is struck down as void, unconstitutional or invalid, including therefore this provision, that prior ordinances shall be considered to not have been repealed, and shall therefore still be in effect.

1.11 Transition Rules

- A. Any application for a Building Permit that has been filed with the City of College Park and is full and complete, prior to the effective date of this Ordinance, shall be regulated by the terms and conditions of the Zoning Ordinance that was in place at the time of filing. However, all administrative procedures and penalties shall follow those set forth by this Zoning Ordinance.
- B. Any application for a Zoning Map Amendment that was filed with the City of College Park, and is full and complete prior to the effective date of this Ordinance, shall continue through the process to completion pursuant to the terms and conditions of the Zoning Ordinance that was in place at the time of filing. However, if the proposed use would no longer be permitted in the proposed zoning district or the proposed zoning district no longer exists in this Ordinance, the City Planner shall amend the application such that the request for rezoning would accomplish the same end goal for the applicant.
- C. Any application before the Mayor and City Council, Planning and Zoning Commission, or Board of Zoning Appeals (i.e. conditional use, development standards variance, land use amendment) that has been filed with the City Planner or its designees and is full and complete, prior to the effective date of this Ordinance, shall continue the process pursuant to the terms and conditions of the Zoning Ordinance that was in place at the time of filing, provided that:
 - 1. If such application is no longer required by the terms of this Ordinance, the application will be dismissed; or,
 - 2. If the proposed use or development requires additional approvals from the Mayor and City Council, Planning Commission, or Board of Zoning Appeals pursuant to the terms of this Ordinance that were not required under the previous Ordinance, the application will be amended to include only those additional approvals that are now required and within the jurisdiction of the

Mayor and City Council.

D. Permits

1. All Building Permits issued prior to the effective date of this Ordinance shall be void 1 year after their date of issue if construction has not begun.
2. Building Permits issued prior to the effective date of this Ordinance for which construction has begun shall become void if construction is abandoned for a period of 6 consecutive months or if, in the opinion of the City Planner and/ or Building Inspector, construction has otherwise ceased.
3. All approvals which expire and/or become void shall comply with all applicable provisions of this Ordinance if re-issued.

1.12 Amendments

- A. In accordance with O.C.G.A. S 36-66-1 et seq., the Zoning Procedures Law of the State of Georgia, the Mayor and City Council may amend or partially repeal the text of this Ordinance or they may amend the Official Zoning Map of this Ordinance as follows:
 1. The Mayor and City Council or the Planning Commission may initiate a proposal to amend or partially repeal the text according to the procedure of the Zoning Procedures Law of the State of Georgia and according to the Mayor and City Council Rules and Procedures.
 2. The Mayor and City Council, Planning Commission, or at least fifty (50) percent of the affected property owners may initiate an application to change the Official Zoning Map according to the procedure of the State of Georgia and according to the Mayor and City Council Rules and Procedures.
- B. In its review of the text and zoning map amendments, the Planning Commission and Mayor and City Council shall pay reasonable regard to:
 1. The most recently adopted Comprehensive Plan;
 2. Current conditions and the character of structure and uses in each district;
 3. The most desirable use for which the land in each district is adapted;
 4. The conservation of property values throughout the jurisdiction;
 5. Responsible development and growth; and
 6. The public health safety and welfare.

1.13 Repealer

Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid. It is the intent that any provision declared unconstitutional shall be severed from the Ordinance, and that the remainder of the Ordinance remain in effect.

Article 2 - Zoning Districts Established

Article Two: Zoning Districts Established

2.1 Establishment of Zoning Districts

For the purpose of this Ordinance, the planning jurisdiction is divided into the following zoning districts for the general uses as stated. These districts shall be indicated on the Official Zoning Map and labeled using the codes noted below. Each of the zoning districts stands alone and is not part of a hierarchy-system of zoning. Only those uses and development standards which are expressly permitted and noted for each district apply to that district.

R1- Low Density Residential District:

This district is established to provide for large lot, estate type residential development in a suburban environment.

R2- Medium Density Residential District:

This district is established to provide for the medium density development of single-family detached homes on medium-sized lots in a suburban environment.

R3- High Density Residential District:

This district is established to provide for the high density development of single-family detached homes on small lots in a walkable environment.

RM- Multiple Family Residential:

This district is established to provide for the development of multiple family residential units, including apartments, townhomes, fee simple townhomes, condominiums, and structures containing three or more dwelling units.

DC - Downtown Commercial:

This district is established to provide for the development of mixed use structures in an urban walkable environment with retail commercial as the predominant use.

DO - Downtown Office:

This district is established to provide for the development of mixed use structures in an urban walkable environment with offices as the predominant use.

OP- Office Professional:

This district is established to provide a land use category for appropriate office, institutional, and public uses in a suburban setting.

C1 - Neighborhood Business:

This district is established to provide a land use category for conventional suburban commercial development at a neighborhood scale to provide goods and services to adjacent residential neighborhoods.

C2 - Community Business:

This district is established to provide a land use category for conventional suburban commercial development at a scale that will provide goods and services to the City of College Park and surrounding cities.

HC – Hospitality Campus:

This district is established to provide a walkable campus environment for the Georgia International Convention Center and related uses.

BP – Business Park:

This district is established to maximize the potential of College Park’s proximity to Hartsfield-Jackson Atlanta International Airport and the City’s superior highway access. This classification is for land dedicated to offices, research and development, logistics, wholesale trade and other compatible uses. Business Parks are intended to be low density with extensive landscaping, with adjustments to building, site design, and vehicular access to be compatible with any neighboring residential uses.

LI - Light Industrial:

This district is established to provide a land use category for assembly, warehousing, wholesale activities, and other light industrial operations.

HI - Heavy Industrial:

This district is established to provide a land use category for manufacturing, assembling, and fabrication activities including large scale or specialized industrial operations.

TR - Transportation

This district is established to provide a land use category for automobile and transportation specialized operations.

2.2 Standards for District Land Uses

Specific land uses are either Permitted, Non-Permitted or a Conditional Use in each Zoning District. The City’s permitted and Conditional Uses for each district are noted in the Permitted Use and Conditional Use columns in Article 3 of this Ordinance.

2.3 Unlisted or Questionable Land Uses

The City Planner may determine into which category any questionable use be placed if it is not specifically listed but similar to another use that is a permitted or conditional use. This determination may be appealed to the Board of Zoning Appeals.

Article 3 - Zoning District Intents, Uses, and Standards

Article Three: Zoning District Intents, Uses, and Standards

3.1 Prohibited Uses for All Zoning Districts

The purpose of this section is to identify those land uses that are prohibited throughout the city limits within all zoning districts for ease of reference and clarity.

1. Accessory Dwellings;
2. Limited Lodging Establishments;
3. Vacation Rental Establishments;
4. Check Cashing, Outlets, Cash Advance Outlets, and Title Loan Establishments;
5. Hookah Lounges;
6. Pawnshops;
7. Teen Clubs;
8. Hair Braiding establishments not included as part of a properly permitted and licensed Hair Salon or Barber Shop; and
9. Nightclubs.

3.2 Principle Use of Lots

There shall only be one permitted principle use for every lot within the City of College Park, subject to the following:

1. The provisions shall not apply to any zoning district which specifically permits mixed-uses within a lot either vertically or horizontally.
2. This provision shall not apply to lots with non-residential zoning classifications unless a residential use or dwelling unit, whether permitted as a non-conforming legal use or otherwise permitted under this ordinance, is maintained on such lot.
3. No lot may be subdivided to comply with this Article if it shall create a non-residential zoned lot that:
 - a. Is surrounded by one or more residentially zoned lot;
 - b. Is not adjacent to any other non-residentially zoned lot; and/ or
 - c. Will not maintain a zoning classification that is consistent with the City's Comprehensive Land Use Plan.

Article Three – Zoning District Intent, Uses & Standards

3.3 R-1 Low Density Residential District

3.3 R-1 District Intent, Permitted Uses and Conditional Uses

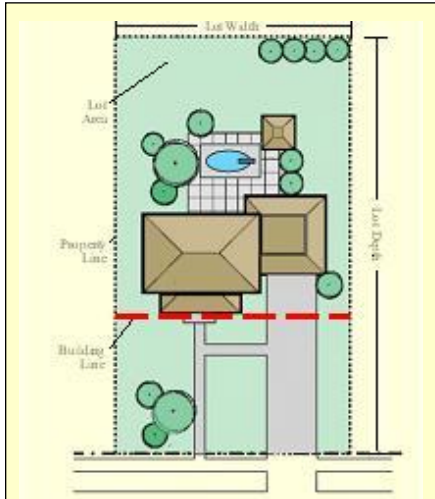
<p>District Intent</p> <p>The “R-1” District provide for the development of single-family detached homes on individual lots in a suburban character. The provisions that regulate this land use district provides for the development of low to medium density residential neighborhoods.</p> <p>The City of College Park should strive to promote an average net density of 2.0 to 2.5 dwelling units per acre community-wide in the “R-1” district.</p>	<p>Permitted Uses</p> <p>Residential Uses</p> <ul style="list-style-type: none"> • Dwelling, single-family • Home occupation (type I) <p>Institutional/Public Uses</p> <ul style="list-style-type: none"> • Nature preserve/ passive recreation trail • Parks and playgrounds • Police, fire, rescue • Public/ government buildings and offices • Public structures and uses in accord with the intent of this district <p>Communication/Utilities</p> <ul style="list-style-type: none"> • Public wellfield/pump house • Water tower • Utility substation <p>Accessory Uses</p> <ul style="list-style-type: none"> • Carports and garages • Parking of one unoccupied travel trailer, motor coach, or pleasure boat owned or used by the property owner on which it is located. Recreational vehicle or boat shall be screened from street frontage, and shall be parked on approved impervious surface. • Private recreation areas owned, operated, and maintained exclusively for residents of subdivisions, multiple family, or manufactured housing developments • Storage and utility buildings 	<p>Conditional Uses</p> <p>Agricultural Uses</p> <ul style="list-style-type: none"> • Sale of produce • Farm stands • Community gardens • Kennels, on parcels of land greater than 3 acres; provided, that any structure shall be at least 100 feet from any property line • Riding academies and stables on parcels of land greater than 3 acres; provided, that any structure shall be at least 100 feet from any property line <p>Residential Uses</p> <ul style="list-style-type: none"> • Bed and Breakfast • Personal care home (Family Personal Care) • Group home and halfway home • Home occupation (type II) <p>Institutional/Public Uses</p> <ul style="list-style-type: none"> • Educational institutions/ schools (P-12) • Places of Worship, Theaters, and Amphitheatres • Publicly owned parks and recreation areas
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Article Three – Zoning District Intent, Uses & Standards

3.4 R-1 Low Density Residential District

3.4 R-1 District Standards



Minimum Lot Area:

- 20,000 square feet

Minimum Lot Width:

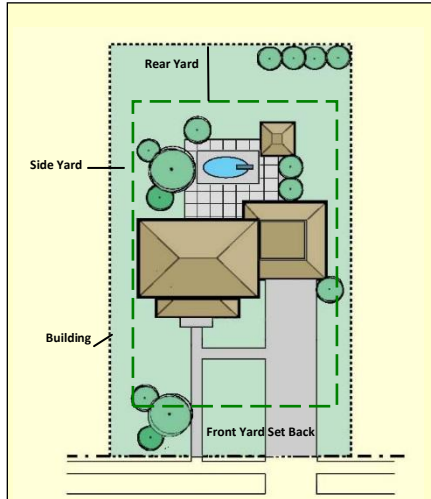
- 90 feet

Minimum Lot Depth:

- 180 feet

Minimum Lot Frontage:

- 100% of the lot width on a public street with access from said public street



Minimum Front Yard Setback:

- 60 feet

Minimum Side Yard Setback:

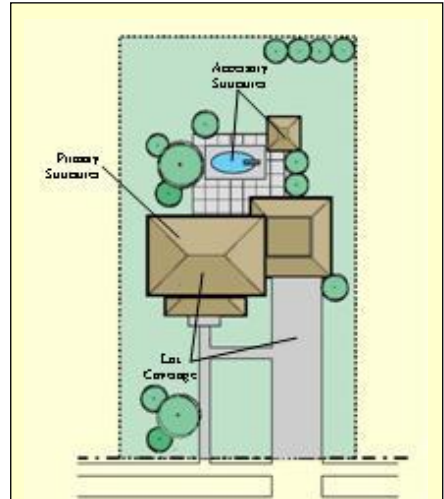
- 15 feet each side

Minimum Rear Yard Setback:

- 40 feet

Maximum Lot Coverage:

- square footage of all primary and accessory structures, and impervious surface cannot exceed 35% of the Lot Area.

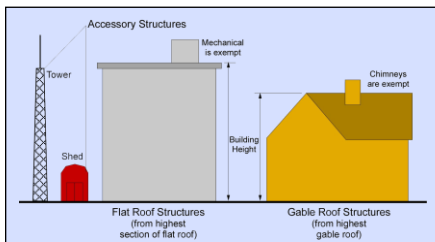


Minimum Living Area:

- 2,000 square feet of heated area for total house
- 1,200 square feet of heated area for first floor
- 800 square feet (accessory use dwelling)

Maximum Living Area:

- 4,000 square feet of heated area



Maximum Structure Height:

- 35 feet for the Primary Structure
- 25 feet for Accessory Structures

Additional Development Standards That Apply

- | | |
|---|---|
| Lot/ Yard Standards (LY) | Architectural & Appearance Standards (AA) |
| Height Standards (HT) | Agricultural Use Standards (AU) |
| Accessory Use/ Structure Standards (AS) | Places of Worship (PW) |
| Home Occupation Standards (HO) | Performance Standards (PS) |
| Personal Care Homes (PCH) | Public Improvement Standards (PI) |
| Bed and Breakfast Standards (BB) | Parking Standards (PK) |
| | Fences and Walls Standards (FN) |
| | Outdoor Lighting Standards (OL) |

Article Three – Zoning District Intent, Uses & Standards

3.5 R-2 Medium Density Residential District

3.5 R-2 District Intent, Permitted Uses and Conditional Uses

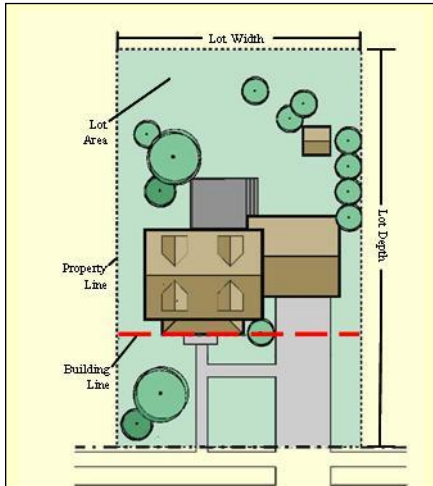
<p>District Intent</p> <p>The “R-2” District is intended to provide for the development of single-family detached homes on moderate-sized lots which are served by public water and sewer systems. The provisions that regulate this land use district provides for the development of residential neighborhoods in a medium-density urban development environment. This district should be protected from conflicting land uses. The City of College Park should strive to promote an average net density of 2.5 to 3.5 dwelling units per acre community-wide in the “R-2” district.</p>	<p>Permitted Uses</p> <p>Residential Uses</p> <ul style="list-style-type: none"> • Dwelling, single-family • Home occupation (type I) <p>Institutional/Public Uses</p> <ul style="list-style-type: none"> • Nature preserve/ passive recreation trail • Parks and playgrounds • Police, fire, rescue • Public/ government buildings and offices • Public structures and uses in accord with the intent of this district <p>Communication/Utilities</p> <ul style="list-style-type: none"> • Public wellfield/pump house • Water tower • Utility substation <p>Accessory Uses</p> <ul style="list-style-type: none"> • Carports and garages • Parking of one unoccupied travel trailer, motor coach, or pleasure boat owned or used by the property owner on which it is located. Recreational vehicle or boat shall be screened from street frontage, and shall be parked on approved impervious surface. • Private recreation areas owned, operated, and maintained exclusively for residents of subdivisions, multiple family, or manufactured housing developments • Storage and utility buildings 	<p>Conditional Uses</p> <p>Residential Uses</p> <ul style="list-style-type: none"> • Home occupation (type II) <p>Institutional/Public Uses</p> <ul style="list-style-type: none"> • Educational institutions/ schools (P-12) • Publicly owned parks and recreation areas
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Article Three – Zoning District Intent, Uses & Standards

3.6 R-2 Medium Density Residential District

3.6 R-2 District Standards



Minimum Lot Area:

- 10,000 square feet

Minimum Lot Width:

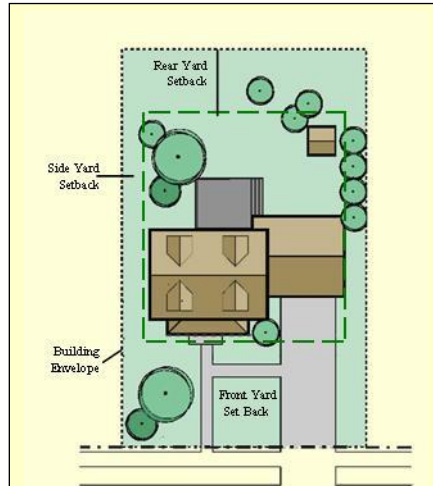
- 75 feet

Minimum Lot Depth:

- 125 feet

Minimum Lot Frontage:

- 100% of the lot width on a public street with access from said public street



Minimum Front Yard Setback:

- 40 feet

Minimum Side Yard Setback:

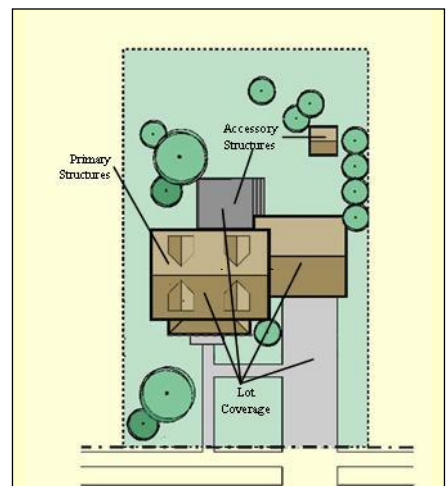
- 12 feet each side

Minimum Rear Yard Setback:

- 35 feet

Maximum Lot Coverage:

- Square footage of all primary and accessory structures, and impervious surface cannot exceed 35% of the Lot Area.

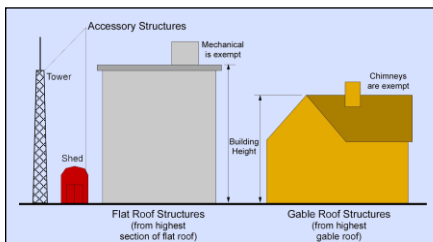


Minimum living Area:

- 1,800 square feet of heated area for total house
- 1,080 square feet of heated area on first story
- 800 square feet (accessory use dwelling)

Maximum Living Area:

- 3,600 square feet of heated area



Maximum Structure Height:

- 35 feet for the Primary Structure
- 25 feet for Accessory Structures

Additional Development Standards That Apply

- | | |
|---|---|
| Lot/ Yard Standards (LY) | Architectural & Appearance Standards (AA) |
| Height Standards (HT) | Performance Standards (PS) |
| Accessory Use/ Structure Standards (AS) | Public Improvement Standards (PI) |
| Home Occupation Standards (HO) | Parking Standards (PK) |
| | Fences and Walls Standards (FN) |
| | Outdoor Lighting Standards (OL) |

Article Three – Zoning District Intent, Uses & Standards

3.7 R-3 High Density Residential District

3.7 R-3 District Intent, Permitted Uses and Conditional Uses

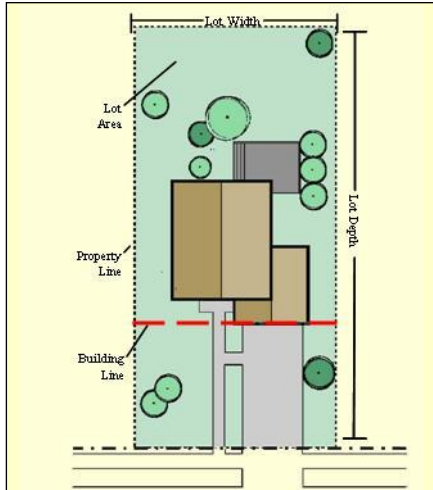
District Intent	Permitted Uses	Conditional Uses
<p>The “R-3 District is intended to provide the development of single-family detached homes served by public water and sewer systems. The provisions that regulate this land use district provides for the development of residential neighborhoods in a medium-density urban environment.</p> <p>This district should be protected from conflicting land uses. The City of College Park. should strive to promote an average net density of 4.0 to 5.5 dwelling units per acre community-wide in the “R-3” district.</p>	<p>Residential Uses</p> <ul style="list-style-type: none"> • Dwelling, single-family • Home occupation (type I) <p>Institutional/Public Uses</p> <ul style="list-style-type: none"> • Nature preserve/ passive recreation trail • Parks and playgrounds • Police, fire, rescue • Public/ government buildings and offices • Public structures and uses in accord with the intent of this district <p>Communication/Utilities</p> <ul style="list-style-type: none"> • Public wellfield/pump house • Water tower • Utility substation <p>Accessory Uses</p> <ul style="list-style-type: none"> • Carports and garages • Parking of one unoccupied travel trailer, motor coach, or pleasure boat owned or used by the property owner on which it is located. Recreational vehicle or boat shall be screened from street frontage, and shall be parked on approved impervious surface. • Private recreation areas owned, operated, and maintained exclusively for residents of subdivisions, multiple family, or manufactured housing developments • Storage and utility buildings 	<p>Residential Uses</p> <ul style="list-style-type: none"> • Home occupation (type II)



Article Three – Zoning District Intent, Uses & Standards

3.8 R-3 High Density Residential District

3.8 R-3 District Standards



Minimum Lot Area:

- 8,000 square feet

Minimum Lot Width:

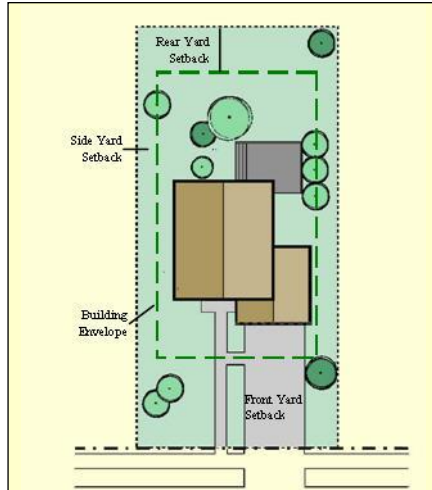
- 50 feet

Minimum Lot Depth:

- 100 feet

Minimum Lot Frontage:

- 100% of the lot width on a public street with access from said public street



Minimum Front Yard Setback:

- 35 feet

Minimum Side Yard Setback:

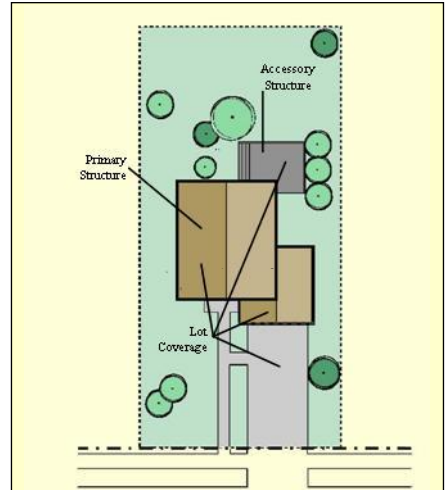
- 8 feet each side

Minimum Rear Yard Setback:

- 25 feet

Maximum Lot Coverage:

- Square footage of all primary and accessory structures, and impervious surface cannot exceed 35% of the Lot Area.

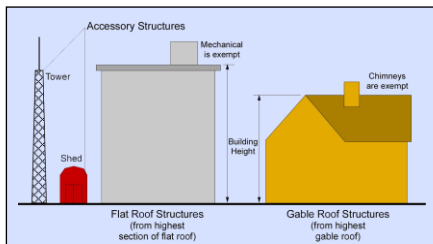


Minimum living Area:

- 1,600 square feet of heated area for total house
- 960 square feet of heated area on first story
- 800 square feet (accessory use dwelling)

Maximum Living Area:

- 3,200 square feet of heated area



Maximum Structure Height:

- 35 feet for the Primary Structure
- 25 feet for Accessory Structures

Additional Development Standards That Apply

Lot/ Yard Standards (LY)

Height Standards (HT)

Accessory Use/ Structure Standards (AS)

Home Occupation Standards (HO)

Group Homes, Homeless Shelter, and Halfway House (GH)

Architectural & Appearance Standards (AA)

Performance Standards (PS)

Public Improvement Standards (PI)

Parking Standards (PK)

Fences and Walls Standards (FN)

Outdoor Lighting Standards (OL)

Article Three – Zoning District Intent, Uses & Standards

3.9 RM Multiple Family Residential District

3.9 RM District Intent, Permitted Uses and Conditional Uses

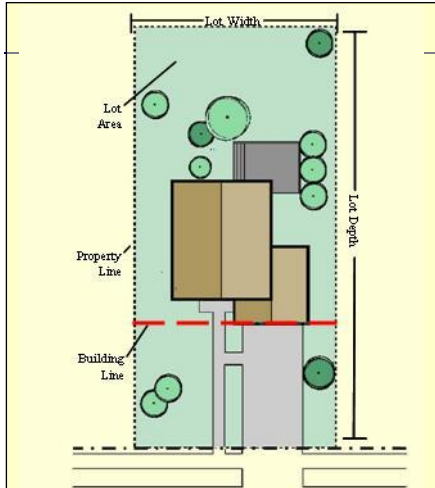
District Intent	Permitted Uses	Conditional Uses
<p>The “RM” District is intended to provide the development of multiple-family dwellings served by public water and sewer systems and located on through streets classified as major collector streets or higher. The provisions that regulate this land use district provides for the development of residential neighborhoods in a medium-density urban environment.</p> <p>This district should be protected from conflicting land uses. The City of College Park should strive to promote an average net density of 8.0 to 14.0 dwelling units per acre community-wide in the “RM” district.</p>	<p>Residential Uses</p> <ul style="list-style-type: none"> • Dwelling, multiple family dwellings • Row homes, townhomes, or condominiums • Personal care home • Group home and halfway home • Home occupation (type I) <p>Institutional/Public Uses</p> <ul style="list-style-type: none"> • Nature preserve/ passive recreation trail • Parks and playgrounds • Police, fire, rescue • Public/ government buildings and offices • Public structures and uses in accord with the intent of this district <p>Communication/Utilities</p> <ul style="list-style-type: none"> • Public wellfield/pump house • Water tower • Utility substation <p>Accessory Uses</p> <ul style="list-style-type: none"> • Carports and garages 	<p>Residential Uses</p> <ul style="list-style-type: none"> • Assisted living/retirement facility/ nursing home • Home occupation (type II)



Article Three – Zoning District Intent, Uses & Standards

3.10 RM Multiple Family Residential District

3.10 RM District Standards



Minimum Lot Area:

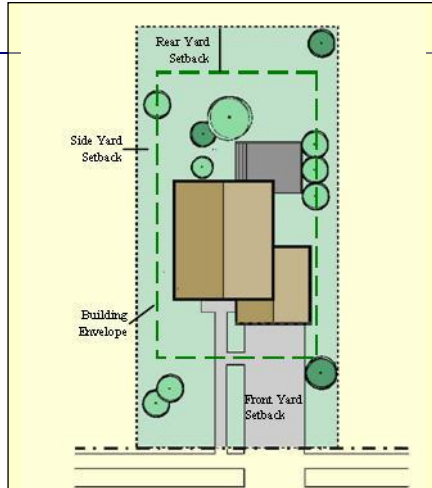
- 12,500 square feet, with 3,600 square feet per dwelling unit

Minimum Lot Width:

- 100 feet

Minimum Lot Frontage:

- 100% of the lot width on a public street with access from said public street



Minimum Front Yard Setback:

- 15 feet

Minimum Side Yard Setback:

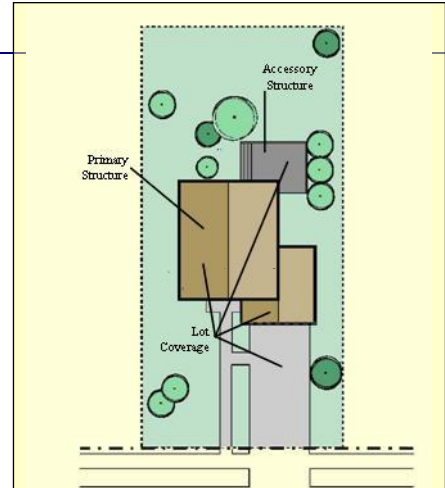
- 20 feet each side of singular structures

Minimum Rear Yard Setback:

- 30 feet

Maximum Lot Coverage:

- Square footage of all primary and accessory structures and impervious surface cannot exceed 35% of the Lot Area.

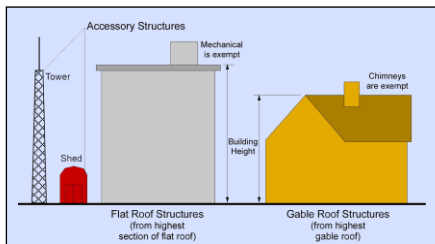


Minimum living Area:

- 750 square feet for one-bedroom unit
- 1,000 square feet for two-bedroom unit
- 1,250 square feet for three or more bedrooms

Required Open Space:

- 5% of the total gross acreage and must include an amenity package such as, playground, recreation fields, tennis courts, pool, gazebo, or other passive recreation options



Maximum Structure Height:

- 40 feet or 3 stories for the Primary Structure when abutting residential district or use not divided by a roadway
- 75 feet for the Primary Structure when abutting non-residential district
- 25 feet for Accessory Structures

Additional Development Standards That Apply

Lot/ Yard Standards (LY)	Architectural & Appearance Standards (AA)
Height Standards (HT)	Performance Standards (PS)
Accessory Use/ Structure Standards (AS)	Public Improvement Standards (PI)
Home Occupation Standards (HO)	Parking Standards (PK)
Personal Care Home (PC)	Fences and Walls Standards (FN)
Group Homes, Homeless Shelter, and Halfway House (GH)	Outdoor Lighting Standards (OL)

Article Three – Zoning District Intent, Uses & Standards

3.11 DC Downtown Commercial and Historic District

3.11 DC District Intent, Permitted Uses and Conditional Uses

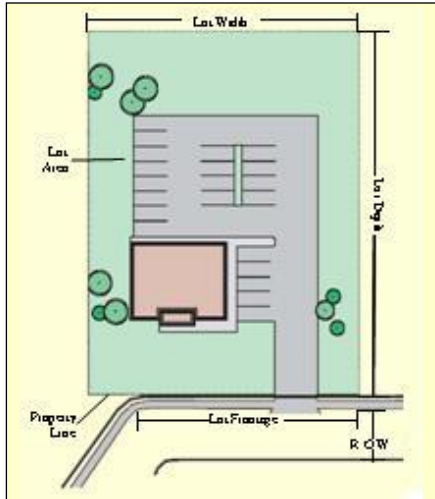
District Intent	Permitted Uses	Prohibited Uses
<p>The DC district is intended to provide a land use category for the central business retail and historic district. Land uses should be primarily commercial and tourism orientated; however, mixed use is encouraged.</p> <p>The City of College Park's Planning and Zoning Commission should remain consistent with the Comprehensive Plan and Future Land Use, and use this district to promote shopping, dining, and entertainment options within a walkable streetscape for residents and tourists alike.</p>	<p>Residential Uses (2nd floor and above only)</p> <ul style="list-style-type: none"> Residential, single-family Residential, two-family Residential, multi-family <p>Institutional/Public Uses</p> <ul style="list-style-type: none"> Tourism and welcome centers Parks, playgrounds, and seating and reflection areas Public structures, including artwork and uses in accord with the intent of this district <p>Business Uses</p> <ul style="list-style-type: none"> Art galleries and museums Professional offices Personal service establishments Banking and financial offices Group instruction for personal wellness Nutritional and pre-packaged snack shops Coffee and desert shops Florists Book and media stores Drug stores Gift and collectible shops General retail and merchandise sales Clothing and accessory retail sales Bakeries, coffee, and snack shops Restaurants and catering establishments Specialty beer and wine sales Graphic design and art galleries Antique sales 	<p>Prohibited Uses</p> <ul style="list-style-type: none"> pawn shops and second hand stores check cashing and title loan offices bail bonding establishments motor vehicle sales, repair, or storage adult entertainment establishments tattoo and piercing establishments palm reading and astrologers billiards and dart parlors drive through restaurants, with the exception of those restaurants utilizing at least 50% of its space as a full service restaurant modeling agencies staffing agencies boarding or rooming houses Massage parlors hypnotists video gaming and arcade parlors flea markets and second hand resale stores and dealers transportation terminals Unmanned Aircraft System Dispatch and Delivery Center



Article Three – Zoning District Intent, Uses & Standards

3.12 DC Downtown Commercial and Historic District

3.12 DC District Standards



Minimum Lot Area:

- 10,000 square feet

Maximum Lot Area:

- none

Minimum Lot Width:

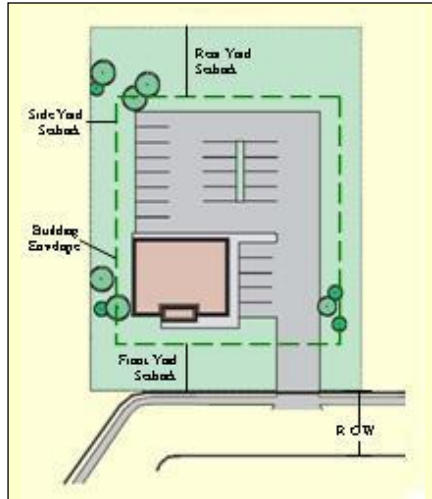
- 50 feet

Maximum Lot Depth:

- none

Minimum Lot Frontage:

- 100% of the lot width on a public street with pedestrian access from said public street



Sewer and Water:

- Requires connection to public water and sewer

Minimum Front Yard Setback:

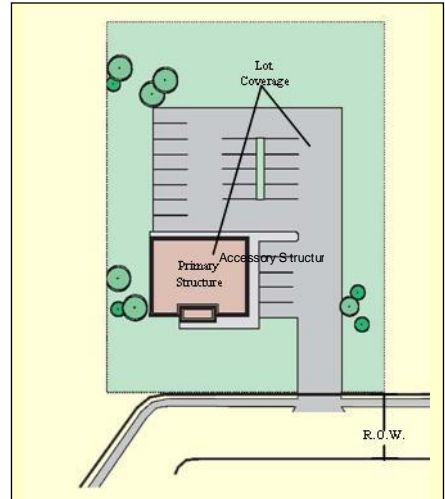
- 10 feet when adjacent to an Arterial
- 10 feet when adjacent to a Collector
- 10 feet when adjacent to a Local Road

Minimum Side Yard Setback:

- 0 feet

Minimum Rear Yard Setback:

- 10 feet



Maximum Primary Structures/Lot:

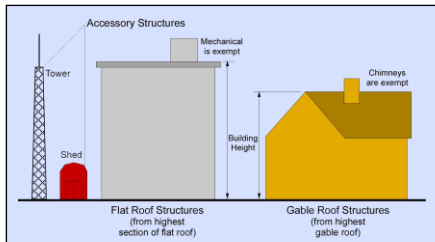
- 1

Maximum Accessory Structures:

- 1

Maximum Lot Coverage:

- none



Maximum Structure Height:

- 35 feet for the Primary Structure
- 25 feet for Accessory Structures

Additional Development Standards That Apply

- Lot/ Yard Standards (LY)
- Height Standards (HT)
- Accessory Use/ Structure Standards (AS)
- Performance Standards (PS)
- Public Improvement Standards (PI)
- Parking Standards (PK)
- Fences and Walls Standards (FN)
- Outdoor Lighting Standards (OL)

Article Three – Zoning District Intent, Uses & Standards

3.13 DC Downtown Commercial and Historic District

3.13 DC District Design Standards

A. Setbacks. Setbacks shall be as follows:

1. The maximum front setback shall be twenty (20) feet. Buildings shall only be set back away from the public right of way to accommodate architectural details, outdoor dining, street furniture or other pedestrian amenities.
2. No side yard shall be required.
3. No rear yard shall be required unless a property abuts residentially zoned property, then a minimum rear yard of twenty-five (25) feet is required.

B. Parking Standards. Parking shall be designed as follows:

1. On-street parking shall be utilized wherever possible.
2. Insofar as possible, parking lots shall be located to the rear or side of buildings. Preferably, parking should be located on the interior of parcels and/or blocks in a courtyard configuration, bounded by structures, landscaping or a combination of both. Parking shall not be placed between the front of the building and the street. Off -street parking shall not be located on corner lots.
3. Shared parking as well as consolidated driveways and curb cuts are strongly encouraged as a method of preserving continuity of street edges.
4. Parking lots shall be directly connected to a sidewalk leading to the main entrances of all buildings on site.

C. Materials. Such parking shall be provided in a parking garage or properly graded surface parking facility with the parking spaces comprised of asphalt, concrete, porous pavements or other material approved by staff as consistent with the intent of the Downtown Design Overlay District and underlying zoning district. Parking areas shall ensure smooth and even pathways to prevent falls and eliminate barriers for walking or wheelchair access.

D. Screening. Screening shall be as follows:

1. Parking areas that are adjacent to a public street shall be screened from the public right-of-way with a minimum screen height of three (3) feet above the finished grade of the parking area. The screen may be achieved through utilizing berms, hedges, vegetative buffers, low walls or decorative fences. Chain link fences are prohibited.
2. Parking garages that are adjacent to a public street shall compliment nearby buildings by utilizing similar façade materials. Architectural design and landscape screening shall be used to ensure that the structure compliments nearby buildings. Monolithic blank walls and continuous strip windows over 30 feet are prohibited. Fenestration patterns closely resembling inhabited buildings; use of devices such as louvers, screens, recesses, projections and other façade treatments; and enhanced landscaping with plants that are at least four (4) feet in height when planted may be used to improve the appearance of the parking structure.
3. Parking garage height shall not exceed 35 feet or the height of the surrounding tree canopy. Whenever feasible, parking structures shall be built into the topography of the site.

E. Landscaping on Off-Street Parking Lots. Off-street parking lots shall be landscaped as follows:

1. Off-street parking lots shall be designed to maximize coverage by shade trees. Shade trees in parking lots shall be a minimum of 3-1/2 inch caliper.
2. Off-street parking areas shall provide landscape islands and perimeter landscape strips that provide a cumulative total of at least one shade tree per twelve (12) parking spaces. Each shade tree shall be planted in a planting area at least eight (8) feet wide.
3. There shall be a minimum curb radius of three (3) feet required on all the corners of all landscape islands and medians to allow for free movement of motor vehicles around planting materials. All islands and medians shall be constructed with raised curbs.
4. All landscaped islands within parking lots shall be one hundred (100) percent landscaped with deciduous trees (minimum 3-1/2" caliper size), evergreen shrubs (not to exceed three (3) feet in height at maturity), ground cover (which does not require mowing) and/or flowers in mulched beds.
 - a. There shall be a minimum eight (8) feet wide (back of curb to back of curb) curbed landscaped island at the end of every row of parking, equal in length to the adjoining parking spaces. A parking island must be located no farther apart than every twelfth (12th) parking space; creating parking bays of no greater than eleven (11) parking spaces in a row. Each island or strip shall contain a minimum of two hundred (200) square feet.
 - b. Shade trees shall be planted at a minimum of three (3) feet from any curb, so as to prevent injury to trees by vehicle bumpers. The remaining area of the landscaping strip shall be sodded or planted with groundcover species.
 - c. The planting area for a tree shall consist of permeable and well-drained soils with suitable ground cover.
 - d. Dead trees and shrubs shall be replaced by the property owner within one (1) month, with three (3) months of waiting time allowed for avoiding planting in peak heat of summer.
 - e. Landscape strips at the perimeter of off-street parking lots shall be a minimum width of six (6) feet and shall provide for safe and convenient crossings by vehicles and pedestrians.
 - f. Pedestrian pathways in parking lots and pedestrian ways that cross vehicular aisles in parking lots shall be appropriately demarcated with paint or use of pavers.
 - g. Parking space dimensions shall be in accordance with the standards set forth in these Ordinances.

F. Landscaping in On-Street Parking Areas. On-street parking landscaping shall be as follows:

1. Landscaped bulb-outs and islands shall be built in conjunction with angled or parallel on-street parking so as to foster a more pedestrian-friendly environment in downtown commercial areas. Bulb-outs can improve the visibility between pedestrians and drivers, as well as provide a safe space for pedestrians.
2. Additionally, bulb-outs shall be used at mid-block crosswalks to facilitate pedestrian movement to parking facilities or businesses. These bulb-outs shall take on a similar design to those used at intersections.
3. Landscape islands, which provide a place of refuge for pedestrians as they cross intersections, shall be used where deemed necessary by the Engineering Director.

G. Loading Areas. Loading areas shall be screened from the public right of way. Businesses that require service bays shall implement a lot design that reduces unsightly working facilities.

- H. Utility/Mechanical.** All mechanical and utility equipment, whether located on the roof, ground or side of building shall be screened from view.
1. The method of screening shall be architecturally integrated with the structure in terms of materials, color, shape and size.
 2. The design of the screening shall be done in concert with and as a part of the design of the building, rather than as an afterthought.
 3. New development shall bury utilities when possible to avoid a visually cluttered streetscape and to promote a more aesthetically pleasing environment. Utilities placed underground shall be done so in a way that does not preclude future infill or redevelopment from occurring.
- I. Mechanical/Utility/Refrigeration Equipment.** Mechanical or utility equipment including utility meters shall be screened from public view. This also applies to outdoor HVAC equipment and outdoor refrigeration units.
1. The method of screening shall be architecturally integrated with the structure in terms of materials, color, shape and size in such a manner that the equipment is not visible from street level.
 2. Equipment shall be screened with solid building elements (e.g. parapet wall) instead of after-the-fact add-on screening (e.g. wood or metal slats).
 3. Air conditioning units placed in individual windows and window transom areas are prohibited. The front façade of a building shall not be disrupted by the addition of mechanical systems such as air conditioning units.
- J. Waste/ Refuse.** Refuse containers or dumpsters shall be located in the rear or side yard of a property and shall be screened from view of the public right of way.
1. Screening shall occur by placement of a brick or stacked stone masonry wall with solid gates that reflects the architecture of the proposed development.
 2. The enclosure shall have a minimum height of eight (8) feet, or two (2) feet taller than the highest point of the waste/grease container, compactor or dumpster, whichever is greater.
 3. Gates shall allow access to refuse containers while denying open views of the contents within.
 4. The use of chain link fencing is not acceptable as concealment of mechanical units or waste/grease containers.
 5. No dumpster or refuse container shall be located within fifty (50) feet of a single family residentially zoned property.
 6. The sharing of waste facilities between lessees of commercial developments is strongly encouraged.
 7. All refuse materials shall be contained within the refuse area.
- K. Garbage Containers.** Containers shall be as follows:
1. Garbage cans shall be neatly contained in sheds or in separate screened enclosures.
 2. Garbage storage shall be shielded from public view and shall be within the building property line.
 3. Trash shall be placed at the street edge but shall not be placed in the street so as to obstruct the sidewalk or any area of public vehicular or pedestrian travel.

3.14 Architectural Design Standards

Design emphasis is placed on building massing and scale. Massing will be reviewed in the context of building height, number of stories, roof configuration and building groupings. Scale of buildings shall be appropriate to the site in question as it relates to street frontage and pedestrians. New construction shall respect the traditional style of Downtown College Park and shall be in visual harmony with surrounding structures.

A. Building Height, Width, Mass and Scale. Building heights and widths shall relate to the existing fabric of downtown and surrounding neighborhoods.

1. Widths of buildings are encouraged to consist of three (3) to four (4) bays (window and door divisions), or approximately fifty (50) to sixty (60) feet.
2. New buildings that are wider than existing structures shall incorporate a number of smaller bays into the primary façade, to maintain a cohesive scale.
3. Buildings in excess of three (3) stories or thirty-five (35) feet in height may be appropriate within two-thousand (2,000) feet of the College Park MARTA station, subject to a conditional height permit.
4. Building heights of larger projects shall provide variety. A larger (taller) development shall step down in height to a maximum of 35 feet when adjacent to a street with shorter structures on the opposite side or when adjacent to smaller, surrounding structures.
5. Large lots are encouraged to be developed with several buildings, rather than a single structure in order to help reduce the perceived size of the project.

B. Orientation. All front façades of the principal building shall face and be parallel to a public street.

1. Primary pedestrian entrances shall be oriented to the street and shall be clearly visible.
2. For buildings with commercial and retail uses, all customer entrances shall remain unlocked during business hours.

C. Building Façade. A variety of sizes is appropriate among primary façades in new developments.

1. Variations in facade treatment shall be continued through the structure, including its roof line and front and rear facades to reduce the perceived size of the building.
2. A monotonous appearance of a large building or single façade shall be minimized through the use of architectural elements within the façade which include masonry piers, stepping of the building height and width, different colors or textures, and the variation of windows and awnings.
3. Building design shall create positive open space in these variations such that they will enhance the streetscape.
4. Blank lengths of wall exceeding thirty (30) linear feet are prohibited on all building façades.

D. New Construction. New buildings shall incorporate recessed entryways into the design of the building to prevent impeding pedestrian traffic along the sidewalk while a door is opened to enter a commercial building.

1. The entryway shall be set back from the edge of the sidewalk four (4) to eight (8) feet and may make use of display cases and window panes to integrate this feature into the design of the building.

2. Buildings located on corner lots shall incorporate design features to provide architectural interest for side walls that are not considered part of the primary façade.
3. There shall be no exposed plain concrete block for visible portions of all façades.
4. Tilt up or precast concrete shall be textured with brick, aggregates, form liners, or similar methods to give visual interest to larger expanses of wall.
5. Landscaping elements shall also be added to break up larger expanses of wall.
6. Where retail or service-oriented offices front on a public right of way, a minimum of seventy-five (75) percent of the affected building façade shall consist of transparent surfaces, such as windows or doorways, to promote visual interest.
7. Where general office uses front public rights of way, a minimum of fifty (50) percent of the affected building façade shall consist of transparent or translucent surfaces.

E. Roofs. Roofs shall be designed as follows:

1. The form and pitch of the roof of new construction and additions to existing buildings shall be proportionate to surrounding structures.
2. During roof repair and replacement, new materials shall match existing materials in scale and texture.
3. Parapets shall be embellished with detailing and stepped or sloped to achieve a visually interesting yet harmonious sequence along the building façade.
4. Flat roofs shall be defined with a discernible cornice line. Variations in roof type, height, and or distinct, separate roof segments should be considered as a means of creating greater visual interest, identifying changes in use and areas of ownership, or reducing monotony.
5. Pitched roofs such as gable, hip, shed or mansard roofs shall be clad with highly durable materials such as standing seam metal, slate, ceramic or fireproof composite tiles. Use of asphalt shingles is discouraged.
6. Rooflines shall reflect interior and exterior patterns of use or ownership.
7. Roof ornamentation shall carefully consider sight lines and not allow any views of unsightly surfaces.

F. Windows & Doors. Architectural design of the structure shall determine the window and door styles selected for a project.

1. Windows and doors shall follow appropriate rhythm and scale for building massing and frontage, including a pedestrian friendly focus.
2. The arrangement, size and style of windows and doors shall be proportionate in scale to surrounding structures.
3. Entrance doors for retail and commercial buildings shall be of glass or contain significant glass to allow visibility into businesses.
4. Entries shall be recessed to allow the door to swing out without obstructing pedestrian flow.
5. Where appropriate as determined by the city planner, sliding/folding doors that allow the activity of the business to open adjacent to and onto the public sidewalk shall be installed.
6. Replacement windows shall conform as follows::

- a. Windows shall match the original materials or replicate the same appearance.
 - b. Windows shall require no major alterations of the openings.
 - c. Windows shall match the pane divisions of the original windows.
7. Bay windows on the front of buildings shall not encroach on the public right of way.
8. Storm windows and doors shall have minimal impact on building façades. Owners shall consider proper weather- stripping and repairs first as an alternative to the installation of storm doors and windows.
- a. New storm windows and doors shall match the color of the existing sash wherever possible.
 - b. Clear panes are recommended for storm doors which permit the original door to be fully visible.

G. Awnings. Awnings, canopies, and other accessory shade structures that do not restrict pedestrian or vehicular movement may encroach over the right-of-way.

1. Permitted Elements:

- a. Awnings shall be made of opaque materials; the traditional use of cloth or canvas awnings is encouraged.
- b. Awnings shall be of a solid through color, i.e., the underside of the awning is the same color as the exposed face.
- c. Awnings shall be a color compatible with the building facade.
- d. The scale of the awning, i.e., height, length, depth and overall bulk shall be compatible with the building storefront.
- e. Awnings may be operable so that they can be retracted and lowered to permit the desired level of sunlight throughout the day/season.

2. Appropriate Awning Forms:

- a. Where the facade of a commercial building is divided into distinct structural bays (sections defined by vertical architectural elements, such as masonry piers), awnings shall be placed within the vertical elements rather than overlapping them. The awning design shall respond to the scale, proportion and rhythm created by these structural bay elements and nestle into the space created by the structural bay, but need not be identical.
- b. Awning shape shall relate to the window or door opening. Barrel-shaped awnings shall be used to complement arched windows while square awnings shall be used on rectangular windows.
- c. Awnings over sidewalks shall overhang the sidewalk a maximum of five (5) feet and shall provide a minimum vertical clearance of eight (8) feet for pedestrians.

3. Prohibited Elements:

- a. Awnings shall not be made of shiny, high-gloss, or translucent materials.
- b. The use of vinyl or plastic as awning material is prohibited.

- c. Awnings shall not cover distinctive architectural features of the building face, nor shall installation of the awning damage the structure.
- d. Internal illumination of awnings is prohibited.

H. Rear Entrances. Rear façades shall be designed as an integral part of the overall building with similar materials and detail treatments as the rest of the building. If parking is placed to the rear of a building, the building's rear façade shall be welcoming in appearance. Awnings, landscaping and small wall signs identifying businesses are encouraged. Furthermore, any rear entrance shall provide adequate lighting and be designed to maximize safety.

- 1. If no rear building entrance is provided, a signed and lighted walkway to the front or side building entrance shall be provided and adhere to requirements for lighting as addressed in Article 7, Lighting Standards.
- 2. Selective use of tree planting, potted plants and other landscaping shall be used to improve the aesthetics of a rear facade.
- 3. A rear customer entry door design shall be compatible with the front door. Special security glass (i.e. wire imbedded) is allowed.

I. Franchise Architecture. Franchise development is a necessary and vital component to the growth of a community. It remains important to assure that the focus of such development reflects the character of the city, and not merely the tenant. The City of College Park prizes its downtown, and encourages reflecting its architecture within this district.

- 1. Appropriate attributes:
 - a. To lend the appearance of multi-tenant occupancy, facades of multi-tenant buildings shall be varied in depth or parapet height.
 - b. Within planned shopping centers, distinct architectural entry identity for individual tenants' entrances shall be provided for suites exceeding ten-thousand (10,000) square feet of leasable area.
 - c. Walls visible from roadways or parking areas shall incorporate changes in building material/color or varying edifice detail such as trellises, false windows or recessed panels reminiscent of window, door or colonnade openings, landscaping or storefront every one hundred and fifty (150) linear feet.
 - d. All projects shall adhere to lighting and landscaping guidelines as dictated through Article 7, Lighting, and Article 9, Tree Protection, respectively.
- 2. Prohibited elements:
 - a. Building elements shall not function as signage. The appearance of "franchise architecture", where the building functions as signage is discouraged. Incorporation of franchise or business design elements unique or symbolic of particular business shall be unobtrusive and secondary to the overall architectural design.
 - b. Parking shall not isolate the building from the sidewalk or connecting walkways.

- c. Service windows and stacking lanes.

3.15 Landscaping, Lighting and Streetscape Design

- A. **Landscaping.** Landscaping shall be designed as follows:
1. Size and spacing of landscaping elements shall be consistent with pedestrian-scale development, relate to identifiable streetscapes, and ease the transition between all structures and the pedestrian.
 2. Plant materials and containers shall not encroach upon the minimum five (5) feet pedestrian clear zone that must be maintained on the sidewalk.
 3. The use of window boxes, planters, hanging flower baskets, vines and other seasonal landscaping is encouraged. Window boxes, hanging baskets and planters shall be used around entries, while vines should be used to cover blank walls or other surfaces. All hanging baskets shall provide at least eight (8) feet of vertical clearance for pedestrians.
 4. Landscaping shall be designed to coordinate with building height; designers shall use foresight to identify how plants will look at maturity.
 5. Landscaping shall not only apply to the fronts of buildings, but to the sides and rear as well. Buildings with rear entries or rear parking shall strive to make the entrances as neat and well maintained as the front entrance.
 6. Landscape shading shall minimize large areas of un-shaded pavement. Pavement materials must be chosen for minimal reflected light and glare. The use of pervious materials is strongly encouraged to reduce surface water flows and non-point source water pollution. Sidewalks and pathways shall be designed with concrete and decorative pavers around the border and must be approved by the Engineering Director.
 7. Plant materials along streets and highways shall be selected and placed to avoid blocking sight lines at intersections and curb cuts. Plantings along utility rights of way shall not disrupt service or access to overhead or underground equipment and lines.
- B. **Transitional Buffers.** Transitional buffers are intended to be used in a manner that allows for compatible residential and commercial growth in Downtown College Park. Transitional landscape buffers between commercial and single-family residential houses can help to mitigate the impact of new development and work to retain the downtown character. Maintenance of these buffers shall be the responsibility of the respective property owners.
1. Transitional yards between commercial lots and residential areas shall have landscape buffers no less than fifteen (15) feet wide.
 2. Transitional buffers shall have permanent opaque walls or evergreen screening with a minimum height of six (6) feet. Plantings shall be placed close together so as to provide a thick buffer between lots.
 3. Transitional buffers shall be designed in a manner that does not adversely impact pedestrian accessibility.
- C. **Streetscape.** Property owners in Downtown College Park may install pedestrian benches, tables, trash receptacles, and bicycle racks on private property or by way of a permit from the City if the land belongs to the City. All fixtures shall be in accordance with these standards. The designs for these items are specified below. All developments outside of the downtown area are encouraged to use these standards for guidance to provide a consistent look throughout the City.
1. Sidewalk Bench Description:

- a. Solid steel bar and wood construction.
 - b. Six (6) foot length with two (2) inch steel legs and arm rests, with center arm rest.
 - c. Color: Black.
2. Trash Receptacle Description:
 - a. Steel rib welded construction.
 - b. Sizes available in twenty-four (24) or thirty-six (36) gallon capacities.
 - c. Color: Black.
 3. Pedestrian Scale Street Light Description:
 - a. GranVille prismatic glass acorn luminaire
 - b. North Yorkshire cast aluminum fluted pole.
 - c. Cast iron base with steel shaft.
 4. Bicycle Rack Description:
 - a. Steel tubular and rib welded construction.
 - b. Should enable the frame and one or both wheels to be secured.
 - c. Color: Black.
 5. Table Description:
 - a. Metal is recommended; plastic, vinyl or similar material is prohibited.
 - b. Color: Black exterior or a stained wood finish.
 6. Bollard Description:
 - a. Concrete or metal.
 - b. Color: Black exterior.
 7. Traffic Signal Mast Arm Description:
 - a. Ornamental base and pole top, fluted shaft and curved arm.
 - b. Galvanized powder coat finish.
 - c. Color: Black.
 8. Planter Description:
 - a. Concrete is recommended; plastic, vinyl or similar material is prohibited.
 - b. Color: Black exterior.
 9. Specialty Unit Pavers Description:
 - a. Architectural interlocking paving stone.
 - b. Manufactured concrete paver types A and B.
 - c. Color: Stock colors and custom color available.

3.16 Sidewalks

A comprehensive sidewalk network for commercial corridors allows for increased pedestrian mobility, promotes non-motorized methods of transportation and allows for attractive areas for public gathering and outdoor dining. Sidewalks shall be wide enough to accommodate through pedestrian traffic as well as amenities such as street furniture, pedestrian-scaled lighting, trees and landscaping.

1. Sidewalks shall be in compliance with ADA standards for Accessible Design.
2. Sidewalks shall be located along both sides of all public streets.

3. All sidewalks shall be accessible with ramps and other safety features, such as traffic strips for sensory canes.
4. All grade changes along sidewalks shall be clearly marked.
5. Sidewalks composed of concrete with decorative pavers along the border shall be used on all streets in the downtown commercial area. Concrete sidewalks are appropriate for residential areas.
6. Sidewalks accompanying new construction shall have a minimum width of eight (8) feet where possible.
7. Sidewalks accompanying new construction shall include a three (3) foot minimum “furniture and planting zone.”
 - a. Furniture and planting zones may be used as stormwater filtration.
8. Pedestrian street lights shall be placed a maximum of sixty (60) feet on center and spaced at equal distances within the furniture and planting zone. The type of pedestrian-scale street light shall abide by the standards set forth in section 3.15, Streetscape Elements of this document.
9. Pedestrian street lights and street tress contained within the furniture and planting zone shall be placed on an alternating pattern so that a equal distance between them is maintained.
10. Benches and other resting areas shall be appropriately spaced to accommodate the needs of older users.
11. A minimum of five (5) feet of clear pedestrian access shall be maintained on all sidewalks.
12. Commercial area sidewalks shall be tapered into adjacent residential areas.
13. Including space for window shopping and outdoor cafes is encouraged.
14. Sidewalks are highly encouraged to incorporate the use of porous pavements or pavers that permit the infiltration of storm water wherever feasible.

All sidewalks along state routes shall be designed in accordance with Georgia Department of Transportation specifications.

3.17 Street Trees

Street trees shall be required as follows:

1. Street trees shall be planted in conjunction with each new development project.
2. Trees shall be spaced a minimum of twenty-five (25) feet on center, depending on species, to provide a more-or-less continuous canopy along the sidewalk.
3. Required street trees shall be shade trees. However, other types may be used if approved by the City Planner.

4. A minimum planting area or grating of at least three (3) by three (3) feet shall accompany all street trees.

Tree maintenance, pruning and dead tree replacement schedule and responsibilities shall be designated in consultation with the City.

3.18 Outdoor Dining

Outdoor seating for restaurants in and outside of the downtown area is an attractive feature and is highly encouraged. It maintains the historic feel of the area by bringing restaurant patrons into the public realm while dining. However, standards must be in place to ensure this practice does not infringe on the rights of others.

1. Restaurants may place one row of tables outside their place of business unless the building setback permits a greater number of rows. These tables shall be placed adjacent to the front wall of the building, fronting the public right of way.
2. Tables shall not extend beyond the front property line of the restaurant or encroach upon the front building line of adjacent businesses.
3. Tables may extend into the public right of way upon approval by the city planner and the acquisition of a permit issued by the city.
4. Dining tables shall not be wider than five (5) feet in diameter.
5. Access to public stairways shall not be blocked. Tables and chairs shall not interfere with any utilities or other facilities such as telephone poles, fire hydrants, signs, mailboxes, and benches located on the sidewalk or in the public right-of-way.
6. Tables and chairs shall not impinge on any required clear distances for maneuvering around entrances or exits. The outdoor dining area shall be accessible to disabled patrons and employees.
7. A minimum of five (5) feet of clear pedestrian access shall be maintained on all sidewalks.
8. Umbrellas shall be of quality construction and must be designed to be secure during windy conditions. No portion of the umbrella shall be lower than seven (7) feet above the sidewalk.

3.19 Street Design

Streets should be designed, constructed, operated and maintained so that pedestrians, bicyclists, transit riders, motorists and people of all ages and abilities can travel safely and independently.

1. Streets and sidewalks shall be in compliance with ADA standards for Accessible Design.
2. Construct continuous pedestrian facilities along all major streets and highways; these shall be direct and interconnect with all other modes of transportation.
3. Provide safe, secure and convenient facilities for pedestrians into and within commercial development.

4. Pedestrian crossings shall be adequately marked and signed according to the GDOT Pedestrian and Streetscape Guide.
5. Relate sidewalk design to the function and the anticipated amount of pedestrian traffic.
6. All ramps and curb cuts throughout the pedestrian system shall be constructed according to ADA guidelines.
7. Provide continuous, clearly marked bicycle lanes in accordance with GDOT's Pedestrian and Streetscape Guide wherever possible, especially in congested areas.
8. Design bikeways and multi-modal facilities to meet a wide range of user needs. Design bikeway and walkway capacity to accommodate the anticipated use.
9. Provide adequate signage of bikeways and paths.
10. Provide bicycle parking in commercial and recreational areas.
11. Incorporate Federal Highway Administration (FHWA) design guidelines for older drivers and pedestrians.

3.20 Lighting

Good outdoor lighting serves a number of uses by increasing safety and enhancing the city's nighttime character. However, improperly designed and/or installed lighting can create problems of excessive glare, light trespass, decreased safety and higher energy use. These standards are established to define appropriate lighting characteristics.

A. General Lighting Guidelines

1. Lighting shall be designed to control glare, minimize light trespass onto adjacent properties, minimize direct upward light emission, promote effective security, and avoid interference with safe operation of motor vehicles. The minimum intensity needed for the intended purpose shall be used. This paragraph is not intended to preclude the use of decorative lantern fixtures with visible lamps.
2. All parking areas, walkways, vehicle entrances and service/loading areas shall provide area lighting sufficient to achieve a minimum of 2.4 foot candles of light as measured at grade or ground level.
3. Lighting fixtures in parking areas shall be located to assure adequate light levels without displacing planned trees. Light fixture placement shall be shown on landscape plans.
4. Lighting fixture height, style, design and illumination levels shall be compatible with the building design and height and shall consider safety, function and aesthetics. Lighting fixtures installed along sidewalks shall be pedestrian scale and shall not exceed fourteen (14) feet.
5. Lighting may be used to illuminate buildings, landscaped medians/islands and grounds for safety purposes and to enhance appearance. The visual effects of such lighting shall be subtle.
6. Lighting attached to building exteriors or mounted on the ground to reflect upon building exteriors shall be consistent with the architectural style of the building.

7. Lighting of logos should be compatible with the primary building and respect adjacent buildings. Bright and intense lighting is strongly discouraged.
8. Blinking, moving or changing intensity of illumination signs are prohibited.
9. Security lighting shall be shielded and shall focus on the side or rear entry door.
10. Specialty lighting on outdoor patios, terraces, walkways, and trees helps create a festive atmosphere and encourages nighttime use by pedestrians.
11. Some alleys and pedestrian ways may also employ a custom decorative lighting system which spans the breadth of the alley. With owner permission, this fixture type could be used in narrow locations where adequate wall support is available.

3.21 Color

The overall exterior color scheme shall be selected to be harmonious with the neighborhood and blend with the natural surroundings of the site. Consideration shall be given to the compatibility of colors with those existing in the vicinity. The size of the structure and the amount of shading it will receive are also a factor in selection of colors.

- A. **Color Hue.** Any accent colors shall be of analogous tints, shades or tones. Accent colors may only be approved for very limited use where appropriate to highlight a feature of the design or provide visual interest. The number of such colors shall be limited to no more than two (2) and must be compatible within the overall color scheme.

3.22 Public Art

Public art is a valuable design element found in many small towns and can include depictions of local scenery in the form of paintings, murals and mosaics. Artistic expressions on the sides of buildings and on façades can add value, but the designs shall be balanced and appropriate. No explicit commercial message is permitted in murals or other forms of public art. Other public art may consist of statues, pottery, planters and water features such as fountains. All public art on or adjacent to commercial buildings shall be approved by the Mayor and Council.

Article Three – Zoning District Intent, Uses & Standards

3.23 DO Downtown Office District

3.23 DO District Intent, Permitted Uses and Conditional Uses

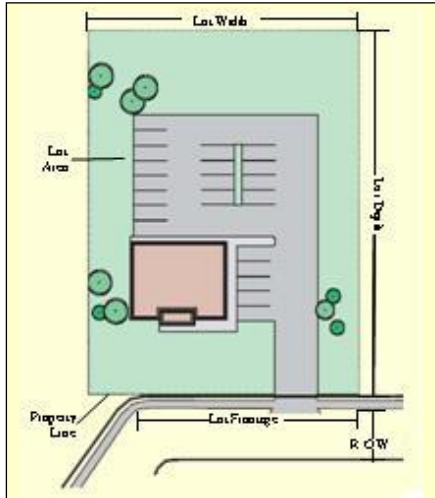
<p>District Intent</p> <p>The “DO” District is intended to provide a land use category for offices, banks, retail establishments, and personal business services which can serve as a transitional area between residential, office parks, and the downtown commercial district. Building design, pedestrian access, and shopability should mirror the downtown commercial areas within the City of College Park.</p> <p>The City of College Park's Planning and Zoning Commission should follow the Comprehensive Plan and Future Land Use Map, and strive to use this district selectively, in areas where the infrastructure exists and office and commercial uses are appropriate to service the areas near the downtown commercial district.</p>	<p>Permitted Uses</p> <p>Office/ Institutional Uses</p> <ul style="list-style-type: none"> • Banks and credit unions • Dental offices and clinics • Hospitals • Medical offices, clinics and physical therapy facility • Professional and business offices • Colleges, universities, and vocational technical schools <p>Public Uses</p> <ul style="list-style-type: none"> • Public/ Government buildings and offices • Police, Fire, Rescue • Parks • Public structures and uses in accord with the intent of this district <p>Business Uses</p> <ul style="list-style-type: none"> • Restaurants • Retail establishments • Florist shops • Pharmacy 	<p>Prohibited Uses</p> <ul style="list-style-type: none"> • Pawn shops and second hand stores • Check cashing and title loan offices • Bail bonding establishments • Motor vehicle sales, repair, or storage • Adult entertainment establishments • Tattoo and piercing establishments • Palm reading and astrologers • Billiards and dart parlors • Drive through restaurants, with the exception of those establishments utilizing at least 50% of its space as a full service restaurant. • Modeling agencies • Staffing agencies • Boarding or rooming houses • Massage parlors • Hypnotists or therapist’s offices • Video gaming and arcade parlors • Flea markets and second hand resale stores and dealers • Transportation terminals • Unmanned Aircraft System Dispatch and Delivery Center
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Article Three – Zoning District Intent, Uses & Standards

3.24 DO Downtown Office District

3.24 DO District Standards



Minimum Lot Area:

- 10,000 square feet

Minimum Lot Width:

- 50 feet

Maximum Lot Depth:

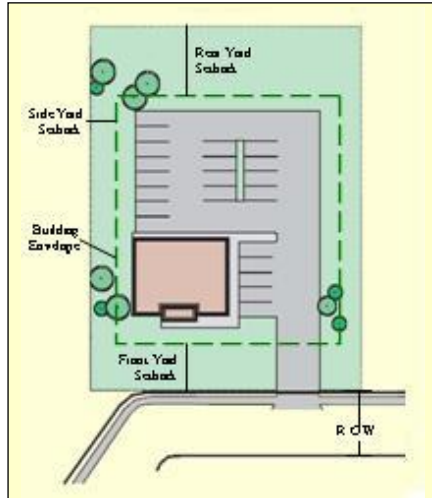
- none

Minimum Lot Frontage:

- 50 feet on a public and/ or private street with access from said public and/ or private street

Sewer and Water:

- Requires connection to public water and sewer



Minimum Front Yard Setback:

- 0 feet when adjacent to an Arterial Rd
- 0 feet when adjacent to a Collector Rd
- 0 feet when adjacent to a Local Road
- 0 feet when adjacent to a Private Road

Minimum Side Yard Setback:

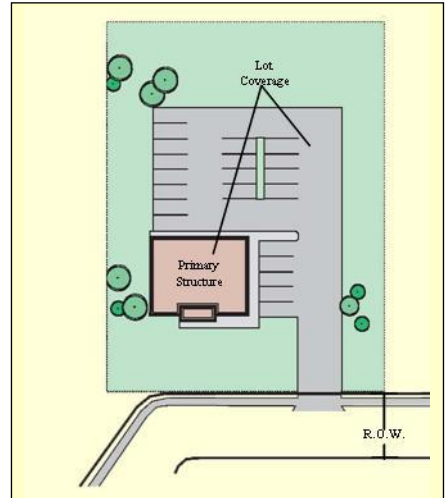
- 0 feet

Minimum Rear Yard Setback:

- 0 feet

Minimum Curb Cut Distance:

- 100 feet



Maximum Primary Structures/Lot:

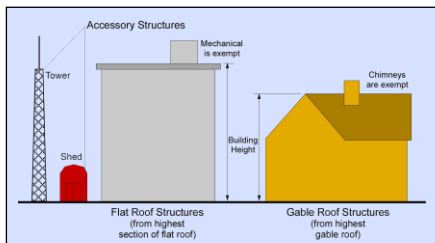
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Maximum Accessory Structures:

- 1

Maximum Lot Coverage:

- All primary and accessory structures, and impervious surface can not exceed 70% of the lot area.



Maximum Structure Height:

- 35 feet for the Primary Structure
- 25 feet for Accessory Structures

Additional Development Standards That Apply

- Lot/ Yard Standards (LY)
- Height Standards (HT)
- Accessory Use/ Structure Standards (AS)
- Performance Standards (PS)
- Public Improvement Standards (PI)
- Parking Standards (PK)
- Fences and Walls Standards (FN)
- Outdoor Lighting Standards (OL)

Article Three – Zoning District Intent, Uses & Standards

3.25 DO Downtown Office District

3.25 DO District Design Standards

This section shall apply to all Downtown Office developments to ensure safe and efficient vehicle and pedestrian circulation, and protect the general welfare of the community by ensuring that such facilities are consistent in design with, and complimentary to, adjacent land uses and the physical characteristics of The City of College Park.

- A. **Building Orientation:** All primary structures shall face the front of the lot on which they are located. No loading docks, overhead service doors, or trash collection bins may be placed on or adjacent to any facade which faces a public street.
- B. **Building Materials:** The primary building material for all facades facing public streets shall be brick, natural or cut stone, pre-cast concrete, on-site tilt up concrete panels, or any material with a stucco type finish or a masonry material.
- C. **Front Entrance:** All customer entrances located along the front facade, shall feature a combination of two or more of the following features:
 - 1. Canopies and porticos.
 - 2. Overhangs.
 - 3. Recesses or projections.
 - 4. Arcades.
 - 5. Raised, corniced parapets.
 - 6. Peaked roof forms.
 - 7. Arches.
 - 8. Display windows.
 - 9. Architectural details, such as tile work and moldings which are incorporated into the building structure and design.
- D. **Roofs:** Sloped roofs shall either be of standing seam metal or dimensional shingles.
- E. **Landscaping:** Landscaping screening shall be provided around the perimeter of all parking areas which include 15 or more parking spaces.
 - 1. The screening shall be located within 5 feet of the edge of the parking area and shall provide screening at least 4 feet in height for at least 75% of the perimeter of the parking area.
- F. **Lighting:** Lighting on each lot shall be designed to reduce light pollution while providing the minimum light necessary for security and safe pedestrian and vehicle traffic movements.
 - 1. Light poles in vehicle use areas shall not exceed 20 feet in height. All lighting shall be Metal Halide or LED and have 90 degree cut-off luminaires (shielded downlighting).
 - 2. Lights illuminating structures and sidewalks shall be Metal Halide and have 90 degree cut-off luminaires (shielded downlighting).
 - 3. Spot lights and those which face upwards to illuminate building facades are prohibited.
- G. **Entrance Drives:** Entrance drives accessing lots from an arterial or collector road may be located no closer than 200 feet from any other drive on either side of the public road, or 500 feet from any intersection of two public road rights-of-way. Interior driveways passing through front yards parallel to public roads shall be designed and constructed to stub into adjacent properties and included in cross access easements.
- H. **Shared Parking:** Parking areas restricted to patrons of the business located on each specific lot shall be prohibited. Nothing in this section shall be interpreted as restricting the designation of employee,

delivery, pick-up, or handicap parking areas.

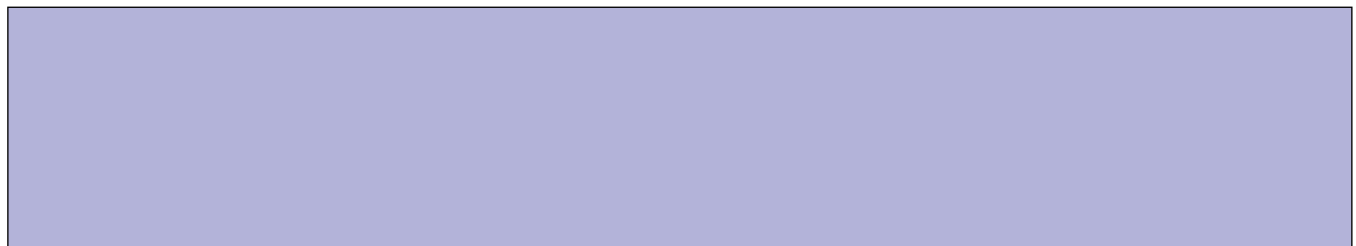
- I. **Parking Location:** No more than 15% of the parking spaces provided on each lot may be placed between the front facade of the primary structure and the abutting public street.
- J. **Pedestrian Walkways:** Pedestrian walkways shall be provided across the frontage of all lots, connecting the lot, the primary structure, and parking areas to each other and with adjacent properties. Sidewalks shall also be provided along the full length of all facades which include a customer entrance and/or are adjacent to a parking area.
 - 1. Walkways shall be concrete and shall be a minimum of 10 feet in width.
 - 2. Walkways parallel to parking lots and interior drives shall be separated from such areas by a curbed landscaped area measuring a minimum of 5 feet in width.
 - 3. Walkways through vehicle use areas shall be of a paving material different from that of the vehicle use area.
 - 4. Walkways along the facades of the primary structure shall be separated from the building by a landscape area which is a minimum of 5 feet in width
- K. **Outdoor Storage, Mechanical Equipment, and Waste Containers:** Outdoor storage of unfinished products or supplies shall be prohibited. All outdoor storage of finished products and materials for sale, all trash and recycling containers and materials, and all mechanical equipment shall be concealed.
 - 1. Stored materials, seasonal and other outdoor sales areas, mechanical equipment, and waste containers located on the ground shall be screened from view.
 - a. The enclosure must be located in the rear yard.
 - b. The enclosure shall not exceed 8 feet in height.
 - c. No stored products or waste containers or materials may exceed the height of the enclosure.
 - d. An opaque wooden gate, painted consistent with the main color of the primary structure on the lot shall be provided at all access points to the enclosed area.
 - 2. Mechanical equipment located on the roof shall be screened by a parapet or other building feature.
 - 3. All truck docks shall be located on the rear of the building and shall be screened from view from all public areas, including parking lots and adjacent public streets. The screening enclosure shall consist of a fence or wall constructed of like material as the exterior of the primary structure on the lot.

Article Three – Zoning District Intent, Uses & Standards

3.26 OP Office-Professional District

3.26 OP District Intent, Permitted Uses and Conditional Uses

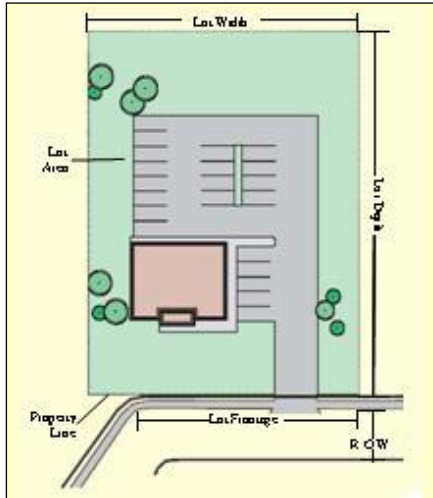
<p>District Intent</p> <p>The “OP” District is intended to provide a land use category for offices, banks, and personal business services which can serve as a transitional area between residential and commercial districts. The provisions that regulate this land use district promote appropriate office and institutional uses that are clearly non-conflicting with residential areas within the City of College Park.</p> <p>The City of College Park's Planning and Zoning Commission should follow the Comprehensive Plan and Future Land Use Map, and strive to use this district selectively, in areas where small-scale institutional and commercial uses are appropriate to service neighborhoods and the general welfare of the Community.</p>	<p>Permitted Uses</p> <p>Office/ Institutional Uses</p> <ul style="list-style-type: none"> • Financial institutions • Dental offices and clinics • Hospitals • Medical offices, clinics and physical therapy facility • Professional and business offices • Colleges, universities, and vocational technical schools • Private clubs, fraternal organizations, and lodge halls • Museums and art galleries <p>Public Uses</p> <ul style="list-style-type: none"> • Public/ Government buildings and offices • Police, Fire, Rescue • Parks • Public structures and uses in accord with the intent of this district <p>Business Uses</p> <ul style="list-style-type: none"> • Cafeterias, delicatessen, snack shops, and dine -in restaurants • Retail establishments occupying no more than 50 percent of any building 	<p>Conditional Uses</p> <ul style="list-style-type: none"> • Child and adult day care centers • Educational facilities/ school (P-12) • Places of worship and other religious facilities <p>Communication/Utilities</p> <ul style="list-style-type: none"> • Utility substation, • Water tower • Public utility buildings, including telephone exchange buildings, transformer stations, substations, and gas regulator stations, but not including storage yards
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Article Three – Zoning District Intent, Uses & Standards

3.27 OP Office Professional District

3.27 OP District Standards



Minimum Lot Area:

- 10,000 square feet

Minimum Lot Width:

- 50 feet

Maximum Lot Depth:

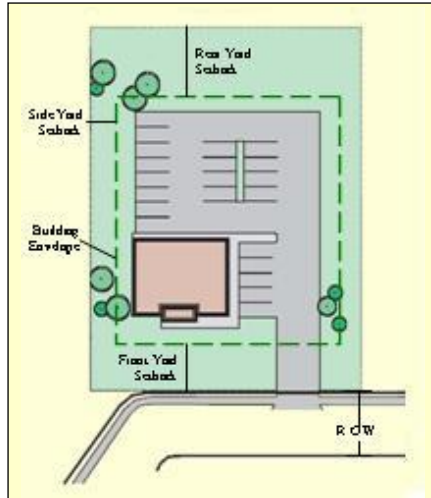
- none

Minimum Lot Frontage:

- 50 feet on a public and/ or private street with access from said public and/ or private street

Sewer and Water:

- Requires connection to public water and sewer



Minimum Front Yard Setback:

- 0 feet when adjacent to an Arterial Rd
- 0 feet when adjacent to a Collector Rd
- 0 feet when adjacent to a Local Road
- 0 feet when adjacent to a Private Road

Minimum Side Yard Setback:

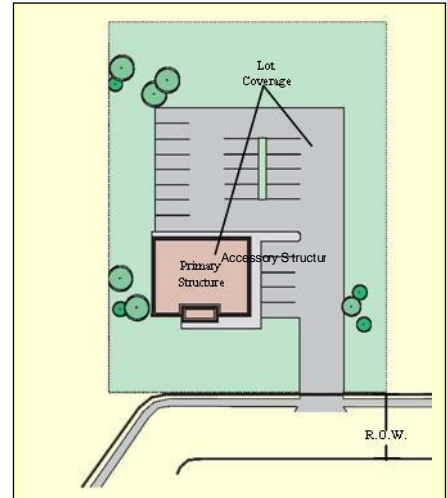
- 5 feet; 10 feet when adjacent to Residential

Minimum Rear Yard Setback:

- 10 feet; 20 feet when adjacent to residential

Minimum Curb Cut Distance:

- 100 feet



Maximum Primary Structures/Lot:

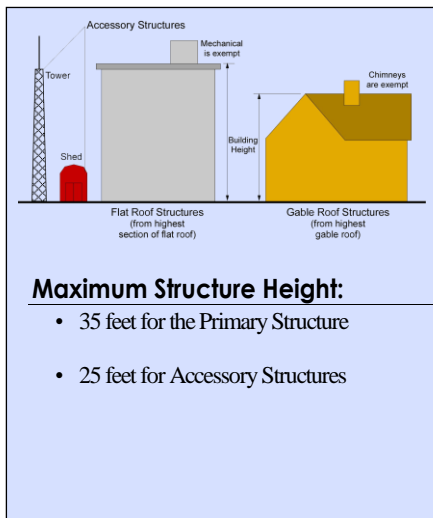
- 3

Maximum Accessory Structures:

- 1

Maximum Lot Coverage:

- All primary and accessory structures, and impervious surface can not exceed 70% of the lot area.



Maximum Structure Height:

- 35 feet for the Primary Structure
- 25 feet for Accessory Structures

- Additional Development Standards That Apply**
- Lot/ Yard Standards (LY)
 - Height Standards (HT)
 - Accessory Use/ Structure Standards (AS)
 - Performance Standards (PS)
 - Public Improvement Standards (PI)
 - Parking Standards (PK)
 - Fences and Walls Standards (FN)
 - Outdoor Lighting Standards (OL)

Article Three – Zoning District Intent, Uses & Standards

3.28 OP Office Professional District

3.28 OP District Design Standards

This section shall apply to all Office Professional developments to ensure safe and efficient vehicle and pedestrian circulation, and protect the general welfare of the community by ensuring that such facilities are consistent in design with, and complimentary to, adjacent land uses and the physical characteristics of The City of College Park.

- A. **Building Orientation:** All primary structures shall face the front of the lot on which they are located. No loading docks, overhead service doors, or trash collection bins may be placed on or adjacent to any facade which faces a public street.
- B. **Building Materials:** The primary building material for all facades facing public streets shall be brick, natural or cut stone, pre-cast concrete, on-site tilt up concrete panels, or any material with a stucco type finish or a masonry material.
- C. **Roofs:** Sloped roofs shall either be of standing seam metal or dimensional shingles.
- D. **Fencing:** Chain link fencing shall not be visible from the public street.
- E. **Landscaping:** Landscaping screening shall be provided around the perimeter of all parking areas which include 15 or more parking spaces.
 1. The screening shall be located within 5 feet of the edge of the parking area and shall provide screening at least 4 feet in height for at least 75% of the perimeter of the parking area.
 2. Screening shall consist of either a row of evergreen shrubs or a combination of mounding, ground covers and shrubs.
 - a. If only shrubs are used, they shall measure a minimum of 24 inches in height from ground level at the time of planting and be placed 5 feet on center.
 - b. If landscape mounding is also used, it shall undulate between the heights of 2 and 4 feet from ground level. Shrubs shall be planted on the mound at a ratio of one shrub for every 15 horizontal feet of mounding. The shrubs shall measure a minimum of 18 inches in height from ground level at the time of planting and may be placed in an irregular, natural pattern.
- F. **Lighting:** Lighting on each lot shall be designed to reduce light pollution while providing the minimum light necessary for security and safe pedestrian and vehicle traffic movements.
 1. Light poles in vehicle use areas shall not exceed 20 feet in height. All lighting shall be Metal Halide or LED and have 90 degree cut-off luminaires (shielded downlighting).
 2. Lights illuminating structures and sidewalks shall be Metal Halide and have 90 degree cut-off luminaires (shielded downlighting).
 3. Spot lights and those which face upwards to illuminate building facades are prohibited.
- G. **Entrance Drives:** Entrance drives accessing lots from an arterial or collector road may be located no closer than 200 feet from any other drive on either side of the public road, or 500 feet from any intersection of two public road rights-of-way. Interior driveways passing through front yards parallel to public roads shall be designed and constructed to stub into adjacent properties and included in cross access easements.
- H. **Shared Parking:** Parking areas restricted to patrons of the business located on each specific lot shall be prohibited. Nothing in this section shall be interpreted as restricting the designation of employee, delivery, pick-up, or handicap parking areas.
- I. **Parking Location:** No more than 30% of the parking spaces provided on each lot may be placed

between the front facade of the primary structure and the abutting public street.

- J. **Pedestrian Walkways:** Pedestrian walkways shall be provided across the frontage of all lots, connecting the lot, the primary structure, and parking areas to each other and with adjacent properties. Sidewalks shall also be provided along the full length of all facades which include a customer entrance and/or are adjacent to a parking area.
1. Walkways shall be concrete and shall be a minimum of 10 feet in width.
 2. Walkways parallel to parking lots and interior drives shall be separated from such areas by a curbed landscaped area measuring a minimum of 5 feet in width.
 3. Walkways through vehicle use areas shall be of a paving material different from that of the vehicle use area.
 4. Walkways along the facades of the primary structure shall be separated from the building by a landscape area which is a minimum of 5 feet in width
- K. **Outdoor Storage, Truck Dock, Mechanical Equipment, and Waste Containers:** Outdoor storage of unfinished products or supplies shall be prohibited. All outdoor storage of finished products and materials for sale, all trash and recycling containers and materials, all truck docks, and all mechanical equipment shall be concealed.
1. Stored materials, seasonal and other outdoor sales areas, mechanical equipment, and waste containers located on the ground shall be screened from view.
 - a. The enclosure shall not exceed 8 feet in height.
 - b. No stored products or waste containers or materials may exceed the height of the enclosure.
 - c. An opaque wooden gate, painted consistent with the main color of the primary structure on the lot shall be provided at all access points to the enclosed area.
 2. Mechanical equipment located on the roof shall be screened by a parapet or other building feature.
 3. No area for the storage of waste materials shall be located within 20 feet of any public street right-of-way, public sidewalk, or internal pedestrian way.
 4. All truck docks shall be screened from view from all public areas, including parking lots and adjacent public streets. The screening enclosure shall consist of a fence or wall constructed of like material as the exterior of the primary structure on the lot.

Article Three – Zoning District Intent, Uses & Standards

3.29 BP Business Park District

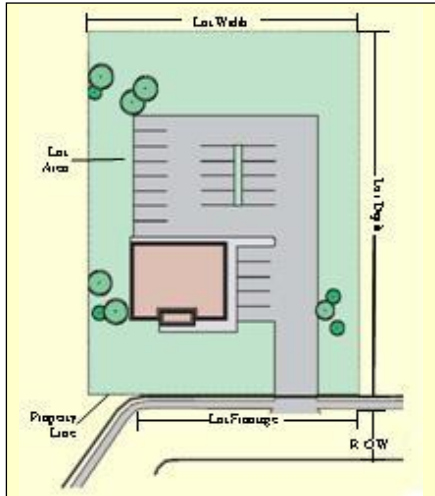
3.29 BP District Intent, Permitted Uses and Conditional Uses

District Intent	Permitted Uses	Conditional Uses
<p>The “BP” District is intended to provide a land use category for multiple use business community where office, research, sales, service, and distribution needs can be met. These business services serve as a transitional area between residential and commercial districts.</p> <p>The City of College Park's Planning and Zoning Commission should follow the Comprehensive Plan and Future Land Use Map, and strive to use this district in areas where transportation networks and land are easily accessible to workers, customers, and large vehicle drivers alike. This district should promote commercial and light industrial businesses' that do not focus on manufacturing or large distribution operations.</p>	<p>Business Uses</p> <ul style="list-style-type: none"> • Professional offices including but not limited to financial, architecture, engineering, real estate, travel, insurance, media, photography, manufacturing, etc. • Medical professional offices, including medical, dental, imaging, physical therapy, chiropractic and massage therapy, etc. • Financial institutions • General retail and merchandise • Personal services • Restaurants (no drive through) • Colleges, universities, and vocational technical schools and training facilities • Studio and filming establishments • Computer and technology services • Online retailers 	<p>Communication/Utilities</p> <ul style="list-style-type: none"> • Distribution and warehousing • Utility substation
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Article Three – Zoning District Intent, Uses & Standards

3.30 BP Business Park District

3.30 BP District Standards



Minimum Lot Area:

- 10,000 square feet

Minimum Lot Width:

- 100 feet

Maximum Lot Depth:

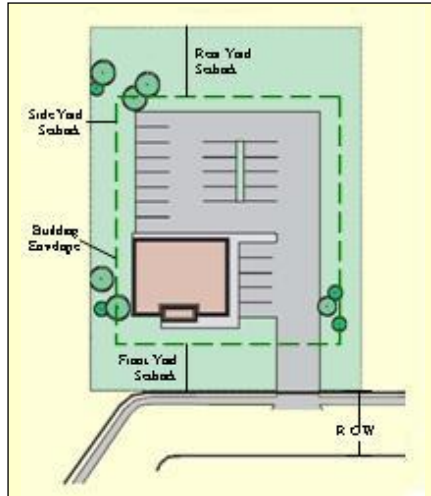
- 2.5 times the lot width

Minimum Lot Frontage:

- 100 feet on a public and/ or private street with access from said public and/ or private street

Sewer and Water:

- Requires connection to public water and sewer



Minimum Front Yard Setback:

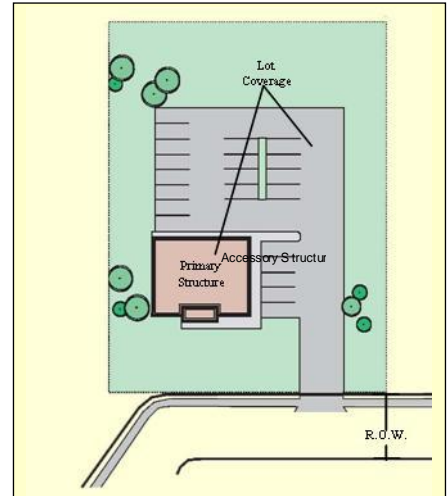
- 50 feet when adjacent to an Arterial Rd
- 50 feet when adjacent to a Collector Rd
- 50 feet when adjacent to a Local Road
- 50 feet when adjacent to a Private Road

Minimum Side Yard Setback:

- 20 feet

Minimum Rear Yard Setback:

- 30 feet



Maximum Primary Structures/Lot:

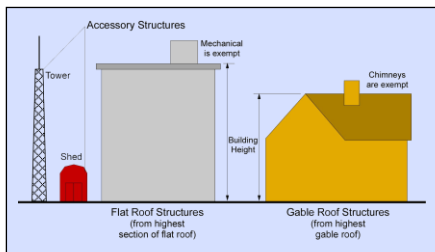
- 3

Maximum Accessory Structures:

- 1

Maximum Lot Coverage:

- All primary and accessory structures, and impervious surface can not exceed 50% of the lot area.



Maximum Structure Height:

- 35 feet for the Primary Structure
- 25 feet for Accessory Structures

Additional Development Standards That Apply

- Lot/ Yard Standards (LY)
- Height Standards (HT)
- Accessory Use/ Structure Standards (AS)
- Performance Standards (PS)
- Public Improvement Standards (PI)
- Parking Standards (PK)
- Fences and Walls Standards (FN)
- Outdoor Lighting Standards (OL)

Article Three – Zoning District Intent, Uses & Standards

3.31 BP Business Park District

3.31 BP District Design Standards

This section shall apply to all Business Park District developments to ensure safe and efficient vehicle and pedestrian circulation, and protect the general welfare of the community by ensuring that such facilities are consistent in design with, and complimentary to, adjacent land uses and the physical characteristics of The City of College Park.

- A. **Building Orientation:** All primary structures shall face the front of the lot on which they are located. No loading docks, overhead service doors, or trash collection bins may be placed on or adjacent to any facade which faces a public street.
- B. **Building Materials:** Building materials for all exterior facades shall consist of brick, stone, stucco, wood siding, fiber cement siding, and/or similar material. In addition, a minimum of 40 percent of each facade of any primary structure shall be constructed of brick, stone or stucco.
- C. **Roofs:** Sloped roofs shall either be of standing seam metal or dimensional shingles.
- D. **Fencing:** Chain link fencing shall not be visible from the public street.
- E. **Landscaping:** Landscaping screening shall be provided around the perimeter of all parking areas which include 10 or more parking spaces.
 - 1. The screening shall be located within 5 feet of the edge of the parking area and shall provide screening at least 4 feet in height for at least 75% of the perimeter of the parking area.
 - 2. Screening shall consist of either a row of evergreen shrubs or a combination of mounding, ground covers and shrubs.
 - a. If only shrubs are used, they shall measure a minimum of 24 inches in height from ground level at the time of planting and be placed 5 feet on center.
 - b. If landscape mounding is also used, it shall undulate between the heights of 2 and 4 feet from ground level. Shrubs shall be planted on the mound at a ratio of one shrub for every 15 horizontal feet of mounding. The shrubs shall measure a minimum of 18 inches in height from ground level at the time of planting and may be placed in an irregular, natural pattern.
- F. **Lighting:** Lighting on each lot shall be designed to reduce light pollution while providing the minimum light necessary for security and safe pedestrian and vehicle traffic movements.
 - 1. Light poles in vehicle use areas shall not exceed 20 feet in height. All lighting shall be Metal Halide or LED and have 90 degree cut-off luminaires (shielded downlighting).
 - 2. Lights illuminating structures and sidewalks shall be Metal Halide and have 90 degree cut-off luminaires (shielded downlighting).
 - 3. Spot lights and those which face upwards to illuminate building facades are prohibited.
- G. **Entrance Drives:** Entrance drives accessing lots from an arterial or collector road may be located no closer than 200 feet from any other drive on either side of the public road, or 500 feet from any intersection of two public road rights-of-way. Interior driveways passing through front yards parallel to public roads shall be designed and constructed to stub into adjacent properties and included in cross access easements.
- H. **Shared Parking:** Parking areas restricted to patrons of the business located on each specific lot shall be prohibited. Nothing in this section shall be interpreted as restricting the designation of employee, delivery, pick-up, or handicap parking areas.
- I. **Pedestrian Walkways:** Pedestrian walkways shall be provided across the frontage of all lots,

connecting the lot, the primary structure, and parking areas to each other and with adjacent properties. Sidewalks shall also be provided along the full length of all facades which include a customer entrance and/or are adjacent to a parking area.

1. Walkways shall be concrete and shall be a minimum of 6 feet in width.
 2. Walkways parallel to parking lots and interior drives shall be separated from such areas by a curbed landscaped area measuring a minimum of 5 feet in width.
 3. Walkways through vehicle use areas shall be of a paving material different from that of the vehicle use area.
 4. Walkways along the facades of the primary structure shall be separated from the building by a landscape area which is a minimum of 5 feet in width
- J. Outdoor Storage, Truck Dock, Mechanical Equipment, and Waste Containers:** Outdoor storage of unfinished products or supplies shall be prohibited. All outdoor storage of finished products and materials for sale, all trash and recycling containers and materials, all truck docks, and all mechanical equipment shall be concealed.
1. Stored materials, seasonal and other outdoor sales areas, mechanical equipment, and waste containers located on the ground shall be screened from view.
 - a. The enclosure shall not exceed 8 feet in height.
 - b. No stored products or waste containers or materials may exceed the height of the enclosure.
 - c. An opaque wooden gate, painted consistent with the main color of the primary structure on the lot shall be provided at all access points to the enclosed area.
 2. Mechanical equipment located on the roof shall be screened by a parapet or other building feature.
 3. No area for the storage of waste materials shall be located within 20 feet of any public street right-of-way, public sidewalk, or internal pedestrian way.
 4. All truck docks shall be screened from view from all public areas, including parking lots and adjacent public streets. The screening enclosure shall consist of a fence or wall constructed of like material as the exterior of the primary structure on the lot.

Article Three – Zoning District Intent, Uses & Standards

3.32 C1 Neighborhood Business District

3.32 C1 District Intent, Permitted Uses and Conditional Uses

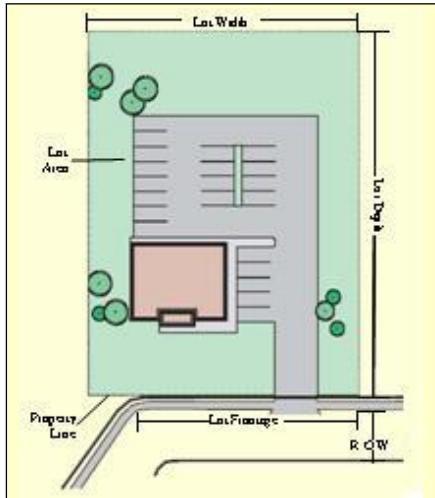
District Intent	Permitted Uses	Conditional Uses
<p>The "C1" District is intended to provide a land use category for small-scale commercial uses that provide products and services to neighborhoods. The provisions that regulate this land use district should promote appropriate commercial uses that are clearly non-conflicting with residential areas of the City of College Park.</p> <p>The City of College Park's Planning and Zoning Commission should follow the Comprehensive Plan and Future Land Use Map, and strive to use this district selectively, in areas where small-scale commercial centers are appropriate to service neighborhoods. The Planning and Zoning Commission should also strive to exclude businesses from the "C1" district that have an adverse effect on existing or future adjacent neighborhoods.</p>	<p>Institutional/Public Uses</p> <ul style="list-style-type: none"> Police, fire, or rescue station Government office/facility Nature preserves Passive recreation trail Parks and playgrounds Public structures and uses in accord with the intent of this district <p>Business Uses</p> <ul style="list-style-type: none"> Personal service uses Automobile brokers Professional offices Retail uses (small scale) Beauty parlors and barber shops Banks and credit unions Building and loan associations Coin laundry and dry cleaning Drive-through restaurants that utilize at least 50% of their space as a full-service restaurant. Drugstores Fruit markets Florists Bakeries Hardware stores Meat markets Restaurants Convenience stores Snack shops, bakeries, and coffee shops 	<p>Institutional/Public Uses</p> <ul style="list-style-type: none"> Places of worship Educational facilities/ school (P-12) Child and adult day care centers Group home, homeless shelter, and halfway home



Article Three – Zoning District Intent, Uses & Standards

3.33 C1 Neighborhood Business District

3.33 C1 District Standards



Minimum Lot Area:

- 5,000 square feet

Maximum Lot Area:

- 2 acres

Minimum Lot Width:

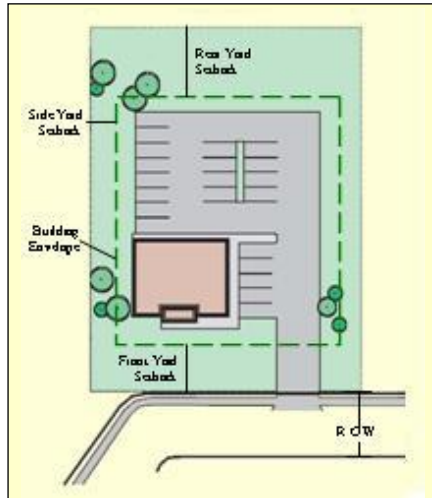
- 100 feet

Maximum Lot Depth:

- 2.5 times the lot width

Minimum Lot Frontage:

- 100% of the lot width on a public street with access from said public street



Sewer and Water:

- Requires connection to public water and sewer

Minimum Front Yard Setback:

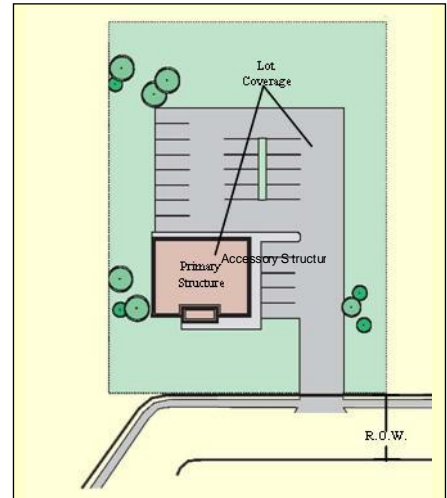
- 40 feet when adjacent to an Arterial
- 35 feet when adjacent to a Collector
- 20 feet when adjacent to a Local Road

Minimum Side Yard Setback:

- 15 feet ; 30 feet when adjacent to Residential

Minimum Rear Yard Setback:

- 15 feet; 30 feet when adjacent to Residential



Maximum Primary Structures/Lot:

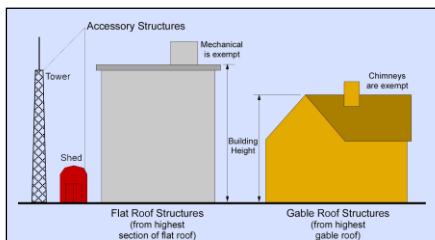
- 1

Maximum Accessory Structures:

- 1

Maximum Lot Coverage:

- all primary and accessory structures, and impervious surface can not exceed 70% of the lot area.



Maximum Structure Height:

- 35 feet for the Primary Structure
- 25 feet for Accessory Structures

Additional Development Standards That Apply

- Lot/ Yard Standards (LY)
- Height Standards (HT)
- Accessory Use/ Structure Standards (AS)
- Performance Standards (PS)
- Public Improvement Standards (PI)
- Parking Standards (PK)
- Fences and Walls Standards (FN)
- Outdoor Lighting Standards (OL)

Article Three – Zoning District Intent, Uses & Standards

3.34 C1 Neighborhood Business District

3.34 C1 District Design Standards

This section shall apply to the Neighborhood Business District developments to ensure safe and efficient vehicle and pedestrian circulation, and protect the general welfare of the community by ensuring that such facilities are consistent in design with, and complimentary to, adjacent land uses and the physical characteristics of The City of College Park.

- A. **Building Orientation:** All primary structures shall face the front of the lot on which they are located. No loading docks, overhead service doors, or trash collection bins may be placed on or adjacent to any facade which faces a public street.
- B. **Building Materials:** The primary building material for all facades facing public streets shall be brick, natural or cut stone, pre-cast concrete, on-site tilt up concrete panels, or any material with a stucco type finish or a masonry material.
- C. **Roofs:** Sloped roofs shall either be of standing seam metal or dimensional shingles.
- D. **Landscaping:** Landscaping screening shall be provided around the perimeter of all parking areas which include 15 or more parking spaces.
 1. The screening shall be located within 5 feet of the edge of the parking area and shall provide screening at least 4 feet in height for at least 75% of the perimeter of the parking area.
 2. Screening shall consist of either a row of evergreen shrubs or a combination of mounding, ground covers and shrubs.
 - a. If only shrubs are used, they shall measure a minimum of 24 inches in height from ground level at the time of planting and be placed 5 feet on center.
 - b. If landscape mounding is also used, it shall undulate between the heights of 2 and 4 feet from ground level. Shrubs shall be planted on the mound at a ratio of one shrub for every 15 horizontal feet of mounding. The shrubs shall measure a minimum of 18 inches in height from ground level at the time of planting and may be placed in an irregular, natural pattern.
- E. **Lighting:** Lighting on each lot shall be designed to reduce light pollution while providing the minimum light necessary for security and safe pedestrian and vehicle traffic movements.
 1. Light poles in vehicle use areas shall not exceed 20 feet in height. All lighting shall be Metal Halide or LED and have 90 degree cut-off luminaires (shielded downlighting).
 2. Lights illuminating structures and sidewalks shall be Metal Halide and have 90 degree cut-off luminaires (shielded downlighting).
 3. Spot lights and those which face upwards to illuminate building facades are prohibited.
- F. **Entrance Drives:** Entrance drives accessing lots from an arterial or collector road may be located no closer than 200 feet from any other drive on either side of the public road, or 500 feet from any intersection of two public road rights-of-way. Interior driveways passing through front yards parallel to public roads shall be designed and constructed to stub into adjacent properties and included in cross access easements.
- G. **Pedestrian Walkways:** Pedestrian walkways shall be provided across the frontage of all lots, connecting the lot, the primary structure, and parking areas to each other and with adjacent properties. Sidewalks shall also be provided along the full length of all facades which include a customer entrance and/or are adjacent to a parking area.
 1. Walkways shall be concrete and shall be a minimum of 6 feet in width.

2. Walkways parallel to parking lots and interior drives shall be separated from such areas by a curbed landscaped area measuring a minimum of 5 feet in width.
 3. Walkways through vehicle use areas shall be of a paving material different from that of the vehicle use area.
 4. Walkways along the facades of the primary structure shall be separated from the building by a landscape area which is a minimum of 5 feet in width
- H. Outdoor Storage, Truck Dock, Mechanical Equipment, and Waste Containers:** Outdoor storage of unfinished products or supplies shall be prohibited. All outdoor storage of finished products and materials for sale, all trash and recycling containers and materials, all truck docks, and all mechanical equipment shall be concealed.
1. Stored materials, seasonal and other outdoor sales areas, mechanical equipment, and waste containers located on the ground shall be screened from view.
 - a. The enclosure shall not exceed 8 feet in height.
 - b. No stored products or waste containers or materials may exceed the height of the enclosure.
 - c. An opaque wooden gate, painted consistent with the main color of the primary structure on the lot shall be provided at all access points to the enclosed area.
 2. Mechanical equipment located on the roof shall be screened by a parapet or other building feature.
 3. No area for the storage of waste materials shall be located within 20 feet of any public street right-of-way, public sidewalk, or internal pedestrian way.
 4. All truck docks shall be screened from view from all public areas, including parking lots and adjacent public streets. The screening enclosure shall consist of a fence or wall constructed of like material as the exterior of the primary structure on the lot.
- I. Transitional Buffers.** Transitional buffers are intended to be used in a manner that allows for compatible residential and commercial growth in Downtown College Park. Transitional landscape buffers between commercial and single-family residential houses can help to mitigate the impact of new development and work to retain the downtown character. Maintenance of these buffers shall be the responsibility of the respective property owners.
4. Transitional yards between commercial lots and residential areas shall have landscape buffers no less than fifteen (15) feet wide.
 5. Transitional buffers shall have permanent opaque walls or evergreen screening with a minimum height of six (6) feet. Plantings shall be placed close together so as to provide a thick buffer between lots.
 6. Transitional buffers shall be designed in a manner that does not adversely impact pedestrian accessibility.

Article Three – Zoning District Intent, Uses & Standards

3.35 C2 Community Business District

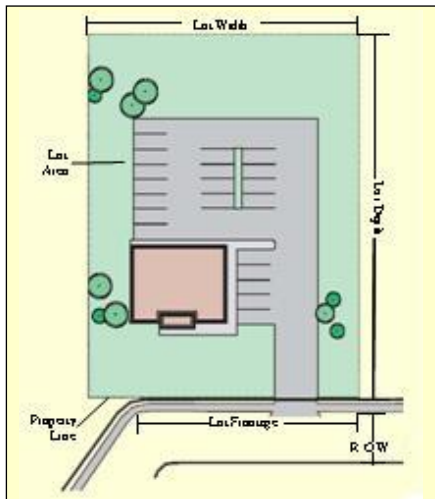
3.35 C2 District Intent, Permitted Uses and Conditional Uses

<p>District Intent</p> <p>The “C2” District is intended to provide a land use category for commercial uses that are appropriate for locations along the corridor. The provisions that regulate this land use district should make the district compatible with the convention center area, and the downtown business district. This district should be used along major thoroughfares, highways, and at interchanges.</p> <p>The City of College Park’s Planning and Zoning Commission should follow the Comprehensive Plan and Future Land Use Map, and strive to provide for highway oriented business and services while minimizing light pollution, large parking lots along the major roadways, hazardous traffic patterns, traffic conflicts, and excessive use of signs in the “C2” District.</p>	<p>Permitted Uses</p> <p>Institutional/Public Uses</p> <ul style="list-style-type: none"> • All those permitted inC1 <p>Communication/Utilities</p> <ul style="list-style-type: none"> • Utility substation • Wireless telecommunications facility/ tower • Water tower <p>Business Uses</p> <ul style="list-style-type: none"> • All those permitted inC1 • Corporate office uses • Clinics, dentist, doctor, physical therapy, and urgent care offices • Retail uses (large scale) • New automobile and small vehicle sales and display • used vehicle and small vehicle sales and display • Automobile repair and servicing when located in new or used dealership • Automobile minor repair • Automobile brokers • Automobile gas/ diesel stations • Automobile wash and detail • Bowling alley, skating rink, arcade, or similar recreational establishments entirely enclosed within a building • Auction and antique sales (no outside storage or display) • building material sales (no outside storage) • Ice storage and vending • Sales room or shop of a builder, contractor, and artisan providing no equipment / display is stored outdoors • Hotels • Veterinary clinic, and boarding 	<p>Permitted Uses continued</p> <p>Business Uses</p> <ul style="list-style-type: none"> • Movie theaters • Concert halls • Private/ commercial vocational schools • Clubs/ lodges • Music/ Recording studios • Martial arts/ dance studios • Restaurants, including drive through • Physical activity centers • Funeral and mortuary establishments • Recreational vehicle parks in accordance with the minimum requirements of supplementary district regulations • Funeral, mortuary, and cremation establishments <p>Conditional Uses</p> <p>Business Uses</p> <ul style="list-style-type: none"> • Second hand retail • Peddler and temporary vendor • Places of worship, theaters, and amphitheaters • Seasonal sales • Drive-in business including drive-in outdoor theaters and amphitheaters • Crematoriums when located within funeral or mortuary establishment • Group home, homeless shelter, and halfway home • Unmanned Aircraft System Dispatch and Delivery Center
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Article Three – Zoning District Intent, Uses & Standards

3.36 C2 Community Business District

3.36 C2 District Standards



Minimum Lot Area:

- 20,000 square feet

Minimum Lot Width:

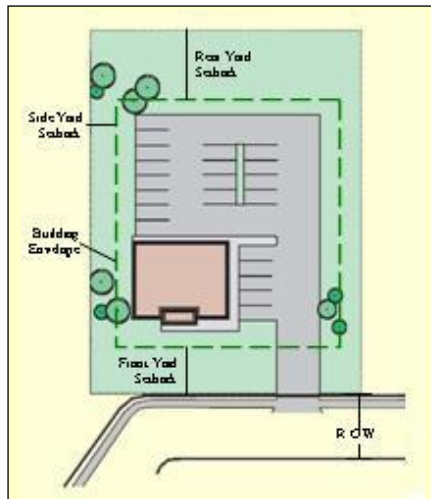
- 100 feet

Maximum Lot Depth:

- 3.5 times the lot width

Minimum Lot Frontage:

- 100 feet on a public street with access from said public street



Sewer and Water:

- Requires connection to public water and sewer

Minimum Front Yard Setback:

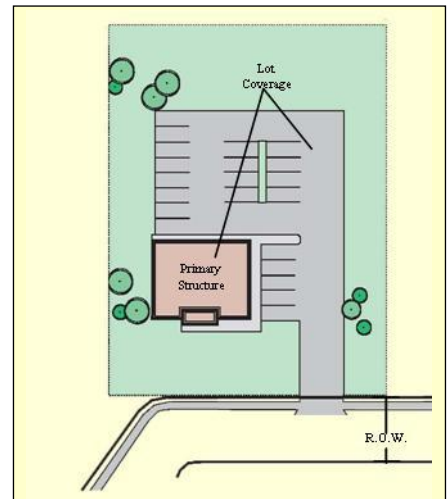
- 40 feet when adjacent to an Arterial
- 35 feet when adjacent to a Collector
- 25 feet when adjacent to a Local Road

Minimum Side Yard Setback:

- 15 feet
- 0 feet where no point of access or window

Minimum Rear Yard Setback:

- 20 feet

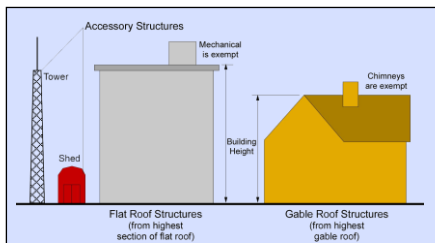


Maximum Accessory Structures:

- 2

Maximum Lot Coverage:

- all primary and accessory structures, and impervious surface can not exceed 50% of the lot area.



Maximum Structure Height:

- 35 feet for the Primary Structure
- 25 feet for Accessory Structures

Additional Development Standards That Apply

- Lot/ Yard Standards (LY)
- Height Standards (HT)
- Accessory Use/ Structure Standards (AS)
- Performance Standards (PS)
- Public Improvement Standards (PI)
- Parking Standards (PK)
- Fences and Walls Standards (FN)
- Outdoor Lighting Standards (OL)

Article Three – Zoning District Intent, Uses & Standards

3.37 C2 Community Business Design Standards

3.37 C2 District Design Standards

This section shall apply to all Community Business District developments to ensure safe and efficient vehicle and pedestrian circulation, and protect the general welfare of the community by ensuring that such facilities are consistent in design with, and complimentary to, adjacent land uses and the physical characteristics of The City of College Park.

- A. **Building Orientation:** All primary structures shall face the front of the lot on which they are located. No loading docks, overhead service doors, or trash collection bins may be placed on or adjacent to any facade which faces a public street.
- B. **Building Materials:** Building materials for all exterior facades shall consist of brick, stone, stucco, wood siding, fiber cement siding, and/or similar material. In addition, a minimum of 40 percent of each facade of any primary structure shall be constructed of brick, stone or stucco.
- C. **Roofs:** Sloped roofs shall either be of standing seam metal or dimensional shingles.
- D. **Fencing:** Chain link fencing shall not be visible from the public street.
- E. **Landscaping:** Landscaping screening shall be provided around the perimeter of all parking areas which include 15 or more parking spaces.
 - 1. The screening shall be located within 5 feet of the edge of the parking area and shall provide screening at least 4 feet in height for at least 75% of the perimeter of the parking area.
 - 2. Screening shall consist of either a row of evergreen shrubs or a combination of mounding, ground covers and shrubs.
 - a. If only shrubs are used, they shall measure a minimum of 24 inches in height from ground level at the time of planting and be placed 5 feet on center.
 - b. If landscape mounding is also used, it shall undulate between the heights of 2 and 4 feet from ground level. Shrubs shall be planted on the mound at a ratio of one shrub for every 15 horizontal feet of mounding. The shrubs shall measure a minimum of 18 inches in height from ground level at the time of planting and may be placed in an irregular, natural pattern.
- F. **Lighting:** Lighting on each lot shall be designed to reduce light pollution while providing the minimum light necessary for security and safe pedestrian and vehicle traffic movements.
 - 1. Light poles in vehicle use areas shall not exceed 20 feet in height. All lighting shall be Metal Halide or LED and have 90 degree cut-off luminaires (shielded downlighting).
 - 2. Lights illuminating structures and sidewalks shall be Metal Halide and have 90 degree cut-off luminaires (shielded downlighting).
 - 3. Spot lights and those which face upwards to illuminate building facades are prohibited.
- G. **Entrance Drives:** Entrance drives accessing lots from an arterial or collector road may be located no closer than 200 feet from any other drive on either side of the public road, or 500 feet from any intersection of two public road rights-of-way. Interior driveways passing through front yards parallel to public roads shall be designed and constructed to stub into adjacent properties and included in cross access easements.
- H. **Shared Parking:** Parking areas restricted to patrons of the business located on each specific lot shall be prohibited. Nothing in this section shall be interpreted as restricting the designation of employee, delivery, pick-up, or handicap parking areas.
- I. **Pedestrian Walkways:** Pedestrian walkways shall be provided across the frontage of all lots,

connecting the lot, the primary structure, and parking areas to each other and with adjacent properties. Sidewalks shall also be provided along the full length of all facades which include a customer entrance and/or are adjacent to a parking area.

1. Walkways shall be concrete and shall be a minimum of 6 feet in width.
2. Walkways parallel to parking lots and interior drives shall be separated from such areas by a curbed landscaped area measuring a minimum of 5 feet in width.
3. Walkways through vehicle use areas shall be of a paving material different from that of the vehicle use area.
4. Walkways along the facades of the primary structure shall be separated from the building by a landscape area which is a minimum of 5 feet in width

J. Outdoor Storage, Truck Dock, Mechanical Equipment, and Waste Containers: Outdoor storage of unfinished products or supplies shall be prohibited. All outdoor storage of finished products and materials for sale, all trash and recycling containers and materials, all truck docks, and all mechanical equipment shall be concealed.

1. Stored materials, seasonal and other outdoor sales areas, mechanical equipment, and waste containers located on the ground shall be screened from view.
 - a. The enclosure shall not exceed 8 feet in height.
 - b. No stored products or waste containers or materials may exceed the height of the enclosure.
 - c. An opaque wooden gate, painted consistent with the main color of the primary structure on the lot shall be provided at all access points to the enclosed area.
2. Mechanical equipment located on the roof shall be screened by a parapet or other building feature.
3. No area for the storage of waste materials shall be located within 20 feet of any public street right-of-way, public sidewalk, or internal pedestrian way.
4. All truck docks shall be screened from view from all public areas, including parking lots and adjacent public streets. The screening enclosure shall consist of a fence or wall constructed of like material as the exterior of the primary structure on the lot.

Article Three – Zoning District Intent, Uses & Standards

3.38 HC Hospitality Campus District

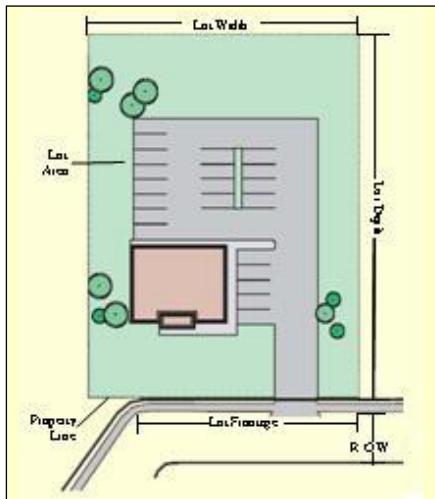
3.38 HC District Intent, Permitted Uses and Conditional Uses

District Intent	Permitted Uses	Permitted Uses continued
<p>The “HC” District is intended to provide a land use category for commercial uses that are appropriate for locations near the Airport and Convention Center area. This district should promote mixed use, commuter travel, walkability, tourism, and recreational uses.</p> <p>City of College Park’s Planning and Zoning Commission should follow the Comprehensive Plan and Future Land Use Map, and strive to provide for hospitality and tourism oriented business and services while promoting walkability and transit orientated options. Access roads should be designed to allow for accessibility of motor coaches and shuttles while providing a safe and comfortable environment for pedestrians.</p>	<p>Business Uses</p> <ul style="list-style-type: none"> • Banquet halls • Convention centers and meeting rooms • Corporate office uses • Health, fitness, or group instruction establishments • Retail uses • Restaurants, bakeries, coffee shops • Restaurants having live entertainment • zip lining, rock climbing, golfing, or similar recreational activities when developed as an entertainment destination • Bowling alley, arcade, or similar recreational establishments entirely enclosed within a building • Mail and packaging establishments • Package stores • Rental vehicle establishments • Parking lots, garages, and decks • Concert venues <p>Retail uses shall be developed as part of an indoor/ outdoor complex, which cater to Airport and local travelers. These uses may include, but may not be limited to:</p> <ul style="list-style-type: none"> • Restaurants and sports bars • Retail • Professional office • Florist shops • Pharmacy 	<p>Business Uses</p> <p>Hotel uses shall be developed as an indoor complex, which cater to business and local travelers. These facilities may include, but not limited to:</p> <ul style="list-style-type: none"> • Cafeterias, snack shops, coffee shops, and dine-in restaurants • Health and fitness facilities • Florist shops • Gift and souvenir shops • Retail establishments • Pools and saunas • Salons and massage establishments • Stages and night clubs • meeting rooms • laundering facilities • Pharmacy • Parking lots, decks, and garages

Article Three – Zoning District Intent, Uses & Standards

3.39 HC Hospitality Campus District

3.39 HC District Standards



Minimum Lot Area:

- 1 acre

Minimum Lot Width:

- none

Maximum Lot Depth:

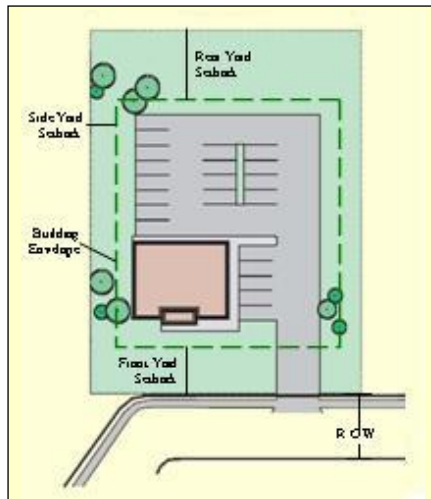
- none

Minimum Lot Frontage:

- none

Sewer and Water:

- Requires connection to public water and sewer



Minimum Front Yard Setback:

- 50 feet when adjacent to an Arterial
- 40 feet when adjacent to a Collector
- 25 feet when adjacent to a Local Road

Minimum Side Yard Setback:

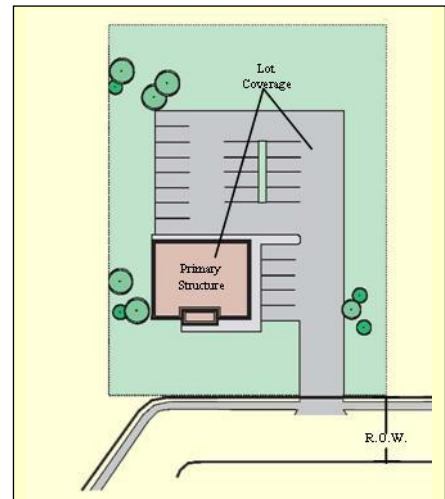
- 50 feet

Minimum Distance Between Buildings:

- 20 feet

Minimum Rear Yard Setback:

- 25 feet



Maximum Lot Coverage:

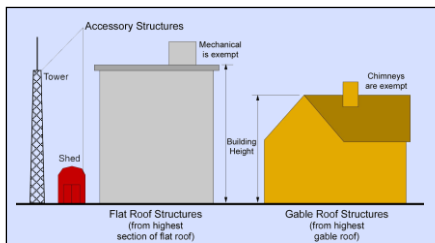
- all primary and accessory structures, and impervious surface can not exceed 85% of the lot area.

Minimum Building Size:

- 50,000 square feet on ground floor

Minimum Open Space:

- 15 percent



Maximum Structure Height:

- 35 feet for the Primary Structure
- 25 feet for Accessory Structures

Additional Development Standards That Apply

- Lot/ Yard Standards (LY)
- Height Standards (HT)
- Accessory Use/ Structure Standards (AS)
- Performance Standards (PS)
- Public Improvement Standards (PI)
- Parking Standards (PK)
- Fences and Walls Standards (FN)
- Outdoor Lighting Standards (OL)

Article Three – Zoning District Intent, Uses & Standards

3.40 HC Hospitality Campus District

3.40 HC District Design Standards

This section shall apply to the Hospitality District developments to ensure safe and efficient vehicle and pedestrian circulation, and protect the general welfare of the community by ensuring that such facilities are consistent in design with, and complimentary to, adjacent land uses and the physical characteristics of The City of College Park.

A. **Required Amenities:** All hotels are required to provide at a minimum:

1. A restaurant, seating at least sixty (60) people, which serves at least three (3) meals per day and is separated from the lobby or main area of such building by permanent walls. Such restaurant may be housed in a separate structure, provided such structure is an integral part of the hotel development, is located on the same lot as the hotel, and is dedicated to the use of the hotel. No such free standing restaurant may be utilized by more than one (1) hotel to meet the requirements of this section.
2. No less than two hundred (200) guest rooms.
3. A swimming pool and exercise room.
4. Meeting rooms.

A special exception to the requirements detailed above may only be granted by the Mayor and Council and only when the proposed development provides a level of service and amenities that are commonly associated with a 3-star rated hotel.

- B. **Minimum Façade Height:** A minimum facade height of 18 feet shall be maintained on arterial and collector roadways.
- C. **Street Orientation:** Principal building entrances shall be oriented to public streets wherever possible. When approved by the Planning Commission, a principal building entrance may be oriented to a side yard provided said entrance is not more than 100 feet from the right-of-way of an adjacent street and directly connected to the adjacent street frontage by a continuous sidewalk not less than 10 feet in width.
- D. **Building Materials:** Buildings materials for all exterior wall facades shall be constructed of brick, stone, textured concrete masonry units, stucco, or glass. All other material shall be approved by the Planning Commission.
- E. **Customer Entrances:** All customer entrances located along the front facade, shall feature a combination of three or more of the following features:
 1. Canopies and porticos.
 2. Overhangs.
 3. Recesses or projections.
 4. Arcades.
 5. Raised, corniced parapets.
 6. Peaked roof forms.
 7. Arches.
 8. Display windows.
 9. All other architectural details, such as tile work and moldings which are incorporated into the building structure and design shall be approved by the Planning and Zoning Commission.
- E. **Accessory Structures:** Building materials, architectural features and colors of exterior finishes of accessory structures shall be consistent with the principal structure.

F. Massing and Modulation: The massing of building facades oriented to public streets shall incorporate either modulation, defined here as a wave in the exterior wall, with horizontal breaks at least every 100 feet. Front facade design shall provide varying wall offsets and other architectural features to create horizontal (wall) and vertical building articulation.

a. **Roof features:** Rooflines shall incorporate roof features (extensions, and/or projections such as a gable, parapet, dormers or others) that achieve visual interest through variation of the roofline. These features shall conform to the following specifications:

1. Roof features shall not exceed the average height of the supporting walls.
2. The average height of parapets shall not exceed 15 percent of the height of the supporting wall. Parapets shall feature three dimensional cornice treatments.
3. Cornices shall have perceptible projection or overhanging eaves that extend past the supporting walls.
4. The roof pitch of sloped roofs shall be a minimum of 4:12 (vertical to horizontal).

J. Roof Top Equipment: All roof-top equipment shall be screened from public view by parapets, dormers or other screens.

K. Fencing: Chain link fencing shall not be visible from any public street.

L. Parking Standards: No more than 25 percent of the required number of parking shall be located in the front yard.

M. Shared Parking: The following standards shall apply for shared parking.

1. The Planning Commission may approve a reduction of up to 25 percent in the number of parking spaces required for a specific use where inter-parcel access is provided and a shared parking analysis, which is approved by the City Planner, demonstrates that adequate parking will be provided.
2. Per the table below, a shared parking calculation projection shall be provided that demonstrates that each use will have adequate parking provisions at all times. The process for determining the minimum parking requirements for a mixed use development or for contiguous properties containing multiple uses is:
 - a. Determine the minimum number of parking spaces required for each use category from Article 7, Parking Standards (PK) of this zoning ordinance.
 - b. Multiply each parking requirement by the corresponding percentage for each of the time periods shown on the table below.
 - c. Total the number of parking spaces for each of the time periods (add together the numbers in each column).
 - d. The largest column total is the minimum shared parking requirement for the development or collectively for the contiguous properties.
 - e. In no case shall parking spaces that are farther than 1,000 feet from a building entrance be allowed to satisfy off street parking requirements for a use or be counted towards shared parking requirements.

Shared parking space requirements

	WEEKDAYS		WEEKENDS	
Use	Daytime 6 a.m.—5 p.m.	Evening 5 p.m.—1 a.m.	Daytime 6 a.m.—5 p.m.	Evening 5 p.m.—1 a.m.

Use	WEEKDAYS		WEEKENDS	
	Daytime 6 a.m.—5 p.m.	Evening 5 p.m.—1 a.m.	Daytime 6 a.m.—5 p.m.	Evening 5 p.m.—1 a.m.
Residential	80%	100%	80%	100%
Office	100%	10%	20%	5%
Retail	95%	85%	100%	70%
Hotel	60%	100%	60%	100%
Restaurant	75%	100%	60%	100%
Entertainment	50%	85%	70%	100%
Places of Worship	50%	50%	100%	60%

- N. **Sidewalk:** All sidewalks and pathway shall be a minimum of 10 feet in width. Sidewalk and pathways may curve or meander around utility connections, driveway entrances, steep slopes, or other special areas providing difficult transitions.
- O. **Screening:** Where a parking lot is adjacent to a street or public right-of-way, the parking lot shall be screened from the right-of-way by a minimum landscape strip of 10-feet wide having a variety of hardy shrubbery, flowering plants, and flowering/shade trees, as approved by the City Planner, or his/her designee.
- P. **Lighting:** Lighting on each lot shall be designed to reduce light pollution while providing the minimum light necessary for security and safe pedestrian and vehicle traffic movements.
1. All light poles and fixtures must be decorative by design.
 2. Light poles in vehicle use areas shall not exceed 40 feet in height. All lighting shall be Metal Halide or LED and have 90 degree cut-off luminaires (shielded downlighting).
 3. Lights illuminating structures and sidewalks shall be Metal Halide and have 90 degree cut-off luminaires (shielded downlighting).
 4. Spot lights and those which face upwards to illuminate building facades are prohibited.
- Q. **Bicycle parking:** All uses that are required to provide off-street parking spaces for motorized vehicles shall also provide bicycle parking space. Uses that require up to 25 off-street parking spaces for motorized vehicles shall provide at least one bicycle space, plus a minimum of one more bicycle space for each additional 100 parking spaces required for motorized vehicles.
- R. **Loading Standards:** Off-street loading shall be required as provided below.
1. Buildings with more than 5,000 sq. ft. of commercial, retail, services or professional offices shall provide a minimum of one off-street loading space.
 2. Buildings with more than 25,000 sq. ft. of commercial, retail, services or professional offices shall provide a minimum of one off-street loading space for each 25,000 gross sq. ft. or fraction thereof.
 3. Off-street loading shall be limited to the area between the rear of the principal structure and the rear lot setback line, or between the side of the principal building and the side lot setback line.

Article Three – Zoning District Intent, Uses & Standards

3.14 M1 Light Industrial District

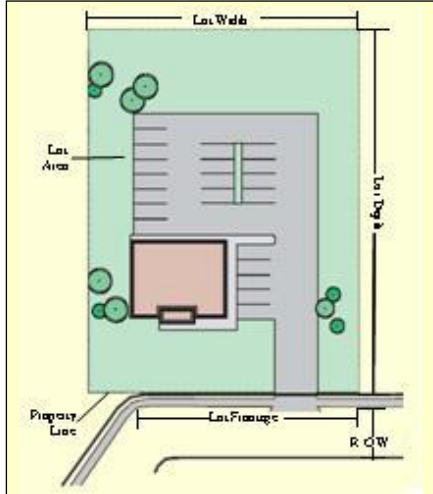
3.41 M1 District Intent, Permitted Uses and Conditional Uses

<p>District Intent</p> <p>The “M1” District is intended to provide a land use category for assembly, warehousing, and other light industrial operations. The provisions that regulate this land use district should make the district compatible with the “C2,” “BP” districts and Airport areas. This district should be used in combination with the C2 district in areas with convenient access to major transportation routes.</p> <p>The City of College Park's Planning & Zoning Commission should follow the Comprehensive Plan and Future Land Use Map, and strive to provide for light industrial operations while minimizing light pollution, large parking lots along the major roadways, hazardous traffic patterns, and traffic conflicts in the “M-1” district.</p>	<p>Permitted Uses</p> <p>Industrial Uses</p> <ul style="list-style-type: none"> • Offices and administrative facilities • Clinics, cafeterias, employee credit unions, and recreational facilities for employees • Education and training facilities • Automobile and truck service station • Body, repair, and machine shops for automotive vehicles and equipment • Automobile brokers • Vehicle rental and storage • Vehicle and/ or large auction houses • Dry cleaning and laundering facilities • Cold storage, ice plants, and freezer lockers • Wholesale business, warehouse, trucking terminal and similar non-processing storage and distribution uses • Manufacturing, compounding, processing or packing of food and food products, cosmetics, toiletries and pharmaceuticals, except meat products, vinegar, yeast, and other rendering or refining of fats and oil • Manufacturing, compounding or assembling of cell phones, paper, fur, glass, leather, plastics or semi-precious metals or stones, rubber, textiles or cloth products, tobacco, or wood products • Manufacture of ceramic products, excluding, building materials, using previously pulverized clay and kilns fired by electricity or gas • Repair and manufacturing of musical instruments, clocks or watches, toys or novelties, electrical appliances, electronic devices, light sheet metal products, etc. 	<p>Permitted Uses continued</p> <ul style="list-style-type: none"> • Printing, publishing, and reproduction establishments • Boat, boat trailer, and marine accessory sales and rental • Truck, cargo trailers, camping trailer, sales and rental • Construction equipment, farm machinery sales and rental • Movie industry stages and filming warehouses • Research, experimental, or testing laboratories • Building and construction materials sales yard • Research, experimental, or testing laboratories • Tire recapping and retreading shops • Towing dispatch and vehicle storage yard • Public utilities such as electric substations, storage of materials and trucks, repair facilities, offices and electric generating plants • Crematoriums • Mini-warehouses • Unmanned Aircraft System Dispatch and Delivery Center
		<p>Conditional Uses</p> <ul style="list-style-type: none"> • Scrap yards and automobile wrecking yards • Any other use not specifically described as permitted

Article Three – Zoning District Intent, Uses & Standards

3.42 M1 Light Industrial District

3.42 M1 District Standards



Minimum Lot Area:

- 25,000 square feet

Minimum Lot Width:

- 150 feet

Maximum Lot Depth:

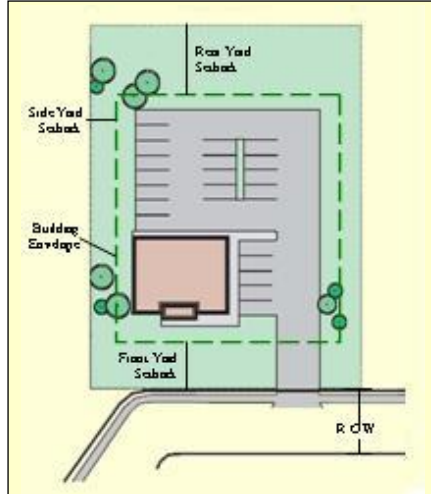
- none

Minimum Lot Frontage:

- 100 feet on a public street with access from said public street

Sewer and Water:

- Requires connection to public water and sewer



Minimum Front Yard Setback:

- 50 feet when adjacent to an Arterial
- 40 feet when adjacent to a Collector
- 35 feet when adjacent to a Local Road

Minimum Side Yard Setback:

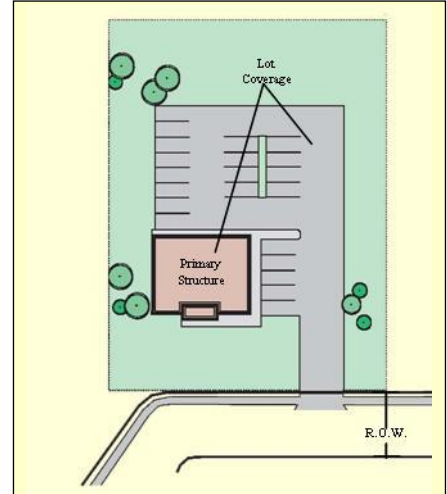
- 25 feet

Minimum Rear Yard Setback:

- 25 feet

Maximum Lot Coverage:

- all primary and accessory structures, and impervious surface can not exceed 70% of the lot area.

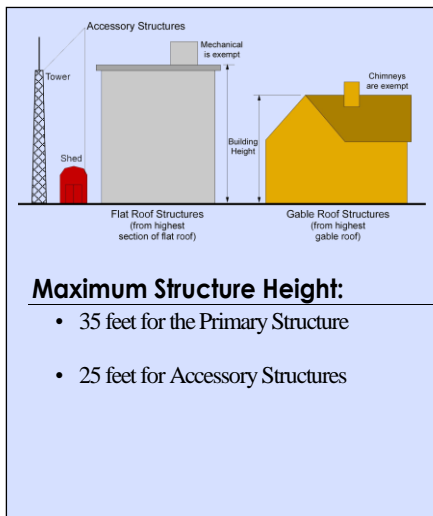


Maximum Primary Structures/Lot:

- none

Maximum Accessory Structures/Lot:

- 3



Maximum Structure Height:

- 35 feet for the Primary Structure
- 25 feet for Accessory Structures

Additional Development Standards That Apply

- Lot/ Yard Standards (LY)
- Height Standards (HT)
- Accessory Use/ Structure Standards (AS)
- Performance Standards (PS)
- Public Improvement Standards (PI)
- Parking Standards (PK)
- Fences and Walls Standards (FN)
- Outdoor Lighting Standards (OL)

Article Three – Zoning District Intent, Uses & Standards

3.43 M1 Light Industrial Design Standards

3.43 M1 District Design Standards

This section shall apply to all Light Industrial facilities to ensure safe and efficient vehicle and pedestrian circulation, and protect the general welfare of the community by ensuring that such facilities are consistent in design with, and complimentary to, adjacent land uses and the physical characteristics of The City of College Park.

A. **Prohibited Uses:** The following uses are prohibited.

1. Blast furnace.
2. Boiler works.
3. Bone distillation.
4. Dwelling.
5. Fat rendering.
6. Incinerator.
7. Manufacturing of:
 - a. Acetylene gas.
 - b. Acid.
 - c. Ammonia.
 - d. Asphalt.
 - e. Bleaching powder.
 - f. Brick.
 - g. Chlorine gas.
 - h. Cement.
 - i. Coal tar.
 - j. Explosives.
 - k. Fertilizer.
 - l. Glue.
 - m. Gypsum board.
 - n. Linoleum.
 - o. Oil.
 - p. Oilcloth.
 - q. Mineral dye.
 - r. Paint.
 - s. Paper.
 - t. Paper pulp.
 - u. Patent leather.
 - v. Petroleum products.
 - w. Plaster of Paris.
 - x. Pottery.
 - y. Shellac.
 - z. Terra cotta.
 - aa. Tile.
 - bb. Turpentine.
 - cc. Varnish.

- dd. Yeast.
 - 8. Mineral extraction.
 - 9. Ore reduction.
 - 10. Rolling mill.
 - 11. Slaughter house.
 - 12. Smelting.
 - 13. Stockyard
 - 14. Storage of:
 - a. Explosives.
 - b. Animal hides.
 - c. Tanning.
 - d. Tar distillation.
 - 15. Truck stop.
 - 16. Truck terminal.
 - 17. Landfill, solid waste disposal.
 - 18. Processing or storage of radioactive materials.
- B. **Building Orientation:** All primary structures shall face the front of the lot on which they are located.
- C. **Building Materials:** The primary building material for all facades facing public streets shall be brick, natural or cut stone, pre-cast concrete, on-site tilt up concrete panels, metal panels with a baked-on enamel or acrylic finish (which must be expected to retain its appearance without substantial maintenance for a period of ten years), or any material with a stucco type finish or a masonry material.
- D. **Roofs:** Sloped roofs shall either be of standing seam metal or dimensional shingles.
- E. **Docks and Doors:** Loading docks and overhead doors may not exceed 50 percent of the façade which faces a public street.
- F. **Truck and Tractor Parking Location:** No more than 50 percent of any truck/ tractor parking may be located within the front yard or any side yard having road frontage.
- G. **Outdoor Storage, Truck Dock, Mechanical Equipment, and Waste Containers:** Outdoor storage of unfinished products or supplies shall only be located within the side or rear yard. All outdoor storage of finished products and materials for sale, all trash and recycling containers and materials, and all mechanical equipment shall be concealed.
- 1. Stored materials, seasonal and other outdoor sales areas, mechanical equipment, and waste containers located on the ground shall be screened from view.
 - a. The enclosure shall not exceed 8 feet in height.
 - b. No stored products or waste containers or materials may exceed the height of the enclosure.
 - c. An opaque wooden gate, painted consistent with the main color of the primary structure on the lot shall be provided at all access points to the enclosed area.
 - 2. Mechanical equipment located on the roof shall be screened by a parapet or other building feature.
 - 3. No area for the storage of waste materials shall be located within 20 feet of any public street right-of-way, public sidewalk, or internal pedestrian way.
- H. **Landscaping:** Landscaping screening shall be provided around the perimeter of all parking and loading areas which include 15 or more parking spaces.
- 1. The screening shall be located within 5 feet of the edge of the parking area and shall provide screening at least 4 feet in height for at least 75% of the perimeter of the parking area.

2. Screening shall consist of either a row of evergreen shrubs or a combination of mounding, ground covers and shrubs.
 - a. If only shrubs are used, they shall measure a minimum of 24 inches in height from ground level at the time of planting and be placed 5 feet on center.
 - b. If landscape mounding is also used, it shall undulate between the heights of 2 and 4 feet from ground level. Shrubs shall be planted on the mound at a ratio of one shrub for every 15 horizontal feet of mounding. The shrubs shall measure a minimum of 18 inches in height from ground level at the time of planting and may be placed in an irregular, natural pattern.
- I. **Lighting:** Lighting on each lot shall be designed to reduce light pollution while providing the minimum light necessary for security and safe pedestrian and vehicle traffic movements.
 1. Light poles in vehicle use areas shall not exceed 20 feet in height. All lighting shall be Metal Halide or LED and have 90 degree cut-off luminaires (shielded downlighting).
 2. Lights illuminating structures and sidewalks shall be Metal Halide and have 90 degree cut-off luminaires (shielded downlighting).
 3. Spot lights and those which face upwards to illuminate building facades are prohibited.
- J. **Entrance Drives:** Entrance drives accessing lots from an arterial or collector road may be located no closer than 200 feet from any other drive on either side of the public road, or 500 feet from any intersection of two public road rights-of-way. Interior driveways passing through front yards parallel to public roads shall be designed and constructed to stub into adjacent properties and included in cross access easements.
- K. **Pedestrian Walkways:** Pedestrian walkways shall be provided across the frontage of all lots, connecting the lot, the primary structure, and parking areas to each other and with adjacent properties. Sidewalks shall also be provided along the full length of all facades which include a customer entrance and/or are adjacent to a parking area.
 1. Walkways shall be concrete and shall be a minimum of 10 feet in width.
 2. Walkways parallel to parking lots and interior drives shall be separated from such areas by a curbed landscaped area measuring a minimum of 5 feet in width.
 3. Walkways through vehicle use areas shall be of a paving material different from that of the vehicle use area.
 4. Walkways along the facades of the primary structure shall be separated from the building by a landscape area which is a minimum of 5 feet in width.

Article Three – Zoning District Intent, Uses & Standards

3.44 M2 Heavy Industrial District

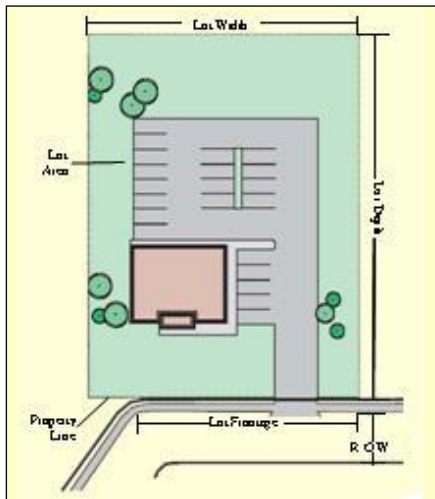
3.44 M2 District Intent, Permitted Uses and Conditional Uses

District Intent	Permitted Uses	Conditional Uses
<p>The “M2” District is intended to provide a land use category for a variety of industrial operations. The provisions that regulate this land use district should make the district compatible with the "BP" and “M1” districts, the Airport, and other environmentally sensitive areas. This district should be used in combination with the “M1” district in areas with convenient access to major transportation routes.</p> <p>The City of College Park’s Planning and Zoning Commission should follow the Comprehensive Plan and Future Land Use Map, and strive to provide for industrial operations while minimizing light pollution, large parking lots along major roadways, hazardous traffic patterns, and traffic conflicts in the “M2” district.</p>	<p>Industrial Uses</p> <ul style="list-style-type: none"> • Any use permitted in the M-1 light industrial district • Mineral extraction and processing • Rock, sand, or gravel distribution and storage • Brick, tile, and/ or terra cotta manufacturing • Agriculture crop processing and storage (of materials produced off-site) • Chemical storage or manufacturing • Asphalt manufacture and batching plants • Machine and machine tool manufacture • Consumer fireworks retail sales facility, as designated upon the map • Consumer fireworks retail sales stands, as designated upon the map 	<p>Industrial Uses</p> <ul style="list-style-type: none"> • Truck terminals • Recycling operations • Incinerators • Meat Processing • Airports, heliports, and related landing areas • Junk/salvage yard (including sanitary landfill, refuse dump, and scrap metal yard) • Any other use not specifically described as permitted

Article Three – Zoning District Intent, Uses & Standards

3.45 M2 Heavy Industrial District

3.45 M2 District Standards



Minimum Lot Area:

- 2 acres

Minimum Lot Width:

- 250 feet

Maximum Lot Depth:

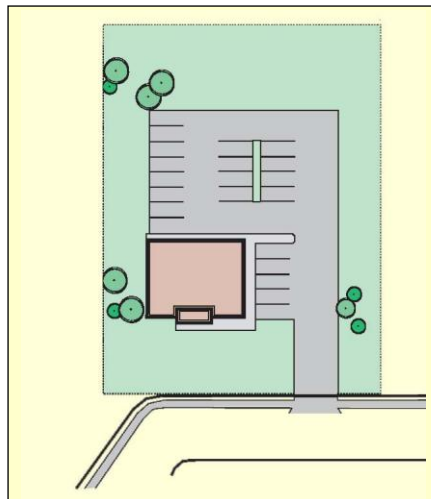
- none

Minimum Lot Frontage:

- 100 feet on a public street with access from said public street

Sewer and Water:

- Requires connection to public water and sewer



Minimum Front Yard Setback:

- 50 feet when adjacent to an Arterial
- 40 feet when adjacent to a Collector
- 35 feet when adjacent to a Local Road

Minimum Side Yard Setback:

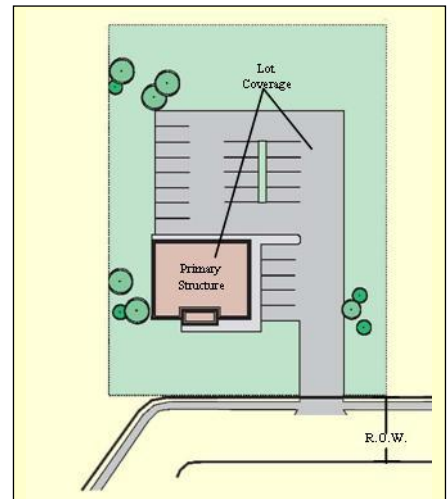
- 40 feet

Minimum Rear Yard Setback:

- 40 feet

Maximum Lot Coverage:

- all primary and accessory structures, and impervious surface can not exceed 70% of the lot area.

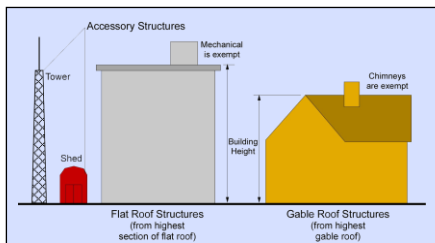


Maximum Primary Structures/Lot:

- none

Maximum Accessory Structures/Lot:

- 3



Maximum Structure Height:

- 35 feet for the Primary Structure
- 25 feet for Accessory Structures

Additional Development Standards That Apply

- Lot/ Yard Standards (LY)
- Height Standards (HT)
- Accessory Use/ Structure Standards (AS)
- Performance Standards (PS)
- Public Improvement Standards (PI)
- Parking Standards (PK)
- Fences and Walls Standards (FN)
- Outdoor Lighting Standards (OL)

Article Three – Zoning District Intent, Uses & Standards

3.46 M2 Heavy Industrial District

3.46 M2 District Design Standards

This section shall apply to all Heavy Industrial facilities to ensure safe and efficient vehicle and pedestrian circulation, and protect the general welfare of the community by ensuring that such facilities are consistent in design with, and complimentary to, adjacent land uses and the physical characteristics of The City of College Park.

- A. **Building Orientation:** All primary structures shall face the front of the lot on which they are located.
- B. **Building Materials:** The primary building material for all facades facing public streets shall be brick, natural or cut stone, pre-cast concrete, on-site tilt up concrete panels, metal panels with a baked-on enamel or acrylic finish (which must be expected to retain its appearance without substantial maintenance for a period of ten years), or any material with a stucco type finish or a masonry material.
- C. **Roofs:** Sloped roofs shall either be of standing seam metal or dimensional shingles.
- D. **Docks and Doors:** Loading docks and overhead doors may not exceed 50 percent of the façade which faces a public street.
- E. **Truck and Tractor Parking Location:** No more than 50 percent of any truck/ tractor parking may be located within the front yard or any side yard having road frontage.
- F. **Outdoor Storage, Truck Dock, Mechanical Equipment, and Waste Containers:** Outdoor storage of unfinished products or supplies shall only be located within the side or rear yard. All outdoor storage of finished products and materials for sale, all trash and recycling containers and materials, and all mechanical equipment shall be concealed.
 - 1. Stored materials, seasonal and other outdoor sales areas, mechanical equipment, and waste containers located on the ground shall be screened from view.
 - a. The enclosure shall not exceed 8 feet in height.
 - b. No stored products or waste containers or materials may exceed the height of the enclosure.
 - c. An opaque wooden gate, painted consistent with the main color of the primary structure on the lot shall be provided at all access points to the enclosed area.
 - 2. Mechanical equipment located on the roof shall be screened by a parapet or other building feature.
 - 3. No area for the storage of waste materials shall be located within 20 feet of any public street right-of-way, public sidewalk, or internal pedestrian way.
- G. **Landscaping:** Landscaping screening shall be provided around the perimeter of all parking and loading areas which include 15 or more parking spaces.
 - 1. The screening shall be located within 5 feet of the edge of the parking area and shall provide screening at least 4 feet in height for at least 75% of the perimeter of the parking area.
 - 2. Screening shall consist of either a row of evergreen shrubs or a combination of mounding, ground covers and shrubs.
 - a. If only shrubs are used, they shall measure a minimum of 24 inches in height from ground level at the time of planting and be placed 5 feet on center.
 - b. If landscape mounding is also used, it shall undulate between the heights of 2 and 4 feet from ground level. Shrubs shall be planted on the mound at a ratio of one shrub for every 15 horizontal feet of mounding. The shrubs shall measure a minimum of 18 inches in height from ground level at the time of planting and may be placed in an irregular, natural pattern.

- H. **Lighting:** Lighting on each lot shall be designed to reduce light pollution while providing the minimum light necessary for security and safe pedestrian and vehicle traffic movements.
1. Light poles in vehicle use areas shall not exceed 20 feet in height. All lighting shall be Metal Halide or LED and have 90 degree cut-off luminaires (shielded downlighting).
 2. Lights illuminating structures and sidewalks shall be Metal Halide and have 90 degree cut-off luminaires (shielded downlighting).
 3. Spot lights and those which face upwards to illuminate building facades are prohibited.
- I. **Entrance Drives:** Entrance drives accessing lots from an arterial or collector road may be located no closer than 200 feet from any other drive on either side of the public road, or 500 feet from any intersection of two public road rights-of-way. Interior driveways passing through front yards parallel to public roads shall be designed and constructed to stub into adjacent properties and included in cross access easements.
- J. **Pedestrian Walkways:** Pedestrian walkways shall be provided across the frontage of all lots, connecting the lot, the primary structure, and parking areas to each other and with adjacent properties. Sidewalks shall also be provided along the full length of all facades which include a customer entrance and/or are adjacent to a parking area.
1. Walkways shall be concrete and shall be a minimum of 10 feet in width.
 2. Walkways parallel to parking lots and interior drives shall be separated from such areas by a curbed landscaped area measuring a minimum of 5 feet in width.
 3. Walkways through vehicle use areas shall be of a paving material different from that of the vehicle use area.
 4. Walkways along the facades of the primary structure shall be separated from the building by a landscape area which is a minimum of 5 feet in width.

Article Three – Zoning District Intent, Uses & Standards

3.47 TR Transportation District

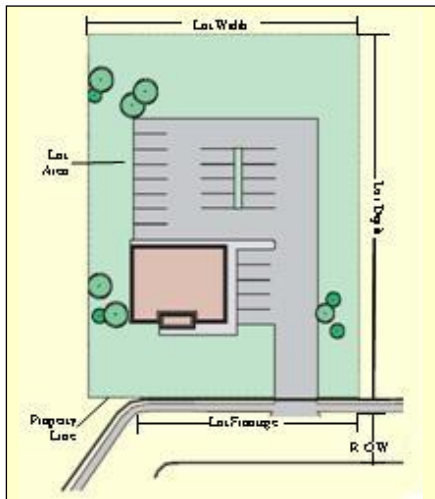
3.47 TR District Intent, Permitted Uses and Conditional Uses

District Intent	Permitted Uses	
<p>The “TR” District is intended to provide a land use category for a variety of automobile and transportation orientated businesses.</p>	<p>Commercial/ Industrial Uses</p> <ul style="list-style-type: none">• Airport parking and shuttle service• Car rental agencies• Airport related employee parking• Railroad uses• Transit system parking lots and decks• Vehicle cleaning and minor maintenance when associated with one of the facilities noted above	

Article Three – Zoning District Intent, Uses & Standards

3.48 TR Transportation District

3.48 TR District Standards



Minimum Lot Area:

- 2 acres

Minimum Lot Width:

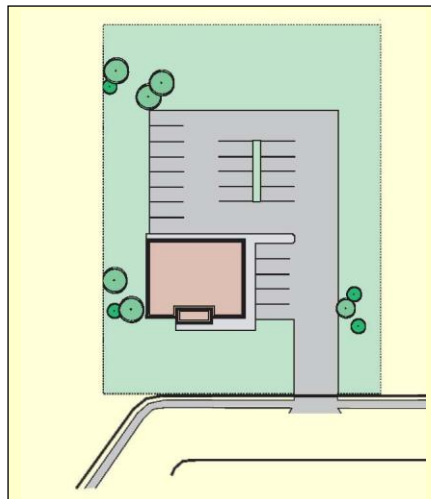
- 250 feet

Maximum Lot Depth:

- none

Minimum Lot Frontage:

- 100 feet on a public street with access from said public street



Minimum Front Yard Setback:

- 50 feet

Minimum Side Yard Setback:

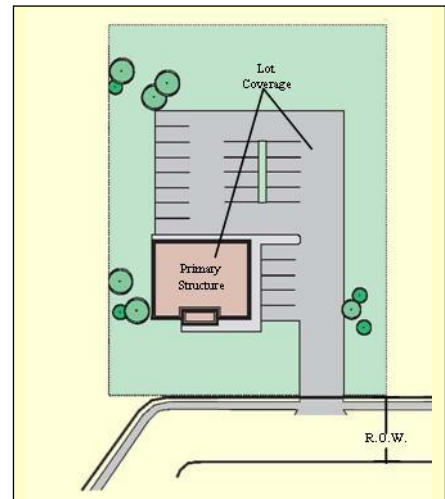
- 40 feet

Minimum Rear Yard Setback:

- 40 feet

Maximum Lot Coverage:

- all primary and accessory structures, and impervious surface can not exceed 70% of the lot area.

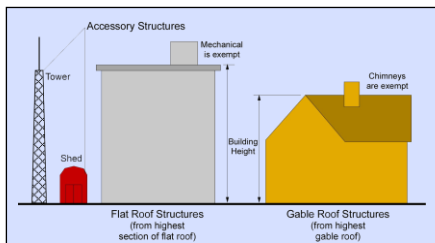


Maximum Primary Structures/Lot:

- none

Maximum Accessory Structures/Lot:

- 3



Maximum Structure Height:

- 35 feet for the Primary Structure
- 25 feet for Accessory Structures

Additional Development Standards That Apply

- Lot/ Yard Standards (LY)
- Height Standards (HT)
- Accessory Use/ Structure Standards (AS)
- Performance Standards (PS)
- Public Improvement Standards (PI)
- Parking Standards (PK)
- Fences and Walls Standards (FN)
- Outdoor Lighting Standards (OL)

Article Three – Zoning District Intent, Uses & Standards

3.49 TR Transportation District

3.49 TR District Design Standards

This section shall apply to all Transportation Districts, as the potential for negative visual impact on adjoining uses by Transportation District uses is substantial. Therefore, buffers are required for the protection of adjoining land uses.

- A. A natural or manmade planted buffer shall be maintained along the property boundary of any "TR" District use which abuts a non-"T" District use according to the following schedule:
 - 1. Residential districts: A buffer having a minimum horizontal dimension of forty (40) feet shall be provided, provided that should the applicant wish to establish a bermed buffer, such buffer may be reduced to thirty (30) feet for a berm six (6) feet high and thirty (30) feet in depth.
 - 2. Business park, office park and commercial uses: A buffer having a minimum horizontal dimension of thirty (30) feet shall be provided, provided that if the owner prefers, a six (6) feet high bermed buffer of twenty (20) feet in depth is allowable.
- B. Buffers shall be permanently maintained as indicated on the approved site plan, subject to inspection by the building inspector, and consistent with any other property improvement. The dimension of the buffer shall not be in addition to any other landscaping requirements of this article.
- C. As the purpose of the buffer is to visually screen and distance the uses of the "TR" District from adjoining uses, one-half (½) of all plant materials shall consist of one (1) or more species that retain foliage throughout the year. Provision of opaque fencing, though desirable, shall not decrease the horizontal dimension of the required buffer.
- D. Within the Transportation District, those uses identified as permitted uses may utilize the buffer requirement in computing the overall percentage of landscaping required by Article 9 of this Ordinance. Internal landscaping of the area reserved for parking and paved for that purpose is not required, provided that no decrease in the overall percentage of landscaping on the lot shall be made.

Article 4 – Planned Development

Article Four: Planned Development

4.1 Purpose

The purpose of the Planned Development Zoning District is to encourage innovative approaches to site planning and land development. A planned development ("PD") is a professionally planned residential or commercial district or an integration of such uses fostering design flexibility and diversity. PDs are intended to achieve economies in land use, public improvements and services delivery while preserving open space and protecting natural areas. The PD encourages large scale, unified development of compatible land uses, accessed by intermodal circulation systems.

4.2 Types of Planned Developments

Two (2) types of Planned Development Districts accommodating primarily residential or nonresidential uses are created as follows:

1. PD-R Planned Development Residential: The PD-R District is intended to accommodate primarily residential uses, with nonresidential uses integrated into the design of such districts as secondary uses.
2. PD-C Planned Development Commercial: The PD-C District is intended to accommodate primarily nonresidential uses, with residential uses integrated into the design of such districts as secondary uses.

4.3 Standards for Consideration of a Planned Development

- A. Any property meeting the standards of this article may be zoned as a PD, provided that all of the following conditions exist:
 1. A combination of principal land uses, not otherwise permitted within the same zoning district, is proposed for development on one or more adjacent tracts.
 2. Variances concerning required development standards, or other regulations of the College Park Zoning Ordinance, would otherwise be necessary to achieve design flexibility.
 3. Environmental design (i.e., architectural standards and site development standards) proposed is of a higher quality than would be possible under regulations otherwise applicable to the property.
 4. Economical provision of public services will result.
 5. The resulting transportation system will encourage and facilitate pedestrians and bicycles as practical alternatives to the proliferation of motorized vehicles.
- B. In addition, two (2) or more of the following objectives must be met:
 1. Diversity in the range of permitted uses and variety in the relationship of uses, structures and open space in developments planned as cohesive unified objects.
 2. Preservation of natural features.
 3. Enhanced functional and beneficial use of open space.
 4. Creation of a variety of housing types compatible with surrounding neighborhoods, resulting in a greater choice of environments and dwelling units.

5. Provision of attractive and appropriate locations for business uses in well-designed buildings with provision of employment opportunities near residential areas.

4.4 Maximum Area of commercial or Service uses in PD-R Districts

In PD-R Districts in which commercial or service uses are permitted, the acreage of land devoted to commercial or service uses, including structures, parking, and related characteristics and accessory uses thereto shall not exceed thirty-five (35) per cent of the total area. Provided, however, that such percentage shall apply only to commercial and service uses, and not to other nonresidential uses such as schools, parks, community buildings, and public facilities. Required parking for commercial and service uses shall be counted towards the maximum percentage.

4.5 Permitted Uses

The applicant may propose various integrated uses, such as neighborhood commercial services, within a residential area. The planning commission shall determine the appropriateness of such proposals during the preliminary development plan review process. An approved development plan for a PD shall establish the requirements for guiding development and uses of property within the PD, subject to the following provisions:

1. All uses in the R-1, R-2, R-3, MF, BP, and OP Districts are permitted in any PD. M-1 uses proposed for a PD-C shall be considered as conditional uses.
2. Mixed-use or integrated use areas may be permitted provided that buffers as established in this article are maintained. Proposed uses must be specified in the preliminary and final development plans, and, once approved by the planning commission and mayor and council, the final development plan shall govern development within the district.
3. Multifamily uses shall not be located along the perimeter of a PD, except where adjacent to, or across a street from, an existing multifamily or more intense use. Multifamily units shall not exceed fifty (50) per cent of the total number of dwelling units in a PD-R.

4.6 Density

- A. The density for single-family detached residential development in PD-R Districts shall not exceed six (6) units per acre, and the density for multifamily, residential development in PD-R Districts shall not exceed twelve (12) units per acre. Residential project density shall be calculated by considering only land designated for residential development, together with associated and adjacent common open space and recreation areas. Areas classified as drainage or retention facilities shall not be considered as common open space. Density shall be calculated by dividing the number of units by number of acres designated for residential development. Density shall be calculated separately for each housing type. Notwithstanding the above, net density ratios in excess of those provided by this subsection may be approved, provided the applicant can demonstrate that the proposed density is compatible with the objectives of the Zoning Ordinance and the residential character of surrounding development in College Park, or that negative impacts will be mitigated through landscaping, site design or other techniques.
- B. The lot coverage, regarding building footprint, for development in PD-C District not within the Downtown Historic District shall not exceed sixty-five (65) per cent.
- C. In the Downtown Historic District no lot coverage limitations apply; provided that open space and parking are met.

4.7 Building Height

Building height shall not exceed three (3) stories or thirty-five (35) feet, whichever is greater, unless a conditional height zoning permit is granted.

4.8 Development Standards

Development standards for any PD, including lot area, site dimensions, required yards, density, site coverage, landscaping and parking shall be explicitly proposed by the applicant and be approved by the mayor and council, provided such proposal does not fall below the standards of this article.

- A. **Minimum tract size.** The minimum size for any PD shall be ten (10) acres.
- B. **Public facilities.** The applicant shall demonstrate that adequate public facilities will be provided to serve the PD. Such facilities at a minimum shall include, but not be limited to, water supply, sewage disposal, drainage control, roads, sidewalks and bike lanes. Any extension of public facilities shall be designated to avoid inefficiency, duplication, premature extensions, and unnecessary public costs. The applicant shall be solely responsible for installation of these public facilities in conformance with city standards and at the applicant's expense; provided that where such PD encompasses a portion of an Urban Redevelopment Area established by the mayor and council pursuant to the Urban Redevelopment Law, the city may elect, at its sole discretion, to joint venture in the cost and/or installation of public facilities where it determines such action is necessary to facilitate redevelopment of a blighted area.
- C. **Underground utilities.** PDs must include underground installation of all utilities, including, at a minimum, telephone, electric power and cable television in both public and private right-of-way, except when extreme conditions of underlying rock or other conditions make this requirement unreasonable.
- D. **Construction standards.** Streets, sidewalks, water supply, sanitary sewer and drainage structures shall be constructed in accordance with the Subdivision Regulations of College Park and design and construction standards adopted by the city, unless otherwise approved by the Engineering Director in accordance with standards established in Section 11, below. The minimum right-of-way for all streets shall be fifty (50) feet. Entry streets accessing the PD and commercial streets shall be a minimum of twenty-eight (28) feet paved width for commercial streets. Residential streets shall be a minimum of twenty-four (24) paved feet in width; provided that where a PD proposes utilizing existing streets of lesser width, the pavement width may be reduced to twenty (20) feet curb to curb upon certification by the Engineering Director in consultation with other department heads that emergency vehicle access will not be impaired. Street width dimensions shall be subject to approval by the Engineering Director. A minimum height clearance of thirteen and one-half (13½) feet shall be maintained over all streets. All streets shall have vertical curbs.
- E. **Sidewalks.** Sidewalks shall be installed along the entire frontage of all developments. Sidewalks adjacent to residential properties shall be a minimum of four (4) feet in width; sidewalks adjacent to commercial properties shall be a minimum of ten (10) feet in width. Pedestrian crosswalks shall be provided and clearly marked at intersections serving residential developments. Crosswalks serving commercial developments shall be identified through the use of pavement materials such as stone pavers which differentiate the crosswalk

from the normal street surface. Pedestrian crossing control devices shall be provided at all signalized intersections.

- F. **Parking regulations.** Off-street parking requirements are as provided in Table I, below. Commercial parking requirements may be reduced provided that off-street parking which is specifically owned or leased by the property owner seeking the reduction is located within four hundred (400) feet, as measured along the sidewalk, of the use such parking is intended to serve.

All off-street parking proposed for a PD must comply with the landscape provisions of Article 9, Tree Protection of this Ordinance. In addition, a landscaped area having a minimum width of ten (10) feet shall be installed between parking areas and residential units in attached dwelling developments.

Table I. Off-Street Parking Requirements

Use	Spaces Required
Detached Dwelling	Two (2) spaces per dwelling unit
Attached Dwelling	One and one-half (1½)spaces per dwelling unit
Retail Shop	One space per three hundred (300) sq. ft. of net floor area
Restaurant	One space for every five (5)seats
Office	One space per two hundred and fifty (250) sq. ft. of net floor area

Table II. Lot and Dwelling Unit Dimensional Standards

Standard	Detached Residential	Townhouses	Multifamily
Minimum sq. ft. structure: One Bedroom & Efficiency	1,400 sq. ft.	800 sq. ft.	800 sq. ft.
Two Bedrooms	1,400 sq. ft.	1,000 sq. ft.	1,000 sq. ft.
Three Bedrooms	1,400 sq. ft.	1,200 sq. ft.	1,200 sq. ft.
Front Yard	10 ft. min.	0	0
Side Yard 1	2 foot min.	0	0
Rear Yard 2	0 foot min.		

1. Side yard requirements shall meet all standards of city's building and fire safety codes.
2. Principal building only; no rear yard requirement when abutting an alley.

G. **Minimum building separation.** The following minimum building separation schedule shall apply to all multifamily residential and commercial development within a PD (other than the Downtown Historic District):

a.	Front to Front	40 feet;
b.	Front to Rear	40 feet;
c.	Front to Side	35 feet;
d.	Rear to Rear	40 feet;
e.	Rear to Side	35 feet;
f.	Side to Side	25 feet.

H. **Signs.** A uniform sign system shall be proposed by the applicant which constitutes an attractive, functional approach to conveying information to the public. All signs must be compatible with the architectural character of the PD and conform to the requirements of the College Park Zoning Ordinance. The developer shall incorporate sign restrictions into protective covenants running with the land. No sign shall exceed twenty-four (24) square feet in area, nor twelve (12) feet in height. Sign lighting shall be indirect.

I. **Street Signs.** Street sign systems may be proposed, subject to approval by the director of public works. The initial installation of such systems shall be at the developer's sole expense.

J. **Buffers.** Buffers shall be designed to visually screen incompatible uses, dumpsters, mechanical equipment and parking areas. Establishment and maintenance of all buffers shall conform to Article 9, tree Protection of this Ordinance and the schedule presented in Table III.

Table III. Buffer Width for Specified Abutting Uses

EXISTING USE	PROPOSED USE			
	Detached Residential	Attached Residential	Office	Retail
Detached Residential	none	20 feet	25 feet	30 feet
Attached Residential	20 feet	15 feet	15 feet	15 feet
Office	25 feet	20 feet	15 feet	15 feet
Retail	30 feet	25 feet	15 feet	none

K. **Landscaping.** A landscape plan demonstrating a functional treatment of exterior spaces, and providing ample quantities and varieties of plant materials regarded as suitable to the area

climate, shall be provided. All landscape design, construction and maintenance shall comply with the provisions of Article 9, Tree Protection, of this Ordinance and shall achieve the following objectives:

1. Produce an attractive, pleasant environment;
 2. Achieve visual relief by softening structural mass and by screening parking and loading areas;
 3. Provide open areas on-site as an amenity for residents and visitors; and
 4. Foster use of indigenous plant materials to reflect the character and quality of surrounding areas.
- L. **Street Trees.** Street trees shall be installed within the right-of-way of all public streets. Such plantings shall be accomplished at no greater distance than fifty (50) feet apart and shall consist of canopy trees. The following species are prohibited:

Eastern White Pine	Black Willow
Box Elder	Royal Paulownia
Lombardy Poplar	Tree of Heaven
Mimosa	Water Oak
Silver Maple	Red and White Oaks
Spruce	

- M. **Lighting.** All lighting shall be arranged to prevent direct glare or hazardous interference of any kind onto adjoining streets or property, or skyward, and shall conform to City of College Park Building Codes. Accent lighting designed to feature architectural or landscape elements shall be of such intensity as to illuminate such elements, only. Pedestrian scale lighting not to exceed sixteen (16) feet in height shall be provided as appropriate to the surrounding uses along all public streets. Such lighting shall conform to the architectural design and character of the development.
- N. **Phasing plan.** A development schedule for PD which is proposed for implementation over a series of distinct construction time periods shall be provided. Individual project phases must be whole and complete and maintain a workable, functioning and efficient relationship throughout the PD. No phase shall be approved which is dependent upon any future phase for road access, public facilities or services, parking or common open spaces.

4.9 Design Criteria

Design criteria shall be used as the principal tool in evaluating the merits of a proposed PD. The burden shall be on the applicant to demonstrate that the proposed development plans comply with each of the following criteria, or alternately, to demonstrate that one (1) or more of these criteria are not applicable, or that a practical solution consistent with the public interest and other purposes of the College Park Zoning Ordinance has been achieved:

- A. **Conformance to the Comprehensive Plan.** The proposed development plan shall conform to applicable elements of the College Park Comprehensive Plan and city goals and policies expressed therein and elsewhere.
- B. **Compatibility with surrounding development.** Proposed uses, activities and densities shall have a compatible, efficient and functional interrelationship to surrounding uses and activities, and shall not adversely affect future development of the surrounding area.
- C. **Development scale.** Any nonresidential uses in a PD-R shall be of a scale primarily to meet commercial and service needs generated within the PD and those of the immediate area. Large-scale, retail uses which will draw patrons and/or vehicle trips primarily from communities outside College Park are discouraged. Market studies and traffic impact analyses may be required of the applicant as evidence that the proposal meets this criterion.
- D. **Environmental design.** Site plan, building design and location, and open space provisions shall be designed to produce a development that is responsive and sensitive to natural features and the aesthetic quality of the community. Site planning and design shall minimize any required cut or fill to afford maximum protection of natural landforms and features. Natural features and/or geologic hazards that may affect the property on which the PD is proposed shall be identified and mitigation measures established. Building design shall maximize preservation of vegetation and landforms, enhance drainage and minimize soil erosion. Developments must consider designs for foot traffic and pedestrian movement in and among individual retail and office establishments that facilitate destination environments for shoppers and employees. The following design principles shall control development in the PD:
1. Non-retail commercial buildings shall, to the extent possible, front directly onto the public sidewalk and provide direct pedestrian access thereto.
 2. Site access for vehicles shall be configured such that pedestrians are not required to traverse parking areas or vehicular drives to approach the entry. Pavement markings identifying pedestrian walks may be used to achieve this design standard.
 3. All buildings shall provide direct pedestrian access from on-site parking areas as well as the public sidewalk system.
 4. All retail commercial buildings must front directly on the sidewalk, adhering to a zero front yard setback and forming a generally uniform edge identifying the retail commercial storefronts. A front yard having a maximum depth of twenty (20) feet may be approved, provided pedestrian or patron amenities are featured within the front yard.
- E. **Intermodal transportation.** The intent of the PD is to plan a hierarchy of streets, walks and paths that equitably serves the needs of motorists, cyclists and pedestrians. All PD proposals shall accommodate alternative transportation modes, including mass transit, bicycle and pedestrian options. This shall include the design of a pedestrian and bikeway system, including such facilities as lighting, landscaping, signs, benches, paved surfaces, and bike racks.
- F. **Architectural standards.** An architectural design plan which ensures architectural consistency in the proposed development, architectural character, and preservation or improvement of the visual character of the city shall be provided and, upon approval, shall form part of the plan. Architectural character is based upon the suitability of a building for its purposes, the appropriate use of materials, and upon principles of harmony and proportion of the building with other proposed buildings and surrounding land uses. Buildings or other improvements

shall be compatible with the orientation, directional emphases, shape, volume, massing, proportion, rhythm, scale and materials of the context, setting and streetscape of the site. Architectural elements, designs, concepts, building styles and materials shall be subject to review by a design review commission as established by the city to ensure consistency with the purposes and provisions of the PD. In the absence of a design review commission, architectural review shall be by a committee composed of the city planner, building inspector, downtown development manager, director of development and city manager.

The following requirements shall control building construction in the PD:

1. Building materials used for exterior finishes shall consist of glass; metal; brick; stone; concrete stucco; decorative concrete block; solid wood; "Hardy" board or similar masonry applications; or similar, durable architectural materials. Pre-fabricated metal buildings, metal storage sheds, synthetic stucco, "dryvit", EIFS, vinyl siding and other materials found to be other than durable products are specifically prohibited. Awning materials shall be limited to canvas or metal.
 2. Roof pitch in residential developments shall be a minimum of 6/12. Roof materials shall consist of asphalt or composite shingles, terra cotta, slate, cedar, or standing seam metal. "Rolled" asphalt-roofing materials shall not be used.
 3. Side and rear building elevations of attached, residential developments and all commercial developments shall be substantially consistent with the front building elevation.
 4. Architectural style within one (1) block or other contiguous development unit shall be compatible and shall adhere to a single, consistent architectural theme.
 5. Placement of air-conditioning units, satellite dishes in excess of one (1) meter in diameter and other mechanical systems and equipment shall be accomplished without detracting from the architectural integrity of the building or site. Generally, such equipment must be installed to the rear of the building or on the side, provided the view is partially obstructed through either the use of screening compatible with the building such equipment serves or landscaping. Rooftop equipment shall be completely screened from view from the public right-of-way as well as adjoining properties.
- G. Access for the disabled. All buildings intended for use by the general public shall be designed and constructed so that they are accessible and useable by physically disabled individuals. Site development and building construction shall conform to specifications set forth by the Americans with Disabilities Act.

4.10 Common Open Spaces

Common open spaces shall be defined for the purpose of this section as the total area of land and water within the external boundary of a PD designated and intended for use and enjoyment as open areas, and not improved with a building, structure, street, road or parking area, except for recreational structures and parking for recreational uses. Said common open spaces shall not include individual lots and yards located between buildings and parking areas.

- A. Minimum open space requirement. A minimum of twenty (20) per cent of the area of the PD-R District (fifteen (15) per cent of PD-C Districts), net of all street rights-of-way, parking areas, and the below listed areas of this subsection, shall be common open spaces. Acreage delineated by utility easements containing overhead lines shall be factored into neither the calculation of the common open space reservation, nor the net area of the PD.

- B. Ineligible areas and uses. No area within a building site (other than recreation structures), road and road easement or right-of-way, cut or fill slope, drainage facility such as detention ponds, or other permanently disturbed area shall be credited toward the required per cent permanent, common open space requirement. Recreational uses which alter the natural landscape, and are not available to the general public, such as golf courses, shall not constitute more than fifty (50) per cent of the minimum twenty-five (25) or fifteen (15) per cent common open space reservation.
- C. All common open space shall be reserved for its intended purpose as shown on the approved, final development plan. The common open space shall either be dedicated to the city, subject to acceptance by the City of College Park, or administered by a nonprofit organization, subject to the requirements of this Article.
- D. All common open space shall be specifically included in the development schedule, and be constructed and fully improved by the owner at an equivalent or greater rate than construction of all other structures proposed in the approved final development plan.
- E. Areas proposed for common open space or recreation areas shall be allocated among the various land uses in proportion to the ratio of neighborhood or employment population to total PD population so that acreage devoted to open space and recreation is reasonably accessible to all residents and daytime occupants of the PD.
- F. Civics spaces in all PDs, including public squares and parks which feature focal points such as fountains, public artwork and other amenities designed for passive recreation, must be incorporated into common open spaces. No residence in a PD-R shall be located more than five hundred (500) feet from a common open space area comprised of a minimum area of one-quarter ($\frac{1}{4}$) acre.

4.11 Purpose

- A. Variations from the standards provided in the College Park Subdivision Regulations for streets, lots and blocks must be approved, provided it can be demonstrated to the satisfaction of the Engineering Director that each of the following objectives will be met:
 1. Safe and convenient access will be provided to dwelling units, nonresidential areas, community facilities and common open space within the PD;
 2. Adequate access and circulation for emergency and city service vehicles will be provided; and
 3. Principal vehicular access points will be designed to permit smooth traffic flow and minimum hazards to vehicular, bicycle and pedestrian traffic.
- B. No private streets are permitted within a PD.

4.12 Transportation System

Access routes and circulation within the PD shall be designed to minimize the length of roadways and to eliminate conflicts between vehicular, bicycle and pedestrian traffic. The system shall incorporate intermodal transportation elements, and shall be controlled by the following provisions:

- A. **Access to public thoroughfares.** Principal vehicular access points shall be designed to permit smooth traffic flow with controlled turning movements and minimum hazards to vehicular and pedestrian traffic. Minor streets within the PD shall generally not be connected

- to streets outside the development, except where an existing street grid already exists, it shall be maintained and no access to adjacent areas shall be discontinued.
- B. **Site accessibility.** PDs shall normally be located on a street having a minimum functional classification of "collector." All proposed streets, alleys and driveways shall be adequate to serve the residents, occupants, visitors, emergency and service vehicles, and other anticipated traffic of the PD. Every dwelling unit, or other land use permitted in the PD, shall have access to a public street either directly or through an approved driveway, pedestrian way, or other means dedicated to public or private use.
 - C. **Emergency access.** No structure or use shall be inaccessible to emergency vehicles or as otherwise allowed as determined by fire chief.
 - D. **Alleys.** Alleys may be approved provided a minimum paved width of twenty (20) feet is maintained. All alleys shall conform to construction standards adopted by the City of College Park.
 - E. **Pedestrian ways.** Walkways shall form a logical, safe and convenient system for pedestrian access to all dwelling units, appropriate facilities within the development, and principal off-site pedestrian destinations. Walkways that are suitably located, designed and constructed may be combined with other easements and used by city emergency and service vehicles, but shall not be used by other vehicles. All pedestrian facilities shall conform to the provisions of the Americans with Disabilities Act.
 - F. **Intermodal circulation.** The final development plan shall provide for vehicular, bicycle and pedestrian circulation within the PD. This may be accomplished through the design and construction of sidewalks and pathways, bike lanes or other means to ensure the safe and efficient movement of such alternate transportation modes as bus, shuttle, automobile, bicycle and walking. These routes shall be designed to connect to existing or future routes adjoining the PD.
 - G. **Traffic management.** The PD is intended to control vehicular traffic speeds and minimize conflicts between motorists, cyclists and pedestrians. Use of "traffic calming devices", such as landscaped medians, rotaries, "on street" parallel parking and defined pedestrian crosswalks must be incorporated into the proposed street system.

4.13 Relationship Between Planned Developments and Zoning Districts

- A. PDs shall be permitted throughout the city.
- B. Except as modified by this article and approved in a final development plan, elements in a PD shall be governed by the regulations of R-3 District with respect to single-family housing, and the MF District with respect to townhouse, condominium, and apartment development. Commercial development elements shall, unless modified by and approved in a final development plan, conform to the requirements of this article, or where in the absence of standards in this article, the standards of the OP District.
- C. The final development plan for the PD may provide for such variations from district regulations established in subsection (b) governing use, density, area, bulk, setbacks, parking and signs, and such subdivision regulations as may be necessary or desirable to achieve the objectives of the proposed PD, provided such variations are consistent with the standards and criteria contained in this article and have been specifically requested in the application for a PD, and further provided that no modification of the district requirements or subdivision

regulations may be allowed when such proposed modification would result in any of the following conditions:

1. Inadequate or unsafe access to the PD;
2. Traffic volumes exceeding the planned capacity of the proposed major street network in the vicinity such that the level of service (LOS) falls below an LOS rating of C;
3. An undue burden on schools, fire and police protection, and other public facilities which serve or are proposed to serve the PD; or
4. A development which will be incompatible with the purposes of the College Park Zoning Ordinance or the Comprehensive Plan.

4.14 Planned Development Conditions of Approval

The applicant for zoning map amendment to a PD, by requesting the PD designation and making application therefore, shall agree to furnish information about the proposed development, and later to abide by certain conditions and safeguards as may be imposed by mayor and council in establishing such developments. To that end, the regulations set forth herein are minimum requirements, and it is the intent of this section that the owner(s) or their agent shall establish in their development plan standards and conditions, and mayor and council may impose conditions and safeguards in excess of, or in addition to, the specific requirements set forth herein. The guarantee of meeting the minimum requirements set forth herein does not create an entitlement to such an amendment, where the mayor and council determine that it would be contrary to the public health, safety and welfare to establish such a district through analysis of the standards of review.

4.15 Qualification of the Applicant

An application for approval of a PD may be filed by any person, firm, partnership, corporation or other entity having a contractual interest in the property for which the development is proposed, or a contract to purchase or option to purchase an interest in the property, or their authorized agent, hereafter referred to as "applicant;" provided that where a PD is proposed for property included in an Urban Redevelopment Area approved by the mayor and council, an applicant may propose for inclusion in the PD property over which the applicant holds no direct control. In such instance, development of the plan shall meet all standards of this article as well as all requirements of the Urban Redevelopment Act. With the exception of land included in an Urban Redevelopment Area, final development plan approval by mayor and council shall not be issued until the applicant provides satisfactory evidence of ownership of all property to be included in the PD.

4.16 Planned Development Approval Process

Any request pertaining to establishment of a PD Zoning District shall be considered an amendment to the Official Zoning Map of College Park, and shall be administered and processed in accordance with regulations set forth in Article 15 of the College Park Zoning Ordinance.

4.17 Pre-Application Process

- A. Prior to filing an application for a PD, the applicant shall present the proposed PD to the city planner. The city planner shall review the proposal in conjunction with department directors, as appropriate, to ascertain its consistency with the City of College Park Comprehensive Plan,

surrounding land uses and zoning, and adequacy of existing and planned public facilities. The applicant shall provide the following information to the city planner:

1. Sketch plan showing the location and acreage of the project and proposed street layout relative to existing topography.
 2. Proposed uses, including density for residential projects.
 3. Proposed water supply and sewage disposal services.
- B. The city planner shall report his findings to the city manager for his review within one (1) week of the pre-application conference concerning the request for designation of a PD. The purpose of this review is to provide feedback to the applicant as to the appropriateness of the proposed concept prior to preparation of more detailed plans as required in the preliminary development plan and rezoning application. Such feedback shall serve to advise the applicant of the objectives and provisions of this article as it relates to the proposed concept and shall not represent project approval.

4.18 Preliminary Development Plan and Rezoning Application

Following pre-application review as set forth in this Article, an application for rezoning to a PD may be submitted within a maximum period of six (6) months. An application for PD zoning designation shall be accompanied by a preliminary development plan and a preliminary written report. The following information and materials shall be submitted with the application for a PD:

1. Application form and filing fee.
2. Survey plat certified by a licensed surveyor indicating existing conditions of the property to be included in the PD, including the location of improvements, existing topography, natural features, existing vegetation, watercourses and perimeter boundaries of the property.
3. The plat must also provide the current zoning of all parcels proposed for the PD and the current zoning classification of all abutting properties.
4. A concept plan provided by the applicant depicting all information required under Article III, section 17-31, Preliminary Plat Specifications, of Chapter 17, Subdivision Regulations of the City Code, and the following additional information:
 - a. Total project acreage, including acreage proposed for each land use;
 - b. Proposed uses, including general locations;
 - c. Housing types and proposed residential densities;
 - d. Major street pattern, including names and widths of adjacent streets, and all access points proposed for the development;
 - e. Proposed pedestrian circulation, including accessibility for the disabled, and sign system;
 - f. Topographic information as required by section 17-31 of the Subdivision Regulations at five-foot contour intervals or less, including floodplain and wetlands boundaries;
 - g. Proposed buffers and/or screening, both interior and perimeter;
 - h. A tree survey, identifying all hardwood species eight (8) inches diameter breast height or greater, and all conifers twelve (12) inches diameter breast height or greater;
 - i. Any other data necessary to understanding and evaluating the proposed development as requested in writing by the planning commission.
5. A preliminary written report describing the intent and general character of the proposed development. This report shall specifically include the following:
 - a. A general description of the proposed development;

- b. Proposed provision of water supply and sewage disposal, and calculation of projected demand for these services;
 - c. Proposed stormwater drainage system;
 - d. Calculation of average daily traffic and peak hour(s) vehicle trips to be generated by the development and an indication of projected routing;
 - e. Proposed development standards, including use and density restrictions, yard and parking requirements, and protective covenants;
 - f. Plans for the protection of adjacent properties;
 - g. Identification of any land or infrastructure proposed for dedication to the City of College Park;
 - h. Architectural plans sufficient to evaluate conformance to applicable building codes and to convey the character and appearance of future development;
 - i. Description of open space uses and areas proposed, adequacy to serve projected demand, and proposed legal instrument ensuring maintenance of open space, courts, walks, and other common areas;
 - j. Summary table providing total development acreage, acreage by phase and acreage by use, including densities for residential areas;
 - k. A proposed project completion schedule by phase;
 - l. Any proposed deviations from the development standards set forth in the College Park Zoning Ordinance; and a justification defending the variance(s) in development standards which may affect required yards, lot size, unit size, density, etc.; and
 - m. Any other data necessary to understanding and evaluating the proposed development as requested in writing by the planning commission.
6. The development plan and written report shall be prepared by an architect, urban planner, engineer, landscape architect, land surveyor or others with training or experience in site planning and design.
7. Based upon the environment and circumstances surrounding the proposed PD, the city manager may, at his option, following written request by the applicant, and subject to planning commission approval, waive the following preliminary development plan requirements:
- a. Topographic survey;
 - b. Tree survey;
- However, any information so waived from inclusion in the preliminary development plan shall be submitted to the city manager prior to consideration of the final development plan by planning commission.

4.19 Fees

Each application for a PD shall be accompanied by a fee as established by the mayor and council based on the number of acres within the area proposed for PD. Applications deemed by the city manager to present potentially significant design, land use, or other issues may require review by consultants other than city staff. Should a determination be made that an outside consultant is needed to review any PD application, the city manager shall estimate the amount necessary and provide written notification of said amount to the applicant. The applicant shall submit all reasonable fees deemed necessary for such consulting services by the City of College Park with the PD zoning amendment and preliminary development plan application.

4.20 Review of Preliminary Development Plan by City Planner

The city planner shall review the preliminary development plan and PD zoning application for compliance with applicable statutes and ordinances and file a staff report no later than ten (10) business days prior to the planning commission public meeting to consider the application. This review shall incorporate comments of the building inspector, Engineering Director, public works director, police chief, fire chief and power director. The staff report shall recommend any changes in the preliminary development plan, as submitted, and the conditions for approval, if any, to bring the preliminary development plan into compliance with the standards of this district. The building inspector shall provide a copy of the staff report to the applicant no later than five (5) business days prior to the planning commission public meeting to consider the preliminary development plan.

4.21 Preliminary Development Plan Review by Planning Commission

The planning commission shall review the preliminary development plan and PD zoning application and may confer with the applicant on changes deemed advisable, including the type and extent of such changes, at a public meeting held by the planning commission. The planning commission shall recommend approval, approval with conditions, or denial of the preliminary development plan upon a finding that the application complies or fails to comply with the standards of this District, the objectives of the Zoning Ordinance or the goals of the Comprehensive Plan. The planning commission shall forward a written recommendation concerning the PD to the mayor and council as provided in Article 15 of the College Park Zoning Ordinance.

4.22 Preliminary Development Plan and Rezoning Approval

Subsequent to the planning commission meeting at which the preliminary development plan was considered, the mayor and council shall consider the request for approval of the preliminary development plan and PD zoning at a public hearing. The hearing shall be conducted as provided in Article 14 of the College Park Zoning Ordinance. Following consideration of the preliminary development plan, the recommendation of the planning commission and public comments, the mayor and council shall approve, approve with conditions, or deny the preliminary development plan and PD Zoning District. In considering development standards proposed by the applicant in the preliminary development plan, the mayor and council shall determine that such deviation from such regulations as would apply to the land in absence of PD zoning provides benefits to College Park that outweigh the adverse effects of such deviation. This determination is to be made based on evaluation of compliance of the proposed PD with the design criteria of this article, the remainder of the Zoning Ordinance, particularly the standards of review for zoning amendments, the Subdivision Regulations and the Comprehensive Plan.

4.23 Limitation on Approval of Preliminary Development Plan

Approval of the preliminary development plan for PD zoning by the mayor and council shall be null and void unless an application for final development plan for PD is accepted by the planning commission within six (6) months of the date of approval of the preliminary development plan and PD zoning by mayor and council. Permitted times frames are unaffected by changes in property ownership. Upon written request, one (1) extension of time may be granted by the mayor

and council for a period not to exceed six (6) months, for good cause shown. No request for such extension shall be considered unless a written application requesting the extension is submitted to the city manager no later than thirty (30) calendar days prior to the date mayor and council approval of the preliminary development plan and PD zoning is to expire. The approval shall be deemed extended until such time as the mayor and council has acted upon the request for extension. Failure to submit an application for an extension within the time limits established by this section shall render the preliminary development plan for PD zoning null and void.

4.24 Final Development Plan Submissions and Contents

Following approval of the preliminary development plan and rezoning of the property to a PD by mayor and council, the applicant shall submit a final development plan to the planning commission for review. The final development plan shall describe the ultimate buildout of the land within the PD, and may define discrete phases within which the development is scheduled. The following information must be submitted for final development plan approval:

1. A proposed outdoor lighting plan showing location, height, fixture type and wattage;
2. A final development plan drawn to scale with approximate dimensions containing all information required for the preliminary development plan under this article, all information required under Article III, section 17-32, Final plat specifications, of Chapter 17, Subdivision Regulations of the City Code, plus the following information:
 - i. Location of proposed connections to public water supply and sanitary sewer service for the development;
 - ii. Major storm drainage improvements;
 - iii. A complete set of plans depicting existing conditions of the parcel, including site plan, floor plans and elevations, if applicable;
 - iv. A complete zoning analysis of existing and proposed development, including a square footage breakdown of all proposed uses, parking and proposed densities; and
 - v. For developments to be completed in phases:
 - i. Open space provisions,
 - ii. Residential densities,
 - iii. Height limits, and
 - vi. Building and parking areas.
 - vii. Landscape plan, including extent and location of all plant materials and other landscape features; a plant materials schedule with common and botanical names, sizes, quantities and method of transplant.
3. A final written report describing the proposed development and containing all information required for the preliminary development plan under this article, plus the following additional documents and information:
 - a. Bonding documentation or other financial guarantees as provided in this Article guaranteeing successful installation of all proposed improvements necessary to any approved phase of the PD project.
 - b. Open space plan and guarantees of reservation as "common open spaces" of all residual, open land area resulting from PD approval that is not deeded to the city. The guarantees shall deed a proportionate, undivided interest in all common open space and associated recreation areas, in perpetuity, to ownership units within the PD through covenants, deed restrictions,

- condominium declaration or similar documents, together with deed restrictions prohibiting future residential, commercial, industrial or other development of such areas.
- c. Landscape guarantees specifying how the landscape proposed for the PD will comply with Article 9, Tree Protection, of the College Park Zoning Ordinance.
 - d. Public facilities guarantee in the amount of one hundred (100) per cent of the current estimated cost of such public improvements, as estimated by the Engineering Director. The guarantee may be in the form of a bond, irrevocable letter of credit from a bank authorized to do business in Georgia, or cash deposit and shall be in such form as approved by the city attorney. In addition, the applicant shall grant right-of-entry to the City of College Park to construct such improvements where a bond is required.

The guarantee shall ensure adequate and proper construction of the following facilities:

- i. Water supply and sanitary sewer service;
 - ii. Streets and sidewalks;
 - iii. Storm drainage facilities;
 - iv. Grading improvements; and
 - v. Recreation land and appurtenances.
- When streets or drives within a PD are not dedicated to the City of College Park, the owners, developers or parties at interest in the PD shall designate, in the form of a legal instrument, those parties responsible for the maintenance and repair of private streets and drives. This legal instrument shall be made part of the proposed owners' association's deed and covenants.
- e. Documents establishing one (1) or more condominium associations. A condominium association shall be established for the purpose of maintaining all common property not deeded to the city for public purposes, whether residential, commercial or otherwise, and all common elements in compliance with the Georgia Condominium Act and Chapter 5, Article III, Division 2. Condominiums and Condominium Conversions of the City of College Park Code. When the common open space is proposed to be deeded to an owners' association, such an association shall be established prior to final development plan approval. Such association documents shall meet the following requirements: (i) membership in the association must be mandated for each owner, (ii) common open space restrictions must be for the maximum duration established by state law and provide for automatic renewal, (iii) the association must be responsible for liability insurance, taxes and maintenance of common open space and associated recreation areas and facilities, (iv) the association must have the power to levy assessments, enforceable by the imposition of additional penalties, which can become a lien on individual premises for the purpose of paying the cost of operating and maintaining common facilities, (v) the governing board of any such association shall be comprised of a minimum of five (5) members, and (vi) a minimum of fifty-one (51) per cent of the representatives on the governing board of any such association shall be owners of property in the PD.

4.25 Review of Final Development Plan and Recommendations of City Planner

The city planner shall review the final development plan and written report for compliance with applicable statutes and ordinances and file a staff report no later than ten (10) business days prior to the planning commission public meeting to consider the application. This review shall

incorporate the comments of the building inspector, Engineering Director, public works director, police chief, fire chief and power director. The staff report shall recommend any changes in the final development plan, as submitted, and the conditions for approval, if any, to bring the final development plan into substantial compliance with the preliminary development plan and standards of this district. The building inspector shall provide a copy of the staff report to the applicant no later than five (5) business days prior to the planning commission public meeting to consider the final development plan.

4.26 Legal Review by City Attorney

As soon as possible following approval of the final development plan, elements of the final written report which constitute legal agreements and/or restrictions, such as but not limited to, proposed protective covenants, all documents proposed for any condominium association or owners' association, and all financial guarantees, shall be provided to the city attorney for review. Review and approval of such documents shall be required prior to filing of any such documents for public record and prior to approval of the final development plan by the mayor and council. The city attorney shall have thirty (30) days in which to review such documents and provide comments to the mayor and council.

4.27 Final Development Plan Review by Planning Commission

The planning commission shall review the final development plan and written report and may confer with the applicant on changes deemed advisable, including the type and extent of such changes, at a public meeting held by the planning commission. The planning commission shall recommend approval, approval with conditions, or denial of the final development plan upon a finding that the plan and written report comply or fail to substantially conform with the preliminary development plan and any conditions of PD zoning or to comply with the standards of this district, the objectives of the zoning ordinance or the goals and objectives of the comprehensive plan. The planning commission shall forward a written recommendation concerning the PD to mayor and council as provided in Article 15 of the College Park Zoning Ordinance.

4.28 Final Development Plan Approval

The mayor and council shall consider requests for final development plan approval at a public hearing. The planning commission shall forward a written recommendation concerning the final development plan to the mayor and council as provided in Article 15 of the College Park Zoning Ordinance. Following consideration of the final development plan, the recommendations of the planning commission and public comments, the mayor and council shall approve, approve with conditions, or deny approval of the final development plan. In considering development standards proposed by the applicant in the final development plan, the mayor and council shall determine that such deviation from such regulations as would apply to the land in the absence of PD zoning provides benefits to College Park that outweigh the adverse effects of such deviation. This determination shall be based on an evaluation of compliance of the proposed PD with the design criteria of this article. Prior to approval of a final development plan, there shall also be a finding by mayor and council that (1) the final development plan is in substantial conformance with the preliminary development plan and PD zoning approved by mayor and council, (2) a final written

report has been prepared consistent with the standards of this article, and (3) the final development plan complies with all other relevant provisions of the College Park Zoning Ordinance.

4.29 Limitation on Approval of Final Development Plan

Approval of the final development plan for PD by the mayor and council shall be null and void unless a phase site plan for a minimum of one (1) phase of construction of the PD is approved within six (6) months of the date of approval of the final development plan. Permitted time frames are unaffected by changes in property ownership. Upon written request, one (1) extension of time may be granted by the mayor and council for a period not to exceed six (6) months, for good cause shown. No request for such extension shall be considered unless a written application requesting the extension is submitted to the city manager no later than thirty (30) calendar days prior to the date mayor and council approval of the final development plan is to expire. Final development plan approval shall be deemed extended until such time as mayor and council has acted upon the request for extension. Failure to submit an application for an extension within the time limits established for this section shall render the final development plan for PD null and void.

4.30 Phase Site Plan

- A. Following approval of the final development plan by the mayor and council, the applicant shall submit twelve (12) copies of a detailed phase site plan for each development phase to the building inspector for approval prior to issuance of any permits. The building inspector may, at his discretion, and shall upon the request of the applicant, refer approval of the phase site plan to planning commission. Phase site plans for development proposals to be accomplished in a single phase may be submitted to the planning commission together with the final development plan, subject to approval of the final development plan by mayor and council. For phased development, the first phase site plan must be submitted to the planning commission with the final development plan, subject to approval of the final development plan by the mayor and council.
- B. Phase site plans shall be drawn to scale, showing all dimensions, and shall include the following information:
 1. Project and phase name;
 2. Owner'(s) name, address and telephone number;
 3. Date, scale and north arrow;
 4. Vicinity map;
 5. Topography at five-foot contour intervals or less, including floodplain and wetlands boundaries;
 6. A tree survey, identifying all hardwood species twelve (12) inches diameter at breast height or greater, and all conifers eighteen (18) inches diameter at breast height or greater, and techniques for minimizing damage to such trees during construction;
 7. Landscape plan depicting, in addition to the requirements of the preliminary development plan, the proposed plant materials at mature sizes;
 8. Exterior dimensions of the site;
 9. Acreage of the site;

10. Residential density;
11. Location and width of all streets, including rights-of-way;
12. Location, height, fixture type, wattage of lighting and approximate area of illumination;
13. Detail of buffer and/or screening areas designed to protect adjacent properties and dissimilar uses within the phase;
14. Location, proposed use and acreage of all open space and common areas;
15. Phase site plans for all developments except single-family projects must provide the following additional information:
 - a. Location and dimensions of all drives, parking and loading areas including the number of spaces provided;
 - b. Location, exterior dimensions and proposed use of all structures; and
 - c. Location and method of screening dumpsters.

4.31 Phase Site Plan Approval

- A. The building inspector shall approve the phase site plan provided that it conforms to the final development plan. A substantial deviation from the final development plan shall be grounds for denial of site plan approval, and shall necessitate the petitioning for approval of an amendment of the final development plan and PD zoning before the phase site plan may be approved. The following shall constitute substantial deviation.
 1. Increased project density;
 2. Adjustments to the perimeter boundary of the PD;
 3. Use changes;
 4. Material changes in the location or amount of land devoted to specific uses; and
 5. Significant changes to the exterior features or appearance of buildings and uses depicted on the final development plan.
- B. Minor deviations from the final development plan, including minor shifts of building locations, proposed streets and ways, utilities and easements, and recreation and other open space areas may be approved by the city manager. The city manager may, at his discretion, and shall upon written request by the applicant, refer approval of the phase site plan to planning commission.

4.32 Construction Time Requirement

The applicant must begin construction of the PD within six (6) months of the date of approval of the initial phase site plan associated with the approved final development plan, and continue diligently toward completion of the project. Upon written request, one (1) extension of time may be granted by mayor and council for a period not to exceed six (6) months, for good cause shown. No request for such extension shall be considered unless a written application requesting the extension is submitted to the city manager no later than thirty (30) calendar days prior to the date mayor and council approval of the initial phase site plan is to expire. Construction of subsequent phases of those PDs to be accomplished in distinct phases shall begin within six (6) months of completion of the previous phase.

4.33 Compliance

The building inspector shall notify the mayor and council in writing of any circumstances in which construction of an approved PD project is not in compliance with this article, the final

development plan and any conditions of approval associated with the PD zoning. In the event such noncompliance is confirmed at a public hearing before the mayor and council, the council may amend the Official Zoning Map of the City of College Park to return all or a portion of the property in the PD to the previous zoning classification, or any other appropriate classification. Additionally, the city may enforce and collect on bonds and other sureties, may order work stopped on the project, and may initiate action against the owner for violation of the zoning ordinance.

4.34 Initiation of Site Development And Constructions

- A. No land disturbance, site grading, utility work or building construction of any kind shall commence prior to approval of the phase site plan and final development plan.
- B. Following phase site plan and final development plan approval by the mayor and council, application for permits may be made to the building inspector as provided in the City of College Park Code of Ordinances.

4.35 Administrative Modifications

Limited adjustments or modifications to the final development plan or subsequent modifications to a phase site plan may be approved by planning commission. Such modifications are those that appear necessary in light of technical or engineering considerations first discovered during actual development and that could not reasonably be anticipated during the plan approval process, provided that the modifications comply with the standards of the PD Zoning District and applicable provisions of the College Park Zoning Ordinances. Administrative modifications shall not include changes in use, square footage, lot coverage, building height, residential density, street layout, common open space, natural resources protection, nor any changes which materially affect the character of the proposed development.

4.36 Planned Development Amendments

The mayor and council may amend a PD by amending the final development plan. Such amendments shall be accomplished by the same review and approval procedures set forth for original PD applications. Land may be added to an existing PD provided it is adjacent thereto and forms a logical addition to the existing PD. Land may also be removed from an existing PD. Any such change in the boundaries of a PD shall constitute a plan amendment and shall be accomplished only by procedures set forth in this Article and Article 15 of the College Park Zoning Ordinance for filing an original PD zoning application. Modifications of PD Final Development Plans or Phase Site Plans which do not require changes in the boundaries of an established PD or establishment of a new PD are not considered amendments to the College Park Zoning Ordinance or Official Zoning Map. Agreements, covenants, declarations and other contracts among its applicants which govern the use, maintenance and protection of areas within a PD development shall be part of the official zoning file, and by adoption, the College Park Zoning Ordinance. Any changes to such documents shall constitute an amendment to the Zoning Ordinance and shall be processed as any other amendment to the Ordinance.

4.37 Variances

Variations are not available in PDs. Any deviation from the final development plan shall be made by administrative modifications or by plan amendments as provided above.

4.38 Planned Development Conditions of Approval

Within ten (10) days following approval of the final development plan, the applicant shall file for recording in the deed records of in the office of the Clerk of Superior Court of Clayton County or Fulton County, (as appropriate) Georgia, the following notice:

"NOTICE OF PLANNED DEVELOPMENT APPROVAL

"PLEASE TAKE NOTE that on the _____ day of _____ / _____ / _____, 20 _____, the Mayor and Council of College Park, Georgia, approved development of the following tract described as a Planned Development pursuant to the provisions of the Zoning Ordinance of the City of College Park. No development shall occur on the tract except in accordance with the Final Development Plan, and under any conditions that may be imposed thereby. The above referenced tract is located within the City of College Park, Clayton County or Fulton County, (as appropriate) Georgia, and is more fully described as follows:

(Insert Legal Description)

A copy of the Planned Development Final Development Plan is of record in the office of the Clerk of Superior Court of Clayton County or Fulton County (as appropriate).

City Clerk

STATE

OF

GEORGIA

COUNTY OF CLAYTON/FULTON

The foregoing instrument was acknowledged before me this _____ day of _____ / _____ / _____, 20 _____, by _____, City Clerk. Witness my hand and official seal.

Notary Public"

A copy of the same notice shall be published once in the legal organ of the city and shall be filed with the city clerk.

4.39 Recordation

The final development plan consisting of, as applicable, final drawings depicting the development plan, landscape plan, utility plan, building elevations, the final written report, together with all documents concerning the care, maintenance and preservation of common open space and associated recreation areas and facilities, and performance bonds shall be recorded in the office of the Clerk of Superior Court of Clayton County or Fulton County, (as appropriate) Georgia, and shall be binding upon the property owners subject to the final development plan, their successors and assigns, and shall constitute the development regulations for the property. Development of the property shall be limited to the uses, density, configuration, and all other elements and

conditions set forth in the final development plan and written report. Failure on the part of the applicant to record the final development plan and written report within a period of one hundred and eighty (180) days following its approval by the mayor and council shall render the final development plan invalid. Reconsideration of the final development plan and written report by the mayor and council will be required prior to its acceptance and recording. Proposals encompassing a subdivision of property shall also be accompanied by a subdivision plat as required by the College Park Subdivision Regulations, to be recorded with the office of the Clerk of Superior Court of Clayton County or Fulton County, (as appropriate) Georgia.

Following recordation, the final development plan and all supporting documents shall be filed with the city clerk. Subdivision plats shall be filed with the Engineering Director.

4.40 Issuance of Certificate of Occupancy

Following a site inspection by the building inspector, a certificate of occupancy may be issued for individual structures within the development; provided that all common open space has been established and all public improvements within the area encompassed in the approved phase site plan have been made. In no event shall a certificate of occupancy be issued prior to acceptance of site improvements to be dedicated to the city of college park and posting of bonds as provided in this article.

Article 5 - Zoning Map

Article Five: Zoning Map

5.1 Official Zoning Map

The zoning map for the City of College Park, officially labeled the City of College Park Zoning Map, is hereby included as part of this Code. The map may also be known as and referred to as the Official Zoning Map.

5.2 Official Zoning Map Copies

Copies of the Official Zoning Map may be made and distributed to interested persons. The Official Zoning Map copies shall be labeled as copies and have the date which they were last modified printed on them.

5.3 Location of the Official Zoning Map

The Official Zoning Map will be located in the office of the City of College Park's Planning Office.

5.4 Zoning District Boundaries

The Zoning District boundaries shall be shown on the Official Zoning Map. The abbreviations for the zoning districts appearing in this Code shall be used to identify the zoning districts on the Official Zoning Map.

Article 6 Development Standards

Article Six: Development Standards

6.1 Introduction

All structures, land uses, land use changes, structural alterations, structural relocations, structural additions, and structural enlargements that are constructed, created, established, or otherwise occur after the effective date of this Code (except as may otherwise be provided within this Code) shall be subject to all Development Standards and regulations for the applicable zoning district.

6.2 Expansion or Modification of Existing Uses and Structures

No structure, parking area, or other site feature regulated by this Code shall be enlarged, altered, or expanded unless the minimum improvements required by this Article are provided to the property to the extent of its alteration or expansion. In the case of a substantial expansion, the portion of the site affected must meet the requirements of this Article. An alteration or expansion to an existing property is substantial when the area or square footage of the expanded or altered land (including property used for building space, parking, or storage) or structure, respectively, exceeds 25% of the area or square footage of the existing land or structure, exclusive of the alteration or expansion.

6.3 Development Standards that Apply

Under the sections of this Article that follow are Development Standards arranged by category. The four digit codes listed below are referred to in the Additional Development Standards that Apply section on the Two-Page Layout for each Zoning District.

Lot/Yard Standards (LY)

6.4 Lot/Yard Standards (LY)

LY-01: This Lot/Yard Standards section applies to all zoning districts.

- A. **Legal Nonconforming Lots:** All existing lots in conflict with the lot/yard regulations at the effective date of this Code shall be considered Legal Non-Conforming Lots.
- B. **General Requirements:** Except as provided in this Code, no building or structure shall be erected, altered, enlarged or reconstructed unless such alteration, enlargement, or reconstruction conforms with the lot/yard regulations of the district in which it is located, as follows:
1. **Front Yard Setbacks:** The minimum front yard setbacks shall be as noted in the Two-Page Layout for each Zoning District found in Article 3.
 2. **Side Yard Setbacks:** The minimum side yard setbacks shall be as noted in the Two-Page Layout for each Zoning District found in Article 3.
 3. **Rear Yard Setbacks:** The minimum rear yard setbacks shall be as noted in the Two-Page Layout for each Zoning District found in Article 3.
 4. **Lot Areas:** The minimum and maximum lot areas shall be as noted in the Two-Page Layout for each Zoning District found in Article 3.
 5. **Lot Width:** The minimum lot width shall be as noted in the Two-Page Layout for each Zoning District found in Article 3.
 6. **Lot Frontage:** The minimum lot frontage shall be as noted in the Two-Page Layout for each Zoning District found in Article 3.
 7. **Lot Depth:** The maximum lot depth shall be as noted in the Two-Page Layout for each Zoning District found in Article 3.
 8. **Public Utility Requirements:** The public utility requirements shall be as noted in the Two-Page Layout for each Zoning District found in Article 3.
 9. **Lot Coverage:** The maximum lot coverage shall be as noted in the Two-Page Layout for each Zoning District found in Article 3.
 10. **Living and Ground Floor Areas:** The minimum dwelling unit and ground floor living areas shall be as noted in the Two-Page Layout for each Zoning District found in Article 3.
 11. **Primary Structures:** The maximum number of residential and/or primary structures per lot shall be as noted in the Two-Page Layout for each Zoning District found in Article 3.

Height Standards (HT)

6.5 Height Standards (HT)

HT-01: This Height Standards section applies to all zoning districts.

- A. The maximum height permitted shall be as noted in the Two-Page Layout for each Zoning District found in Article 3.
 - B. No structure may be erected or changed so as to make its height greater than specified in the applicable zoning district, except as noted below. Exceptions to the height standards include:
 - 1. The following structures may exceed the permitted height if approved by the FAA:
 - a. Church steeples
 - b. Belfries
 - c. Cupolas and domes not intended for human occupancy
 - d. Monuments
 - d. Water towers, and
 - e. Utility transmission towers.
 - 2. The City Council may issue conditional height zoning permits, subject to section of this zoning ordinance, which increase the limits of a building on a plot in any zoning district.
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Accessory Use/Structures Standards (AS)

6.7 Accessory Use/Structures Standards (AS)

AS-01: This Accessory Use/Structure Standards section applies to all districts.

All accessory uses and structures shall be permitted only in association with, and on the same lot as the primary use or structure.

- A. No accessory structures shall be placed in any front yard nor less than 5 feet from any lot line and shall otherwise comply with all Development Standards for the zoning district in which they are located.
- B. All accessory uses and structures shall be permitted only in association with, and on the same lot as the primary use or structure. Accessory uses and structures shall not be permitted to be located, placed, or established on any lot prior to the establishment of a primary use or structure unless otherwise permitted by this Code.
- C. Accessory structures are not deemed to include swing sets, mailboxes, lamp posts, doghouses, tree houses, and other such incidentals except as otherwise stated in this Code.
- D. The following accessory structures are permitted, subject to all applicable requirements of this Code:
 - 1. Antennas and satellite dishes,
 - 2. Attached and detached decks and patios,
 - 3. Gazebos,
 - 4. Mini-barns, sheds, and other storage buildings,
 - 5. Dumpsters, and

6. Similar structures related to the primary use.
- E. Accessory uses and structures shall be consistent with the following requirements:
 1. No more than 3 accessory structures may be placed on any one lot; and
 2. The combined size of accessory structures on any one lot may not exceed an amount equal to 50 percent of the finished floor area of the primary structure on that lot.
- F. Accessory structures shall comply with the following location requirements:
 1. No accessory structures shall encroach on any platted easement without written consent of the agency the easement belongs to or is managed by.
 2. No accessory structures shall be placed in any operable septic fields.
 3. A minimum separation of 10 feet shall be provided between an accessory structure and any primary structure or other accessory structure.
 4. All accessory structures, with the exception of gazebos and decks, shall only be located to the rear of the primary structure except in the case of corner or through lots; in which case, the structures may be placed to the side of the primary structure. In no case may any accessory structure be located closer to the front property line than the setback provided by the primary structure.
- G. No vehicle may be used as an accessory structure in any district.
- H. Barns and other similar agricultural buildings shall be considered primary structures on property used for agricultural purposes. All other structures on property used for agriculture, including dwellings, shall be considered accessory structures.

Temporary Building Standards (TB)

6.8 Temporary Building Standards (TB)

TB-01: This Temporary Building Standards section applies to all districts.

Temporary buildings. Temporary buildings that are used in conjunction with construction work only may be permitted in any district during the period that the construction work is in progress, but such temporary buildings shall be removed upon completion of the construction work.

Home Occupation Standards (HO)

6.9 Home Occupation Standards (HO)

HO-01: This Home Occupation Standards section applies to all districts.

Home occupations shall be allowed as either permitted uses or conditional uses consistent with the provisions of Article 3 of this Ordinance. The allowed home occupations are classified as either a Type I Home Occupation or a Type II Home Occupation as defined below.

- A. **Type I Home Occupations:** Type I Home Occupations are those which meet the following standards; representing requirements which permit minimal business practices in certain residential zoning districts while maintaining residential character. Type I home occupations shall be permitted uses, consistent with the Accessory Use & Structure Standards of this Article and the provisions of Article 3 of this Code.
1. The home occupation must not involve retail sales or manufacturing, and shall be limited to small home-office operations.
 2. The home occupation must not involve the employment of any person other than those residing at the location of the home occupation.
 3. At least 1 person residing on the premises must be the primary operator of the home occupation.
 4. The equipment used for the home occupation must be limited to computers, fax machines, telephones, copy machines, and other small business office equipment.
 5. The home occupation must not involve any exterior storage or display of products, equipment or materials.
 6. The home occupation must not make any use of accessory structures, including attached and detached garages.
 7. The home occupation must utilize no more than 25% of the total floor area of the primary structure.
 8. The home occupation must not require any exterior, structural or aesthetic alterations to the dwelling unit that change the residential character of the dwelling unit.
 9. The home occupation must not require any additional entrances to the dwelling unit.
 10. The home occupation must not require an identification sign exceeding 2 square feet attached to the primary structure. No off-site signs or signs in the yard of the property shall be permitted.
 11. The home occupation must not require increasing or enhancing the size, capacity, or flow of the water, gas, septic, sewer, or electrical system beyond what is standard for a residence.

12. The home occupation must not involve clients, associates, or persons visiting, shopping, meeting, or otherwise doing business at the location of the home occupation, and therefore not require the addition of any off-street parking spaces.
 13. The home occupation must not require the use of commercial vehicles for pickup and deliveries other than from the U.S. Postal Service, UPS, and other express carriers.
- B. Type II Home Occupations:** Type II Home Occupations are those which meet the following standards; representing requirements which permit reasonable business practices in certain residential and agricultural zoning districts while maintaining residential and rural character and the viability of farming operations. Type II home occupations shall be conditional uses, consistent with the Accessory Use & Structure Standards of this Article and the provisions of Article 3 of this Code.
1. The home occupation must not involve retail sales or manufacturing operations, but may include professional and personal services, baking, arts and crafts, sewing and alterations, small appliance and electronic repair, or any other business approved by the City Council.
 2. The home occupation must not involve the employment of any more than 1 person who does not reside at the location of the home occupation.
 3. At least 1 member residing on the premises must be the primary operator of the business.

Day Care Facilities & Centers (DCF)

6.10 Day Care Facilities & Centers Standards (DCF)

DFC: This Day Care Center Standards section applies to the commercial districts:

Each child/ adult day care center shall be subject to the following requirements:

1. All regulated facilities shall comply with the State regulation and acquire applicable State licenses for operation.
2. Each child day care facility shall provide not less than thirty-five (35) square feet of indoor play area for each child, based on maximum permissible enrollment.
3. Each child day care facility shall provide a minimum outdoor play area equal to two hundred (200) square feet times one-third (1/3) of the Center's licensed capacity for children.
4. All required outdoor play/ recreation areas shall be enclosed by a fence or wall not less than four (4) feet in height.
5. Each child/ adult day care center shall provide off-street parking spaces as required by the applicable zoning district and an adequate turnaround on the site.

Personal Care Homes (PCH)

6.11 Personal Care Home Standards (PCH)

PCH-01: This Personal Care Home Standards section applies to RS-1 and RM

Personal care homes may be permitted by right or by conditional use permit in the designated zoning district subject to the following conditions:

1. Any exterior modifications to an existing structure or construction of a new structure will be consistent with the character of the surrounding neighborhood;

2. The personal care home provides on-site parking and/or drop-off space adequate to meet the needs of the proposed facility;
3. The personal care home provides to the College Park fire and police departments a current list of residents living in the facility who have disabilities, and information concerning special needs, so as to ensure each resident's safety and removal from the premises in the event of a fire or similar emergency within the home; and
4. The personal care home has obtained all federal and/or state permits or licenses required for its operation.
5. No personal care home may be located within 1500 feet of another personal care home and there shall be a maximum of 1 personal care home for every 4,000 persons in the City. A Special Exception to these restrictions may be granted by the Mayor and City Council upon showing by the applicant that said exception would not change the character of the residential neighborhood and would otherwise be a reasonable accommodation as defined by the Fair Housing Act or other applicable law.

Group Homes, Homeless Shelters, and Halfway Homes (GH)

6.12 Group Homes, Homeless Shelters, and Halfway Homes Standards (GH)

GH-01: This Group Home Standards section applies to all zoning districts.

- A. **Group homes.** Group homes may be permitted by right or by conditional use permit in the designated zoning district subject the following conditions:
1. No additional parking beyond the existing driveway and garage areas is allowed on the property where the group home is located, and vehicles may only be parked on such areas. In the event that additional parking is required, the operator of the group home may apply for a variance from the mayor and council to increase the existing parking area, such increase to be confined to the rear of the lot;
 2. The group home provides to the College Park fire and police departments a current list of residents living in the facility who have disabilities, and information concerning special needs, so as to ensure each resident's safety and removal from the premises in the event of a fire or similar emergency within the home;
 3. The governing body for the facility provides the city with the names and telephone numbers of two (2) persons who can be contacted in the event of an emergency;
 4. As used herein "governing body for the facility" shall mean the board of trustees, the partnership, the corporation, the association, or the person or group of persons who maintain and control the facility and which is legally responsible for the operation of the facility;
 5. The existing structure is upgraded and inspected by the city with respect to the accommodation and accessibility of the structure by disabled persons;
 6. No controlled substances are stored, served, sold, consumed, or in the possession of any person in the facility;
 7. An operable telephone is maintained and readily available in the facility; provided further that the city shall be contacted immediately in the event that a physical altercation or any violation of state or federal law or local ordinances occurs on the premises;

8. The facility at all times of operation adheres to the guidelines and procedures as provided by Georgia Department of Human Resources, Office of Regulatory Services.
 9. Unless more stringent restrictions apply, in all group homes and similar facilities, every room occupied for sleeping purposes by one (1) person shall contain at least eighty (80) square feet of floor space and every room occupied for sleeping purposes by more than one (1) person shall contain at least eighty (80) square feet of floor space for each occupant thereof.
 10. The facility is made to be in compliance with all applicable life safety codes including but not limited to federal, state and local fire and building codes.
 11. No group home may be located within 1500 feet of another group home and there shall be a maximum of 1 group home for every 4,000 persons in the City. A Special Exception to these restrictions may be granted by the Mayor and City Council upon showing by the applicant that said exception would not change the character of the neighborhood and would otherwise be a reasonable accommodation as defined by the Fair Housing Act or other applicable law.
- B. **Homeless shelters.** Homeless shelters may be permitted subject to a conditional use in the designated zoning district with the following conditions:
1. Any modifications to the existing structure will not increase the overall square footage of the existing structure;
 2. Any exterior modifications to the existing structure will be consistent with the character of the surrounding neighborhood;
 3. There is not another homeless shelter located within the same ward of the city;
 4. The homeless shelter is not located within one thousand five hundred (1,500) feet of an existing homeless shelter;
 5. The governing body for the homeless shelter maintains two (2) responsible persons on the premises when the shelter is open for every ten (10) people staying in the facility, and provides the city with the names and telephone numbers of two (2) persons who can be contacted in the event of an emergency. As used herein, "governing body for the homeless shelter" shall mean the board of trustees, the partnership, the corporation, the association, or the person or group of persons who maintain and control the facility and which is legally responsible for the operation of the facility;
 6. At least one (1) functional toilet, lavatory, and bathing or showering facility is provided for each eight (8) beds for the shelter;
 7. Separate and adequate clean laundry storage and separate and adequate soiled laundry storage rooms are provided appropriate to the linen needs of the shelter. Clean and sanitary linens shall be provided to persons staying in the shelter, and no common use of towels or linens shall be permitted;
 8. The facility is provided with a heating and cooling system designed to maintain a temperature of seventy-two (72) degrees Fahrenheit in all habitable rooms and corridors;
 9. The facility maintains adequate trash service to prevent the accumulation of waste on the premises;
 10. No more than forty (40) beds are maintained within the shelter;
 11. No persons are allowed within the shelter until 6:00 p.m., and all persons shall vacate the shelter by 7:00 a.m. the next day. Provided further that the shelter shall not permit any

person to be on the premises surrounding the shelter one (1) hour after it closes, or more than thirty (30) minutes prior to its opening;

12. No person is allowed to stay in the shelter in excess of ten (10) days within a ninety (90) day period;
13. No alcoholic beverages or controlled substances are stored, served, sold, consumed, or in the possession of any person in the shelter;
14. An operable telephone is maintained and readily available in the shelter; provided further that the city shall be immediately contacted in the event that a physical altercation or other violation of state or federal law or local ordinance occurs on the premises;
15. The number of homeless shelters within the city does not exceed one (1) such facility for each ten thousand (10,000) citizens or fraction thereof, according to the United States Decennial Census of 1990, or any future such census;
16. The homeless shelter provides on-site parking and/or drop-off space adequate to meet the needs of the proposed facility; provided, however, that any modifications to the existing parking or drop-off area will not increase the overall square footage of the existing area; and
17. The homeless shelter has obtained all federal and/or state permits or licenses required for its operation.

C. **Halfway houses.** Halfway houses may be permitted by right or by conditional use permit in the designated zoning district subject the following conditions:

1. Any modifications to the existing structure will not increase the overall square footage of the existing structure;
2. Any exterior modifications to the existing structure will be consistent with the character of the surrounding neighborhood;
3. The halfway house provides on-site parking and/or drop-off space adequate to meet the needs of the proposed facility; provided, however, that any modifications to the existing parking or drop-off area will not increase the overall square footage of the existing area;
4. There is not another halfway house located within the same ward of the city;
5. The halfway house is not located within one thousand five hundred (1,500) feet of an existing halfway house;
6. The halfway house does not require more than two (2) residents to occupy a bedroom within the structure;
7. The governing body for the facility maintains two (2) responsible persons on the premises, and provides the city with the names and telephone numbers of two (2) persons who can be contacted in the event of an emergency. As used herein "governing body for the facility" shall mean the board of trustees, the partnership, the corporation, the association, or the person or group of persons who maintain and control the facility and which is legally responsible for the operation of the facility;
8. At least one (1) functional toilet, lavatory and bathing or showering facility is provided for each four (4) persons living in the facility, including live-in staff and residents;
9. The facility provides laundering facilities on the premises for residents' personal laundry;
10. No alcoholic beverages or controlled substances are stored, served, sold, consumed, or in the possession of any person in the facility;

11. An operable telephone is maintained and readily available in the facility; provided further that the city shall be contacted immediately in the event that a physical altercation or any violation of state or federal law or local ordinances occurs on the premises;
12. The number of halfway houses within the city does not exceed one (1) such facility for each ten thousand (10,000) citizens or fraction thereof, according to the United States Decennial Census of 1990, or any future such census; and
13. The halfway house has obtained all federal and/or state permits or licenses required for its operation.

Architectural & Appearance Standards for Residential Buildings and Structures (AA)

6.13 Architectural & Appearance (AA)

AA-01: These Architectural and Appearance Standards section applies to all Residential Zoning Districts.

It is the intent of this section is to encourage architectural that is unobtrusive and of a design, material, and color that blends harmoniously with the natural surroundings and the form and scale of existing adjoining neighborhood architecture. Architectural Design Standards are not meant to stifle innovative design or diversity, but to safeguard property values and long-term economic assets through quality design and development.

Compliance: Compliance with this Article, as determined by the City Planner, shall be required as a condition precedent to the issuance of a preliminary plat approval or building permit for any residential dwelling or structure. A decision by the City Planner or request for a variance may be appealed to the Board of Zoning Appeals, as provided within Article 15. Furthermore, the City Planner may adopt administrative regulations establishing the submittal requirements necessary to determine whether a proposed residential dwelling or structure complies within this Article.

Plan Book: A Plan Book shall be submitted by the Applicant to the City Planner for all proposed development of new single family, two family, townhouse, condominium, and multiple family development. The documents shall include, but are not limited to: allowable building elevations, design criteria applicable for entries, porches, doors, windows, dormers, columns, cornices, rakes, garages, roofs, landscaping, fencing, retaining walls, exterior colors and materials, and other pertinent information as required by the City Planner.

AA-02: Architectural Design Standards for Single-Family Detached or Two-Family Attached Residential Dwellings

- A. **Exterior Finish:** The exterior finish of all new single-family detached or two-family attached residences should consist of a combination of brick veneer, concrete masonry veneer, hardboard of panel siding (vertical or lap siding) horizontal, stone veneer, vinyl siding, natural wood painted or stained, shiplap, fiber cement panel siding, fiber cement lap siding, three coat stucco, or any other product approved by the City Planner. Exterior finish materials shall be approved by the City Planner as part of the “plan book”. Structures utilizing a single exterior finish material shall be permitted with approval from the City Planner.

- B. **Roof Pitch:** All single family detached and two family attached residences should have a minimum roof pitch of 6 to 12 over the primary structure.
- C. **Chimney:** Chimneys located on the exterior building wall of the dwelling must extend to the ground and be clad in brick, stone, or masonry finished materials or the same as adjacent materials.
- D. **Decks:** Decks shall be located within the rear yard only.
- E. **Accessory Structures:** Accessory structures should be architecturally compatible with the primary structure.

AA-03: Architectural Design Standards for Residential Townhomes

- A. **Exterior Finish:** Exterior finished material shall be constructed with a combination of brick veneer, concrete masonry veneer, hardboard of panel siding (vertical or lap siding) horizontal, stone veneer, vinyl siding, natural wood painted or stained, shiplap, fiber cement panel siding, fiber cement lap siding, three coat stucco, or any other product approved by the City Planner. The use of architectural details such as window shutters, window pediments, door pilasters, gable pediments, wrought iron railings, and decorative lighting, are strongly encouraged. Exterior finish materials, architectural detailing, and decorative trim shall be approved by the City Planner as part of the “plan book”. Any building elevation that is visible from the street must be consistent with the front facades.
- B. **Color:** The primary color of building exteriors should be compatible with the colors of adjacent buildings and in character with the surrounding area, provided the trim may be of a contrasting color.
- C. **Facades:** Walls visible from a public street, adjacent off-street parking areas or other residential uses should include windows and architectural features similar to the front facade of the building, including, but not limited to awnings, cornice work, edge detailing or other decorative finish materials.
- D. **Porches:** All main entrances to the units should have a porch or stoop facing the street that is at least six-feet in depth and 30 square feet in area.
- E. **Roofs:** All buildings should have pitched roofs. The roofline may also include varying lines customary with gable or hip style roofing. Functional dormer window features are encouraged. Permitted roofing materials include asphalt shingles, cedar shake and slate. Standing seam metal roofing is not permitted on residential structures.
- F. **Buildings that terminate a view or are located at street intersections:** Buildings that terminate a view or are located at street intersections should provide distinct and prominent architectural features or otherwise create a distinctive visual landmark.
- G. **Garages:** All single family attached townhouse developments should have an attached or detached, one car garage, which is enclosed on at least three (3) sides, and be architecturally consistent with the primary structure.
- H. **Accessory Structures:** Accessory structures should be architecturally compatible with the primary structure.

AA-04: Architectural Design Standards for Residential Condominiums

- A. **Exterior Finish:** Exterior finished material shall be constructed with a combination of brick veneer, concrete masonry veneer, hardboard of panel siding (vertical or lap siding) horizontal, stone veneer, vinyl siding, natural wood painted or stained, shiplap, fiber cement panel siding, fiber cement lap siding, three coat stucco, or any other product approved by the City Planner. The use of architectural details such as window shutters, window pediments, door pilasters, gable pediments, wrought iron railings, and decorative lighting, are strongly encouraged. Exterior finish materials, architectural detailing, and decorative trim shall be approved by the City Planner as part of the “plan book”. Any building elevation that is visible from the street must be consistent with the front facades.
- B. **Color:** The primary color of building exteriors should be compatible with the colors of adjacent buildings and in character with the surrounding area, provided the trim may be of a contrasting color.
- C. **Facades:** Walls visible from a public street, adjacent off-street parking areas or other residential uses should include windows and architectural features similar to the front facade of the building, including, but not limited to awnings, cornice work, edge detailing or other decorative finish materials.
- D. **Exemption:** Condominiums established via the conversion of an existing apartment development are exempt from this provision.
- E. **Accessory Structures:** Accessory structures should be architecturally compatible with the primary structure.

AA-05: Architectural Design Standards for Multi-family Residential Apartment Developments

- A. **Exterior Finish:** Exterior finished material shall be constructed with a combination of brick veneer, concrete masonry veneer, hardboard of panel siding (vertical or lap siding) horizontal, stone veneer, vinyl siding, natural wood painted or stained, shiplap, fiber cement panel siding, fiber cement lap siding, three coat stucco, or any other product approved by the City Planner. The use of architectural details such as window shutters, window pediments, door pilasters, gable pediments, wrought iron railings, and decorative lighting, are strongly encouraged. Exterior finish materials, architectural detailing, and decorative trim shall be approved by the City Planner as part of the “plan book”. Any building elevation that is visible from the street must be consistent with the front facades.
- B. **Color:** The primary color of building exteriors should be compatible with the colors of adjacent buildings and in character with the surrounding area, provided the trim may be of a contrasting color.
- C. **Facades:** Walls visible from a public street, adjacent off-street parking areas or other residential uses should include windows and architectural features similar to the front facade of the building, including, but not limited to awnings, cornice work, edge detailing or other decorative finish materials.
- E. **Accessory Structures:** Accessory structures should be architecturally compatible with the primary structure.

Bed and Breakfast Standards (BB)

6.14 Bed and Breakfast Standards (BB)

BB-01: This Bed and Breakfast Standards section applies to all zoning districts where permitted.

- A. **Owner Operation and Occupancy Required.** A bed and breakfast establishment shall be operated, maintained, and occupied by the property owner.
- B. **Location of Guest Rooms.** Bedrooms for paying guests shall be located in the main residence of the property owner, with access to each bedroom provided from within the residence.
- C. **Maximum Number of Guest Rooms.** A bed and breakfast establishment shall provide no more than eight (8) bedrooms for paying guests. Guest rooms shall not have cooking facilities.

Agricultural Uses Standards (AU)

6.15 Agricultural Uses Standards (AU)

AU-01: This Agricultural Uses Standards section applies to all zoning districts where permitted.

Agricultural uses in residential districts shall be subject to the following regulations.

- A. **Permitted Accessory Structures.** In addition to fences, as regulated in division (b) of this section, a permitted agricultural use may be served by the following accessory structures: sheds, greenhouses, coops, cages, beehives, hoop houses, cold frames, barns, rain barrels, composting, farm stands as regulated in division (d) of this section, and similar structures not exceeding fifteen (15) feet in height.
- B. **Fences.** Fences for agricultural uses shall be permitted in accordance with the regulations applicable to fences in Residential Districts, except that the following regulations shall apply where an agricultural use is the principal use in a residential district.
- C. **Front Yard and Other Street Yard.** A fence located in a required front yard, side street yard or other street yard, shall not exceed four (4) feet in height and shall be either ornamental or black or dark green, vinyl-coated chain link.
- D. **Other Locations.** A fence located at or behind the setback line of a required front yard or other street yard shall not exceed six (6) feet in height and shall be either ornamental or chain link. Any open lot area between a fence and a street line shall be planted with grass or other vegetation.
- E. **Setbacks for Structures.** No permitted accessory structures to an agricultural use, other than fences and farm stands, shall be located in a required front yard or side street yard area line or within eighteen (18) inches of an interior side or rear lot line.
- F. **Sale of Produce.** Where such sales have been permitted, agricultural products, plants, eggs and honey grown or produced on a property or within one thousand (1,000) feet of the subject property may be sold on the premises of an agricultural use in a residential district if the agricultural use is the only use of the subject property or occupies at least seventy-five percent (75%) of the property. In addition, foods prepared on site or off site may be sold if the principal ingredients are grown or produced on the subject property or within one thousand (1,000) feet of the subject property. No sales shall be made before 8:00 a.m. or after dusk. Food sales shall be licensed by the County Health Department.

- G. **Farm Stands.** Where a farm stand has been permitted, any such farm stand located in a required front yard area in a single-family district shall be removed from the front yard or stored inside a building on the premises during that time of the year when the garden or farm is not open for public use. Farm stands shall not occupy more than two percent (2%) of the subject property's land area and, in single family districts, farm stands also shall not exceed two hundred (200) square feet in area on the subject property. A farm stand shall be set back at least five (5) feet from any lot line.
- H. **City Council Approval.** No agricultural produce or related products may be sold from the property of an agricultural use and no farm stand for the sale of such products may be located on the property unless the City Council determines, after public notice and public hearing, that the farm stand and sales will meet a community need without adversely affecting the neighborhood. In making this determination, the Council shall consider, among others, the following factors:
12. The nature of nearby uses of land with respect to their sensitivity to the activity associated with farm stand sales;
 13. The proximity of the farm stand to one (1) family and two (2) family houses;
 14. Traffic volumes on the street on which the subject property is located;
 15. The availability of off-street or on- street parking to serve the farm stand use;
 16. The proximity of other farm stands serving the immediate area; and
 17. The maintenance of a substantially unobstructed view in the set back area which shall include a clear view through the farm stand above a height of three (3) feet.
- I. **Maintenance.** Any land devoted to agricultural use shall be well-maintained and shall be free of excessively tall weeds or grass. All accessory structures to an agricultural use shall also be well maintained.

Keeping of Farm Animal Standards (FA)

6.16 Keeping of Farm Animal Standards (FA)

FA-01: This Keeping of Farm Animal Standards section applies to all zoning districts where permitted.

The keeping of chickens, ducks, rabbits and similar farm animals, and cages, coops and enclosures for the keeping of such animals, shall be governed by the following regulations. In Residential Districts, the following regulations shall apply:

- A. **Number.** No more than one (1) such animal shall be kept on a parcel of land for each eight hundred (800) square feet of parcel or lot area. For a standard residential lot of four thousand eight hundred (4,800) square feet, this regulation would permit no more than a total of six (6) such animals.
- B. **Setbacks.** The coops or cages housing such animals may not be located in front yard or side street yard areas and shall not be located within five (5) feet of a side yard line nor within five (5) feet of a rear yard line.
- C. **Prohibitions.** No roosters, geese or turkeys may be kept in a residential district except on a parcel that is two (2) acres in area and only if the coop or cage housing the bird(s) is at least one hundred (100) feet from all property lines. For parcels greater than two (2) acres in area, one (1) additional such bird may be kept for each twenty-four thousand (24,000) square feet in excess of the two (2) acres. No predatory birds may be kept on any property of this section.

- D. **Coops and Cages.** All animals shall be provided with a covered, predator-proof coop or cage or other shelter that is thoroughly ventilated, designed to be easily accessed and cleaned, and of sufficient size to permit free movement of the animals exclusive of areas used for storage of materials or vehicles. The total area of all coops or cages on a lot shall not be greater than thirty-two (32) square feet for up to six (6) animals. Coops and cages, singly or in combination, shall not exceed fifteen (15) feet in height.
- E. **Enclosures and Fences.** Chickens, and other birds shall have access to an outdoor enclosure adequately fenced or otherwise bounded to contain the birds on the property and to prevent access by dogs and other predators and providing at least ten (10) square feet of area for each bird.

FA-02: This Keeping of Bees Standards section applies to all zoning districts.

The keeping of bees, and associated beehives, shall be governed by the following regulations. In Residential Districts, the following regulations shall apply:

- A. **Number.** No more than one (1) beehive shall be kept for each two thousand four hundred (2,400) square feet of lot area, and no beehive shall be kept on a lot less than two thousand four hundred (2,400) square feet in area.
- B. **Location and Setbacks.** No beehive shall be kept closer than five (5) feet to any lot line and ten (10) feet to a dwelling or the permitted placement of a dwelling on another parcel, and no beehive shall be kept in a required front yard or side street yard. The front of any beehive shall face away from the property line of the Residential property closest to the beehive.
- C. **Fences and Shrubs.** A solid fence or dense hedge, known as a “flyway barrier,” at least six (6) feet in height shall be placed along the side of the beehive that contains the entrance to the hive, and shall be located within five (5) feet of the hive and shall extend at least two (2) feet on either side of the hive. No such flyway barrier shall be required if all beehives are located at least twenty-five (25) feet from all property lines and for beehives that are located on porches or balconies at least ten (10) feet above grade, except if such porch or balcony is located less than five (5) feet from a property line.
- D. **Water Supply.** A supply of fresh water shall be maintained in a location readily accessible to all bee colonies on the site throughout the day to prevent bees from congregating at neighboring swimming pools or other sources of water on nearby properties.
- E. **Prohibitions.** No Africanized bees may be kept on a property under the regulations of this section.
- F. **Building Permits.** A Building Permit shall be required for installation of a fence or for construction of a stable or other structure routinely requiring such permit, except that no Building Permit shall be required for cages, coops or beehives that are not permanently attached to the ground or to another structure and do not exceed thirty-two (32) square feet in area nor eight (8) feet in height. No Building Permit shall be required for the barrier constituting a required enclosure if such barrier is not permanently attached to the ground and does not exceed three (3) feet in height; and no permit shall be required for a “flyway” barrier not exceeding six (6) feet in height
- G. **Enforcement.** The City Planner or designee shall have the authority to inspect any property to determine compliance with the regulations of this section regarding the construction and permitted placement of enclosures, fences, cages, coops, beehives, stables and other structures used in the keeping of farm animals or bees and shall have the authority to enforce the regulations of this section as they apply to such matters.

- H. **Variances.** The Board of Zoning Appeals may vary the regulations of this section as they apply to a particular property if it determines that such variance will be consistent with the stated purpose of this section.

Automobile Repair and Washing Standards (AU)

6.17 Automobile Repair and Washing Standards (AU)

AU-01: This Minor Automobile Repair Standards section applies to all zoning districts where permitted.

Minor automotive repair businesses such as oil change facilities, muffler shops, shock absorber replacement, tire stores, minor engine repair, subject to the following conditions:

1. All repair work shall be conducted completely within an enclosed building.
2. Vehicles shall not be allowed to be stored outside for more than 48 hours unless awaiting repair for which a work order, signed by the vehicle owner, is posted in the vehicle so as to be visible from outside the vehicle. Vehicles with valid work orders may be stored in the rear yard for up to 14 days.
3. The applicant shall submit a pollution incidence protection plan (PIPP). The PIPP shall describe measures to prevent air, soil and groundwater contamination caused by spills, discharges or leakage, such as but not limited to special check valves, drain back catch basins and automatic shut off valves. The site and business operation shall be maintained in accordance with the PIPP and all applicable local, state and federal environmental protection laws, ordinances and regulations.
4. In the event that an automotive repair business has been abandoned or terminated for a period of more than one year, a new conditional use approval shall be required before the site can be re-occupied for this use.

AU-02: This Automobile Wash Standards section applies to all zoning districts.

Automobile car wash, automatic or self-service subject to the following:

1. All washing facilities shall be within a completely enclosed building.
2. Vacuuming and drying may be located outside the building, but shall not be located in the required front yard and shall be set back at least 50 feet from any residential district or existing residential use.
3. All cars required to wait for access to the facilities shall be provided stacking spaces fully off the street right-of-way that does not conflict with vehicle maneuvering areas to access gasoline pumps or vacuums, and required parking spaces.
4. All signs located throughout the site such as those that label the vacuum stations shall count toward to the total sign area permitted for the site.

AU-03: This Major Automobile Standards section applies to all zoning districts.

Major auto repair, including but not limited to engine and transmission repair and replacement, body repair and undercoating shops, subject to the following:

1. All repair work shall be conducted completely within an enclosed building.
2. Vehicles shall not be allowed to be stored outside for more than 48 hours unless awaiting repair for which a work order, signed by the vehicle owner, is posted in the vehicle so as to be visible from outside the vehicle. Vehicles with valid work orders may be stored in the rear yard for up to 14 days.

3. The applicant shall submit a pollution incidence protection plan (PIPP). The PIPP shall describe measures to prevent air, soil and groundwater contamination caused by spills, discharges or leakage, such as but not limited to special check valves, drain back catch basins and automatic shut off valves. The site and business operation shall be maintained in accordance with the PIPP and all applicable local, state and federal environmental protection laws, ordinances and regulations.
4. In the event that an automotive repair business has been abandoned or terminated for a period of more than one year, a new conditional use approval shall be required before the site can be re-occupied for this use.

Barber Shop, Hairdressing, Hair Braiding, Salon, and Beauty Store Standards (BH)

6.18 Barber Shop, Hairdressing, Hair Braiding, Salon, and Beauty Store Standards (BH)

BH-01: This Barber Shop, Hairdressing, Hair Braiding, Salon, and Beauty Store Standards section applies to all zoning districts where permitted.

No Barber Shop, Hair Braiding, Hair Dressers, Salons, and Beauty Supply Store may be located within five hundred (500) of another Barber Shop, Hair Braiding, Hair Dressers, Salons, and Beauty Supply Store.

Crematorium Standards (CM)

6.19 Crematorium Standards (CM)

CM-01: This Crematorium Standards section applies to all zoning districts where permitted.

No crematorium shall be erected within four hundred (400) feet of a residentially zoned property or any property containing a dwelling unit. All measurements shall be from structure to residential property line or from structure to property line where a residential dwelling exists, unless there exists and intervening interstate.

Collection Bin Standards (CB)

6.20 Collection Bin Standards (CB)

CB-01: This Collection Bin Standards section applies to all zoning districts where permitted.

- A. **Permit required.** It is unlawful for any person to place, operate, maintain or otherwise use a collection bin on any lot within the municipal limits of the city without first obtaining a bin permit under this section. The owner or operator of a collection bin on any lot in the city before the date of the adoption of this section shall have until thirty (30) days after the date that this ordinance is adopted to obtain a bin permit under this section or to remove such bin.
- B. **Permit application.** Any person seeking the issuance of a bin permit shall file a written application for such permit with the City Planner. Such application shall be

made on forms provided by the administrator. An application for a bin permit shall include, or have attached thereto, the following information:

1. The name, address (including email address) and telephone number of the applicant. If the applicant is not an individual, the application shall also include the name, address (including email address) and telephone number of an individual who will serve as its contact.
2. If the applicant claims to be a qualified nonprofit entity, a copy of the determination letter issued by the United States Internal Revenue Service stating that the applicant is a public charity exempt under 26 U.S.C. § 501(c)(3).
3. If the applicant does not claim to be a qualified nonprofit entity, proof of a current, valid occupational tax certificate issued to the applicant by the city.
4. The address and tax parcel identification number as shown in the records of the county tax assessor of the lot where the collection bin is to be located.
5. If the applicant is not the property owner of the lot upon which the collection bin is to be located, the application must contain:
 - a. The name, address (including email address) and telephone number of the property owner of such lot; and
 - b. A written statement signed by the property owner indicating his consent to the installation of the collection bin on the lot and indicating that he is aware of his responsibilities and obligations arising under this section for such installation.
5. A map identifying:
 - a. The proposed site on the lot where the collection bin is to be located;
 - b. The location and dimensions of all parcel boundaries of the lot;
 - c. The location of all buildings, signs, motor fuel-dispensing facilities (including any overhanging canopy structures), commercial sanitation dumpsters, fences or other structures on the lot and the distance between any such structure and the proposed site of the collection bin;
 - d. The location and dimensions of all existing and proposed driveways, garages, parking spaces or areas, vehicular maneuvering areas, curbing, sidewalks, access routes for handicapped or disabled individuals and painted surface markings on such lot and the distance between each and the proposed site of the collection bin.
6. Photographs of the lot on which the collection bin will be located.
7. A drawing or manufacturer's specification of the collection bin identifying the height, width and color of such bin; the material(s) of which such bin is constructed; the number, size and location of any openings on such bin; and the number of lids or covers for such openings and the materials of which such lids or covers are made.
8. A description or diagram of any locking mechanism(s) for any lids or covers on the collection bin.
9. A plan stating the frequency and methods by which the collection bin will be inspected for general cleanliness, graffiti, and litter and rubbish located on or around such bin and the planned remedial steps to be taken.
10. A plan stating the frequency and methods by which the collected household material, clothes, shoes, books and other salvageable items of personal property will be removed from the collection bin.

11. If the applicant is not the property owner of the lot upon which the collection bin is to be located, a written statement signed by the applicant consenting to the immediate removal of the bin from the lot at the request of the property owner.
12. Documents establishing that the applicant has liability insurance coverage for the collection bin of at least one million dollars (\$1,000,000.00).
13. Any other information that the administrator deems necessary to determine that the issuance of the proposed bin permit would fully comply with the requirements of this section, the Zoning Ordinance, and the Code of Ordinances.

C. Decision on application.

1. Upon receipt of an application for a bin permit containing all information required, the payment of the full amount of the permit fee and a determination that the collection bin and its proposed location comply with all requirements of this section, the Zoning Ordinance, and all other ordinances and laws of the city, the administrator shall grant the permit. The City Planner shall deny any application for a bin permit if any of the following circumstances exist:
 - a. The application does not contain all information required.
 - b. The information in such application is not sufficient to determine whether the bin permit should be issued or denied.
 - c. The application contains any materially false information.
 - d. The lot upon which the bin permit is to be located has contained any condition constituting a public nuisance under the Code of Ordinances at any time within six (6) months prior to the submission date.
 - e. The applicant is currently in violation of any provision in this section or has been found in violation of any provision of this section within one (1) year prior to the submission date.
2. In the event that more than one application is submitted for a bin permit for one lot, the administrator shall review and decide each application in the order by which they were received, with the first application submitted be considered first, the second application submitted be considered second, and so forth. A decision granting or denying an application for a bin permit shall be made within thirty (30) calendar days of the submission date.
3. An incomplete application shall be denied and a subsequently submitted application containing all of the information required shall be assigned a new submission date. Should a decision on the application not be made prior to the expiration of said thirty (30) calendar day period, the applicant shall be permitted to place and maintain the collection bin under this subsection unless and until such time as the administrator notifies the applicant of the denial of the application and states the reason(s) for such denial.
4. No person placing and maintaining a collection bin under this subsection shall acquire any vested rights to the continued placement and/or maintenance of such bin. Should the administrator subsequently deny the application, any collection bin placed pursuant to this subsection shall be removed within seven (7) calendar days of that denial.
 - a. The denial of an application for bin permit may be appealed to the board of zoning appeals. Any such appeal shall occur under the following procedures:

5. The applicant shall deliver a written notice of appeal to the board of zoning appeals within fourteen (14) calendar days of the decision date. In the event that no appeal is made within this fourteen-day period, the decision of the administrator shall become final.
6. In the event that a timely appeal is filed, the board of zoning appeals shall review the application for a bin permit, the decision of the administrator, and any other information submitted by the applicant in support of the appeal to determine if the application and the collection bin and its proposed location comply with all requirements of this section, the Zoning Ordinance, and all other ordinances and laws of the city. The review by the board of zoning appeals shall be limited to a determination of whether or not the decision of the administrator was clearly erroneous. The board of zoning appeals shall make a final determination of the appeal within sixty (60) calendar days of the date that the appeal was filed.
7. Any appeal of the decision of the board of zoning appeals shall be taken to the Superior Court by a petition for a writ of certiorari.

F. Issuance of bin permit; renewal.

1. The fee to obtain a bin permit shall be two hundred dollars (\$200.00), an amount that shall not be prorated on the basis of the time during a calendar year when an application is submitted. No bin permit shall be issued until the permittee has remitted to the administrator the full amount of the permit fee. In the event that the City Planer grants an application for a bin permit or the board of zoning appeals reverses the administrator's denial of such application, the administrator shall issue the bin permit upon receipt of the full amount of the permit fee. The bin permit shall be issued on a form prescribed by the City Planner and shall contain the following information:
 - a. The number assigned to the bin permit.
 - b. The date of issuance.
 - c. The address of the lot where the collection bin is to be located.
 - d. The name, address (including email address), and telephone number of the permittee.
2. Each collection bin located in the city shall be marked with the number of the bin permit affixed on such bin in a manner that such number shall be durable and readily visible to the public.
3. No permittee shall sell, convey, assign or otherwise transfer a bin permit to another person.
4. Any bin permit granted pursuant to this section shall expire on December 31 of each year. The permittee may apply for a renewal of the bin permit by submitting to the administrator at least thirty (30) days before the expiration of such permit a renewal application and the required permit fee. Any renewal application shall contain all information required.

K. Location of collection bins.

1. A collection bin is allowed only as an accessory use to the principal use of the lot. A collection bin shall be located to the side or the rear of the primary building or structure on the lot. No collection bin may be placed on a lot where there is not a primary building or structure that is currently in use and occupied. In the event that

- the primary building or structure on the lot becomes vacant, the permittee shall remove the collection bin from the lot within seven (7) days of such occurrence.
2. No collection bin shall be located on any lot owned or operated by the city or on any public street, road, highway, sidewalk or other public right-of-way.
 3. No collection bin shall be located on any lot without the prior written consent of the property owner.
 4. No collection bin shall be located within fifty (50) feet of any public street, road, highway, sidewalk or other public right-of-way.
 5. No collection bin shall be located within ten (10) feet of any fire hydrant.
 6. A collection bin may be placed only on a lot located in a non-residential zoning district.
 7. No collection bin may be placed on a lot located in a residential zoning district, the Downtown Business District, the lots abutting or having access on Virginia Avenue or the lots abutting or having access on Old National Avenue.
 8. No collection bin may be placed within fifty (50) feet of any lot located in a residential zoning district.
 9. A maximum of one (1) collection bin may be placed on any lot.
 10. A maximum of twenty (20) collection bins may be located within the municipal limits of the city.
 11. A collection bin may be located only upon an impervious surface consisting of concrete, asphalt, or brick and shall be anchored to such surface.
 12. No collection bin shall be placed on a lot in such a manner that it reduces the parking area or the number of parking spaces on the lot below any minimum parking requirements of the Zoning Ordinance.
 13. No collection bin shall be located within any building setback or established buffer area.
 14. No collection bin shall be placed in such a manner as to block any vehicular or pedestrian sight line.
 15. Notwithstanding any other distance requirements contained in this section, no collection bin shall be located in, or block or impede access to, any of the following:
 - a. Any parking space or area;
 - b. Any driveway;
 - c. Any garage;
 - d. Any sidewalk or other pedestrian route;
 - e. Any emergency vehicle route;
 - f. Any building ingress or egress;
 - g. Any handicapped or disabled access route;
 - h. Any easement;
 - i. Any commercial sanitation dumpster;
 - j. Any trash bin or enclosed trash bin area;
 - k. Any location that would impede the functioning of exhaust, ventilation or fire extinguisher systems.

L. Physical requirements of collection bins.

1. Each collection bin must be constructed of 14-gauge or 16-gauge, powder-coated, galvanized steel.

2. Each collection bin must be 47.5 inches in width, 39.5 inches in depth, and 72.5 inches in height.
3. A collection bin shall be designed and constructed in such a manner that prevents it from tipping over.
4. A collection bin shall be maintained in good condition and appearance with no structural damage, holes or visible rust. A collection bin shall be graffiti free.
5. Each collection bin shall be painted or stained with a low reflectance and subtle neutral or earth-tone color scheme. High intensity colors, metallic colors, black or fluorescent colors shall not be used.
6. Each collection bin shall have a lid or top to protect the contents from the weather. Such lid or top shall remain closed at all times except when the contents of the collection bin are being removed and shall be secured with a tamper proof lock.
7. All doors and openings on a collection bin shall be placed at a height and a location to minimize the likelihood that a minor child could gain ingress in such bin.
8. The front, exterior surface of each collection bin shall display the following information:
 - a. A statement indicating that no donated items are to be placed outside of the collection bin;
 - b. The name and address (including email address if applicable) of the permittee; and
 - c. A telephone number for the permittee by which an individual can communicate directly with an agent of the permittee or leave a message for the permittee at any time during any twenty-four-hour period.

Such information shall be conspicuously displayed so that it is readily visible to the public.

M. Maintenance and operation.

1. No collection bin shall be permitted to overflow with donated items or to accumulate such items, junk, litter, rubbish or other materials surrounding it.
2. A collection bin shall be used only for the collection of clothes, shoes, books, and other salvageable personal items that are of a size that can fit within the door or the opening on such bin through which items are to be deposited. Collection bins shall not be used for the collection of solid waste or any hazardous materials.
3. Collection bins shall be serviced at least once every two (2) weeks or more often as needed to collect donated items. The time of such servicing shall occur between 7:00 a.m. and 7:00 p.m. on any weekday or 10:00 a.m. to 6:00 p.m. on a Saturday. The servicing of a collection bin shall include the following actions:
 - a. The removal of collected items;
 - b. The removal of any litter, junk, debris or other materials surrounding such bin;
 - c. The removal of any graffiti on such bin;
 - d. The abatement of any nuisance condition;
 - e. The inspection of such bin for any peeling paint, rust, dents, holes and the repair of any such condition found;
 - f. The general inspection, maintenance and repair of any lock(s), door(s), lid(s), cover(s) and operating mechanism(s).

The permittee shall maintain a written log showing the date, month and year of each maintenance action taken under this subsection and shall make such log immediately available to any agent of the city upon request.

4. The City Planner or any other agent of the city is authorized to enter upon the lot to inspect a collection bin to ensure compliance with this section, the Zoning Ordinance and any other laws and regulations of the city. Upon discovery of any circumstance concerning a collection bin that appears to be in violation of this section (including, but not limited to, overflowing donated items, junk, litter, rubbish or other materials surrounding such bin, the presence of graffiti on such bin, or any physical damage to the bin), the administrator shall inform, by email or letter, the permittee and the property owner of such condition. The permittee and/or the property owner shall remedy, repair, replace or remove such condition within forty-eight (48) hours following such notice. If the condition is donated items, junk, litter, rubbish or other materials surrounding the collection bin and the permittee and/or the property owner has not remedied such condition within said 48-hour period, the city is authorized to remove such litter, junk, debris or other materials and to bill the permittee and the property owner for such clean-up costs. The permittee and the property owner shall be individually and jointly responsible for any such costs.
5. In the event the permittee receives a complaint from any citizen concerning the collection bin that reasonably appears to concern a violation of this section, the permittee shall inspect such bin and remedy or abate any condition that violates any provision in this section within three (3) days following the receipt of such complaint. The permittee shall maintain a written log showing the date, time, and year when it received any such complaint and containing a summary of the nature of the complaint and what actions the permittee took in response. The permittee shall make such log immediately available to any agent of the city upon request.
6. Where a collection bin is placed on any lot and the owner of such bin or the property owner has not obtained previously a permit under this section for such placement, the administrator, in his discretion, may remove the bin from the premises and place such bin in storage. The administrator shall make reasonable efforts to determine the owner of such bin. The administrator shall notify, by email or letter, the owner of the bin (if known) and the property owner of the removal of such bin. The owner of such bin and/or the property owner shall pay to the city a fee of five hundred dollars (\$500.00) to retrieve the bin.

N. Revocation or suspension of bin permit. The City Planner shall have the authority to suspend or revoke a bin permit for any of the following reasons:

1. The occupation tax certificate for the permittee has been suspended, revoked or cancelled.
2. Failure to correct any violation of this section within three (3) calendar days of receipt of any code enforcement notice of violation.
3. After the issuance of the bin permit, the administrator discovers that the application upon which such permit was issued contained materially false information.

The City Planner shall notify the permittee in writing of the decision to revoke or suspend the bin permit, stating the reasons for such decision. A permittee desiring to appeal such decision shall follow the appeal procedures. In the event that the permittee does not appeal such decision

or such decision is affirmed by the board of zoning appeals, the collection bin shall be removed within seven (7) calendar days of the decision date. Nothing in this subsection shall be construed to otherwise limit the city's police powers.

- O. **Violations.** Any person found in violation of any provision of this section shall be subject to a minimum fine of one hundred dollars (\$100.00) per day. A separate offense shall be deemed committed each day during or upon which a violation occurs or is permitted to continue. Any collection bin placed or maintained on a lot in violation of this section for more than fifteen (15) days shall also be subject to removal by the city at the expense of the permittee or the property owner. The permittee and the property owner shall be individually and jointly responsible for any such costs.

Especially Large Building Standards (EL)

6.21 Especially Large Building Standards (EL)

EL-01: This Especially Large Building Standards section applies to all zoning districts.

- A. **Applicability of this section.**
1. This section shall apply to all new structures over thirty thousand (30,000) contiguous square feet.
 2. This section shall apply to all non-conforming existing structures over fifteen thousand (15,000) square feet that are abandoned or left vacant for at least six (6) months.
- B. **Facades and exterior walls including sides and backs.** The building shall be designed in a way that will reduce the massive scale and uniform and impersonal appearance and will provide visual interest. Long building walls exceeding one hundred (100) feet shall be broken up with projections or recessions having a minimum offset of ten (10) feet horizontal or vertical depth along all sides, and in sufficient number, to reduce the unbroken massing into lengths of approximately forty (40) feet or less along all sides of the building. Projections from the facade may be used as an alternate approach upon approval by the mayor and council.
- C. **Street frontage.** Along any public street frontage the building design shall include at least one of the following: Windows, arcades, awnings or other acceptable features along at least sixty (60) per cent of the building length and appropriately spaced. Arcades and other weather protection features shall be of sufficient depth and height to provide a light-filled and open space along the building frontage. Architectural treatment, similar to that provided to the front facade shall be provided to the sides and rear of the building to mitigate any negative view from any location off-site and any public area (e.g. parking lots, walkways, etc.) on site.
- D. **Detail features.** The building shall include architectural features that contribute to visual interest at the pedestrian scale and reduce the massive aesthetic effect by breaking up the building wall, front, side, and rear, with color, texture changes, wall offsets, reveals, or projecting ribs.
- E. **Roofs.** The roof design shall provide variations in rooflines and add interest to, and reduce the massive scale of, large buildings. Roof features shall complement the architectural and visual character of adjoining neighborhoods. Roofs shall include two (2) or more roof planes. Parapet walls shall be architecturally treated to avoid a plain, monotonous look.
- F. **Materials and color.** The buildings shall have exterior building materials and colors that are aesthetically pleasing and compatible with materials and colors that are used in adjoining neighborhoods or as approved by the mayor and council. This includes the use of high-quality materials and colors that are low reflective, subtle, neutral, or earth tone. Certain types of colors shall be avoided, such as fluorescent or metallic, although brighter colors in limited quantities as building trims and as accents may be considered at the discretion of the planning commission. Construction materials such as tilt-up concrete, smooth-faced concrete block, prefabricated steel panels, and other similar materials shall be avoided unless the exterior surface is covered with an acceptable architectural treatment.

- G. **Entryways.** The building design shall provide design elements which clearly indicate to customers where the entrances are located and which add aesthetically pleasing character to buildings by providing highly-visible customer entrances.
- H. **Screening of mechanical equipment.** Mechanical equipment shall be screened to mitigate noise and views in all directions. If roof-mounted, the screen shall be designed to conform architecturally to the design of the building either with varying roof planes or with parapet walls. A wood fence or similar treatment is not acceptable. If ground-mounted, the screen shall be comprised of materials identical to those of the building facade. Screening shall be by use of brick, stone or similar material where applicable.
- I. **Vehicular access.** The use shall provide safety and protection to adjacent residential uses by having motor vehicles access only from an arterial, major or business district road as designated in the master plan.
- J. **Buffers.** The use shall provide visual and noise buffers to nearby residential uses. This can be accomplished by providing a substantial building setback from a residential use or residentially zoned property that is adjacent to the site. A landscape buffer of substantial width shall be provided adjacent to the site property line where it adjoins residential uses or zones. The landscape buffer shall include canopy trees at regular intervals to provide noise, light, and visual screening. No other uses are permitted within the landscape buffer area.
- K. **Outdoor sales and storage.** Areas for outdoor sales of products may be permitted if they are extensions of the sales floor into which patrons are allowed free access. Such areas shall be incorporated into the overall design of the building and the landscaping and shall be permanently defined and screened with walls and/or fences. Materials, colors and design of screening walls and/or fences shall conform to those used as predominant materials and colors on the building. Chain link fencing is prohibited. If such areas are to be covered, then the covering shall be similar in materials and colors to those that are predominantly used on the building facade. Outdoor sales areas shall be considered as part of the gross floor area of the retail establishment. Outdoor storage of products in an area where customers are not permitted is prohibited. This prohibition includes outdoor storage sheds and containers. Any outdoor sales and storage shall comply with all other city ordinances.
- L. **Noise mitigation.** The project shall make every reasonable attempt to mitigate noise and visual impacts on adjoining residential neighborhoods and streets from trash collection areas by location of these areas on-site and at least fifty (50) feet from any residential use, residentially zoned property, or street that is adjacent to the site, unless such operations are located entirely within an enclosed building or underground.
- M. **Trash collection areas.** All trash collection areas that are not within an enclosed building or underground must be screened or recessed so that they are not visible from public streets, public sidewalks, internal pedestrian walkways or adjacent residential properties. Screening and landscaping of these areas shall conform to the predominant materials used on the site.
- N. **Parking lots and structures.**
1. Parking areas must provide safe, convenient and efficient access. They must be distributed around large buildings in order to shorten the distance to other buildings and public sidewalks, and to reduce the overall area of the paved surface. Landscaping shall be used to define parking areas, primary vehicular drives and pedestrian areas in an aesthetically and environmentally pleasing manner. Lighting shall be approved by the mayor and council.

2. Parking structure facades shall achieve the same high quality design and appearance as the buildings they serve. The parking structure's utilitarian appearance shall be minimized by utilizing effective design treatments such as colonnades, arcades, awnings, street furniture, brick or stone facade and other public amenities. Compatible materials, coordinated landscaping and screening, appropriate building color, pedestrian sensitive lighting and signage shall all be considered for garage facades. Surface parking shall be screened with landscaping.
- O. **Pedestrian flows.** The project shall provide pedestrian accessibility, safety, and convenience to reduce traffic impacts and enable the development to project a friendly inviting image. Continuous internal pedestrian walkways no less than eight (8) feet in width shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site. Sidewalks shall also connect the store entrances to transit stops on or off-site and to nearby neighborhoods. Sidewalks shall be provided along the full length of any building where it adjoins a parking lot.
- P. **Central features and community spaces.** The project is to provide attractive and inviting pedestrian scale features, spaces and amenities. Entrances and parking lot locations shall be functional and inviting with walkways conveniently tied to logical destinations. Bus stops shall be considered internal parts of the configuration whether they are located on-site or along the street. Customer drop-off/pick-up points that may be provided shall also be integrated into the design and shall not conflict with traffic lanes or pedestrian paths. Special design features such as towers, arcades, porticos, light fixtures, planter walls, seating areas, and other architectural features that define circulation paths and outdoor spaces shall anchor pedestrian ways. Examples are outdoor plazas, patios, courtyards, and window shopping areas. Each development shall have at least two (2) of these areas.
- Q. **Delivery and loading spaces.** Delivery and loading operations shall be designed and located to mitigate visual and noise impacts to adjoining neighborhoods. If there is a residential use or residentially zoned area adjacent to the site, such operations shall not be permitted between 10:00 p.m. and 7:00 a.m. the following day. For good cause shown, the planning commission may permit deliveries at additional times provided the applicant submits evidence that sound barriers between all areas for such operations effectively reduce noise emissions to a level of fifty-five (55) Db or less as measured at the lot line of any adjoining residential property. Delivery and loading areas shall be set back from a residential use or residentially zoned property that is adjacent to that site. A landscape buffer of substantial width shall be provided adjacent to the delivery and loading area where it adjoins residential uses or zones. The landscape buffer shall include evergreen shrubs and/or trees plus deciduous canopy trees at regular intervals to provide noise, light, and visual screening. If the delivery and loading spaces are located within an enclosed building or underground, no such setback and buffer area shall be required.
- Delivery trucks shall not be parked in close proximity to or within a designated delivery or loading area during non-delivery hours with motor and/or refrigerators/generators running, unless the area where the trucks are parked is set back at least fifty (50) feet from residential property to mitigate the truck noise. Any engine motor idling shall not exceed five (5) minutes.
- The delivery and loading areas shall be screened or enclosed so that they are not visible from public streets, public sidewalks, internal pedestrian walkways or adjacent properties. The

- screen shall be of masonry construction and at least ten (10) feet high, measured from the loading dock floor elevation, to screen the noise and activity at the loading dock.
- R. **Traffic impacts.** The applicant shall have a traffic impact study prepared according to the Institute of Transportation Engineering (ITE) latest version. In addition to the general standards of the ITE, the traffic impact study shall include weekend traffic generation and impact analysis. The traffic impact study shall also study all of the nearest intersections to the site, or any area designated by the Engineering Director, to take into account the regional traffic draw a large-scale establishment.
- S. **Outdoor lighting.** The applicant must provide an outdoor lighting report, which provides information on how outdoor lighting will be accomplished to minimize impacts on adjacent properties or roadways. Outdoor lighting shall provide security, with a minimum illumination of two and four-tenths (2.4) foot-candles of light measured at grade level. This can be accomplished by aiming the lights downward and fitting lights with hoods. The light element shall not protrude below the lower edge of the hood. To minimize any indirect overflow of light on adjacent residential properties, the height of any proposed parking lot light standard shall be as short as possible and shall stair step down to a lower height when close to residential uses or residentially used properties. Lighting standards shall apply as approved by the mayor and council.
- T. **Ancillary uses.** The applicant must demonstrate that any ancillary uses such as tire shops or snack bars will not have negative impacts on adjacent residential uses, residentially zoned properties, or adjacent properties. Any ancillary use must be oriented to face away from any residential use or residentially zoned property that is adjacent to the site.
- U. **Noise abatement.** A noise mitigation plan must be provided to the Chief Building Inspector that indicates how the noise initiated by the land use will be mitigated to comply with noise regulations applicable in the City of College Park.
- V. **Landscaping.** Each parking area shall be surrounded by a twenty-foot wide landscaped area around its edge. Shade and ornamental trees are also required in the parking areas, with the amount and placement to be determined through consultation with the city planner at the time of site plan review. If a lot is located adjacent to an area used for residences or a residentially zoned area, the front of the site must be landscaped with berms, hedges, and/or walls of at least four (4) feet in height to screen parking lots from the street.
- W. **Demolition security.** It shall be unlawful to begin work on construction of any structure regulated by this section until the city is provided with a performance bond payable to the city issued by an appropriately licensed surety or other sufficient security in a form approved by the city attorney and reasonably acceptable to the city in the amount of one hundred and ten (110) per cent of the estimated cost of demolition of the structure, including cleanup of all materials and rubbish and including landscaping to include, at a minimum, grassing of all unpaved areas. The aforementioned estimated cost shall be equal to the average of three (3) separate written estimates by businesses reasonably acceptable by the city, copies of which estimates shall be provided to the city simultaneously with the required security.
1. In the event that at least seventy (70) percent of the floor area of the structure is not occupied by goods, including displays, and/or areas devoted to the provision of services including, but not limited to auto maintenance, eye examinations and financial services, or in the event that at least seventy (70) per cent of the floor area of the structure is not

open to the public, for a period of more than six (6) months, the city may provide written notice to the owner of the property and any tenant of such situation.

2. The owner or any tenant shall have until one (1) month after the date of the written notice provided for in paragraph a. above either to remedy the situation or to reply in writing with a timetable either for remedying the situation, any such remedy to be completed within three (3) months of the date of the reply, or for demolition of the structure, such demolition to begin within one (1) month of the date of the reply.
 3. In the event the owner or any tenant fails to remedy the situation described in paragraph a. above within one (1) month of notice from the city if no reply is provided to the city, or within (3) months of providing a notice to the city of intent to remedy pursuant to paragraph b., the city shall send written notice of such failure to the owner or any tenant, and the owner or any tenant shall begin demolition of the structure within one (1) month of the date of such notice of failure from the city.
 4. Demolition of any structure shall include cleanup of all materials and rubbish and shall include landscaping, at a minimum to include grassing of all unpaved areas, within one (1) month of the initiation of the demolition.
 5. In the event that demolition of a structure is required by this subsection and the owner or any tenant fails to complete all or any portion of said demolition within the time provided herein, the city may utilize the bond provided for in subsection (w)(1) above to pay for such demolition or any part thereof.
- X. **Floor Area.** For the purposes of this subsection, the term "floor area" shall mean the square footage of the footprint of the structure located inside the exterior walls of the structure, excluding areas devoted exclusively to aisles or other open spaces reasonably necessary to allow the flow of customers within the structure, and also excluding any areas, not to exceed fifty (50) per cent of the square footage of the footprint of the structure located inside the exterior walls, devoted exclusively to storage of inventory and not normally accessible to customers.

Fireworks Standards (FW)

6.22 Fireworks Standards (FW)

FW-01: This Fireworks Standards section applies to all zoning districts where permitted.

This Article applies to any building or property that is used for only consumer fireworks retail sales facilities and consumer fireworks retail sales stands. The use of consumer fireworks retail sales facilities and consumer fireworks retail sales stands is only permitted upon the properties zoned under the M2, Heavy Industrial zoning district and the specific parcels designated as such upon the map located for review in the City of College Park's Clerks Office and the Planning and Growth Office.

A. Buffer Requirements. The following buffer requirements shall be maintained for the protection of adjoining land uses.

1. A buffer of three hundred (300) feet shall be required between the property lines of any consumer fireworks retail sales facility or consumer fireworks retail sales stand and any child day care facility, preschool, school, including kindergarten through twelfth grade, college or university.

2. A buffer of one hundred (100) yards shall be required between the property lines of any consumer fireworks retail sales facility or consumer fireworks retail sales stand and any gas station or natural gas provider.
3. Storage incidental to the operation of consumer fireworks retail sales facilities and consumer fireworks retail stands is limited to five hundred (500) pounds.

Hotel, Motel, and Extended Stay Standards (HL)

6.23 Hotel, Motel, and Extended Stay Standards (HL)

HL-01: This Hotel, Motel, and Extended Stay Standards section applies to all zoning districts where permitted.

- A. No more than five (5) percent of a hotel or motel's guest rooms shall have fixed cooking appliances located therein. If more than five (5) percent of a hotel or motel's guest rooms contain fixed cooking appliances, such hotel or motel is considered an extended-stay hotel and subject to the below regulations regarding extended-stay hotels. For the purposes of this section, the term "fixed cooking appliances" shall mean a stove top burner; a hotplate that does not serve as an integral part of an appliance designed solely to produce coffee; a conventional oven; a convection oven; or any oven producing heat using resistance heating elements, induction heating, or infrared heating sources.
- B. No hotel, motel, or extended-stay hotel located within the city shall allow any person to occupy such hotel, motel, or extended-stay hotel for more than thirty (30) days during a one hundred eighty-day period.
- C. Notwithstanding subsection (B) of this section:
 1. Occupation of a hotel, motel, or extended-stay hotel in excess of thirty (30) consecutive days in a one hundred eighty-day period may occur at a hotel, motel, or extended-stay hotel where there is a written contract between the hotel, motel, or extended-stay hotel and a guest.
 2. Occupation of a hotel, motel, or extended-stay hotel in excess of thirty (30) consecutive days in a one hundred eighty-day period may occur at a hotel, motel, or extended-stay hotel where the following circumstances are present: a) a specific business entity desires such occupation for an employment-related purpose which requires temporary occupancy, including but not limited to relocation service and b) a government, charity, or insurance agency desires such occupation to house families as a result of a Natural Disaster.
- D. For each person paying in cash for the occupation of a hotel, motel, or extended-stay hotel every person operating a hotel, motel, or extended-stay hotel shall require each such person to provide proper identification prior to renting a room. Proper identification is defined as a current and valid government issued photo identification card such as a driver's license, military identification card, state identification card, or passport. A record shall be kept on file for the duration of the occupancy and for sixty (60) days thereafter. For the purposes of this section, the term "record" shall mean the hotel's, motel's, or extended-stay hotel's electronic guest registration system which stores guest identifying information such as the guest's name and the guest's address. In the event the hotel, motel, or extended-stay hotel does not have an electronic guest registration

- system, the hotel, the motel, or the extended-stay hotel shall capture the guest's name and the guest's address. For the purposes of the section, the term "capture" shall mean that the guest's name and the guest's address shall be written in a book/register inscribed with ink or indelible pencil.
- E. For each person paying in cash for the occupation of a hotel, motel, or extended-stay hotel, every person operating a hotel, motel, or extended-stay hotel shall, during the occupancy of each such guest and for sixty (60) days thereafter, keep and maintain a record, either electronically or in a book/register inscribed with ink or indelible pencil, the name and valid address of the guest paying for a room. Such record shall be signed by the person renting a room or someone of his authority, and the operator of such hotel or motel or extended stay hotel, or his agent, shall thereupon electronically enter or write, opposite such name so registered, the number of the room assigned to and occupied by such guest, together with the time when such room is rented. Until all of the aforesaid entries have been made, no guest shall be permitted to occupy any room in such hotel or motel. Such record is subject to inspection at all times provided that the city produces appropriate legal authorization through a warrant or subpoena.

HL-02: This Extended Stay Standards section applies to all zoning districts.

- A. No extended-stay hotel shall be initially constructed or thereafter operated, and no hotel may be converted to be, and operated as an extended-stay hotel unless in full compliance with each of the following provisions:
1. The minimum square footage per guest room of an extended-stay hotel shall be three hundred (300) square feet and limited to two (2) adults per room. An additional adult is allowed per each additional one hundred fifty (150) square feet, for a maximum of four (4) adults.
 2. The extended-stay hotel shall be no less than three (3) stories in height.
 3. The extended-stay hotel must have enclosed, heated and air conditioned laundry space containing at least three clothes washers and three clothes dryers for guests. Such clothes washers and clothes dryers shall be in good working order.
 4. The extended-stay hotel shall include a minimum of one thousand (1,000) square feet for recreational use by guests, and a minimum of twenty-five (25) percent of the lot area shall be dedicated to such recreational use and passive recreation.
 5. Maid service shall be included within the standard room rate of an extended-stay hotel. Maid service shall be provided no less than two (2) times per week for each occupied guest room.
 6. Parking areas of extended-stay hotels must have secured parking.
 7. No more than sixty (60) percent of extended-stay hotels shall contain registrants who reside in the hotel for more than five (5) consecutive days within a one hundred eighty-day period. Notwithstanding this subsection (b)(1)(vii), a stay in excess of five (5) consecutive days within a one hundred eighty-day period may occur in an extended-stay hotel in the following situations:
 - a. Occupation of an extended-stay hotel in excess of five (5) consecutive days in a one hundred eighty-day period may occur at the extended-stay hotel where there is a written contract between the extended-stay hotel and the registrant; or

- b. Occupation of an extended-stay hotel in excess of five (5) consecutive days in a one hundred eighty-day period may occur at an extended-stay hotel where the following circumstances are present: a) a specific business entity desires such occupation for an employment-related purpose which requires temporary occupancy, including but not limited to relocation services; and b) a government, charity, or insurance agency desires such occupation to house families in a Natural Disaster.
8. Extended-stay hotels shall be classified as one of the following chain segments to operate in the city: Upper Midscale; Upscale; Upper Upscale; or Luxury as classified by the STR Chain Scales Report. No extended-stay hotels shall be constructed or thereafter operated unless the extended-stay hotel is classified in one of the applicable segments. For the purposes of this section, "the STR Chain Scales Report" means a report produced by Smith Travel Research, a leading lodging industry data and benchmarking firm, which is updated on an annual basis to reflect equivalent Average Daily Rates (ADR) across lodging chains within a particular market or geography.
9. The city may re-evaluate the chain scale classification report every twelve (12) months to reflect current market conditions.
10. No occupational tax certificate shall be issued for conduct of business from a guest room of an extended-stay hotel, and no home occupation shall be conducted from such room.
11. Each guest room of an extended-stay hotel shall be equipped with a sprinkler system and hard wired smoke detector approved by the fire marshal.
12. The extended-stay hotel shall provide a fifty-foot undisturbed buffer from any property zoned for multi-family residential purposes and/or a one hundred-foot undisturbed buffer from any property zoned for single-family residential uses.
13. The common areas and unoccupied rooms of the extended-stay hotel are subject to inspection by the College Park Police Department, College Park Code Enforcement, the College Park Fire Department and/or the Clayton and/or Fulton County Health Department if there is suspicion that the extended-stay hotel is being used for criminal activity, housing of last resort, or in violation of the zoning ordinances.
14. An extended-stay hotel that fails to meet the requirements of the hereinabove subsections (1) through (14) is prohibited from offering fixed cooking appliances in more than five (5) percent of its total guest rooms. Further, any extended-stay hotel that fails to meet the requirements of this section shall be subject to citation for each day of noncompliance. Each day of noncompliance shall constitute a separate offense punishable by a separate citation.

Mobile Home Standards (MO)

6.24 Mobile Home Standards (MO)

MO-01: This Mobile Home Standards section applies to all residential zoning districts.

Mobile homes are prohibited within the city except as a conditional use in all residential zoning districts.

Music and Recording Studio Standards (MR)

6.25 Music and Recording Studio Standards (MR)

MR-01: This Music and Recording Studio Standards section applies to all zoning districts where permitted.

Music and recording studios shall have proper and adequate soundproofing to avoid and prevent noise disruption to adjacent tenant spaces.

Outdoor Display Standards (DP)

6.26 Outdoor Display Standards (DP)

MO-01: This Outdoor Display Standards section applies to all zoning districts where permitted.

It shall be unlawful for any person or entity to set up or display merchandise for sale outside of a building on any lot unless the person or entity also lawfully conducts business regularly in a building located on the lot. This prohibition shall not apply to nonprofit activities, sales of seasonal items and sales at special events as those terms are defined in this Ordinance

Package Store Standards (PA)

6.27 Package Store Standards (PA)

PA-01: This Package Store Standards section applies to all zoning districts where permitted.

Liquor stores shall maintain the following standards:

1. Liquor stores must be located on property having a minimum of 100 ft. of road frontage on a street having a minimum classification of minor arterial.
2. Liquor stores must operate as sole tenants in free standing buildings of at least 5,000 square feet in size and no greater than 20,000 square feet in size.
3. Liquor stores must be located at least 300 ft. from churches and 600 ft. from schools. This distance shall be measured from the front door of the liquor store to the front door of the church or front door of the nearest school building as measured along pedestrian walkways.
4. Liquor stores must be located at least 300 ft. from parks. This distance shall be measured from the front door of the liquor store to the nearest portion of the park property.
5. Properties shall not have any outdoor accessory or vending structures, including ATM's, .soda machines, video machines, ice chests, etc.
6. A liquor store shall not be located closer than 3000 ft. to another liquor store, regardless of jurisdiction.

Theaters, Amphitheaters Standards (PW)

6.28 Theaters, Amphitheaters Standards (PW)

PW-01: This Theaters, Amphitheaters Standards section applies to all residential zoning districts.

The following shall apply to theaters, amphitheaters, and other related uses in residential districts:

1. Any building or structure established in connection with theaters, amphitheaters, and other related uses shall be located at least fifty (50) feet from any property line.
2. A twenty-five (25) feet wide landscaped buffer shall be planted along the side and rear property lines when located one hundred (100) feet or less to any property line of a residential zoned lot or lot containing a residential dwelling.
3. Theaters, amphitheaters, and other related uses, in residential districts shall be located on a minimum lot area of five (5) acres and shall have frontage of at least two hundred (200) feet along a public street.
4. Theaters, amphitheaters, and other related uses in residential districts shall be located on a major thoroughfare having a street classification of at least that of a collector street.
5. Meet all commercial building regulations as identified in the adopted building code and all adopted fire codes.
6. Meet all parking standards as identified within Article 7, Parking Standards (PK).
7. The establishment of sites and tents for temporary theaters, amphitheaters, requires the granting of a zoning permit from the City Planner. Such sites may not be used for a purpose covered by this Article for a cumulative period of more than fourteen (14) days during any calendar year.

PW-02: This Theaters, Amphitheaters Standards section applies to all non-residential zoning districts.

The following shall apply to theaters, amphitheaters, and other related uses in non-residential districts:

1. Any building or structure established in connection with theaters, amphitheaters, and other related uses shall be located at least fifty (50) feet from any property line.
2. Theaters, amphitheaters, and other related uses in commercial districts shall be located on a minimum of two 920 acres and have access on a major thoroughfare having a street classification of at least that of an arterial street.
3. Meet all parking standards as identified within Article 7, Parking Standards (PK).
4. The establishment of sites and tents for temporary theaters, amphitheaters, requires the granting of a zoning permit from the City Planner. Such sites may not be used for a purpose covered by this Article for a cumulative period of more than fourteen (14) days during any calendar year.

Places of Assembly Standards (PA)

6.29 Places of Assembly Standards (PA)

PA-01: This Places of Assembly Standards section applies to all zoning districts where permitted.

- A. The following are designated as specific type(s) of place of assembly:
1. Movie theaters;
 2. Banquet halls;
 3. Concert halls;
 4. Private commercial/vocational schools (including martial arts or dance studios, and technical or vocational training); and
 5. Clubs and/or lodges.

6. Places of worship, convents, and monasteries
- B. In the event any of the uses in subsection (a) above shall be designed to serve more than one hundred (100) persons at any given time, the parcel shall:
 1. Be located on a lot fronting a major thoroughfare;
 2. Be located on a tract of land not less than two (2) acres in area and having a street frontage of not less than two hundred (200) feet; and
 3. Meet the parking requirements set forth within this Ordinance, and be provided in the rear yard or within that portion of the side yard which lies between a main building and the interior side lot line.

Seasonal Sale Standards (SS)

6.30 Seasonal Sale Standards (SS)

SS-01: This Seasonal Sale Standards section applies to all zoning districts.

The sale of perishable, seasonal items, examples of which are Christmas trees, flowers and plants, pumpkins, and fruit and beverages, by persons other than the owner or occupant of the premises. Such uses will be subject to the following standards and conditions:

- A. **Location.** Seasonal sales may be located within any required yard, but shall not be located within any public road right-of-way or sidewalk.
- B. **Safety.** Seasonal sales shall not occupy or obstruct the use of any fire lane, require off-street or landscape area required to meet requirements of this zoning code, or create a traffic or safety hazard.
- C. **Parking.** Seasonal sales shall be conducted in a manner so as not to create a public nuisance to neighboring properties. Adequate on-site parking together with proper ingress and egress to the site shall be provided.
- D. **Application.** Seasonal sales shall be allowed only upon a zoning compliance permit issued by the building department. To secure a permit, an application for a permit shall be submitted which shall include the following:
 1. Name, address and phone number of the merchant who will conduct the transient and/or seasonal sale;
 2. Detailed description of items to be sold and hours of operation;
 3. Written approval for such sales by the legal owner of the property affected;
 4. A plot plan depicting the layout of the area where sales will be conducted, as necessary to determine compliance with this section;
 5. Location of portable restrooms, when required by the City Planner;
 6. Health department approval, where applicable; and
 7. A permit fee as established by the City Council.
- E. **Signage.** During the period of transient or seasonal sales, signs shall be limited to one portable free standing sign with a maximum size of sixteen (16) square feet per side and a height limitation of five (5) feet.
- F. **Issuance.** The permit issued under this section for transient and/or seasonal sales shall be valid for a maximum period of 120 days from the date of issuance. At the end of the permit period, any and all temporary structures shall be removed.

- G. **Revocation.** Permit may be revoked by the City if becomes a nuisance or fails to comply with the provisions of this ordinance.

Performance Standards (PS)

6.31 Performance Standards (PS)

PS-01: This Performance Standards section applies to all zoning districts.

All uses placed into operation after the effective date of this Code should comply with the following general performance standards in the interests of protecting public health, safety, and general welfare and lessening damage to property. No use on a property should exhibit obnoxious characteristics to the extent that it constitutes a public nuisance or interferes with reasonable enjoyment of neighboring properties. No use in existence on the effective date of this Code should be altered or modified to conflict with these standards.

- A. **Air Pollution:** No use on a property should release fly ash, dust, smoke, vapors, noxious, toxic or corrosive matter or other air pollutants in such concentration as to be detrimental to health, animals, vegetation or property, or conflict with public air quality standards.
- B. **Electrical Disturbance:** No use on a property should cause electrical disturbance adversely affecting radio, television or other equipment in the vicinity.
- C. **Fire Protection:** Firefighting equipment and prevention measures acceptable to the local Fire Departments should be readily available and apparent when any activity involving the handling and storage of flammable or explosive materials is conducted.
- D. **Noise:** No use on a property should produce noise in such a manner as to be objectionable because of volume, frequency, intermittence, beat, shrillness, or vibration. Such noise should be muffled or otherwise controlled so as not to become detrimental. Public safety sirens and related apparatus used solely for public purposes shall be exempt from this standard.
- E. **Odor:** No use on a property should emit across lot lines any gas or matter with a bad odor in such quantity as to be readily detectable at any point along such lines.
- F. **Vibration:** No use on a property should cause vibrations detectable beyond lot lines without the aid of instruments.
- G. **Heat and Glare:** No use on a property should produce heat and glare in such a manner as to create a hazard to neighboring property. No such heat or glare interfere with the reasonable enjoyment of neighboring property, or the safety of transportation routes.
- H. **Waste Matter:** No use on a property should accumulate within the lot or discharge waste matter beyond the lot lines.
- I. **Water Pollution:** No use on a property should produce erosion or other pollutants in such a quantity as to be detrimental to adjacent properties or to conflict with public water quality standards.
- J. **Traffic:** No use on a property should cause excessive vehicular traffic on adjoining roads.
- K. **Visual Character:** No use on a property should adversely impact the general visual or aesthetic character of the neighboring properties or disrupt the general or aesthetic character of the area.
- L. **Preservation of Natural/Historic Features:** Existing natural and historic features which would add value to the development of the City such as trees, streams, vistas, lakes, historical landmarks, and similar irreplaceable assets, when possible, should be preserved through

harmonious and careful design. Land to be developed shall be designed and improved as far as practical in conformity to existing topography in order to minimize storm water runoff, and conserve the natural cover and soil.

- M. **Landscaping:** Any part or portion of a parcel which is not used for structures, loading or parking spaces, sidewalks and accessory uses shall be landscaped or left in a natural state. If landscaped, it shall be planted with an all season ground cover and shall be landscaped with trees and shrubs in accordance with the requirements of this Code and shall be in keeping with natural surroundings.

Public Improvement Standards (PI)

6.32 Public Improvement Standards (PI)

PI-01: This public Improvement Standards section applies to all zoning districts.

- A. **General Requirements:** Developments are permitted only if the public streets, drainage facilities, and utilities are adequate to serve the proposed development.
- B. **Sidewalks:** All developments shall be required to install public sidewalks along any public streets within and adjacent to the development.
1. All sidewalks shall be constructed in the right-of-way or in a sidewalk easement adjacent to the right-of-way.
 2. Sidewalks shall be separated from the back of curb of the adjacent road by a planting strip which is a minimum of four (4) feet in width or as defined in the district standards of each zoning district. Generally, the back of the sidewalk shall not be located less than 1 foot inside of the right-of-way line for the adjacent road.
 3. Sidewalks shall be a minimum of 5 feet in width in residential areas, and constructed of concrete consistent with all applicable City of College Park construction standards.
 4. Sidewalks shall conform with applicable American's with Disabilities Act (ADA) standards.
- C. **Internal Pedestrian Ways:** All developments shall be required to install designated walks or paths providing for pedestrian and bicycle movement between public sidewalks and the structures on the site.
1. These designated sidewalks shall be a minimum of five (5) feet in width or as defined in the district standards of each zoning district and include an improved surface of concrete.
 2. Designated walks shall be separated by grade or distance from entrance drives and internal traffic aisles and drives.
- D. **Street Dedications:** All developments shall be required to dedicate right-of-way consistent with the classifications of the City of College Park's transportation plan for all existing and proposed roads transecting or adjacent to the property being developed.
- E. **Street/Road Construction:** The owners of new development shall install the portion of new roads proposed by the transportation plan transecting or adjacent to a property being developed if either of the following conditions are present:
1. The development has direct access to the road proposed by the transportation plan; or
 2. The road proposed by the transportation plan will provide previously unavailable access to other properties controlled by the owner of the new development.
 3. Construction standards shall meet or exceed City of College Park's adopted engineering

and fire codes.

- F. **Street Trees:** All developments shall be required to provide street trees within the right-of-way.
1. One street tree shall be planted for every 30 linear feet of road frontage and every 25 linear feet where the depth of area is greater than 25 feet wide. Grouping of trees will be allowed as substitution upon approval.
 2. All street trees shall be a minimum of 2-1/2 " – 4" caliper as measured consistent with the American Nursery Standards Institute (ANSI) at the time of planting and shall be of a species approved by the City of College Park. All trees planted must be Grade "A" quality with straight trunks; free from any disease, pests, injuries or nutritional disorders.
 3. No tree may be planted so that its center is closer than two (2) feet to a sidewalk or curb, or edge of pavement if no curbs are present. No tree shall be planted within 25 feet of the intersection of two street rights-of-way, or within ten (10) feet of the intersection of a street and an entrance driveway. No tree shall be planted within ten (10) feet of any fire hydrant or five (5) lateral feet of any underground utility service.
 4. All trees shall be guaranteed 1 full year from time of planting. Any trees that die within this time frame must be removed and replaced by developer.
- G. **Public Utilities:** All new developments shall be required to connect to public sanitary sewer, water, and storm water drainage systems as specified by Article 3 of this Code.
1. Storm water drainage systems in developments shall not result in any additional run-off being transferred to adjacent properties other than through proper easements established for that purpose.
 2. The size of all water and sewer mains shall be large enough not only to serve the areas under immediate consideration, but also to serve areas which are likely to be developed and which should be served by the extensions under consideration.
 3. Fire hydrants and other firefighting infrastructure shall be installed consistent with the requirements of the Fire Marshal.
- H. **Easements:** No structure with the exception of fences may be located in, or otherwise obstruct any easement. Fences shall be permitted within easements subject to the receipt of written permission from the easement holder.

Parking Standards (PK)

6.33 Parking Standards (PK)

PK-01: This Parking Standards section applies to all zoning districts.

All required parking spaces and lots shall conform to all of the following requirements:

- A. **Driving Surfaces:** All parking areas, including parking spaces, interior drives, and ingress/ egress into parking areas must be paved with asphalt, concrete, or an approved permeable surface.. All parking areas shall be clearly painted to show each parking space.
- B. **Drainage:** Parking areas must be constructed to allow proper drainage which shall be subject to the review and approval of the Engineering Director
- C. **Access to Public Streets:** Parking areas must be designed as to prevent vehicles from having to back into or maneuver in public streets.
- D. **Locations:** Parking lots shall not be located in any right-of-way, easement, or any required buffer yard.
- E. **Lighting:** lighting for parking areas shall conform with the applicable requirements of the lighting Standards section of this Article.
- F. **Landscaping:** Landscaping for parking areas shall conform with the applicable requirements of the Landscaping Standards section of this Article.
- G. **Required Parking Spaces:** Accessory off-street parking spaces shall be provided and maintained in accordance with the requirements set forth in the following table:

<i>(a) Residential Uses</i>	
One-family or two-family dwellings and Multiple Dwellings	1 for each dwelling unit.
Group homes, personal care homes	1 for each 4 beds, plus 1 for the owner, operator or manager living on the premises, plus 1 for each other employee, expected on premises.
Housing for the elderly	1 for each 3 dwelling units.
Hotels	1 for each 4 guest rooms, plus 1 for each 3 employees.
Bed and Breakfast	1 for each guest room, plus 1 for each 2 employees.
<i>(b) Uses in Residence District</i>	
Home occupations:	1 additional space for each establishment
Farms, urban gardens, seasonal sales made on premises	Total parking area equal to 25% of the lot area devoted to sales.
<i>(c) Schools</i>	
Day cares, children's boarding homes, kindergartens, elementary and middle schools	1 for each 2 staff members and other employees. See also requirements for auditoriums, gymnasiums and stadiums.
Senior high schools	1 for each 2 staff members and other employees, plus 1 for each 12 seats in a classroom based on planned classroom capacity. See also requirements for auditoriums,

	gymnasiums and stadiums.
Trade, vocational business and dancing schools; colleges and universities	1 for each 2 employees, plus 1 for each 10 seats in a classroom based on planned classroom capacity. See also requirements for auditoriums, gymnasiums and stadiums.
<i>(d) Institutional Uses</i>	
Hospitals	1 for each 4 beds, plus 1 for each 3 doctors, plus 1 for each 3 employees.
Clinics, health and medical centers	1 for each 200 square feet of gross floor area.
Medical institutions for children, adults, and the aged, and assisted living facilities	1 for each staff member, including doctors and nurses, plus 1 for each 3 other employees, plus 1 for each 6 beds.
<i>(e) Places of Public Assembly</i>	
Airports and other aircraft landing and servicing facilities	1 for each 100 square feet of gross floor area, plus 1 for each 3 employees.
Amusement parks, circuses, carnivals and other outdoor amusement or recreation uses	Total parking area equal to twice the total lot area devoted to such use.
Arenas, assembly halls, auditoriums, concert halls, convention halls, dance halls, exhibition halls, gymnasiums, indoor theaters, pool or billiard halls, stadiums and similar indoor amusement or recreation uses	1 for each 6 seats or total parking area equal to 3 times the gross floor area, whichever is greater. Where there are no fixed seats each 24 inches of bench or pew shall be considered 1 seat. Where there are no seats, benches or pews, each 20 square feet of ground or floor area usable for seating shall be considered 1 seat.
Bowling alleys	7 for each lane.
Golf courses	8 for each green.
Golf driving ranges	2 for each driving tee, plus 1 for each 2 employees.
Public libraries and museums	1 for each 4 employees, plus 1 for each 1,200 square feet of gross floor area.
Places of worship	1 for each 6 seats.
Recreation and community centers	1 for each 150 square feet of gross floor area, plus 1 for each employee.
<i>(f) Retail Sales Uses</i>	
Bars, taverns, restaurants, and other eating places	1 for each employee, plus 1 for each 100 square feet of floor area devoted to patron use or 1 for each 4 seats based on maximum seating capacity, whichever is greater.
Establishments for the sale of boats, farm implements, furniture, gymnasium supplies, hospital supplies, office supplies, machinery, major appliances, new automobiles	For establishments having less than 2,000 square feet of gross floor area, 1 for each 1,000 square feet of gross floor area. For establishments having 2,000 square feet of gross floor area or more, 1 for each 700 square feet of gross floor area.
Establishments for the sale of restaurant	For establishments having less than 2,000 square feet of

equipment, floor covering, hardware, household equipment, paint, small appliances, and other retail sales items	gross floor area, 1 for each 700 square feet of gross floor area. For establishments having 2,000 square feet of gross floor area or more, 1 for each 500 square feet of gross floor area.
Food stores, supermarkets	For establishments having less than 2,000 square feet of gross floor area, 1 for each 500 square feet of gross floor area. For establishments having 2,000 square feet of gross floor area up to and including 4,000 square feet of gross floor area, 1 for each 300 square feet of gross floor area. For establishments having over 4,000 square feet of gross floor area, 1 for each 150 square feet of gross floor area.
Department stores	For establishments having 200,000 square feet of gross floor area or more, 1 for each 300 square feet of gross floor area.
Nurseries or plant-husbandry, garden supplies, agricultural produce and other outdoor retail sales uses	Total parking area equal to 25% of the total lot area, plus 1 for each 2 employees.
Gasoline service stations	1 for each 100 square feet of gross floor area.
Used motor vehicle sales lots	Total parking area equivalent to 25% of the gross lot area.
Wholesale establishments	1 for each 1,000 square feet of gross floor area.
<i>(g) Retail Service Uses</i>	
Banks, governmental, business and professional office buildings	1 for each 500 square feet of gross floor area.
Medical or dental offices, and medical or dental laboratories	5 for each doctor or dentist, plus 1 for each 2 employees; or 1 for each 150 square feet of gross floor area, whichever is greater.
Automobile washing facilities	1 for each 3 employees, plus 1 for the owner or manager, and additional spaces equal to 3 times the capacity of the wash bay.
Mortuary and crematory establishments	8 for each slumber room, chapel or parlor or 1 for each 100 square feet of floor area of assembly rooms whichever is greater, plus 1 for each vehicle maintained on the premises.
Repair and service garages	1 for each 500 square feet of gross floor area.
Other retail service uses	1 for each 500 square feet of gross floor area.
<i>(h) All Uses Permitted and Developed in a Shopping Center or Hospitality Campus District</i>	
Bowling alleys	8 for each lane, plus 1 for each 2 employees.
Indoor theaters	1 for each 2 seats.
Medical and dental offices	5 for each physician or dentist, plus 1 for each 2 other employees, or 1 for each 150 square feet of gross floor

	area, whichever is greater.
Restaurants and other eating places	1 for each 2 seats based on maximum seating capacity.
All other retail sales and services, uses.	4.5 for each 1,000 square feet of gross floor area.
<i>(i) All Uses Permitted in Industry Districts Only</i>	
Storage or warehouse uses	1 for each 2 employees expected to be on the premises during the largest work shift period or total parking area equivalent to 10% of the gross floor area, whichever is greater.
Junk, coal, lumber, contractors or other open storage uses	1 for each employee plus space equal to 15% of the gross lot area.
Other permitted industrial uses	1 for each 3 employees expected to be on the premises during the largest work shift period or total parking area equivalent to 25% of the gross floor area, whichever is lesser.
<i>(j) Other Permitted Uses in All Districts</i>	
Other permitted uses not defined	Parking spaces shall be provided on the same basis as required for the most similar listed use.

H. Location of Required Spaces:

1. The required accessory off-street parking facility shall be located on the same lot as the use for which it is provided or on a lot within four hundred (400) feet of the nearest boundary of the lot upon which the use is located measured by a straight line between the two (2) points.
2. The separate lot upon which such accessory parking facilities are provided shall be in the same ownership or control as the building or use to which the parking facilities are accessory.

I. Mixed Use Facilities: Accessory off-street parking spaces required of two (2) or more uses located on the same lot or parcel may be combined and used jointly by such uses, provided that the parking spaces provided shall be equal to the total number of accessory off-street parking spaces required by all such uses. Where a use is accessory to the main use and is not primarily intended to serve additional patrons or employees, or generate additional traffic, no additional off-street parking spaces need be provided for such accessory use.

J. Access and Maintenance of Off-Street Parking Spaces

1. Accessory off-street parking spaces, driveways and maneuvering areas shall be properly graded for drainage so that all water is drained within the lot providing such parking spaces, surfaced with concrete, asphaltic concrete, asphalt or other surfacing materials approved by the Engineering Director, and maintained in good condition and free of debris and trash. Therefore:

K. Americans with Disabilities Act. Handicap parking spaces shall be provided in all parking areas consistent with the requirements of the Americans with Disabilities Act.

- L. **Maneuvering.** All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited. Parking lots shall meet the following dimensional requirements:

Parking Space and Interior Drive Requirements			
Angle of Parking	Minimum Driving Aisles Width (Feet)	Minimum Parking Space Size (Feet)	
		Width	Length
Parallel	12	10	24
...up to and including 45 degrees	14	10	18
...up to and including 60 degrees	18	9	18
...up to and including 90 degrees	24	9	18

- M. **Wheel Stops:** Accessory off-street parking spaces abutting landscaped or grass areas shall be provided with wheel bumper guards that are so located that no part of a parked vehicle will extend beyond such parking space.
- N. **Driveways:** The driveway used to provide accessibility to accessory off-street parking spaces shall be so located and arranged to minimize traffic congestion. Therefore:
1. No driveway shall be so located that there would be less than fifteen (15) feet between the point of tangency of the driveway apron radius and the outside crosswalk line at the intersection when such driveway is on the approach side of an intersection. In such cases as the driveway is on the leaving side of the intersection, the requirement shall be five (5) feet between the outside crosswalk line and the point of tangency of the driveway apron radius;
 2. The maximum width of such driveway shall be thirty (30) feet measured at right angles to the angle of the driveway entrance. Such driveway shall have an apron radius at the curb of not less than six (6) feet or a curb cut of not more than sixty (60) feet and shall provide a means for motor vehicles to enter and leave the parking facilities without obstructing traffic.
- O. **Lighting for Off-Street Parking Spaces.** Parking lots containing ten(10) or more parking spaces shall provide lighting for the lot. Where lighting is provided for accessory off-street parking spaces, it shall be constructed and arranged so as to prevent the direct emission of light upon adjoining lots or the public streets.

PK-02: This Parking Standards section applies to the Neighborhood Professional, Neighborhood, Business, Community Business, and Business Park Districts.

- A. **Shared Parking for Planned Development Area.** The off-street parking requirements set forth shall apply to any one or combination of educational, religious, commercial, institutional, medical, or retail businesses for which a comprehensive plan for the development, redevelopment or rehabilitation of existing or proposed facilities encompassed within a

contiguous area has been approved by the Planning Commission as provided in subsection (b) hereof.

B. Parking Plan Requirements Any such plan or amended plan submitted for approval shall contain the following:

1. The boundaries of the development area;
2. The type and location of all existing and proposed principal land uses and buildings;
3. The present and at least two (2) year projection of the number of employees, residents, visitors, enrollment, patients or other measures of persons likely to be accommodated in the development area;
4. The present and at least two (2) year projection of the number of parking spaces owned or controlled by the party or parties to the plan jointly;
5. Site plan showing the present and two (2) year projection of the locations and general dimensions of all buildings, major pedestrian and vehicular circulation systems, parking facilities and major open areas; and
7. Any proposal for the joint use and sharing of off-street parking facilities by parties to the plan, designating the location and capacity of the facilities to be shared and indicating the periods and extent of usage by each such party.

B. Planning Commission Approval. The Commission shall approve a development area parking plan that complies with the following standards:

Use	WEEKDAYS		WEEKENDS	
	Daytime 6 a.m.—5 p.m.	Evening 5 p.m.—1 a.m.	Daytime 6 a.m.—5 p.m.	Evening 5 p.m.—1 a.m.
Residential	80%	100%	80%	100%
Office	100%	10%	20%	5%
Retail	95%	85%	100%	70%
Hotel	60%	100%	60%	100%
Restaurant	75%	100%	60%	100%
Entertainment	50%	85%	70%	100%
Places of Worship	50%	50%	100%	60%

1. In applying the above standards: all parties to the plan shall be considered as one (1) single unit; all parking spaces located within the planned area and owned or controlled by all parties to the plan shall be considered without the necessity of allocating any such spaces to any particular use, building or institution; consideration shall be given to shared use of parking spaces by the parties to the plan; all existing buildings of the parties to the plan located within the planned area shall be taken into account except when the required number of parking spaces for any institution in the plan has been determined by reference to enrollment, employees, staff, patients or visitors; and the Planning Commission shall also consider that it is the declared policy of the City to provide greater flexibility in the development of institutional lands through planned development, to locate such parking spaces to provide maximum convenience consistent with the need to protect pedestrian traffic and promote efficient and safe movement of vehicular traffic, to recognize that an institutional parking space may accommodate more than one (1) vehicle during any given

period of time, thus having a considerable rate of turnover, and to promote a more efficient allocation of land for buildings and open space by permitting the joint use of off-street parking spaces by all parties to such a plan.

- C. **Expiration.** Any plan or amended plan submitted to the Planning Commission for its approval shall be considered as having met the off-street parking requirements of the City. However, each such plan, when approved, shall be effective for at least a period of two (2) years, and a revised plan and current data in accordance with this subsection (b) shall be submitted to the Commission for re-approval in the same manner not later than sixty (60) days prior to the date of the expiration of the plan last approved by the Commission. So long as such an approved plan is in effect, and all subsequent construction or subsequent change of use of any building is substantially in accordance with the plan, the parties to such plan shall be deemed to be in compliance with all accessory off-street parking requirements of the zoning ordinances of the City.

PK-03: This Parking Standards section applies to the Downtown Commercial District.

- A. **Exceptions.** In the Downtown Commercial and Historic Business District, but excluding the Virginia Avenue corridor, as defined in the off-street parking requirements set forth above shall not apply.
1. Any person or group or combination of business, commercial or industrial organizations which has a comprehensive plan for the development, redevelopment or rehabilitation of existing or proposed facilities encompassed within a contiguous area shall be considered as a unit for the purpose of the application of the off-street parking requirements set forth herein.
- B. **Plan Submittal.** The group shall submit a plan to the City Planner indicating that the combined parking facilities by all of the components of the plan substantially meet the intent of the minimum standards required herein. The plan shall set forth the following in detail:
1. The area which encompasses the rehabilitation, redevelopment or development;
 2. The existing or proposed use of each existing or proposed structure;
 3. The schedule of the rehabilitation or construction of the structures;
 4. Any duplication of off-street parking requirements as applied to the plan;
 5. A proposal for the joint use and sharing of off-street parking facilities. The proposal shall designate the location of the facilities to be shared and shall indicate the period of usage so as to show no conflict in usage by those sharing the facilities.
- C. **Approval.** Any plan submitted to the City Planner for his/ her approval in accordance with this Article, which outlines and complies with the standards set forth above, shall be considered as having met the off-street parking requirements of the City.

PK-04: This Parking Standards section applies to Residential Districts and Uses.

- A. **Commercial Vehicles.** No commercial vehicle shall be stored on any premises in a residential District and not more than one (1) commercial vehicle weighing unloaded not more than one and one-half (1-1/2) tons may be stored on any premises in any other Residence District unless for farming, truck gardening or a related and similar activity if a permitted accessory use of the premises.
- B. **Recreational Vehicles, Boats, Trailers.** In a residential zoning district, one recreational vehicle owned by the residents may be stored on their individual lot within the confines of the

- rear yard, insofar as distances from principal structures, lot lines and easements are concerned. All recreational equipment parked or stored shall not be connected to sanitary facilities and shall not be occupied. In those instances where the rear yard is not accessible by means of a driveway, alley or has insufficient side yard clearance for the passage of a recreational vehicle, the recreational vehicle shall not be parked upon the property. Recreational vehicle or boat shall be screened from street frontage, and shall be parked on approved impervious surface.
- C. **Trailers and Hauling Equipment.** In a residential zoning district, one trailer or piece of hauling equipment owned by the residents may be stored on their individual lot within the confines of the garage, shed, or other similar

PK-05: This Parking Standards section applies to the Downtown Commercial and Historic and the Hospitality Campus District.

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- A. **Purpose.** The requirements for bicycle parking are established for the purpose of ensuring adequate and safe facilities to accommodate bicycle parking and to encourage use of bicycles for travel as an alternative to use of automobiles.
- B. **Applicability.** Bicycle parking facilities shall be provided in every new automobile parking lot or garage, and for every expansion of an automobile parking lot or garage when the expansion includes the provision of ten (10) or more additional automobile parking spaces within the Downtown Commercial and Historic District and Hospitality Campus District.
- C. **Number of Bicycle Parking Spaces.** Unless otherwise expressly stated, bicycle parking spaces shall be provided at a rate of one (1) bicycle parking space for each twenty (20) automobile spaces provided.
- D. **Maximum.** No automobile parking lot or garage shall be required to provide more than ten (10) bicycle parking spaces.
- E. **Bicycle Parking Space Size.** Required bicycle parking spaces for nonresidential uses must have minimum dimensions of two (2) feet in width by six (6) feet in length.
- F. **Bicycle Parking Space Location.** Required bicycle parking spaces shall be located at least as close to the entrance of the building as the nearest non-handicapped automobile parking space. Where automobile parking is provided in an enclosed area, bicycle parking shall be provided within the enclosure or in such a way as to provide comparable protection from the elements. Bicycle parking spaces shall be located on the property of the use that it serves unless it is determined by the City Planner that a location on another property or in the public right-of-way represents the only feasible means of meeting the requirement for bicycle parking spaces. A location in the public right-of-way shall be permitted only if such location meets all requirements for approval from the City.
- G. **Bicycle Racks and Lockers.** Each required bicycle parking space shall be equipped with a bicycle rack or "bicycle locker," as defined in this section.
- H. **Design.** Bicycle racks and lockers must be securely anchored to the ground or a building. Bicycle racks must provide a stable frame to which the bicycle may be conveniently secured, such as the inverted-U, post and loop, or another type of rack that meets these standards. Bicycle racks that support the wheel but not the frame of the bike may not be used to fulfill a bicycle parking requirement. In parking lots and parking garages, physical barriers, such as posts or bollards, shall be provided so as to prevent a motor vehicle from striking a parked bicycle.

- I. **Residential Uses.** Neither bicycle racks nor bicycle lockers are required for bicycle parking associated with residential uses. Required bicycle parking for residential uses may be provided in garages, storage rooms, or any other resident-accessible, secure areas.
- J. **Exemptions.** No bicycle parking shall be required for single-family residences, two (2) family residences, townhouses, funeral parlors, automobile repair or body shops, gas stations, car washes, or motor vehicle sales lots.

Off Loading Standards (OL)

6.34 Off-Street Loading Standards (OL)

OL-01: This Off-Street Loading Standards section applies to all zoning districts.

In all use districts adequate loading or unloading docks or platforms shall be provided in or on all nonresidential buildings hereafter erected or converted to such use which contain a gross floor area of twenty-five thousand (25,000) square feet or more or occupy lots which abut an alley or have a frontage of one hundred (100) feet or more; provided that the City Planner may modify requirements of this section for buildings which contain a gross floor area of twenty-five thousand (25,000) square feet or more but occupy lots which do not abut any alley and have less than one hundred (100) feet frontage, or for buildings which contain a gross floor area of less than twenty-five thousand (25,000) square feet, when the City Planner deems such modification to be in the public interest and not detrimental to adjoining property. Such docks or platforms shall be not less than fifty (50) feet back from the building line along the street or alley on which they face and not less than eighty (80) feet from the center line of the street. Any truck entrance or exit doorway or gateway less than five (5) feet from the street line shall be at least twelve (12) feet wide and twelve (12) feet high and the curb cut shall extend for at least fifteen (15) feet on either side of the driveway.

Fences and Walls Standards (FN)

6.35 Fences and Walls Standards (FN)

FN-01: This Fences and Walls Standards section applies to all zoning districts.

Fences and walls shall be permitted in all zoning districts with a permit subject to conformance with the following requirements:

- A. All fences and walls shall present the non-structural face outward.
- B. All fences and walls may be permitted up to any property line that is not also a right-of-way line. All fences and walls shall be setback a minimum of 2 feet from all adjacent rights-of-way.
- C. No fence or wall may be placed in any right-of-way or any sight visibility area, as determined by the Engineering Director.
- D. No fence or wall may be placed in any drainage, utility, sidewalk, landscaping, access or other easement without written permission from the easement holder.
- E. No fence or wall may be placed in any required buffer zone that does not specifically provide for the inclusion of fences.
 1. Fences specifically required by this Code for screening, swimming pools, telecommunications facilities, or other purposes may exceed the maximum heights established by this section in a manner consistent with the specific requirements of this Code.
 2. The height of a fence shall be determined by measuring from the highest grade to the highest point of the fence, including any posts or finials.
 3. Residential Districts: Fences and walls constructed of chain link, of ornamental metal, of ornamental masonry, or of ornamental wood, shall not exceed 6 feet in height in any

side or rear yard and shall not exceed 4 feet in any front yard or in that portion of the side yards abutting front yards of other residential lots. For the purposes of this requirement, the front yard shall be defined as all areas located between any adjacent streets and the walls of the primary structure which face them.

4. Commercial and Mixed Use Districts: Fences and walls shall not exceed 6 feet in height in any front, side, rear yard.
 5. Industrial Districts: Fences and walls shall not exceed 8 feet in height in any front, side, or rear yard.
- F. Any fence may be prohibited if, in the opinion of the building official or the chief of police, that fence obstructs the vision of motorists to the public rights-of-way so as to create a dangerous condition, or if for some other reason such fence would endanger the public safety or general welfare.
- G. The use of barbed-wire, razor wire or similar fencing materials is specifically prohibited in all zoning districts, except in industrial zoned districts. Such fencing materials may be allowed upon application to and approval by the building official.
- H. High voltage electric fences are prohibited throughout the city; however, the construction and use of low voltage electric fences, shall be allowed in the city only as provided in this section and subject to the following standards:
1. **Permit.** The construction or installation of any high voltage electric fence shall not commence except with a building permit secured from the office of inspections.
 2. **Electrification.** The energizer for electric fences must be driven by a commercial storage battery, not to exceed 12 volts DC. The storage battery must be charged primarily by a solar panel; however, the solar panel may be augmented by a commercial trickle charger. The electric fence shall not be energized unless the College Park Power Department has inspected such fence for compliance.
 3. **Perimeter fence or wall.** Electric fences shall be completely surrounded by a non-electric fence or wall that is not less than six feet tall, and the electric fence and non-electric fence or wall shall have no less than six (6) inches of space between them.
 4. **Location.** Electric fences shall be permitted only in industrial zoned districts.
 5. **Setback.** Electric fences shall be a minimum of twenty-five (25) feet from all perimeter property lines when adjacent to residential zoning districts.
 6. **Buffers.** Electric fences shall not enclose a landscape buffer.
 7. **Height.** Electric fences shall have a minimum height of six (6) feet and maximum height of eight (8) feet, but such height can be extended up to ten (10) feet if a variance is granted.
 8. **Warning signs.** Electric fences shall be clearly identified with warning signs that read: "Danger: Premises Protected by an Electric Fence" at intervals of not less than twenty (20) feet and at a height no higher than five (5) feet from the ground.
 9. **Warnings.** Electric fences shall not be energized until such signs are posted.
 10. **Accessibility.** A Knox Box rapid entry system, unlocked by a key, shall be required and installed per the standards of the City of College Park Fire Department.
 11. **Power source.** The power source for electrified fences shall come from an internal source and not be generated directly from a city-powered source.
 12. **Power Lines.** Electric fence conductors shall not be mounted on support surfaces utilized for overhead power lines.

13. **Indemnification.** The applicant or property owner agrees to defend, indemnify, and hold harmless the city or its agents, officers, and employees from any claim, action or proceeding against the city or its agents, officers, or employees resulting from the approval and installation of an electric fence. Prior to issuance of the any permits, the applicant or property owner shall execute such indemnification and hold harmless agreements reflecting the obligations required under this subsection, in such form as approved by the city attorney.
14. **UL Standards.** Electric fences shall meet UL standards.

Outdoor Lighting Standards (OL)

6.36 Outdoor Lighting Standards (OL)

OL-01: This Outdoor Lighting Standards section applies to all zoning districts.

All outdoor lighting systems in the City of College Park shall be consistent with the following minimum standards and requirements.

- A. **Purpose and intent:** The purpose of this section is to regulate the placement, orientation, distribution patterns, and fixture types of outdoor lighting. The intent is to encourage lighting that:
1. provides safety, utility, and security;
 2. prevents glare on public roadways;
 3. protects the privacy of residents; and
 4. reduces atmospheric light pollution
- B. **Outdoor Lighting Compliance Statement:** The applicant for any permit for work involving outdoor lighting fixtures governed by this Section shall submit, as part of the site plan, evidence that the proposed work will comply with this Section. This information shall contain but not be limited to the following:
1. The location, height, make, model, lamp type, and wattage of each outdoor lighting fixture;
 2. Certification that the angle of total light cutoff is no more than 90 degrees; and
 3. Additional information the City Planner may determine is necessary, including but not limited to illuminance level profiles
- C. **Approved Materials and Methods of Construction, Installation, or Operation:** The provisions of this Section are not intended to prevent the use of any design, material, or methods of installation or operation not specifically prescribed by this Section, provided any such alternate has been approved. The City Planner may approve any such proposed alternative provided it:
1. Provides at least approximate equivalent to the applicable specific requirement of this Section; and
 2. Is otherwise satisfactory and complies with the purpose and intent of this Section
- D. **General Requirements:**
1. In all zoning districts: All outdoor lighting fixtures, including display lighting, shall be turned off after close-of-business, unless needed for safety or security, in which case the lighting shall be reduced to the minimum level necessary.
 2. Auto/Truck filling stations: Island canopy ceiling fixtures shall be recessed.

3. Recreational facilities, public or private: Lighting for outdoor recreational facilities shall be shielded according to the table at the end of this Section.
 4. All light fixtures that are required to be fully shielded shall be installed and maintained so that the shielding is effective.
 5. Light trespass from a property shall be designed not to exceed 0.5 footcandles at the property line.
- E. **Exemptions:** The following uses shall be exempt from the provisions of this ordinance:
1. Roadway and Airport lighting and lighting activated by motion sensor devices;
 2. Temporary circus, fair, carnival, or civic uses;
 3. Construction or emergency lighting, provided such lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency necessitating said lighting;
 4. Temporary lighting;

Article 7 – Telecommunication Standards

Article Seven: Telecommunication Standards

7.1 Purpose

The purpose of this Article is to establish guidelines and regulations for the siting of all wireless, cellular, television, and radio telecommunications facilities, including all equipment and network components, exclusive of any underlying support structure, such as antennas, transmitters, receivers, base stations, power supplies, cabling, accessory equipment, or other mechanisms used to provide and or aid the transmission of wireless data, cellular, television, radio, or other telecommunications services. The Mayor and Council recognize that the City is to provide for the siting of telecommunication facilities, support structures, and antennas pursuant to the mandates of the Telecommunications Act of 1996. While mandated to make such provisions, the Mayor and Council also recognize that telecommunications facilities, such as towers and monopoles, telecommunication support structures, and antennas may negatively impact the aesthetic appearance of the City, and may reduce the property value of lots proximately located to such telecommunication support structures, particularly when they are sited adjacent to residential areas.

The goals of this Article, therefore, are:

1. To encourage the location of telecommunications facilities, including all Telecommunication Support Structures, Equipment, and/or Antenna(s) in nonresidential areas;
2. To promote the health, safety, and general welfare of the public by regulating the siting of and establishing development standards for wireless facilities and related wireless support structures, equipment, and infrastructure;
3. To minimize the total number of telecommunication support structures within the community necessary to provide adequate personal wireless services to residents of College Park;
4. To encourage the joint use of new and existing telecommunication support structure sites among service providers;
5. To locate telecommunication facilities and antennas in areas where adverse impacts on the community are minimized;
6. To encourage the design and construction of telecommunication facilities and antennas in a manner that minimizes adverse visual impacts;
7. To follow and promote policies embodied in Section 704 of the Federal Telecommunications Act of 1996 and O.C.G.A. § 36-66B-1, *et al.*, in such a manner as not to unreasonably discriminate between providers of functionally equivalent wireless services or to prohibit or have the effect of prohibiting personal wireless services in the City;
8. To encourage the location of telecommunication support structures on municipal property; and
9. To enhance the ability of the providers of wireless telecommunications services to deliver such services to the community effectively, efficiently and safely.

7.2 Definitions

Except as specifically defined herein, all words used in this Section shall be as defined in The Latest

Illustrated Book of Development Definitions (2007, Rutgers). Words not defined herein or in the above-referenced text shall be construed to have the meaning given by common and ordinary usage and shall be interpreted within the context of the sentence, section and Section in which they occur.

Alternative Telecommunication Support Structure: Clock telecommunication support structures, bell telecommunication support structures, church steeples, light/power poles, electric transmission telecommunication support structures, man-made trees and similar natural or man-made alternative-design mounting structures that camouflage or conceal the presence of antennas or telecommunication support structures. An alternative telecommunication support structure may include a pre-existing building.

Antenna: Any communications equipment designed for wireless telecommunication, radio, or television communications through the sending and/or receiving of electromagnetic waves and radio signals used in the provision of all types of wireless telecommunication services, including standalone equipment and equipment affixed to or proposed to be affixed to existing telecommunication support structures and/or authorized alternative telecommunication support structures.

Applicant: A person or entity with an application for the permit of the erection of, modification of, or co-location of telecommunication facilities in the City, whether located on private lands or in a public right-of-way. For purposes of this Section, this term shall include any Co-Applicant or party with an ownership interest in a proposed or affected existing telecommunication facility, including but not limited to property owners, telecommunication support structure owners, and any proposed tenants for the facility.

Chief Building Inspector: See definition of Building Inspector in Section 1.4 of the Zoning Ordinance.

Co-location or Co-locate: The placement or installation of new telecommunications facilities, including but not limited to antennas, upon a single telecommunication support structure or alternative telecommunication support structure previously approved and constructed, including towers and monopoles, both self-supporting and guyed, in a manner that negates the need to construct a new freestanding telecommunications support structure in the City.

Commission: The Georgia Public Service Commission.

Department: The College Park Department of Building and Inspections, including the Chief Building Inspector and authorized personnel.

Equipment: Any device or telecommunications infrastructure component serving or being used in conjunction with the delivery or transmission of all types of telecommunication services, including but not limited to antennas, utility transmission devices, power supplies, generators, batteries, cables, storage sheds, shelters or similar structures, small cell devices, and similar wireless transmitters or conduits.

FAA: The Federal Aviation Administration.

FCC: The Federal Communications Commission.

Geographic Search Area: The geographic area within which the placement of equipment is necessary to meet the engineering requirements of an Applicant's cellular network or other broadcasting need.

Guyed Structure: A style of telecommunication support structure consisting of a single truss assembly composed of sections with bracing incorporated. The sections are attached to each other, and the assembly is attached to a foundation and supported by a series of wires that are connected to anchors placed in the ground or on a building.

Height: When referring to a telecommunication support structure or other structure, shall mean the distance measured from ground level to the highest point on the telecommunication support structure or alternative telecommunication support structure, including all antennas or lightning rods.

Modification or Modify: The change, or proposed change, of any portion of an existing telecommunication facility from its description as previously approved by the City, including improvements, upgrades, expansions, or the replacement of any existing telecommunication equipment, conduit, or infrastructure apparatus, provided such improvement, upgrade, expansion, or replacement does not increase the height of the telecommunication support structure.

Monopole: A style of freestanding telecommunication support structure that consists of a single shaft usually composed of two or more hollow sections that are in turn attached to a foundation. This type of support structure is designed to support itself without the use of guy wires or other stabilization devices. These facilities are mounted to a foundation that rests on or in the ground or on the roof of a building.

Preexisting telecommunication support structures and antennas: Structures as set forth in subsection 3(c) of this Section.

Provider: Any legal entity authorized and/or engaged in the provision of Telecommunication Services.

Public Officer: As used in O.C.G.A. §§ 41-2-7—41-2-17, shall mean the Chief Building Inspector of, or Director of, the College Park department of building and inspections.

Public Right-of-Way or Public Rights-of-Way: Means and includes all public streets and utility easements, as defined in this Section, now or hereafter owned by or granted to the City, but only to the extent of the City's right, title, interest or authority to authorize or permit an Applicant to occupy and use such streets and easements for the erection and operation of telecommunication facilities.

Small Cell or Small Cell Installations: One-provider units that provide additional capacity for wireless systems and are supplemental to standard telecommunication equipment.

Substantial Increase in Size: Shall mean:

1. Any increase in an existing telecommunication support structure height or width, as previously approved by the City, as a result of modification or co-location of antennas or similar telecommunication equipment;
2. An increase in the dimensions of a telecommunication facility's equipment compound as approved by the City as a result of modification or co-location;
3. A modification or co-location that will, as proposed, violate condition(s) of approval of an existing telecommunication facility, including any subsequently adopted amendments;

4. A modification or co-location of equipment that, as proposed, will exceed the applicable weight limits for an existing telecommunication facility, as approved by the City;
5. The addition of more than four (4) new equipment cabinets or one (1) new shelter; and/or
6. The excavation outside existing leased or owned property and current easements.

Telecommunications Service(s): The transmittal of voice, data, image, graphic, and video programming between or among points by wire, cable, fiber optics, laser, microwave, radio, satellite, or other facilities. This term shall include commercial mobile radio services, unlicensed wireless services, and common carrier wireless exchange services as identified in the Telecommunications Act of 1996.

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

Telecommunication Support Structure: Any freestanding structure that is designed to support or capable of supporting and constructed primarily for the purpose of supporting telecommunication equipment; this term shall include self-supporting, guyed, and monopole support structures. The term includes and is not limited to radio and television transmission telecommunication support structures, microwave telecommunication support structures, common-carrier telecommunication support structures, cellular telecommunication support structures, man-made trees, alternative telecommunication support structures, and other similar structures.

Utility: Any person, corporation, municipality, county, or other legal entity, or department thereof or entity related or subordinate thereto, providing retail or wholesale electric, data, cable, or telecommunications services, or otherwise subject in any way to the lawful jurisdiction of the Commission.

Visual Quality: The appropriate design, arrangement, and location of telecommunication support structures in relation to the built or natural environment to avoid abrupt or severe differences.

7.3 Application of Article

This Article shall pertain to the following:

1. *General Applicability:* This Section shall apply to the erection or modification of any telecommunication facility within the jurisdiction of the City.
2. *Amateur Radio; Receive-only Antenna(s).* This Section shall not govern any telecommunication support structure, or the installation of any antenna, that is thirty five (35) feet or less in height and is owned and operated by a federally-licensed amateur radio station operator from the operator's residence, or is used exclusively as a receive-only antenna.
3. *Pre-existing Telecommunication Support Structures and Antenna(s).* Any telecommunication support structure or antenna for which a permit has been properly issued prior to the effective date of this Section shall not be required to meet the provisions of this Section, other than the requirements of subsections C, E, F, G, H, P and BB. Any such telecommunication facilities

shall be referred to in this Section as either “preexisting telecommunication support structures” or “preexisting antennas.”

4. *Additional Antenna(s)*. If an additional antenna is co-located upon a preexisting telecommunication support structure or alternative telecommunication support structure after adoption of this Section, the fencing and landscaping requirements of subsections 13 and 14 shall be met as part of the permitting process.

A. Removal of Abandoned Telecommunication Facilities.

Any Telecommunication Support Structure or Antenna that is not operated for a continuous period exceeding six (6) months shall be considered abandoned, and the owner of such Telecommunication Facility shall place the applicable Antenna or Telecommunication Support Structure into operation or remove the same within sixty (60) days of receipt of notice from the Department notifying the owner of such abandonment. If all applicable Telecommunication Support Structure(s) or Antenna(s) are not removed within said sixty (60) days, the Department may, at the direction of the Chief Building Inspector, and in the manner provided in the O.C.G.A. §§ 41-2-7—41-2-17, remove such Antenna or Telecommunication Support Structure at the owner or co-owners’ expense. If there are two (2) or more users of a single Telecommunication Support Structure, this provision shall not become effective unless and until all users cease utilizing the Telecommunication Support Structure.

B. Legal Status Provisions.

1. Whenever the regulations of this Section require a greater width, depth, or size of yard, or impose other more restrictive standards than are required in or under any other statute or covenants, the requirements of this Section shall govern. Whenever the provisions of any other provision of the City Code of Ordinances shall require more restrictive standards than those of this Section, the provisions of such statutes or covenants shall govern.
2. Any preexisting telecommunication facility which does not meet the requirements of this Section shall be considered nonconforming and subject to the nonconforming use provisions of the College Park zoning ordinance; provided, however, that the installation of a new antenna on a preexisting telecommunication support structure shall not constitute the expansion of a nonconforming use provided that (a) the new antenna does not result in a Substantial Increase in Size in size and (b) the resulting height of the preexisting telecommunication support structure is less than the maximum height of the telecommunication support structure previously approved by the City.

C. Annual Registration of Telecommunication Facilities.

The owner of any Telecommunications Facility shall submit an annual registration of such Facility on such forms as the Chief Building Inspector shall prescribe. Each annual registration shall identify the tax parcel identification and physical street address for the parcel on which such Telecommunication Facility is located. Each annual registration of such Telecommunication Facility shall describe all Telecommunication Support Structures, Alternative Telecommunication Support Structures, Antennas, and other Telecommunication Equipment on the site, describe in detail any improvements during the preceding calendar year, and, for Telecommunication Support Structures only, state the total gross income from all improvements on the site for the preceding calendar year.

Each annual return shall be filed with the Department on or before April 1st of each year and shall be accompanied by an annual administrative fee in an amount as established by the Mayor and Council.

D. Principal or Accessory Use.

A Telecommunication Support Structure and/or Antenna is considered a principal use if located on any parcel as the sole or primary structure, and is considered an accessory use if located on a parcel shared with a different existing primary use or existing structure. An existing use or structure on the same parcel shall not preclude the installation of an antenna or telecommunication support structure. For purposes of determining whether the erection of a Telecommunication Support Structure or Antenna complies with the requirements of the zoning district in which it is located (including, but not limited to, all setback and buffer requirements), the dimensions of the entire parcel shall control, even though the Antenna or Telecommunication Support Structure may be located on a leased area within the dimensions of such parcel. Telecommunication Support Structures and Antennas erected, in accordance with the provisions of this Section shall not be deemed to constitute the expansion of a nonconforming use or structure.

E. Inventory of Existing Sites for New Telecommunication Support Structure or Alternative Telecommunication Support Structure Applications.

1. The Department shall maintain an itemized list of all Telecommunication Support Structures or Alternative Telecommunication Support Structures, active and inactive, which are located within the municipal limits of the City. This list shall include specific information about the location (latitude and longitude coordinates), height, design, Telecommunication Support Structure type and general suitability for Antenna co-location of each Telecommunication Support Structure and authorized Alternative Telecommunication Support Structure, and other pertinent information as may be decided by the Department.
2. To facilitate the co-location of Antennas, each Applicant seeking to erect a new Telecommunication Support Structure or Alternative Telecommunication Support Structure, or to modify any such existing structure, shall provide to the Department an itemized list of its existing Telecommunication Support Structures and authorized Alternative Telecommunication Support Structures as provided for below. Applicants seeking to erect an amateur radio Telecommunication Support Structure or Antenna less than thirty-five (35) feet in height shall be exempt from this provision.
3. Each Applicant seeking to erect a new Telecommunication Support Structure or Alternative telecommunication support structure or to modify existing support structures shall provide the Department with an itemized list, including all of the following: a complete listing of all Applicant-owned Telecommunication Support Structures that are within the municipal limits of the City or within one-quarter (1/4) mile of the municipal limits of the City; with respect to each listed Telecommunication Support Structure, specific information, including the location (latitude and longitude coordinates), height, design, structure type, and general suitability for Antenna co-location; and other pertinent information as may be required by the Department. The Department shall share such information with any other Applicant under this Section or any other organization or governmental entity seeking to locate a Telecommunication Facility within the municipal limits of the City, provided, however that the Department shall not, by sharing such information, in any way be deemed to have represented or warranted that such sites are available or suitable.

4. An application, with the exception of an application to erect an amateur radio telecommunication support structure or Antenna less than thirty five (35) feet in height as set forth in subsection 3, shall not be considered complete without the itemized list required in this section.

F. Co-location Mandate; Availability of Suitable Existing Structures; Demonstration of Necessity.

1. Applicants for the erection of an Antenna, except amateur radio operators, shall be required to co-locate upon an existing Telecommunication Support Structure or authorized Alternative Telecommunication Support Structure to the extent reasonable. No new Telecommunication Support Structure, except amateur radio Telecommunication Support Structures, shall be permitted unless the Applicant demonstrates to the satisfaction of the Department that no existing Telecommunication Support Structure or authorized Alternative Telecommunication Support Structure can accommodate the Applicant's proposed Antenna(s) and related equipment. The Applicant must present an affidavit which lists the available existing Telecommunication Support Structures and reasons why co-location on those Telecommunication Support Structures is not possible. All evidence submitted shall be signed and sealed by appropriate licensed professionals or qualified industry experts and shall consist of more than mere conclusory statements that no existing Telecommunication Support Structure is suitable. Evidence submitted to demonstrate that no existing Telecommunication Support Structure can accommodate the proposed Antenna shall consist of one or more of the following:
 - a. That no existing Telecommunication Support Structures or suitable, authorized Alternative Telecommunication Support Structures are located within the Geographic Search Area required to meet the Applicant's engineering requirements;
 - b. That existing Telecommunication Support Structures or Alternative Telecommunication Support Structures within the Geographic Search Area do not have sufficient structural strength to support the Applicant's proposed Antenna(s) and related equipment. Such information shall be certified by a Georgia-licensed professional engineer;
 - c. That the Applicant's proposed Antenna(s) would cause electromagnetic interference with public safety emergency communications or existing Antenna(s) in the Geographic Search Area, or the Antenna(s) on the existing Telecommunication Support Structures or Alternative Telecommunication Support Structures in the Geographic Search Area would cause interference with the Applicant's proposed Antenna(s);
 - d. That the cost or contractual provisions required by the Telecommunication Support Structure owner or co-owners to share an existing Telecommunication Support Structure in the Geographic Search Area or to adapt an existing Telecommunication Support Structure for co-location are unreasonable. Costs exceeding the erection of a new Telecommunication Support Structure are presumed to be unreasonable; and/or
 - e. That the Applicant adequately demonstrates that there are other limiting factors that render existing Telecommunication Support Structures or authorized Alternative Telecommunication Structures unsuitable for co-location.

2. For each of the above, the Applicant must provide a listing of the existing Telecommunication Support Structures or authorized Alternative Telecommunication Support Structures within the Geographic Search Area that were considered, and ultimately rejected, by the Applicant and provide a detailed explanation of why the existing Telecommunication Support Structures or authorized Alternative Telecommunication Structures within the Geographic Search Area are not suitable.

G. Co-location Design Requirements.

1. In addition to all applicable building and safety codes, all Telecommunication Support Structures, whether erected in Public Rights-of-Way or not, except amateur radio Telecommunication Support Structures, shall be designed to accommodate the co-location of antennas according to the following standards:
 - a. For Telecommunication Support Structures, up to one hundred twenty five (125) feet in height, the structure shall be designed to accommodate at least four (4) Antennas; and
 - b. For Telecommunication Support Structures, greater than one hundred twenty-five (125) feet in height, the structure shall be designed to accommodate at least five (5) Antennas.
 - c. If the Department approves a Telecommunication Support Structure greater than one hundred ninety nine (199) feet in height, additional capacity may be required.

H. Aesthetics.

1. The guidelines set forth in this subsection shall govern the design and erection of all Telecommunication Facilities governed by this Section.
 - a. Telecommunication Support Structures and Antennas shall either maintain a galvanized steel outer shell or, subject to any applicable standards of the FAA and FCC, shall be painted a neutral color so as to reduce visual obtrusiveness.
 - b. At all Telecommunication Support Structure site and related structure design shall use materials, colors, textures, screening, and landscaping that will blend the Telecommunication Facilities to the natural setting and surrounding environment.
 - c. For Antennas erected on an Alternative Telecommunication Support structure, the Antenna and supporting electrical and mechanical ground equipment shall be a neutral color so as to make the Antenna and related equipment as visually unobtrusive as is reasonable.
 - d. Telecommunication Support Structures shall not be artificially lighted, unless required by the FAA, FCC, or other applicable authority. If lighting is required, the Department may review the available federally-approved lighting alternatives and approve the design that would cause the least disturbance to the surrounding area.
 - e. No signage or other identifying markings of a commercial nature shall be permitted upon any Telecommunication Support Structure or authorized Alternative Telecommunication Support Structure without prior approval of the Department and shall comply with the City's existing sign ordinance.

I. Setbacks and Separation.

1. The following setbacks and separation requirements shall apply to all Telecommunication Support Structures, except those governed by subsection T of this Section existing within or proposed to be erected within any Public Right-of-Way:
 - a. Telecommunication Support Structures shall be set back a distance equal to the greater of the height of the Telecommunication Support Structure or fifty (50) feet, from its base, to any Public Right-of-Way or property line of the parcel containing the Telecommunication Support Structure.
 - b. Guy-wires and accessory buildings and related equipment shall meet the minimum accessory use location and setback requirements and shall be completely contained within the parcel on which the Telecommunication Support Structure is located.
 - c. Telecommunication Support Structures over one hundred (100) feet in height shall not be located closer than one thousand five hundred (1,500) feet from any existing Telecommunication Support Structure that is over one hundred (100) feet in height.
 - d. Telecommunication Support Structures must be set back from any adjoining residentially zoned property the greater of (a) two (2) times the height of the Telecommunication Support Structure from any residentially-zoned property, or (b) a distance of five hundred (500) feet, as measured from the base of the Telecommunication Support Structure.

J. Security Fencing/Anti-Climbing Devices.

1. All Telecommunication Support Structures and related equipment shall be enclosed by fencing not less than six (6) feet in height and shall also be equipped with appropriate anti-climbing devices. Fencing shall be of chain link, wood, or other approved alternative materials, as determined by the Department.
2. Amateur radio Telecommunication Support Structures, or receive-only Antennas, shall not be subject to the provisions of this subsection unless such structures exceed thirty five (35) feet in height.

K. Landscaping.

1. The following requirements shall govern landscaping surrounding all Telecommunication Support Structures:
 - a. Where adequate vegetation is not present, Telecommunication Support Structures shall be landscaped with a landscaped strip of plant materials which effectively screens the view of the equipment compound. Landscaped strips shall be a minimum of ten (10) feet in width and shall be located outside the fenced perimeter of the compound. Landscaped strips shall satisfy the minimum design and planting requirements for buffers established in the City's Code of Ordinances.
 - b. Existing mature tree growth and natural land forms on any site containing an approved Telecommunications Facility shall be preserved to the maximum extent possible. Where natural vegetation around the perimeter of the site would provide an adequate visual screen, an undisturbed buffer may be utilized.

- c. Amateur radio Telecommunication Support Structures, or receive-only Antennas, shall not be subject to the provisions of this subsection unless such structures exceed thirty five (35) feet in height.

L. Documentation from Applicable Regulatory Agencies and Review for Aviation Purposes.

Any Applicant for the erection of a Telecommunication Facility governed by this Section shall demonstrate compliance with all FAA and FCC regulations with respect to prior approval, registration, and/or licensure of a proposed Telecommunication Facility. No building permit shall be issued until an Applicant has received approval from the FAA and/or registered the proposed facility with the FCC where required and provided copies of all applicable approvals, registrations, and/or licenses to the Department's Chief Building Inspector. In the alternative, Applicants may demonstrate that such prior authorization and/or registration is not required to be accompanied by a sworn affidavit asserting the same. The Department shall submit a copy of any application deemed to risk interference with the operation of existing or proposed airport facilities or deemed to require prior FAA and/or FCC approval and/or registration to the City of Atlanta Department of Aviation for review and recommendation. All Telecommunication Facilities must meet or exceed current standards and regulations of the FAA, the FCC, the Commission, and any other agency of the federal government authorized to regulate such facilities, as should be prospectively amended.

M. Building Codes: Safety Standards.

To ensure the structural integrity of Telecommunication Facilities, the owner, permittee, or subsequent lessee of a Telecommunication Support Structure or Alternative Telecommunication Support Structure shall ensure that all applicable Telecommunication Facilities on such site are maintained in compliance with standards contained in applicable local building codes. If, upon inspection, the Department concludes that an applicable Telecommunication Facility fails to comply with all governing codes and standards, or constitutes a danger to persons or property, then upon receipt of written notice by the owner, permittee, or lessee of such a facility, the recipient shall have fifteen (15) days to bring the Telecommunication Facility into compliance with such standards. If the owner, permittee, or lessee fails to bring the Telecommunication Facility into compliance within the 15-day period, the Department may, at the direction of the Chief Building Inspector, remove the non-compliant Telecommunication Facility at the owner, permittee, or lessee's expense. Prior to the removal of any telecommunication facility, the Department may consider detailed plans submitted by the owner, permittee, or subsequent lessee for repair of substandard Telecommunication Support Structures, and may grant a reasonable extension of the above referenced compliance period. Any such removal by the Department shall be in the manner provided in O.C.G.A. §§ 41-2-7—41-2-17.

N. Change of Ownership or Control Notification.

Upon the transfer of ownership or control of any Telecommunication Facility not located in a Public Right-of-Way and governed by subsection T of this Section, or of any parcel upon which such a Telecommunication Facility has been erected, the party transferring such ownership or control shall notify the Department of the transaction in writing within thirty (30) days.

O. Applications Required.

All applications for a permit to erect Telecommunication Facilities, including Telecommunication Support Structures or Antennas, including applications to modify existing Telecommunication Facilities and co-locate new Antennas and/or equipment onto existing Telecommunication Facilities,

whether proposed on private lands or in Public Rights-of-Way, shall be made to the Department. The application forms and other documents and papers necessary for the implementation and enforcement of this Section shall be on such forms as may be prepared by the Department. No application shall be considered by the Department until such application is complete and accompanied by all necessary documents, papers, and other evidence of eligibility as may be set forth or otherwise required by the application. All applications shall be sworn to by the Applicant if an individual, or by a partner if a partnership, or by a manager or member if a limited liability company, or by an officer or equivalent position if a corporation or other legal entity.

P. Applications for Permit to Modify or Co-locate Telecommunication Facilities Not Resulting in a Substantial Increase in Size Not Located in Public Rights-of-Way.

1. Application of Section. The Department may approve the erection of additional Antennas or otherwise telecommunications equipment upon existing Telecommunication Support Structures or Alternative Telecommunication Support Structures under this subsection that do not result in a Substantial Increase in Size as defined in subsection A of this Section to any existing Telecommunication Facility.
2. Setback Adjustments. As part of any approval under this subsection, the Department may reduce setback requirements by up to ten (10) percent to compensate for irregularly shaped lots or parcels.
3. Contents of Applications - Modifications and Co-Locations Not Resulting in Substantial Increase in Size.

All applications for permits to modify an existing Telecommunication Facility and/or co-locate telecommunication equipment onto an existing Telecommunication Support Structure or Alternative Support Structure shall be made upon forms provided by the Department, and shall contain or have attached thereto the following information:

- a. Name, address and telephone number of a principal office and local agent of the Applicant;
- b. An affirmative indication that the Applicant seeks either to modify an existing Telecommunication Facility or co-locate a Telecommunication Facility or Facilities on an existing Telecommunication Support Structure or Alternative Support Structure as well as an affirmative indication that the proposed plans do not result in a Substantial Increase in Size;
- c. The Physical Address of the Telecommunication Support Structure or Alternative Telecommunication Support Structure to be modified or upon which a proposed Antenna(s) is to be installed;
- d. Name of the person, firm, corporation or association performing modifications to existing Telecommunication Support Structures or Alternative Telecommunication Support Structures or erecting the Antenna(s);
- e. Written consent of the owner of the existing Telecommunication Support Structure or Alternative Telecommunication Support Structure, and any party with an ownership interest in the applicable Telecommunication Support Structure or

Alternative Telecommunication Support Structure to be modified or upon which the Antenna(s) is to be erected;

- f. Proof of and/or certified copies of any required approval, registration, and/or licensure from the Commission for any provider of telecommunications service provider to provide services in the State of Georgia, where applicable, and any other required FAA, FCC, or otherwise state and federal approval, registration, and/or licensure required to erect, modify, or collocate the proposed Telecommunication Facility;
- g. A description of the Telecommunication Services to be provided by and through, or otherwise in connection with, the proposed Telecommunication Facility or modified, existing Telecommunication Support Structure or Alternative Telecommunication Support Structure;
- h. An affirmative declaration that the Applicant shall comply with all applicable federal, state, and local laws and regulations, including all applicable provisions of the City's Code of Ordinances and conditions imposed by the Department regarding the erection and maintenance of Telecommunication Facilities; and
- i. Applications for permits to co-locate through the erection of a new Antenna(s) or other Telecommunication Facilities onto an existing Telecommunication Support Structure or Alternative Telecommunications Support Structure, shall contain or have attached thereto six (6) sets of accurate scale drawings including a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation including, but not limited to, the method of construction and attachment to the Telecommunication Support Structure for the proposed Telecommunication Facility or Facilities. Plans for co-location shall be certified by an independent registered structural engineer licensed in the State of Georgia as meeting all current safety and design standards of all applicable federal, state, and City codes and regulations.

4. Review Procedures - Applications for Permits Not Resulting in Substantial Increase in Size.

All applications for a permit to modify an existing Telecommunication Facility or to co-locate a Telecommunication Facility onto an existing Telecommunication Support Structure or Alternative Support Structure shall be made to the Department. The application and other documents and papers necessary for the implementation and enforcement of this Section shall be on such forms as may be prepared by the Chief Building Inspector. To be considered complete, said application shall include the affirmative indication that the proposed plans do not result in a Substantial Increase in Size as provided in subsection (c)(2) above. No application shall be considered by the Department until such application is complete and accompanied by all necessary documents, papers, and other evidence of eligibility as may be set forth or otherwise required by the application. All such applications shall be sworn to by the Applicant if an individual, or by a partner if a partnership, or by a manager or member if a limited liability company, or by an officer or equivalent position if a corporation or other legal entity.

- a. Pre-Application Conference. Prior to submitting any application governed by this subsection, all Applicants shall be required to attend a pre-application meeting with

the Chief Building Inspector and applicable City staff to discuss the requirements for the application. The Chief Building Inspector shall have the discretion to waive this requirement.

- b. Deficiencies in Applications. The Department shall notify an Applicant submitting an application governed by this subsection of any identified deficiencies therein within thirty (30) calendar days of receipt of such an application. If the Department determines an application is not complete, it shall notify the Applicant in writing of any information required to complete the application. To the extent additional information is required, the time required for an Applicant to provide such information shall not be counted toward the ninety (90) calendar day review period set forth herein. Upon any resubmittal of an application, the Department shall have thirty (30) additional calendar days to give notice as to the completeness of the revised submission.
- c. Determination by the Department. Within ninety (90) calendar days after receiving a complete application under this subsection, the Department, at the direction of the Chief Building Inspector, shall issue a written determination granting, granting subject to enumerated condition(s), or denying the application in whole or in part. To the extent an application is denied, the written determination shall include reasons for the denial and be supported by substantial evidence. Evaluation of an application governed by this subsection shall include:
 - i. The height and setbacks of the proposed Telecommunication Facility, including cumulative height and setbacks of a modified, existing Telecommunication Support Structure or Alternative Telecommunication Support Structure;
 - ii. The proximity of the proposed Telecommunication Facility or modified, existing Telecommunication Support Structure or Alternative Support Structure to residential structures and residential district boundaries;
 - iii. The nature of uses, as well as the height of existing structures, on adjacent and nearby properties;
 - iv. The surrounding topography;
 - v. The surrounding tree coverage and foliage;
 - vi. The design of the Telecommunication Support Structure or Alternative Telecommunication Support Structure, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness, where applicable;
 - vii. The proposed ingress and egress;
 - viii. The availability of suitable existing Telecommunication Support Structures or Alternative Telecommunication Support Structures for Antenna co-location;
 - ix. The proposed Telecommunication Facility or modification's effect on property values of adjacent and nearby residential properties;
 - x. Structural safety concerns associated with the proposed Telecommunication Facility or modification, including design features which minimize risks to surrounding areas in the event of major structural failure;
 - xi. The effect, if any, on health, safety, and welfare if the proposed Telecommunication Facility or modification is permitted;

- xii. Applicable federal, state, and local telecommunications laws, regulations, and policies; and
- xiii. Such other factors as the Department may reasonably deem in the community interest.

5. Appellate Rights. An Applicant may appeal the Chief Building Inspector's decision with respect to an application, including any denial or conditional approval of an application, to the Mayor and Council by filing a written notice of appeal within thirty (30) calendar days of the issuance of said decision with the City's clerk. Failure to file a notice of appeal within thirty (30) calendar days of the decision shall constitute a waiver of the Applicant's appeal rights.
6. Appellate Procedure. The Mayor and Council shall hold a public hearing within forty-five (45) calendar days of receipt of the notice of appeal of an application as provided in subsection 5. Official notice of the public hearing shall be given in accordance with the Zoning Procedures Law of the State of Georgia. In addition, said official notice of the public hearing shall include the location of the proposed facility.

Q. Applications for Permits to Erect New Telecommunication Support Structures and Alternative Telecommunication Support Structures or Modify or Co-locate Telecommunication Facilities Resulting in a Substantial Increase in Size Not in a Public Right-of-Way.

Prior to submitting any application governed by this subsection, all Applicants shall be required to attend a pre-application meeting with the Chief Building Inspector and applicable City staff to discuss the requirements for the application. The Chief Building Inspector shall have the discretion to waive this requirement.

1. Contents of Applications - New Telecommunication Support Structures and Alternative Telecommunication Support Structures. Applications for permits to erect a new Telecommunication Support Structure or Alternative Telecommunication Support Structure shall be made upon forms provided by the Department, and shall contain or have attached thereto the following information:
 - a. Name, address, and telephone number of a principal office and local agent of the Applicant;
 - b. Physical address of the parcel upon which the proposed Telecommunication Support Structure or Alternative Telecommunication Support Structure is to be erected;
 - c. Name of the person, firm, corporation, or association erecting the Telecommunication Support Structure or Alternative Telecommunication Support Structure, including all parties with a prospective ownership interest in the proposed Telecommunication Support Structure or Alternative Telecommunication Support Structure;
 - d. Written consent of all parties with an existing ownership interest, including all underlying land owners and owners or licensees of any affected, existing Telecommunication Support Structures or Alternative Telecommunication Support Structures, allowing the application;
 - e. A site plan showing existing vegetation to be removed from the site, and vegetation to be replanted to replace the vegetation that will be removed;
 - f. A certified statement prepared by an engineer licensed in Georgia or other qualified industry professional indicating that the erection and operation of the proposed Telecommunication Support Structure or Alternative Telecommunication Support

Structure, including reception and transmission functions, will not interfere with public safety communications or the usual and customary transmission or reception of radio, television, or other Telecommunication Service enjoyed by adjacent properties;

- g. Proof of and/or certified copies of any required approval, registration, and/or licensure from the Commission for any provider of Telecommunications Service provider to provide services in the State of Georgia, where applicable, and any other required FAA, FCC, or otherwise state and federal approval, registration, and/or licensure required to erect the proposed new Telecommunication Support Structure or Alternative Telecommunication Support Structure;
- h. Written certification that all emissions from any antenna on the Telecommunication Support Structure will comply with FCC frequency emissions standards;
- i. The Applicant shall provide photo-simulated post-construction renderings of the completed proposed Telecommunication Support Structure, equipment compound and/or equipment cabinets, ancillary structures, and landscaping, if any, from locations determined at the pre-application conference, if held. The views shall incorporate before and after scenarios, a scaled color image of the proposed type of facility, an aerial map with the location of the selected views, and a description of the technical approach used to create the photo simulations. The simulations shall include a minimum of four (4) vantage points (generally north, south, east, and west). Based on the information provided at the pre-application conference, the Applicant may be required to provide other pictorial representations from other viewpoints, including, but not limited to, state highways and other major roads, state and local parks; other public lands; historic districts; preserves and historic sites normally open to the public, and from any other location where the site is visible to a large number of visitors, travelers or residents.
- j. The Department may, at its sole discretion, require a balloon test to be conducted at any time during which an application is pending before the Department;
- k. Applications for permits to erect a Telecommunication Support Structure shall contain or have attached thereto the following information:
 - i. Six (6) sets of accurate scale drawings including a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation including, but not limited to, the method of construction and attachment to the ground for the Telecommunication Support Structure. The plans for the Telecommunication Support Structure construction shall be certified by a registered structural engineer licensed in the State of Georgia as meeting all current safety and design standards of all applicable federal, state, and City codes, and shall show the location and dimensions of all improvements, including information concerning topography, radio frequency coverage, Telecommunication Support Structure height requirements, setbacks, drives, parking, fencing, landscaping, adjacent uses, and other information deemed by the Department to be necessary to assess compliance with this Section. In addition, the report from the structural engineer must contain:
 - a). Telecommunication Support Structure height and design, including technical, engineering, economic, and other pertinent factors governing selection of the proposed design. A cross-section of the Telecommunication Support Structure shall be included;

- b). Total anticipated capacity of the structure, including number and types of Antenna(s) which can be accommodated;
 - c). Evidence of structural integrity of the proposed Telecommunication Support Structure; and
 - d). Failure characteristics of the Telecommunication Support Structure and demonstration that site and setbacks are of adequate size to contain debris.
2. Contents of Applications – Erection, Modification, and/or Co-location of Telecommunication Antennas.

Applications for permits to erect new telecommunication Antennas, including but not limited to Small Cells and Network Infrastructure, excluding any Telecommunication Support Structure or Alternative Telecommunication Support Structure governed by this Section, which as proposed would result in a Substantial Increase in Size, shall be made upon forms provided by the Department, and shall contain or have attached thereto the following information:

- a. Name, address and telephone number of a principal office and local agent of the Applicant;
- b. An indication of whether the Applicant seeks to erect new Telecommunication Facilities, modify existing telecommunication facilities or co-locate Telecommunication Facilities on an existing Telecommunication Support Structure or an Alternative Support Structure as well as an indication that the proposed plans result in a Substantial Increase in Size;
- c. Address of Telecommunication Support Structure or Alternative Telecommunication Support Structure to be modified or upon which the proposed Antenna(s) is to be installed;
- d. Name of the person, firm, corporation or association installing the Antenna(s);
- e. Written consent of the owner of the Telecommunication Support Structure or Alternative Telecommunication Support Structure to be modified or upon which a proposed Antenna(s) is to be erected, and any party with an ownership interest therein whose rights and/or use will be impacted through Department approval of the application;
- f. Proof of and/or certified copies of any required approval, registration, and/or licensure from the Commission for any Provider of Telecommunications Service to provide Telecommunication Services in the State of Georgia, where applicable, and any other required FAA, FCC, or otherwise state and federal approval, registration, and/or licensure required to erect or modify the proposed Telecommunication Facility;
- g. A certified statement prepared by an engineer licensed in Georgia or other qualified industry professional that the erection and operation of the proposed Antenna(s) on an existing Telecommunication Support Structure or Alternative Telecommunication Support Structure, including reception and transmission functions, will not interfere with public safety communications or the usual and customary transmission or reception of radio, television, or other Telecommunication Service enjoyed by adjacent properties;
- h. A description of all Telecommunication Services to be provided by and through, or otherwise in connection with, the proposed Telecommunication Facility or modified, existing Telecommunication Support Structure or Alternative Telecommunication Support Structure;

- i. A declaration that the Applicant shall comply with all applicable federal, state, and local laws and regulations, including all City ordinances and conditions imposed by the Department regarding the erection and maintenance of Telecommunication Facilities; and
 - j. Applications for permits to co-locate through the erection of a new Antenna(s), including all forms of telecommunication equipment, onto an existing Telecommunication Support Structure or Alternative Telecommunications Support Structure, shall contain or have attached thereto six (6) sets of accurate scale drawings including a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation including, but not limited to, the method of construction and attachment to the telecommunication support structure for the proposed equipment. Plans for co-location shall be certified by an independent registered structural engineer licensed in the State of Georgia as meeting all current safety and design standards of all applicable federal, state, and City codes.
3. Administrative Fee. All applications for permits to erect new Telecommunication Support Structure, Alternative Telecommunication Support Structures, or other Telecommunication Facilities governed by this subsection shall be accompanied by an administrative fee as provided for in section V.
4. Considerations in Approval or Denial of an Application. Any denial of a request to erect a new Telecommunication Facility, modify an existing Telecommunication Facility, or co-locate an Antenna(s) onto an existing Telecommunication Facility that would result in a Substantial Increase in Size of Telecommunication Facilities not located in a Public Right-of-Way shall be issued by the Department in writing and supported by substantial evidence. For new Telecommunication Facilities, the Department shall consider, but is not limited to, the following factors in acting upon an application under the provisions of this Section:
- a. The height and setbacks of the proposed Telecommunication Facility;
 - b. The proximity of the proposed or existing Telecommunication Facility to residential structures and residential district boundaries, where applicable;
 - c. The nature of uses, as well as the height of existing structures, on adjacent and nearby properties;
 - d. The surrounding topography;
 - e. The surrounding tree coverage and foliage;
 - f. The design of the proposed or existing Telecommunication Facility, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness, where applicable;
 - g. The proposed ingress and egress;
 - h. The availability of suitable existing Telecommunication Support Structures or other Alternative Telecommunication Support Structures for Antenna co-location;
 - i. The evidence submitted regarding the need for the Telecommunication Facility in the area, including but not limited to propagation maps and other similar materials, where applicable;
 - j. The effect, if any, on health, safety, and welfare if the proposed Telecommunication Facility is permitted;
 - k. Applicable federal, state, and local telecommunications laws, regulations, and policies;
 - l. The proposed Telecommunication Facility's effect on property values of any adjacent and nearby residential properties;

- m. Structural safety concerns associated with the proposed Telecommunication Facility, including design features which minimize risks to surrounding areas in the event of major structural failure; and
 - n. Such other factors as the Department may reasonably deem in the community interest.
5. Procedure for Issuance - Permits Resulting in a Substantial Increase in Size Not in Public Rights-of-Way.
- a. Review for Completeness. The Department shall notify an Applicant submitting an application governed by this subsection of any identified deficiencies therein within thirty (30) calendar days of receipt of such an application. If the Department determines an application is not complete, the Department shall notify the Applicant in writing of any information required to complete the application. To the extent additional information is required, the time required for an Applicant to provide such information shall not be counted toward the applicable review period set forth herein. Upon any resubmittal of an application, the Department shall have thirty (30) additional calendar days to give notice as to the completeness of the revised submission.
 - b. Period of Review. Within one hundred and fifty (150) calendar days after receiving a complete application for the erection, modification, or co-location of a Telecommunications Facility governed by this subsection and not located in a Public Right-of-Way, the Chief Building Inspector, acting on behalf of the Department, shall issue a written determination granting or denying the application in whole or in part, including imposing any conditions. Any decision by the Department to deny an application shall be in writing, shall include reasons for denial, and shall be supported by substantial evidence contained in a written record.
 - c. Appellate Rights. The Department's decision to deny an application may be appealed to the Mayor and Council by filing a written notice of appeal within thirty (30) calendar days of the denial. Failure to file a notice of appeal within thirty (30) calendar days of such a denial shall constitute a waiver of the Applicant's appeal rights.
 - d. Appellate Procedure. The Mayor and Council shall hold a public hearing within forty-five (45) calendar days of receipt of the notice of appeal of an application as provided in subsection (e)(3). Official notice of the public hearing shall be given in accordance with the state Zoning Procedures Law. In addition, said official notice of the public hearing shall include the location of the proposed facility.
- R. Applications for Telecommunication Facilities in Public Rights-of-Way.
- 1. Purpose. The purpose and intent of this subsection is to establish a local policy concerning applications for the erection or modification of Telecommunication Facilities, including Telecommunication Support Structures, in the City's Public Rights-of-Way in accordance with the Federal Telecommunications Act of 1996 and O.C.G.A. §§ 32-4-92, 46-5-1; permit and manage reasonable access to the City's Public Rights-of-Way for telecommunications purposes on a competitively neutral and non-discriminatory basis; assure the City can continue to fairly and responsibly protect public health, safety, and welfare; promote competition in telecommunications; and establish clear guidelines for Applicants seeking a permit with respect to the City's Public Rights-of-Way.

2. Definitions. The definitions set forth in subsection 2 of this Section shall apply to the contents of this subsection notwithstanding the following. For the purpose of this subsection, and its interpretation and enforcement, the following words and phrases shall have the following meanings, unless the context of the sentence in which they are used indicates otherwise:

City Property: All real property owned by the City, other than public streets and utility easements as those terms are defined in this subsection, and all property held in a proprietary capacity by the City, not subject to right-of-way access.

Grantee: Applicant in receipt of written authorization from the City to erect, operate, and/or maintain Telecommunication Facilities in Public Rights-of-Way, whether obtained via direct grant or transfer of authority following required notice to the Department.

Private Street: A privately owned street, road, highway, boulevard, freeway, lane, path, alley, court, sidewalk, parkway, or drive constructed to City standards.

Public Street: A street, road, highway, boulevard, freeway, lane, path, alley, court, sidewalk, parkway, or drive which is owned by a public entity or to which a public entity has an easement for street purposes, and with respect to which, and to the extent that, the City has a right to grant use of the surface of and space above and below in connection with an authorized Provider of Telecommunications Services and/or owner of Telecommunication Facilities.

Telecommunication Facility Owner: Any person or entity that directly or indirectly owns, controls, operates, or manages Telecommunications Facilities, including any related equipment or property within the City, used or to be used for the purpose of offering or transmitting signals used in the provision of any Telecommunication Services.

Utility Easement: Any easement owned by the City and acquired, established, dedicated, or devoted for public utility purposes not inconsistent with Telecommunication Facilities, Telecommunication Support Structures, Alternative Telecommunication Support Structures, and any Antennas.

3. Contents of Applications. Applicants seeking to modify, collocate, or erect new Telecommunication Facilities on City property and/or in any Public Right-of-Way within the municipal limits of the City, shall provide the following, in addition to completed application forms, as should be prescribed by the Department:
- a. Name, address and telephone number of a principal office and local agent of the Applicant;
 - b. An indication of whether the Applicant seeks to modify existing Telecommunication Facilities, co-locate Telecommunication Facilities on an existing Telecommunication Support Structure or Alternative Telecommunication Support Structure, or erect new Telecommunication Support Structures or Alternative Telecommunication Support Structures in the City's Public Rights-of-Way;
 - c. Proof of and/or certified copies of any required approval, registration, and/or licensure from the Commission for any Provider of Telecommunications Service to provide Telecommunication Services in the State of Georgia, where applicable, and any other required FAA, FCC, or otherwise state and federal approval, registration, and/or licensure

required to erect or modify Telecommunication Facilities on City property or in the applicable Public Right-of-Way;

- d. Proof of adequate insurance or self-insurance of the Applicant to defend and cover all claims of third parties against the Applicant and/or City personnel related to the use of the Public Right-of-Way;
 - e. A description of the Applicant's service area, where applicable, which shall be sufficiently detailed so as to allow the City to respond to subscriber or end-user inquiries. For the purpose of this paragraph, an Applicant providing Telecommunication Services may, in lieu of or as a supplement to a written description, provide a map on 8 1/2 by 11 inch paper that is clear and legible and that fairly depicts the service area within the municipal limits of the City. If such service area is less than the municipal limits of the City, the map shall describe the boundaries of the geographic area to be served in clear and concise terms;
 - f. A description of the Telecommunication Services to be provided by and through, or otherwise in connection with, the proposed or modified Telecommunication Facility;
 - g. An declaration that the Applicant shall comply with all applicable federal, state, and local laws and regulations, including all City ordinances and conditions imposed by the Department regarding the erection and maintenance of Telecommunication Facilities in the Public Rights-of-Way, consistent with federal standards and applicable to all users of the Public Rights-of-Way; and
 - h. For applications for the erection of new Telecommunication Support Structures and Alternative Support Structures the erection of otherwise Telecommunication Facilities, or the modification of existing Telecommunication Facilities that results in a Substantial Increase in Size, a demonstration of necessity—as set forth in subsection 9 of this Section.
4. Review Procedures - Public Rights-of-Way.
- a. Pre-Application Conference. Prior to submitting any application governed by this subsection, all Applicants governed by this subsection shall be required to attend a pre-application meeting with the Chief Building Inspector and applicable City staff to discuss the requirements for the application. The Chief Building Inspector shall have the discretion to waive this requirement.
 - b. Deficiencies in Applications. Pursuant to O.C.G.A. § 46-5-1, the Department shall notify an Applicant submitting an application governed by this subsection of any identified deficiencies therein within fifteen (15) business days of receipt of such an application. Upon any resubmittal of an application, the Department shall have fifteen (15) additional business days to give notice to an Applicant as to the completeness of any revised submission.
 - c. Determination by the Department. Within ninety (90) calendar days after receiving a complete application under this subsection for modification or co-location of an existing telecommunication facility on City property or in a Public Right-of-Way, or within one hundred and fifty (150) calendar days after receiving a complete application for a new Telecommunication Support Structure or Alternative Telecommunication Support Structure in a Public Right-of-Way, the Department shall issue a written determination

granting or denying the application in whole or in part, including imposing and applicable conditions. If the application is denied, the written determination shall be based on substantial evidence and include reasons for denial. Evaluation of any application for the construction of Telecommunication Facilities on public property or in Public Rights-of-Way shall include the following:

- i. The height and setbacks of the proposed or modified Telecommunication Support Structure or Alternative Telecommunication Support Structure, where applicable;
 - ii. The proximity of the proposed or modified Telecommunication Facility to residential structures and residential district boundaries;
 - iii. The nature of uses, as well as the height of existing structures, on adjacent and nearby properties;
 - iv. The surrounding topography;
 - v. The surrounding tree coverage and foliage;
 - vi. The design of any applicable Telecommunication Support Structure or Alternative Support Structure, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
 - vii. The proposed ingress and egress;
 - viii. The availability of suitable, existing Telecommunication Support Structures or Alternative Telecommunication Support Structures for Antenna co-location;
 - ix. The evidence submitted regarding the need for applicable Telecommunication Support Structures or Alternative Telecommunication Support Structures in the proposed location, including but not limited to propagation maps and other similar materials, where applicable;
 - x. The proposed or modified Telecommunication Facility's effect on property values of adjacent and nearby residential properties;
 - xi. Structural safety concerns associated with the proposed or modified Telecommunication Facility, including design features which minimize risks to surrounding areas in the event of major structural failure;
 - xii. The public interest in minimizing the cost and disruption of construction within the City's Public Rights-of-Way;
 - xiii. The effect, if any, on health, safety, and welfare if the proposed Telecommunication Facility or modification is permitted;
 - xiv. Applicable federal, state, and local telecommunications laws, regulations, and policies; and
 - xv. Such other factors as may affect the City's management of its Public Rights-of-Way in the community interest.
- d. Appellate Rights. The Department's decision to deny an application may be appealed to the Mayor and Council by filing a written notice of appeal within thirty (30) calendar days of the denial. Failure to file a notice of appeal within thirty (30) calendar days of the denial shall constitute a waiver of the Applicant's appeal rights.
- e. Appellate Procedure. The Mayor and Council shall hold a public hearing within forty-five (45) calendar days of receipt of the notice of appeal of an application as provided in subsection 4 (d) of this subsection. Official notice of the public hearing shall be given in

accordance with the Zoning Procedures Law of the State of Georgia. In addition, said official notice of the public hearing shall include the location of the proposed facility.

5. Term of Authorization - Public Rights-of-Way. Unless otherwise specified by the Department, all permits to erect, and authorization to operate, Telecommunication Facilities in Public Rights-of-Way shall be valid for a term of seven (7) years from the date of issuance.
6. Renewal Applications and Determinations. An Grantee that desires to renew its authorization to under this section shall, not more than two hundred forty (240) days or less than ninety (90) days before expiration of a current authorization, file an application with the Department for renewal of its permit. Within ninety (90) days of receipt of a complete application for renewal, under this subsection, the Department shall issue a written determination granting or denying the renewal application in whole or in part, including imposing any applicable conditions. If denied, the reasons for non-renewal shall be provided in the Department's written determination.
 - a. Contents of Renewal Applications. All renewal applications shall include the following information:
 - i. Information requested pursuant to subsection T(3), to the extent applicable, including any updates to information previously provided to the Department; and
 - ii. Any information required as a condition of issuance of authorization to erect and/or operate Telecommunication Facilities in Public Rights-of-Way.
 - b. Appellate Rights. The Department's decision to deny a renewal application or impose added conditions following review of a renewal application may be appealed to the Mayor and Council by filing a written notice of appeal within thirty (30) calendar days of the denial. Failure to file a notice of appeal within thirty (30) calendar days of the denial shall constitute a waiver of the Applicant's appeal rights.
7. Fees for Access to Public Rights-of-Way. Pursuant to O.C.G.A § 46-5-1 (b)(9) and in accordance with applicable state law, Telecommunication providers and Applicants governed by this subsection shall provide the City due compensation for use of, and access to, a Public Right-of-Way, equal to no more than three (3) percent of actual recurring local service revenues received by a provider from its retail, end user customers located within the municipal limits of the City, and no more than three (3) percent of actual recurring revenues from lease of governed Telecommunication Facilities. Such compensation shall not be assessed in a discriminatory fashion with respect to the Telecommunication Services to be provided or transmitted by or through a proposed Telecommunication Facility, in accordance with applicable state law. Said compensation for the use of the Public Right-of-Way shall be paid by the Applicant within thirty (30) days after the end of each calendar quarter. It shall be the discretion of the Chief Building Inspector to waive any such fees.
8. Maintenance. A Telecommunication Facility erected in Public a Right-of-Way shall be maintained in good condition, as determined by the Department. Maintenance of such a Telecommunication Facility shall include, but not be limited to the structural integrity of all Telecommunication Support Structures, Alternative Telecommunication Support Structures, Antennas, equipment compounds, equipment cabinets, painting, irrigation systems, buffer areas, and landscaping, to the extent applicable.

9. Restoration of Public Right-of-Way and City Property. When a Grantee authorized to construct Telecommunication Facilities in Public Rights-of-Way, or any person acting on behalf of a Grantee, does any work affecting any Public Right-of-Way or City property, it shall, at its own expense, promptly remove any obstructions therefrom and restore such Public Right-of-Way or City property to as good a condition as existed before the work was undertaken, unless otherwise directed by the Department. Restoration will be consistent with standards required by the City.
10. Grantee Insurance for Use of Public Rights-of-Way. Unless otherwise provided by the Department, any Applicant, as a condition of grant of authorization to erect Telecommunication Facilities in a Public Right-of-Way, shall secure and maintain comprehensive insurance policies insuring both the Applicant and the City, and its officers, appointed officials, agents, employees, and assigns as coinsured. Such insurance coverage shall include general liability insurance, automobile liability insurance, worker's compensation insurance, employer's liability insurance, and premises-operations insurance. Such insurance shall be maintained throughout the duration of an Applicant's authorization to own or operate a Telecommunication Facility in an applicable Public Right-of-Way.
11. Indemnification. Each Applicant shall, upon receiving authorization from the Department to erect or modify Telecommunication Facilities in a Public Right-of-Way, and to the extent permitted by law, shall expressly undertake to defend, indemnify, and hold the City and its officers, appointed officials, agents, employees, and assigns harmless from and against any and all damages, losses, and expenses, including reasonable attorney's fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from the negligent, careless, or wrongful acts, omissions, failures to act, or misconduct of the Applicant or its affiliates, officers, employees, agents, contractors, or subcontractors in the construction, operation, maintenance, repair, or removal of any Telecommunication Facilities in Public Rights-of-Way, whether such acts are authorized, allowed, or prohibited by this Section.
12. Transfer of Authorization to Erect, Own, and Operate Telecommunication Facilities in Public Rights-of-Way. Control of an authorized Telecommunication Facility in a Public Right-of-Way may not, directly or indirectly, be transferred, assigned, or disposed of by sale, lease, merger, consolidation or other act of a Grantee, by operation of law or otherwise, without prior consent of the Department, which shall not be unreasonably withheld or delayed. A Grantee and the proposed assignee or transferee of an existing permit to erect and operate a Telecommunication Facility in a Public Right-of-Way shall provide and certify, via sworn affidavit, the following information to the Department not less than ninety (90) days prior to the proposed date of such transfer or assignment of control:
 - a. Information setting forth the nature, terms, and conditions of the proposed transfer or assignment of ownership and/or control;
 - b. With respect to the transferee/assignee, all information as outlined in subsection T(3) of this Section;
 - c. Any changes to information provided to the Department, as set forth in subsection T(3)(c) of this Section; and
 - d. Any other information reasonably required by the Department.
13. Revocation or Termination of Permit. Any authorization to erect or operate telecommunication facilities in a Public Right-of-Way, granted by the Department, may be revoked for the following reasons:

- a. Erection or operation of Telecommunication Facilities at an unauthorized location;
 - b. Unauthorized sale, assignment, or transfer of control or ownership of a previously authorized Telecommunication Facility in a Public Right-of-Way without prior Department approval;
 - c. Misrepresentation or lack of candor by or on behalf of an Grantee in any representation to the Department;
 - d. Abandonment of applicable Telecommunication Facilities as set forth in this subsection;
 - e. Failure to pay required reasonable fees or costs for access and use of Public Rights-of-Way, as may be required under this subsection;
 - f. Violation of a material provision of the City's Code of Ordinances; or
 - g. Violation of a material condition set forth in any permit or authorization to erect and operate Telecommunication Facilities in Public Rights-of-Way.
14. Notice of Removal. In the event the Department orders removal, relocation, or adjustment of a Telecommunication Support Structure, Alternative Telecommunication Support Structure, or other Telecommunication Facility in a Public Right-of-Way or public property out of necessity, the Department shall provide any affected Grantee sixty (60) days' written notice.

S. Limitations of Municipal Authority.

In regulating the erection and maintenance of Telecommunication Facilities, whether located on private lands or in Public Rights-of-Way, the Department shall not:

1. Condition the approval of any application for a new Telecommunication Support Structure or Alternative Telecommunication Support Structure on a requirement that a modification or co-location to such structure be subject to a review inconsistent with this Section;
2. Require the removal of an existing Telecommunication Support Structure, Alternative Telecommunication Support Structure, or Telecommunication Facility as a condition of approval of an application for a new Telecommunication Facility unless such existing Telecommunication Support Structure, Alternative Telecommunication Support Structure, or Telecommunication Facility is abandoned and owned by the Applicant;
3. Require the Applicant to place an Antenna or other wireless equipment on publicly owned land or on a publicly or privately owned water tank, building, or electric transmission tower as an alternative to the location proposed by the Applicant.

T. Fees.

The fees levied and charged for all persons and businesses subject thereto are set forth on a schedule which may be amended from time to time by resolution of the Mayor and Council, a copy of which is on file in the City clerk's office and the Department. Fees are levied and assessed in addition to any business or occupational taxes assessed and levied under this Code of Ordinances. For applications seeking to modify an existing Telecommunication Support Structure or Alternative Telecommunication Support Structure or seeking to co-locate equipment onto an existing Telecommunication Support Structure or Alternative Telecommunication Support Structure, not resulting in a Substantial Increase in Size as governed by subsection S of this Section, the Department shall not impose a fee greater than five hundred dollars (\$500.00) for review and inspection, unless otherwise permitted by law. The Department shall not seek reimbursement from an Applicant for fees, consultation fees, registry fees, audit fees, or otherwise payment in connection with an application subject to this Section on a contingency fee arrangement.

U. Bond Requirement for New Telecommunication Support Structures.

Prior to the issuance of a permit for the erection of a Telecommunication Support Structure or Alternative Telecommunication Support Structure, an Applicant shall procure a bond or an irrevocable letter of credit in an amount not less than twenty-five thousand dollars (\$25,000.00) conditioned upon the removal of the Telecommunication Support Structure or Alternative Telecommunication Support Structure, should it be deemed abandoned under the provisions set forth in subsection 4 of this Section. Such bond or letter of credit (a) shall be renewed at least every two (2) years during the life of the Telecommunication Support Structure or Alternative Telecommunication Support Structure, (b) shall not expire unless the Department is given sixty (60) calendar days' prior written notice, (c) shall include the name, address, telephone number, and contact for the provider bond or letter of credit and (d) in the case of a bond, shall include a statement that the provider of the bond is listed in the latest issue of the U.S. Treasury Circular 570.

V. Non-Discrimination.

In evaluating any application governed by this Section the Department shall not unreasonably discriminate among telecommunication providers of functionally equivalent services and technical capabilities and/or deny an application based solely on the financial status of an Applicant, type of Telecommunication Services to be provided should a prospective application be approved, and/or the content of telecommunications to be provided by and/or through proposed Telecommunication Facilities.

W. Zoning Standards.

Applicants seeking to erect new Telecommunication Support Structures, Alternative Telecommunication Support Structures, and Telecommunication Facilities that result in a Substantial Increase in Size of an existing Telecommunication Facility that adequately demonstrate that Antenna co-location, as required in subsection I of this Section, is not possible for a given geographic search area, shall construct any such new Telecommunication Support Structure or Alternative Telecommunication Support Structure, including the placement of a service building or other supporting equipment used in connection with said Telecommunication Support Structure or Alternative Telecommunication Support Structure, in the following zoning districts (provided, however, that all structures shall meet the setback, screening and buffer requirements contained herein) subject to the following:

1. No permit to construct a Telecommunication Support Structure or Alternative Telecommunication Support Structure shall be issued unless the location has been zoned "C-2" Central Business District, "M-1" Light Industrial District or "M-2" Heavy Industrial District under the zoning laws of the City.
2. No permit to construct a Telecommunication Support Structure or Alternative Telecommunication Support Structure shall be issued for any proposed facility in excess of one hundred fifty (150) feet in height.

X. Variances.

Where an Applicant for installation of Telecommunication Facilities can demonstrate that no site meeting the standards of this Section exists which allows uninterrupted service or service without

signal distortion, the Applicant may apply for a variance from one or more of the standards or limitations provided for in this Section.

1. Application for any such variance shall include data which demonstrates the technical necessity for the relief requested and shall describe with specificity the parcel upon which the Telecommunication Support Structure, Alternative Support Structure, Antenna, or other related telecommunication equipment is proposed to be erected and such other information as may be required by the Department.
2. Applications for variances may require an additional fee as provided for in subsection V.

Y. Inspections.

1. Whenever inspections of the premises used for or in connection with a Telecommunication Support Structure, Alternative Telecommunication Support Structure, or Antenna are provided for or required by ordinance, or are reasonably necessary to ensure compliance with any ordinance provision or to detect violations thereof, it shall be the duty of the Applicant, or the person(s) responsible for the premises to be inspected, to admit thereto for the purpose of making the inspection any officer, agent, or employee of the City who is authorized or directed to make such inspection, at any reasonable time that admission is requested.
2. In addition to any other penalty which may be provided, the permit granted to any Applicant who refuses to allow any authorized officer, agent or employee of the City to make any inspection provided for in subsection (a) hereinabove, or who interferes with such officer or employee while in the performance of his duty in making such inspection may be suspended or revoked at the discretion of the Department.

Z. Penalties for violation.

In addition to the other remedies available to the City for violation of this Section set forth herein or in any other applicable provision of the Code of Ordinances, the municipal court of the City, after notice to the Applicant or permittee and hearing, may impose a civil fine for failure to comply with the provisions of this Section or a sentence not to exceed sixty (60) days. Such a civil fine shall not exceed one thousand dollars (\$1,000.00) per day and may be enforced by the contempt power of the court. In addition the Applicant or permittee shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing contained in this subsection shall prevent the Department from taking such other lawful action as is necessary to prevent or remedy any violation of this Section.

AA. Appeals of decisions of the Mayor and Council.

Appeals of decisions of Mayor and Council under this Section shall be by writ of certiorari to the Superior Court of Fulton County.

Article 8–Tree Preservation

Article Eight: Tree Protection

8.1 Intent

It is the expressed intent of these tree protection standards that all site planning and design for development of land be undertaken with a survey of trees on the property and that the grading, final placement of buildings, structures, and roads, utilities, and other features minimizes the removal of existing trees, and insures their aesthetic distribution throughout the development on the property.

In support and furtherance of its findings and determination that:

1. Rampant growth and development in the region has resulted in the innumerable loss of trees. Tree roots hold soil in place and tree photosynthesis converts carbon dioxide to oxygen. Tree loss thus has contributed to dramatically increased soil erosion and sedimentation. High growth areas, where natural green spaces are diminishing, have left fewer trees to transform into oxygen the carbon dioxide of ever increasing, harmful vehicular and industrial emissions, resulting in severe air quality degradation;
2. Integrated forest canopies reduce the costs of maintenance of other co-located parts of the urban infrastructure;
3. Well managed urban forest resources increase in value and provide benefits to all citizens of the community with respect to air quality, water quality, stormwater management, temperature amelioration, community aesthetics and general quality of life;
4. These benefits are crucial to the long term health, safety, and welfare of the citizens of College Park;
5. The removal of forest canopy from urban areas of the state and its replacement with more intensive land uses exacts real costs upon the infrastructure which must be borne by all citizens of the community;
6. Community forests function to the benefit of the local citizenry as a part of the public infrastructure as much as streets, utilities, stormwater management structures and sewers;
7. Healthy community forests increase local commercial and residential property values; and
8. A tree conservation and landscaping ordinance is one part of a dedicated and integrated planning process dealing with land use, impacts of impervious surface, urban hydrology and water quality.

8.2 Applicability

This article shall apply to any and all activity within the City of College Park (city) which requires a land-disturbance permit or soil erosion and sediment control permit. Exemptions from this article are:

1. Removal of dead, diseased, or infested trees, as determined by the Georgia Forestry Commission. Proof of a certified arborist's determination is required, in order to avoid penalties for tree removal.
2. The operation and maintenance of orchards and tree nurseries in active commercial operation.
3. All property involved in a viable agricultural operation (establishment, cultivation, or harvesting of fields, and/or livestock operation). Commercial forestry operations are allowed, provided that valid forestry management plans have been submitted to, and accepted by the City of College Park.
4. Any lot within a subdivision zoned for single family residential uses where the lot has been purchased from the developer and a house has been built.

8.3 Specimen Trees

A specimen tree is any tree or grouping of trees which has been determined to be of high value because of its species, size, age, location, or historic value. General criteria for the determination of specimen trees are as follows:

- 1 Any deciduous canopy tree who's DBH equals or exceeds 26 inches.
- 2 Any evergreen canopy tree who's DBH equals or exceeds 22 inches.
- 3 Any understory tree who's DBH equals or exceeds eight inches.
- 4 Any dogwood, redbud or magnolia tree who's DBH equals or exceeds four inches.
- 5 Any tree which has a significant historical value and can be documented through historical records, or otherwise.

8.4 Protected Trees

1. No person shall cut, destroy, cause to be destroyed or remove any tree of eight inches Diameter Breast Height (DBH) (25-inch circumference) or larger or any dogwood, redbud or magnolia tree with a trunk diameter of four inches DBH or larger in preparation for, anticipation of, or in conjunction with any development activity until such removal has been approved as part of the overall site development approval process of this article. The saving of existing trees less than the protected size is encouraged and may be utilized in some cases to meet the requirements for replacement of trees that are approved for removal.
2. Deforestation on non-exempt properties is strictly prohibited. Any person, or entity who is responsible for the deforestation of a site shall be subject to the maximum penalties allowed under this article. Additionally, any site, which includes exempt and non-exempt properties, that has been deforested shall not be eligible to apply for a development permit, a building permit, rezoning, or annexation into the city for a period of 36 months from the date that the deforestation occurred. For purposes of this paragraph the last date of deforestation shall be the last day in which a forestry operation is conducted. The property owner who conducts a forestry operation within the city shall be required, within 30 days of the last day of deforestation, to deliver to the city manager a written notice setting forth the last date of deforestation and the identity and location of the property deforested. Upon a property owner failing to timely notify the city manager as provided above, the Engineering Director shall establish the last day of deforestation

based upon the best information available to him/her, which estimated date shall not be rebuttable. For purposes hereof forestry operation shall include, but is not limited to, the harvesting of 40 percent or more of the trees measuring eight inches dbh and larger on any property or development site. For purposes of this paragraph, the term site shall encompass and include any and all property within the city without regard to any possible exemption.

3. The sites of trees that have been identified to be saved on a tree protection plan (see below) and are subsequently removed, must be replaced with an equal number of replacement TDU's.

8.5 Tree Protection Plan (TPP) Required

A tree protection plan (TPP) must be submitted to the Engineering Director/Chief Building Inspector upon application for a land-disturbance permit. The TPP shall be combined with a preliminary plat, construction plans and/or site plans whenever possible. The TPP must be prepared by one or more of the following professional, registered in the State of Georgia: registered landscape architect, urban forester, arborist, land surveyor, or engineer. The TPP must include:

1. The location of all trees with a trunk diameter of eight inches DBH and larger and all dogwoods, redbuds, and magnolias with a trunk diameter of four inches DBH and larger. For sites over ten acres in size, representative sample areas proposed by the owner's licensed engineers may be used to determine tree density. The sample areas shall be representative of the average total tree coverage of the site. When city staff questions the sample's fair representation of average total tree coverage, the city manager after consultation with the city's engineers shall determine the sample areas to be used.
2. The species, location, DBH, and Critical Root Zone (CRZ) of all existing trees and specimen trees which will be retained to fulfill density requirements. Five or more trees whose CRZ combine into one tree protection area may be outlined as a group, with their size and species listed in a summary table.
3. The species, location and DBH of all trees proposed to be removed. The Engineering Director may require additional information including, but not limited to, a certified arborist's appraisal of the trees viability and anticipated life span. A specimen tree may be removed if it is shown that at least one of the following conditions are met:
 - a. The location of the tree prevents the opening of necessary traffic lanes.
 - b. The location of the tree prevents access to the property, and that no alternative access exists.
 - c. The tree is dead, diseased, or dying to the point that repair or restoration is not practical, or the disease may be transmitted to other trees, as determined by a certified arborist, the city planner, or his/her designee, or Georgia Forestry Commission.
 - d. The construction of utility lines necessary for the project cannot be installed via directional boring.
 - i. The boundaries of all required buffer areas.
 - ii. The boundaries of all landscaped areas.
 - iii. The boundaries of all proposed buildings.
 - iv. The boundaries of all other impervious surfaces.
 - v. The location, depth and height of all utilities.
4. Upon submission of the TPP to the Engineering Director, a preliminary review will be made by the Engineering Director, or his/her designee. The TPP will either be approved, denied, or

returned to the applicant with recommended changes, which must be made prior to the issuance of a land-disturbance permit or soil erosion and sediment control permit.

8.6 Site Design

All MF, OP, C1, C2, HC, BP, LI and HI properties must maintain 40 percent of the site as green space.

All DC, and DO properties must maintain 25 percent of the site as green space.

While all types of trees are protected under these standards, special emphasis is placed on preservation of large trees and certain significant and more valued species listed herein. The highest site design priority shall be given to preservation of hardwood trees with a DBH of 26 inches or larger. Removal of these valued trees is highly discouraged, and will only be approved upon the determination of the planning and zoning commission that all responsible design alternatives have been explored by the applicant and removal cannot be avoided.

The placement of grade changes and building pads shall respect existing significant trees. Under no circumstance shall a grade change be allowed to intrude upon the CRZ of a retained tree. For development sites that do not contain any or very few of these significant trees, design emphasis should be shifted to preserving other species present.

8.7 Tree and Shrub Density Requirements

1. Property subject to this article shall have, as a condition of approval, a minimum average tree density of 50 Tree Density Units (TDUs) per acre of disturbed area. Disturbed area is defined as the entire limits of the site project activity (buildings, roads, parking areas, stormwater management systems, etc.) outside of the buffer area. Existing trees, which will be retained, will be given credit toward this requirement at the rate of one TDU per caliper inch DBH. Replacement trees will be given credit toward this requirement using a trunk measurement which is no less than six inches from the ground, at rate of one TDU per two inches of trunk diameter. Replacement trees from two-inch caliper up to three-inch caliper are worth 50 percent of the TDUs for an existing tree. Replacement trees from three-inch caliper to four-inch caliper are equal to the TDUs of an existing tree. Replacement trees four-inch caliper and over are worth 150 percent of the TDUs for an existing tree. Under no circumstances will the density be less than 50 or greater than 100 TDUs per acre of disturbed area. Tree density units per disturbed acre are in addition to any natural, undisturbed, watershed protection buffers or other environmental buffers required for development.
2. Single Family Residential lots being developed, shall have proportional share of 50 TDUs per acre, post development, or portion thereof, with a minimum of one overstory tree per dwelling unit (DU), located adjacent to the right of way, and spaced 80 to 100 feet apart. Example:
 - One acre lots shall have 50 TDUs;
 - Half acre lots shall have 25 TDUs;
 - One-quarter acre lots shall have 12.5 TDUs;
 - Less than one-quarter acre lots shall have TDUs at the same proportions as above.

8.8 Shrub Density Requirements

1. Property subject to this article shall have, as a condition of approval, a minimum average shrub density of 100 SDUs per acre. All SDUs to be planted must be located outside any natural,

2. In order to encourage the protection of trees above and beyond the required 50 TDUs, shrub density requirements may be reduced by a similar area covered by the CRZ of the additional trees to be saved.
3. As a healthy shrub eventually covers an area with a five-foot diameter, or 19.6 square feet, the required SDUs may be reduced by that area equal to 19.6 square feet, or multiples thereof. For example, should a development save 60 caliper inches of existing tree stock, per acre, the applicant would receive credit for the additional ten inches. This could be calculated as follows:
 - a. Determine the critical root zone (CRZ) of the tree to be saved (a ten-inch tree would yield a 15-foot wide CRZ).
 - b. Square the CRZ (225 square feet).
 - c. Multiply the product of Step 2 by 3.14 (π). This determines the healthy growing area of the tree to be saved, or 706.5 square feet.
 - d. Divide the result of Step 3 by 19.6 = 36 SDUs.
 - e. The number derived in Step 4 is the allowable reduction in SDUs.

8.9 Highway Buffer

1. A landscaped highway buffer shall be established parallel to the entire front of the property along Roosevelt Highway outside of Downtown College Park, on Old National Highway, on Godby Road, and on W. Fayetteville Road. The highway buffer is included in the 50 TDU and 100 SDU per acre requirements.
2. For existing lots of record with a total depth from the right-of-way lines less than 500 feet, the depth of the highway buffer will be measured at ten percent of the depth of the lot. For each 50-foot decrease from the 500-foot measure, landscaping will be required according to the following table per every 100 feet of lot width:

Depth of Lot (Linear Feet)	Buffer Depth (Linear Feet)	TDUs required per 100 linear feet	SDUs required per 100 linear feet	Area of Buffer (Square Feet)
500	50	13	15	50,000
450	45	13	15	45,000
400	40	12	14	40,000
350	35	11	13	35,000
300	30	10	12	30,000
250	25	9	11	25,000

3. For lots that measure between the 50-foot increments, the number closest to the lot depth shall apply (i.e., a depth measuring 285 feet would be required to plant additional vegetation).

4. If an existing lot measures less than 250 feet in depth, the minimum depth of the highway buffer shall be 25 feet.
5. This sliding scale provision for the highway buffer does not apply to any lot with a depth greater than 500 feet, which would be required to provide for the 50-foot buffer.
6. If due to site constraints and location of existing vegetation, the number of total required landscaping materials cannot be reasonably placed within the highway buffer, the individual plant materials are still required but may be placed elsewhere along the side buffers, rear buffer or within the parking medians. The planning and zoning commission shall have discretion over the alternate placing of materials.
7. The buffer shall contain only vegetative landscaping materials, except for the uses listed below:
 - a. Vehicular access drives placed approximately perpendicular to the right-of-way;
 - b. Foot and bicycle paths;
 - c. Walls and fences less than six feet in height;
 - d. Landscaping sculpture, lighting fixtures, trellises and arbors;
 - e. Signage;
 - f. Water, sanitary sewer, electrical, telephone, natural gas, cable and other service lines provided that they are placed approximately perpendicular to the right-of-way. Where existing lines or planned lines must run parallel to the right-of-way, an equivalent amount of buffer may be required beyond the 50 feet if the character of the buffer is greatly disturbed. To the extent possible, such service lines should be consolidated with vehicular access routes.
 - g. Electrical, telephone, gas, water supply, sewage disposal and other utilities may be constructed within the required buffer area. After installation of such services and to meet the requirements of this section, the developer shall be required to restore the buffer area as approved by the city.
 - h. Drainage and stormwater detention areas. Where existing or created ponds and drainage swales will occupy a substantial portion of the highway buffer because of natural land forms or drainage patterns, additional buffer depth may be required to achieve the visual softening intent of this section.
8. No tree six inches in diameter at four feet dbh (diameter breast height) or larger may be removed from the highway buffer except for access drives, sight triangles, and dead or diseased trees as approved by the planning and zoning commission.
9. Landscaping. The purpose of this section is to protect and enhance any existing tree canopy, understory trees and shrubbery coverage in order to soften the appearance of structures and parking lots visible from the highway. It is also the purpose of this section to screen headlight glare on and off site and to mitigate commercial lighting as seen by neighboring properties and from the highway. Natural appearing landscape forms are encouraged.
 - a. The plant materials designated in this article shall be generally distributed along and throughout the buffer in order that there not be significant gaps without plantings (except as required at sight triangles and road intersections).
 - b. No more than one in three overstory trees shall be pine or cone-bearing.
 - c. Existing, as well as installed, vegetation may be included in meeting the requirement, but if there is not sufficient distribution within the buffer, then additional plantings will be required at the discretion of the planning and zoning commission.
 - d. Existing evergreen or deciduous understory trees may be counted for credit to meet the requirements.

- e. Size, caliper, and height of trees, shrubs or plants shall meet requirements of city's general landscape ordinance.
- f. Trees and shrubs shall not be pruned in any manner that would significantly diminish the desired softening character of the buffer except in accordance with standard horticultural practice. Trees shall not be limbed-up from the ground more than six feet to the lowest branches, except as required within sight triangles at intersections or to provide adequate light for understory plantings.

8.10 Other Buffer and Landscaping Standards

- A. **Perimeter buffers.** Landscaped buffers at least ten feet in width shall be maintained along the side and rear property boundaries. These buffers may be penetrated for vehicular and pedestrian passageways linking adjoining properties provided the passageways are placed approximately perpendicular to these buffers.
- B. **Foundation buffers.** A landscaped buffer at least six feet wide shall be maintained between any structure and any parking or driving area, except for loading areas and areas where drive-through facilities are utilized. This space is to be reserved for plant material, either existing or planned. Sidewalks and handicap ramps may be placed adjacent to the buffer on either side. The buffer may be penetrated to provide for access to the building.
- C. **Opaque walls and fences.** Any opaque or partially opaque walls or fences installed along the front of the property, including those used for screening of parking areas, must be softened with landscaping materials.
- D. **Parking lot requirements.** Parking lots shall include landscaped strips and landscaped islands as follows:
 - E. **Landscaped strip:** Shrubs and/or trees shall be installed in the landscaped strip to provide for semi-continuous planting along the landscaped strip. Shrubs shall be at least one foot in height at installation and reasonably projected to grow at least two feet in height within three years.
 - F. **Landscaped island:** Each landscaped island shall contain one broad-leaved overstory tree with a minimum size of two caliper inches at dbh and a minimum height of ten feet.

8.11 Tree Protection Requirements

Tree protection best management practices (BMPs) will be mandatory to insure the survival of existing trees and stands of trees during and after construction. Sometimes, it is more feasible to save stands of trees than it is to save single trees which are scattered throughout a site. A tree protection area shall be maintained around all trees and stands of trees to be retained. In most cases, this tree protection area is the same as the critical root zone (CRZ). In some instances, a larger area may have to be designated as a tree protection area as determined by the Georgia Forestry Commission, or the Engineering Director. The tree protection area shall be marked with standard tree protection fencing (orange) as well as with "Tree Protection Area" signs attached to the tree protection fencing stakes.

The construction and grading process can cause damages such as direct physical root damage, indirect root damage, and trunk/crown damage. Due to this, no land-disturbance, construction process, or storage of equipment or materials will be allowed to take place within the tree protection area, and the following will be adhered to:

1. All individual trees to be retained must be marked with orange engineering tape tied around the trunk of the tree at a height of five feet above the pre-development grade.
2. The tree protection area (CRZ) of individual trees and stands of trees will be marked with standard tree protection fencing (orange). At least two "Tree Protection Area" signs (two square feet each) shall be posted at each individual tree protection area. At least four "Tree Protection Area" signs shall be posted at stand of trees to be protected. Signs shall not be nailed or affixed to trees, but shall be attached to stakes supporting the tree protection fencing.
3. No person engaged in the construction of any structure(s) or improvement(s) or any activity shall encroach or place solvents, material, construction machinery or temporary soil deposits within six feet of the area outside the critical root zone as defined herein, or any existing significant tree within a tree save area or buffer zone.
4. During subdivision street construction, land-disturbance allowed by a development permit, shall be limited to areas needed for street right-of-way, drainage easements, and utilities. All other areas will be considered tree protection areas. If utilities must be routed through a tree protection area, and as a result, encroach upon the CRZ of any tree to be saved, the utility must be tunneled (by directional bore technique) at a minimum depth of 24 inches.
5. The tree protection area should be maintained in a naturally vegetated state. The clearing of invasive non-native plant materials, such as kudzu, shall be allowed.
6. Structures shall not be located closer to a specimen tree than the distance equal to the CRZ.
7. Roads and paved areas shall not be located closer to a specimen tree than the distance equal to the CRZ plus ten feet, without consent of the city.
8. If irreparable damage has occurred to a tree or trees within a tree protection area, as determined by the Engineering Director, or the Georgia Forestry Commission, it shall be the responsibility of the developer/builder to remove and replace tree or trees with an equal number of replacement TDU's as the damaged tree(s), and to guarantee survival of the tree or trees, after the issuance of the certificate of occupancy.

8.12 Tree Replacement Requirements

In some cases, tree replacement will be necessary to fulfill the tree density requirement. The following are guidelines for tree replacement to be followed after the construction process:

1. All trees selected for replacement must be quality specimens free of disease, injury, or infestation, and must be ecologically compatible with the specifically intended growing area, and planted in accordance with standards established by the International Society of Arboriculture.
2. All new trees planted to fulfill the tree density requirements must be in place prior to the issuance of a certificate of occupancy.
3. New trees planted under the requirements of this article which do not survive for 24 months after the issuance of a certificate of occupancy, will be replaced as a condition of occupancy. Trees shall be bonded via a maintenance agreement. Bonds will be released after the 24-month period has passed, and the health of the trees has been certified and accepted by the city.
4. Replacement overstory trees shall not be planted within 20 feet of any structure, or within ten feet of any paved area. Replacement understory trees shall not be planted within ten feet of any structure, or within five feet of any paved area.

5. Landscape islands and peninsulas in non-residential and institutional parking areas must contain sufficient pervious surface area to accommodate the appropriate replacement tree, in order to insure its longevity, and shall be irrigated.
6. At least 75 percent of the replacement trees must be native trees as indicated in the list of suitable replacement trees.
7. The minimum diameter for replacement trees shall be two inches as measured six inches above grade.
8. Vegetation shall be at least five feet from fire hydrants, and shall be maintained as such.
9. Residential lots shall have proportional share of TDUs per acre, or portion thereof, with a minimum of one overstory tree per dwelling unit (DU), located adjacent to the right-of-way, and spaced 80 to 100 feet apart.
10. In order to prevent a mono-crop urban forest, which can be prone to disease, no more than 50 percent of the replacement trees may be of one species. The remaining replacement tree stock must be made up of two additional species.
11. Where minimum tree density cannot be met due to natural site constraints, or redevelopment status, and not site design or size of the property, the developer/builder may seek permission from the (city manager or designee? City planner? Other?) to donate to the City of College Park landscaping and reforestation fund to compensate for not meeting the requirements of the landscaping ordinance.

8.13 Plant Material List

SUITABLE OVERSTORY TREES

Botanical Name	Common Name
<i>Acer barbatum</i>	Southern Sugar Maple
<i>Acer floridanum</i>	Florida Maple
<i>Acer rubrum</i>	Red Maple
* <i>Acer saccharum</i>	Sugar Maple
* <i>Betulanigra</i>	River Birch
* <i>Caryaillinoensis</i>	Pecan
* <i>Castaneamollissima</i>	Chinese Chestnut
* <i>Cunninghamiafanceolata</i>	Common China Fir
* <i>Fagus grandifolia</i>	American Beech
<i>Fraxinuspennsylvancia</i>	Green Ash
<i>Ginko biloba</i>	Ginko, grafted
<i>Ilex opaca</i>	American Holly
* <i>Juniperusvirginiana</i>	Eastern Red Cedar
* <i>Liquidambar styraciflua</i>	Sweet Gum
* <i>Liriodendron tulipifera</i>	Yellow Poplar
* <i>Magnolia grandiflora</i>	Southern Magnolia
<i>Metasequoiaglyptostrobooides</i>	Dawn Redwood
<i>Nyssa aquatica</i>	Swamp Tupelo

<i>Nyssa sylvatica</i>	Black Gum
* <i>Platanus occidentalis</i>	American Sycamore
<i>Quercus acutissima</i>	Sawtooth Oak
<i>Quercus alba</i>	White Oak
<i>Quercus coccinea</i>	Scarlet Oak
<i>Quercus falcata</i>	Southern Red Oak
<i>Quercus nigra</i>	Water Oak
<i>Quercus phellos</i>	Willow Oak
<i>Quercus palustris</i>	Pin Oak
<i>Quercus prinus</i>	Chestnut Oak
<i>Quercus shumardi</i>	Shumard Oak
<i>Sophora japonica</i>	Japanese Pagoda Tree
<i>Taxodium disticum</i>	Bald Cypress
<i>Ulmus parvifolia</i>	True Chinese Elm
<i>Zelkova serrata</i>	Japanese Zelkova

* indicates not suitable for parking peninsulas and islands

SUITABLE UNDERSTORY TREES

Botanical Name	Common Name
<i>Acer buergerianum</i>	Trident Maple
<i>Amelanchier arborea</i>	Serviceberry
<i>Carpinus caroliniana</i>	American Hornbeam, Musclewood

<i>Cercis Canadensis</i>	Eastern Redbud
<i>Cersischinensis</i>	Chinese Redbud
<i>Cercisreniformis</i>	Redbud
<i>Chionathusvirginicus</i>	Fringe Tree, Grancy Graybeard
<i>Cotinuscogygia</i>	Common Smoketree
<i>Crataegusphaenopyrum</i>	Washington Hawthorne
<i>Cupressocyparisleylandii</i>	Leyland Cypress
<i>Cryptomeria japonica</i>	Japanese Cryptomeria
<i>Ilex x attenuata</i>	Savannah Holly
<i>Ilex deciduas</i>	Deciduous Holly
<i>Ilex x Nellie R. Stevens</i>	Nellie R. Stevens Holly
<i>Ilex vomitoria</i>	Yaupon Holly
<i>Koelreuteriabipinnata</i>	Bougainvillea Goldenrain Tree
<i>Koelreuteriapaniculata</i>	PanicledGoldenrain Tree
<i>Lagerstroemia hybrids</i>	Crepe Myrtle, improved hybrids
<i>Magnolia virginiana</i>	Sweetbay Magnolia
<i>Magnolia x soulangiana</i>	Saucer Magnolia
<i>Magnolia stellata</i>	Star Magnolia
<i>Malus species</i>	Flowering Crabapple
<i>Myricacerifera</i>	Wax Myrtle
<i>Ostryavirginia</i>	Ironwood, Carolina Hornbeam

Oxydendrumaboreum	Sourwood
Pistachiachinensis	Chinese Pistache
Sassafras albidum	Sassafras
Vitexagnus-castus	Chaste Tree

SUITABLE SHRUBS

Botanical Name	Common Name
Small Shrubs 1—5'	
Abelia 'edwardgoucher'	Goucher or pink abelia
Abelia x grandiflora 'sherwoodii'	Sherwood dwarf abelia
Aucuba japonica 'nana'	Dwarf aucuba
Berberisthunbergii 'atropurpurea'	Red Japanese barberry
Berberisthunbergii 'atropurpurea nana'	Crimson pygmy barberry
Buxusmicrophylla var. japonica	Japanese boxwood
Buxusmicrophylla var. koreana	Korean boxwood
Camellia hiemalis	Dwarf sasanqua
Cephalotaxusharringtonia 'drupacea'	Japanese plum yew
Chaenomeles japonica	Japanese flowering quince
Clethraalmifolia	Hummingbird clethra
Cotoneaster horizontalis	Rock cotoneaster
Cotoneaster salicifolius 'repens'	Groundcover cotoneaster

<i>Gardenia radicans</i>	Creeping gardenia
<i>Ilex crenata</i> 'compacta'	Compacta holly
<i>Ilex c. helleri</i>	Heller Japanese holly
<i>Ilex c. 'hetzi'</i>	Hetz holly
<i>Ilex c. 'repandens'</i>	Repandens holly
<i>Ilex c. 'rotundifolia'</i>	Boxleaf holly
<i>Ilex cornuta</i> 'carissa'	Carissa holly
<i>Ilex cornuta</i> 'rotunda'	Dwarf Chinese holly
<i>Ilex v. vomitoria</i> 'nana'	Dwarf yaupon holly
<i>Jasminum floridum</i>	Showy jasmine
<i>Juniperus</i> species	Spreading junipers (see groundcovers)
<i>Lantana</i> x 'new gold'	New gold lantana
<i>Leucothoe axillaries</i>	Coastal leucothoe
<i>Leucothoe fontanesiana</i>	Drooping leucothoe
<i>Ligustrum japonicum</i> var. <i>rotundifolium</i>	Curly leaf ligustrum
<i>Nandina domestica</i> 'atropurpurea nana'	Dwarf nandina
<i>Nandina domestica</i> 'harbor dwarf'	Harbor dwarf nandina
<i>Nandina domestica</i> 'woods dwarf'	Woods dwarf nandina
<i>Osmanthus heterophyllus</i> 'rotundifolius'	Little tea olive
<i>Pittosporum tobira</i>	Wheeler's dwarf pittosporum
<i>Plumbago auriculata</i>	Blue cap plumbago

Prunuslaurocerasus	Otto luyken laurel
Prunuslaurocerasus 'schipkaensis'	Schip laurel
Raphiolepisindica	Indian hawthorn
Rhodendron 'glen dale'	Glen dale hybrid azaleas
Rhodendron 'gumpo'	Gumpo azaleas
Rhodendron 'kurume'	Kurume azaleas
Rosa (floribunda class)	Floribunda rose
Rosmarinus officinalis	Rosemary
Spiraeabumalda 'anthony waterer'	Anthony Waterer spirea
Spiraeathunbergii	Thunberg spirea
Medium shrubs 5—8'	
Abelia grandiflora	Glossy abelia
Aucuba japonica	Japanese aucuba
Berberissargentiana	Sergeant barberry
Buxussempervirens	Common boxwood
Calycanthusfloridus	Sweet shrub
Chaenomelesspeciosa	Flowering quince
Forsythia intermedia hybrids	Border forsythis
Gardenia jasminoides	Cape jasmine
Hibiscus syriacus	Shrub althea
Hydrangea macrophylla	Bigleaf hydrangea

<i>Ilex cornuta</i> 'dwarf burford'	Dwarf burford holly
<i>Ilex glabra</i>	Gallberry or inkberry
<i>Juniper chinensis</i> 'pfitzerana'	Pfitzer juniper
<i>Kalmia latifolia</i>	Mountain laurel
<i>Ligustrum sinense</i> 'variegatum'	Variegated privet
<i>Mahonia bealei</i>	Leatherleaf mahonia
<i>Nandina domestica</i>	Nandina or Chinese bamboo
<i>Osmanthus heterophyllus</i> 'gulftide'	Gulftide tea olive
<i>Osmanthus heterophyllus</i> 'variegatus'	Variegated false holly
<i>Philadelphus virginialis</i>	Mock orange
<i>Pieris japonica</i>	Japanese pieris
<i>Pyracantha koidzumii</i> 'low dense'	Low dense pyracantha
<i>Rhododendron canescens</i>	Piedmont azalea
<i>Rhododendron austrinum</i>	Florida azalea
<i>Rhododendron</i> 'indian'	Southern Indian azaleas (all varieties)
<i>Spiraea prunifolia</i> var. plena	Bridalwreath spirea
<i>Viburnum burkwoodi</i>	Burkwood viburnum
<i>Viburnum japonicum</i>	Japanese viburnum
<i>Weigela florida</i>	Weigela
Large Shrubs 8' and up	
<i>Aesculus parviflora</i>	Bottlebrush buckeye

Camellia japonica	Camellia
Camellia sasanqua	Sasanqua camellia
Elaeagnuspungens var. fruitlandii	Fruitland elaeagnus
Hydrangea quercifolia	Oakleaf hydrangea
Ilex aquifolium x i. Cornuta	Edward J Stevens holly
Ilex x attenuata 'fosteri'	Foster #2 holly
Ilex cassinemyrtifolia	Myrtle holly
Ilex cornuta 'burfordi'	Burford holly
Ilex latifolia	Lusterleaf holly
Ilex vomitoria	Yaupon holly
Illiciumanisatum	Japanese anise tree
Leucothoe populifolia	Florida leucothoe
Ligustrumjaponicum	Japanese ligustrum
Ligustrumlucidum	Glossy ligustrum
Lonicerafragrantissima	Winter honeysuckle
Loropetalum Chinese	Loropetalum
Myricacerifera	Southern wax myrtle
Osmanthusfragrans	Sweet osmanthus or tea olive
Osmanthusheterophyllus	Holly osmanthus
Podocarpusmacrophyllus	Southern yew
Pyracanthacoccinea 'lalandei'	Laland firethorn

Pyracanthakoidzumii	Formosa firethorn
Rhodendron hybrids	Rhodendron all #2 and #3 varieties
Syringa vulgaris	Common lilac
Ternstroemiagymnanthera (clevera japonica)	Japanese clevera
Viburnum odoraissimum	Sweet viburnum
Viburnum tomentosum 'sterile'	Japanese snowball

SUITABLE GROUNDCOVER

(selections are not limited to this list)

Botanical Name	Common Name
Groundcovers	
Ajugareptans	Carpet bugle
Cotoneaster species	Groundcover cotoneaster
Euonymus fortunei 'Coloratus'	Purple leaf winter creeper euonymus
Euyonymusfortunei 'Radicans'	Wintercreeper euonymus
Gardenia radicans	Creeping gardenia
Hedera helix	English ivy
Helleborusorientallis	Lenten rose
Hemerocallis species	Daylily
Hypericumcalycinum	Aaron's beard
Iberisempervirens	Evergreen candytuft
Juniperuschinensis	Sergeant juniper

<i>Juniperus conferta</i>	Shore juniper
<i>Juniperus conferta</i> 'blue pacific'	Blue pacific juniper
<i>Juniperus conferta</i> 'emerald sea'	Emerald sea juniper
<i>Juniperus davurica</i> 'expansa'	Parsons juniper
<i>Juniperus horizontalis</i> 'plumosa'	Andorra compacta juniper
<i>Juniperus horizontalis</i> 'wiltoni'	Blue rug juniper
<i>Juniperus procumbens</i> 'nana'	Dwarf garden juniper
<i>Liriodendron chinensis</i>	Liriope
<i>Liriodendron chinensis</i>	Creeping liriope
<i>Lonicera heckrottii</i>	Everblooming honeysuckle
<i>Lonicera sempervirens</i>	Trumpet honeysuckle
<i>Ophiopogon japonicus</i>	Dwarf lilyturf or mondo
<i>Pachysandra terminalis</i>	Pachysandra
<i>Phlox subulata</i>	Moss phlox or thrift
<i>Trachelospermum asiaticum</i>	Asiatic jasmine
<i>Trachelospermum jasminoides</i>	Confederate jasmine
<i>Vinca major</i>	Big leaf periwinkle
<i>Vinca minor</i>	Common periwinkle
<i>Yucca filamentosa</i>	Adam's needle or beargrass

8.14 Compliance and Enforcement

It is the responsibility of the Engineering Director Chief Building Inspector, or his/her designees to review the TPP to ascertain compliance with the provisions of this article before a land-disturbance or soil erosion and sediment control permit will be issued. It is the responsibility of the Engineering Director [0037-0184/281544/1]

Chief Building Inspector, or his/her designees to conduct a final inspection for compliance with this section before a certificate of occupancy will be granted. The Engineering Director Chief Building Inspector, or his/her designees have the authority to revoke, suspend, or void any land-disturbance permit or soil erosion and sediment control permit, stop all work on-site or any portion thereof, or withhold a certificate of occupancy when there has been a violation of any of the provisions of this article.

8.15 Bonding

In order to insure the survival of required replacement trees and shrubs, said plant materials may, at the discretion of the City Planner, be bonded under the following circumstances:

1. **Seasonal planting bond.** When the time of year is inappropriate for installation of required plant materials, a seasonal planting bond may be utilized for a period of up to six months. This bond allows a project to receive a certificate of occupancy once all other requirements have been met. The seasonal planting bond shall be equal to 100 percent of the total cost of materials and installation, and will be released upon final inspection and compliance with the approved landscaping plan. Seasonal planting bonds shall be in the form of cash, check, money order, or letter of credit.
2. **Landscape survival bond.** All projects that require replacement plant materials shall be required to submit a landscape survival bond, which shall be valid for a period of 24 months from the date of the certificate of occupancy. This bond allows for the replacement of plant materials that fail within the 24-month period. The landscape survival bond shall be equal to 100 percent of the total cost of materials and installation for the first 12 months, and shall be reduced to 50 percent of the total cost of materials and installation for the remainder of the bond period. The landscape survival bond will be released at the end of the 24-month period. Landscape survival bonds shall be in the form of cash, check, money order, or letter of credit. If cash, check, or money order are utilized to secure a bond, the funds will be placed in an interest bearing escrow account.

8.16 Penalties

The city has the authority to levy both civil and administrative penalties for violations of this article.

- A. **Civil penalty.** Violation of this article constitutes a misdemeanor offense, and is punishable by a fine not to exceed \$1,000.00 per offense. The minimum fine for unauthorized removal of a protected tree is \$750.00. In situations of deforestation, or where attempts have been made to remove evidence of a tree (stump removal, etc.), the maximum fine shall be levied. For the purpose of enforcement, each tree removed shall be treated as a separate offense. Each violation of this article will constitute a separate offense.
- B. **Administrative penalty.** In the event that protected trees and natural vegetation on a site are damaged or destroyed during the development of said site, the city may choose to render an administrative penalty against the developer. The course of action for administrative penalty shall be:
 1. The building inspections department shall issue an immediate stop-work order.
 2. The City Planner, or his/ her designee, shall review the damage and determine the resulting effect upon the approved landscape plan, the site, adjoining properties, and the city in general.

3. A moratorium may be placed upon the development. Based upon the severity of the actions, the moratorium will last for a period of up to six months, at the discretion of the city manager.
4. Upon request, the developer shall submit a revised tree protection and landscaping plan for review and approval by the planning and zoning commission.
5. Once the moratorium has been lifted, the revised tree protection and landscaping plan must be adhered to, in order to avoid further penalty.

8.17 Appeals

Any applicant for a land-disturbance permit, a soil erosion and sediment control permit, or a certificate of occupancy who is aggrieved by any decision of the Engineering Director, or city planner, relating to the application of this article shall have the right to appeal the Board of Zoning Appeals, as provided under Article 15 of the City of College Park zoning ordinance.

8.18 Landscaping and Reforestation Fund

- A. **Purpose.** One of the goals and purposes of the landscaping ordinance is to have each development site offset the impact on the environment of such development by means of providing the required landscaping and pervious surface on the site where such impact occurs. Where minimum tree density cannot be met due to natural site constraints or pre-existing development, and not site design or size of the property, the developer/builder may seek permission to donate to the City of College Park landscaping and reforestation fund to compensate for not meeting the requirements of the landscaping ordinance. Unless a variance has been granted by the Board of Zoning Appeals to reduce the size of a buffer, there is no relief from the required landscaping in all buffer zones. Contribution to the landscaping and reforestation fund must be authorized by City Planner, or his/ her designee, in accordance with the following criteria:
1. Natural site constraints and/or pre-existing development prevent the planting of required trees and not development design or the size of the property.
 2. A maximum of 50 percent of required TDUs for a development can be compensated for.
- B. Regardless of pre-existing development or variance status, impervious surface of a candidate site outside of downtown College Park may not exceed 75 percent. Regardless of pre-existing development or variance status, impervious surface of a candidate site inside Downtown College Park may not exceed 90 percent impervious surface. Pervious pavers, meeting the requirements of the Georgia Stormwater Management Manual section 3.3.8 for Modular Porous Paver Systems, will be given credit from impervious surface calculations. Pervious paver systems shall be considered 50 percent pervious and 50 percent impervious for purposes of the calculations. Pervious pavers shall be allowed for use on 25 percent of the parking spaces in a parking lot. Pervious pavers are not allowed for use as driveways, or where traffic volumes are high or where heavy duty pavement is needed.
- C. **Authorization process.** To receive authorization, a submittal must be made that includes a completed landscaping and reforestation contribution form and the landscaping plan for the site. Review will be conducted within 30 days.
- If approved, donation is to be collected at the time of a mutually established date between the City of College Park Engineering Director and the applicant.
- D. **Landscaping and reforestation fund contribution form.** The landscaping and reforestation fund contribution form must be completed and submitted along with other required materials to the City Planner for review. The form shall include the following information:
1. Project name, project description, project address, contact name, company name, telephone number, fax number, email address, date of planning and zoning commission development plan approval, conditions of approval, reason for which contribution is necessary, amount of contribution, all contribution calculations and requirements, acres of site, impervious surface calculation, required TDU's, TDU's to be contributed for, area of impervious surface (in square feet) above the maximum limit, supporting documentation list, city planner and Engineering Director signatures, city manager signature, and the date the check is to be received.
 2. The submission must also include the following:

- a. Tree protection and landscaping plan.
 - b. Any supporting documents requested by the planning or engineering departments.
- E. **Assessing cost.** In order to compensate for the lack of required landscaping on a given site, land must be obtained by the city, dedicated to open space, planted with the balance of required TDU's, and maintained. In addition, a fixed fee for administrative and consultation services will be incurred. The total cost will be assessed as follows:
 - 3. Trees. To calculate the cost required for the required TDU's which are lacking from the site, the following rules shall apply. Three different tree types must be used with no more than 50 percent of the trees being of the same species. The provided trees are given credit for each caliper inch at a rate of 50 percent per required TDU. Price quotes from three different landscapers shall be averaged to determine the total cost for the following:
 - a. Cost of each tree.
 - b. Installation for all trees.
 - c. Maintenance cost per tree for two years.
- F. Administrative cost is \$150.00.
- G. Any incurred consultation fees.
- H. **Uses for fund.** Donations to this fund serve to offset the lack of previous surface and landscaping on the site for which a contribution was made. The City Planner and his/her designee(s) will establish and assign priority to all projects for use of funds. In addition to providing landscaping, the city may also initiate and administer such projects that include, but are not limited to the following:
 - 1. Purchase land or easements where either specimen trees are located or where a suitable site exists for parkland or the planting of trees.
 - 2. Seek out local, state, federal, and private funds for the purpose of landscaping, reforestation, open space, and green space.
 - 3. Plant trees and increase landscaping on existing city owned property, including right-of-way as part of a streetscape project.
 - 4. Promote the observance of National Arbor Day.
 - 5. Further the awareness and the goals of the landscaping ordinance.
- I. **Limitations.** The fund cannot be used for the construction of recreational facilities.

Article 9 – Signs Standards

Article Nine: Sign Standards

9.1 Intent

The intent of this Article is to further the goals of the City of College Park’s Comprehensive Plan; and establish the following purposes:

1. Balance the rights of individuals to convey their message through signs and the rights of the public to be protected against the unrestricted proliferation of inappropriate signs;
2. Further the goals, objectives and policies of the comprehensive plan;
3. Protect the public health, safety, welfare and morals;
4. Minimize vehicular and pedestrian hazards;
5. Maintain the historic character of the city;
6. Protect property values by minimizing the potentially adverse impacts and visual blight potentially created by signs;
7. Promote economic development; and
8. Ensure fair and uniform enforcement of sign regulations.

9.2 Definitions

For the purposes of this article, the definitions contained in the zoning ordinance shall control. In addition, the following words and phrases shall have the meanings respectively ascribed to them below, unless the context clearly indicates a contrary meaning:

- Aerial view sign.** Any sign designed primarily to be viewed from the sky from an airplane, helicopter, etc., including, but is not limited to, any sign horizontally affixed to a roof or attached to a roof such that the sign is not readily viewable from the surrounding ground.
- Aggregate sign area.** The sum total of the area of any and all signs for a given lot. Entrance signs and subdivision signs shall not be considered in the calculation of aggregate sign area in those districts zoned residential.
- Animated sign.** See flashing sign .
- Awning sign.** Any sign applied directly to or attached directly to an awning of any structure.
- Banner.** A temporary sign of lightweight fabric, plastic or similar material designed to be hung, either with or without a frame or other structure, from a building or a pole. A flag, as defined in this article, shall not be considered a banner.
- Beacon.** See temporary sign .
- Billboard.** A permanent freestanding sign intended to attract the attention of motorists traveling on the interstate. Such signs are characterized by a traditional form that

presents a static image, a "multiple message sign" that features a mechanical transition to a second or third image and a "large screen video display" that is a sign that utilizes full motion video technology consisting of a matrix board behind which computerized lights are projected to form images, as for a television. Billboards are any ground sign having an area greater than three hundred (300) square feet.

- Canopy sign.** See wall sign .
- Decal.** A picture, design or label made to be transferred (as to glass, wood, metal or any other hard object) from specially prepared paper.
- Decision date.** The date upon which the chief building inspector makes a final decision on the approval or denial of a sign permit application.
- Eave.** The projecting lower edges of a roof overhanging the wall of a building.
- Entrance sign.** Any ground sign placed at the intersection of a public street and a private entryway into an apartment, condominium, townhouse, office, or commercial or industrial development.
- Erect.** To build, paint, construct, attach, hang, place, suspend, or affix.
- Externally illuminated signs.** Any sign illuminated by an external light source directed toward such sign.
- Flag.** A subset of the term "sign," as defined in this section. A flag is a sign consisting of fabric or similar material attached at one end to a pole or building and hanging freely such that it may flutter or move in the wind.
- Flashing sign.** Any sign whose illumination changes in intensity, scrolls, flashes or changes message or appearance more often than once every ten (10) seconds.
- Ground sign.** Any sign supported by braces or uprights permanently placed in the ground, and not supported by or suspended from any building.
- Hand held signs.** Any sign larger than six (6) inches by six (6) inches carried by a person including, but not limited to picket signs, shields or sandwich boards.
- Height.** The vertical distance measured from the surface of the nearest adjacent street at a point on the street centerline nearest to and perpendicular to the proposed location of the sign to the highest point of the sign or sign structure.
- Internally illuminated signs.** Any sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes located within the interior parts of the sign.

- Median.** A paved or landscaped area dividing any public right-of-way into travel lanes aligned parallel to the direction of travel.
- Mobile sign.** See temporary sign .
- Monument sign.** See ground sign .
- Moving sign.** See flashing sign .
- Mural.** A wall sign which contains no overt copy, lettering, symbols, or any references directly related to the promotion of any goods or services, business or product, which is meant to be decorative in nature and content, and not to include any overt advertising by picture or text message. Murals shall not count toward the maximum permitted sign area.
- Nonconforming sign.** Any sign that does not conform to the provisions of this article at the date of adoption of the ordinance from which this article derives.
- Parapet sign.** See wall sign .
- Portable sign.** See temporary sign . As pertains to vehicles regularly used in the course of business or for travel to and from a place of business, such vehicle may display on the vehicle and may be parked in lots serving a place of business, provided that such vehicle is regularly used for transportation. Vehicles parked in commercial lots or on property located in the city for indefinite periods of time and not regularly used in the course of business that display messages shall be considered portable signs.
- Primary facade.** The exterior wall of the building most nearly parallel to street providing primary access to the lot.
- Projecting sign.** Any sign attached perpendicular to a building or other structure and extending horizontally more than twelve (12) inches from the plane of the building wall.
- Reflectors.** Any device created for the purpose of reflecting light directed at the device so as to render the device more visible.
- Road frontage.** The distance that a lot borders any road or street that provides access to the lot.
- Roof line.** The highest continuous horizontal line of a roof. On a sloping roof, the roofline is the principal ridgeline, or the highest line common to one or more principal slopes of the roof. On a flat roof, the roofline is the highest continuous line of the roof or parapet, whichever is higher.
- Roof sign.** A sign that is attached to a building or structure and is displayed above the lowest horizontal line of the roof of a building.
- Sandwich sign.** See sidewalk sign or hand held sign .

- Secondary facade.** Any exterior wall of a building most nearly parallel to an adjoining street that is not the primary facade.
- Sidewalk sign.** Includes A-frame signs, sandwich signs, swinging signs and other similar signs not permanently secured or attached to the ground.
- Sign.** Every device, item, product, frame, letter, figure, character, mark, plane, point, design, picture, stroke, stripe, trademark, or reading matter used or intended to be used to attract attention or convey information when placed in view of the general public. For the purpose of determining number of signs, a single display surface or a single display device containing elements organized, related and composed to form a unit shall be considered to be one (1) sign. Where matters are displayed in a random manner without organized relationship to elements, or where there is reasonable doubt as to the relationship of elements, each element shall be considered to be a single separate sign.
- Sign area.** The total area within a continuous perimeter utilizing right angles enclosing the limits of writing, representation, emblem, or any figure of similar character together with any frame, other material, open space, or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed. For double-face signs, the side with the largest sign area shall be used in computing sign area. If the two (2) faces of a double-face sign area of unequal area, the sign area shall be the area of the larger face.
- Sign face.** See sign area .
- Promotional event.** Any planned occurrence which does not take place on a daily, weekly, monthly or quarterly basis and is designed as a celebration or an irregular occurrence to attract business or raise money. Examples of a promotional event include: grand openings, seasonal sales, liquidations, going-out-of-business sales, vehicle shows or displays, craft shows, rummage sales, bake sales and festivals.
- Stake sign.** Any temporary sign supported by braces or uprights placed into the ground, and not supported by or suspended from any building with a sign area not exceeding three (3) square feet.
- Streamer.** See temporary sign .
- Structural change.** Any replacement, bolstering, augmenting or substitution of a support element of a sign structure, including but not limited to alteration or replacement of the foundation, support structures, columns or beams, sign frame or sign head.
- Subdivision sign.** Any ground sign placed at the intersection of two (2) public streets or one (1) public street and a private street where one (1) street is the primary access to a single-family subdivision.

- Submission date.** The date stamped on a sign application indicating the date the application was actually received in the inspections department.
- Swinging sign.** Any sign mounted such that the sign may freely move back and forth.
- Temporary sign.** Any sign constructed of cloth, canvas, vinyl, paper, plywood, fabric or other lightweight material not well suited to provide a durable substrate or, if made of some other material, is neither permanently installed in the ground nor permanently affixed to a building or any structure which is permanently installed in the ground. Temporary signs include, but are not limited to, signs designed to be transported regularly from one (1) location to another, signs designed with wheels, regardless of whether the wheels remain attached to the sign, or signs tethered to an existing structure, skylights, balloons, streamers, flag strings, inflatable displays, beacons and mechanical or animated figures.
- Wall sign.** Any sign attached parallel to or painted on an exterior building wall, which may include a door.
- Window sign.** Any sign viewable through and/or affixed in any manner to a window or exterior glass door such that it is intended to be viewable from the exterior (beyond the sidewalk immediately adjacent to the window), including signs located inside a building but visible primarily from the outside of the building.

9.2 Permits

- A. **Application requirements.** All applications for sign permits must be complete and contain all required information. The chief building inspector shall deny any application upon a determination that the application does not contain all required information as set forth in this article, or that such information is not sufficient to determine whether the permit should be issued or denied.
- B. **Permit required.** It shall be unlawful for any person to erect, repair, alter, relocate or maintain any sign as defined in this article, except for those signs exempt from this article without first obtaining a permit from the chief building inspector in the manner set forth in this article. It shall be unlawful to erect any sign not expressly permitted by this article.
- C. **Permit application.** Application for permits to erect signs shall be made upon forms provided by the inspections department, and shall contain or have attached thereto the following information:
1. Name, address and telephone number of the applicant;
 2. Address of building, structure or lot to where the sign is to be attached or erected;
 3. Position of the sign in relation to nearby buildings or structures, property lines and other signs located on the lot;
 4. Five (5) sets of accurately-scaled, color drawings of the plans, contents, specifications and method of construction and attachment to the building or the ground for the sign as well as a scaled drawing of the site showing drives, structures and any other significant site features;
 5. Name of person erecting the sign, that is, the contractor or builder;

6. Written consent of the owner of the building or lot upon which the sign is to be erected;
 7. A written list describing all other signs located on the lot indicating the sign type, size and placement; and
 8. Such other information as the chief building inspector may require demonstrating full compliance with this article and all other ordinances of the city.
- D. **Approval of chief building inspector.** Approval of the chief building inspector must be obtained prior to erection of any sign for which a permit is required. Such officer shall examine the plans and specifications to determine whether the proposed sign complies with the building code of the city, and shall then indicate his approval or denial thereon.
- E. **Submission of sign permit applications.**
1. All permit applications must be delivered to the inspections department at City Hall.
 2. All permit applications must be stamped by the inspections department indicating the submission date.
 3. Permit applications pertaining to lots in the downtown business district shall be promptly forwarded by the chief building inspector to the Main Street manager for review. Such applications must be returned to the chief building inspector within twenty-eight (28) days of the submission date with a recommendation for approval or denial.
- F. **Permit fees.** Each application for a sign permit must be accompanied by a payment in the amount of the permit fee. The permit fee shall be as established by mayor and council from time to time.
- G. **Issuance and denial of permit.**
1. Upon receipt of a complete application, the payment of all permit fees and a determination that the proposed sign and the lot upon which the sign is to be placed comply with all requirements of this article and all other ordinances and laws of the city, the chief building inspector shall issue the permit;
 2. Permits concerning applications submitted to the Main Street manager cannot be issued by the chief building inspector prior to approval of Main Street manager; and
 3. All sign permit applications shall be issued or denied within thirty (30) days of the submission date. Incomplete applications shall be rejected and a new application shall be submitted with all of the required information and assigned a new submission date. Should a decision on the application not be made prior to the expiration of a thirty-day period, the applicant shall be permitted to erect and maintain the sign under this statutory provision unless and until such time as the chief building inspector notifies the applicant of a denial of the application and states the reason(s) for the denial. No person erecting a sign under this provision shall acquire any vested rights to continued maintenance of such signs, and should the chief building inspector subsequently deny the application, the sign must be brought into compliance with this article; and
 4. Upon making a final decision, the chief building inspector must stamp each application with a decision date and shall notify the applicant of such decision within three (3) days of the decision date.
- H. **Time period.** If the work authorized under a permit has not been completed within six (6) months following the date of issuance, the permit shall become null and void.
- I. **Display of permit.** Every sign constructed, erected or maintained for which a permit is required by this article shall be plainly marked with the permit number issued for the

structure. The permit number shall be firmly affixed thereon in a durable and readily accessible manner.

- J. **Altering permit.** Displaying a permit that has been tampered with, altered or mutilated, or displaying a sign without a permit shall constitute a misdemeanor offense punishable in city court.
- K. **Lapse of permit.** A sign permit shall be deemed to lapse automatically if the business license for the premises lapses, is revoked or is not renewed. A sign permit shall also lapse if the activity on the premises is discontinued for a period of one hundred eighty (180) days or more and is not renewed within thirty (30) days of a notice to the last permittee, sent to the premises, that the sign permit will lapse if such activity is not renewed.
- L. **Application requirements.** All applications for sign permits must be complete and contain all required information. The chief building inspector shall deny any application upon a determination that the application does not contain all required information as set forth in this article, or that such information is not sufficient to determine whether the permit should be issued or denied.
- M. **Permit required.** It shall be unlawful for any person to erect, repair, alter, relocate or maintain any sign as defined in this article, except for those signs exempt from this article, without first obtaining a permit from the chief building inspector in the manner set forth in this article. It shall be unlawful to erect any sign not expressly permitted by this article.
- N. **Permit application.** Application for permits to erect signs shall be made upon forms provided by the inspections department, and shall contain or have attached thereto the following information:
 1. Name, address and telephone number of the applicant;
 2. Address of building, structure or lot to where the sign is to be attached or erected;
 3. Position of the sign in relation to nearby buildings or structures, property lines and other signs located on the lot;
 4. Five (5) sets of accurately-scaled, color drawings of the plans, contents, specifications and method of construction and attachment to the building or the ground for the sign as well as a scaled drawing of the site showing drives, structures and any other significant site features;
 5. Name of person erecting the sign, that is, the contractor or builder;
 6. Written consent of the owner of the building or lot upon which the sign is to be erected;
 7. A written list describing all other signs located on the lot indicating the sign type, size and placement; and
 8. Such other information as the chief building inspector may require demonstrating full compliance with this article and all other ordinances of the city.
- O. **Approval of chief building inspector.** Approval of the chief building inspector must be obtained prior to erection of any sign for which a permit is required. Such officer shall examine the plans and specifications to determine whether the proposed sign complies with the building code of the city, and shall then indicate his approval or denial thereon.
- P. **Submission of sign permit applications.**
 1. All permit applications must be delivered to the inspections department at City Hall.
 2. All permit applications must be stamped by the inspections department indicating the submission date.

3. Permit applications pertaining to lots in the downtown business district shall be promptly forwarded by the chief building inspector to the Main Street manager for review. Such applications must be returned to the chief building inspector within twenty-eight (28) days of the submission date with a recommendation for approval or denial.
- Q. **Permit fees.** Each application for a sign permit must be accompanied by a payment in the amount of the permit fee. The permit fee shall be as established by mayor and council from time to time.
- R. **Issuance and denial of permit.**
1. Upon receipt of a complete application, the payment of all permit fees and a determination that the proposed sign and the lot upon which the sign is to be placed comply with all requirements of this article and all other ordinances and laws of the city, the chief building inspector shall issue the permit;
 2. Permits concerning applications submitted to the Main Street manager cannot be issued by the chief building inspector prior to approval of Main Street manager; and
 3. All sign permit applications shall be issued or denied within thirty (30) days of the submission date. Incomplete applications shall be rejected and a new application shall be submitted with all of the required information and assigned a new submission date. Should a decision on the application not be made prior to the expiration of a thirty-day period, the applicant shall be permitted to erect and maintain the sign under this statutory provision unless and until such time as the chief building inspector notifies the applicant of a denial of the application and states the reason(s) for the denial. No person erecting a sign under this provision shall acquire any vested rights to continued maintenance of such signs, and should the chief building inspector subsequently deny the application, the sign must be brought into compliance with this article; and
 4. Upon making a final decision, the chief building inspector must stamp each application with a decision date and shall notify the applicant of such decision within three (3) days of the decision date.
- S. **Time period.** If the work authorized under a permit has not been completed within six (6) months following the date of issuance, the permit shall become null and void.
- T. **Display of permit.** Every sign constructed, erected or maintained for which a permit is required by this article shall be plainly marked with the permit number issued for the structure. The permit number shall be firmly affixed thereon in a durable and readily accessible manner.
- U. **Altering permit.** Displaying a permit that has been tampered with, altered or mutilated, or displaying a sign without a permit shall constitute a misdemeanor offense punishable in city court.
- V. **Lapse of permit.** A sign permit shall be deemed to lapse automatically if the business license for the premises lapses, is revoked or is not renewed. A sign permit shall also lapse if the activity on the premises is discontinued for a period of one hundred eighty (180) days or more and is not renewed within thirty (30) days of a notice to the last permittee, sent to the premises, that the sign permit will lapse if such activity is not renewed.

9.3 Construction Standards

- A. **Building code compliance.** All signs shall be constructed and maintained in accordance with the provisions of the building code as adopted and from time to time amended by chapter 5 of the Code of Ordinances.
- B. **Materials required.** All signs for which a permit is required by this article shall be constructed of non-combustible material.
- C. **Reflectors.** Reflectors and lights shall be permitted on ground signs, roof signs and wall signs provided that the reflectors and lights shall be fitted with appropriate lenses so that no light generated creates a hazardous or dangerous condition.
- D. **Internal illumination.** The illumination of internally illuminated signs shall not exceed twenty (20) foot-candles of incandescent light measured at a distance of ten (10) feet from such structure.
- E. **External illumination.** Externally illuminated signs shall be lighted so that no lights are positioned in a manner that light glares or shines into the eyes of motorists or pedestrians so as to create a hazardous or dangerous condition.
- F. **Other code compliance.** All signs erected, replaced, altered, relocated or modified within the city pursuant to this article shall conform to all other relevant sections of the Code of Ordinances, the zoning ordinance and any other regulations of the city. Where any provisions conflict, the most stringent requirement shall control.

9.4 Special Limitations

In addition to the limitations set forth in the other sections of this article, the following limitations shall apply to the specific signs described below:

- A. **Wall signs.** No wall sign shall cover wholly or partially any wall opening, nor project beyond the ends or top of the wall to which it is attached.
- B. **Roof signs.**
 1. Setback from roof edge. No roof sign shall be erected or maintained within five (5) feet of the outside wall toward which the sign faces.
 2. Space between sign and roof. All roof signs shall maintain a minimum of five (5) feet of vertical clearance between the sign and roof.
 3. Prohibited obstructions. No roof sign shall be placed on the roof of any building or structure in such manner as to prevent free passage from one part of the roof to any other part or interfere with openings in the roof.
- C. **Projecting signs.**
 1. No projecting sign shall be placed over streets, alleys or ways available for vehicular traffic, except those provided in this article.
 2. All projecting signs shall be installed at an angle of ninety (90) degrees to the building facade.
 3. No projecting sign shall be erected within twenty (20) feet of another projecting sign.
- D. **Temporary signs.**
 1. Temporary signs shall be removed from the premises within thirty (30) days from the date the sign is first placed on the lot.
 2. No temporary sign may be erected or placed on any lot more than once in any six-month period for a single lot.

3. All temporary signs shall be securely installed, and shall meet all applicable safety standards as prescribed by the building code, electrical code or as promulgated by the chief building inspector and approved by mayor and council.
4. Prior to issuance of a permit for a temporary sign as prescribed by section 3 of this article the applicant shall have demonstrated that the sign will not adversely affect the health, safety, welfare, aesthetics or morality of the community.
5. The erection or maintenance of any temporary sign in violation of this article or any other ordinances or laws of the city shall cause the chief building inspector to give written notice to the owner thereof and to the owner of the property and premises upon which the sign is located. Such notice shall state that the sign must be removed within three (3) days. In the event the sign is not thereafter removed, the city may cause its removal and impose the cost of the removal as a lien upon the property upon which the sign is located.

E. Awning signs.

1. No awning sign may be internally illuminated.
2. The sign area of any awning sign shall not exceed fifty (50) percent of the surface area of the awning.
3. Entrance sign. All entrance signs shall be placed on private property and may not be placed in the right-of-way.

- F. Subdivision sign.** All subdivision signs shall be placed on private property and shall not be placed in the right-of-way, except that such signs may be placed in the median of a street within the subdivision, provided the recorded homeowners' associations shall assume full responsibility for the maintenance of such signs and associated improvements, that the association documents shall hold the city harmless for any and all liability associated with the sign and associated improvements and that such signs shall be compatible with the architectural style of the dwellings within the subdivision.

G. Flags.

1. **Ground.** A flag may be flown from a metal pole permanently placed in the ground. The length of the flag shall be no greater than one-quarter ($\frac{1}{4}$) the height of the pole. This guideline applies to poles twenty (20) feet and taller. Residential flags shall not exceed three (3) feet in width or five (5) feet in length. Residential flagpoles shall not exceed twenty (20) feet in height. Flag size for small industrial and commercial buildings shall not exceed four (4) feet in width or six (6) feet in length. Flagpoles for small industrial and commercial buildings shall not exceed twenty-four (24) feet in height. Major industrial, municipal and government buildings flag sizes shall not exceed six (6) feet in width or ten (10) feet in length. Major industrial, municipal and government building flagpoles shall not exceed forty (40) feet in height. The pole may be of varying diameter, depending on the length of the flag.
2. **Projecting.** A flag may be flown from a metal or wooden pole attached to a bracket projecting from the side of a building or doorframe. The pole shall not exceed six (6) feet in length, or one (1) inch in diameter. The flag flying from such pole shall not exceed three (3) feet in width and five (5) feet in length. Additionally, the flag displayed in such manner shall not impede pedestrian or vehicular traffic.
3. **Window.** A flag may be hung in the window of either the primary facade or secondary facade of a properly zoned property. The flag area shall be considered against the

percentage of window sign permitted for the zoned property as delineated in subsections 8(d)—(h).

4. **Limit.** The number of flags (ground, projecting or window) that may be flown or displayed on each property is controlled by the limitations set forth in subsections 8(a)—(j). However, a maximum of three (3) flags (ground, projecting or window) will be exempt from the limitations established in subsections 8(a)—(j). Any additional flags (ground, projecting or window) that are displayed shall be considered against the allocation of the ground, projecting or window sign area permitted for each property in subsections 8(a)—(j).
 5. **Condition of flags.** All flags flown or displayed shall be serviceable in condition and fit for use. All stitching shall remain intact and the flags shall not become tattered or faded.
- H. **Billboards.** The following standards shall apply to all billboards in existence at the date of adoption of this article; any billboard that does not comply with these standards shall be nonconforming.
1. Billboards may only be located within one hundred (100) feet of the right-of-way of any interstate.
 2. Billboards may not be located within five hundred (500) feet of any residential zoning district, park, playground, recreation area, scenic area or cemetery.
 3. Permits for billboards to be erected on undeveloped property shall only be considered for approval in accordance with section 3 of this article if submitted with a sign scheme for the entire property.
 4. No billboard shall have an area greater than three hundred (300) square feet nor be erected at a height greater than twenty (20) feet.
 5. No billboard shall be within five hundred (500) feet of another billboard on the same side of the highway provided that multiple message billboards shall not be located within five thousand (5,000) feet of another multiple message billboard on the same side of the highway.
 6. Multiple message billboards shall only be permitted under the following circumstances:
 - a. Each message on a multiple message billboard shall remain fixed for a minimum of ten (10) seconds;
 - b. Each transitional change shall occur within three (3) seconds or less;
 - c. Any such billboard shall contain a default design that will freeze the message in one (1) legible position if a malfunction occurs.
 - d. Upon a finding by the city that a multiple message billboard or any display or effect thereon causes glare or impairs the vision of a motorist or otherwise interferes with the safe operation of a motor vehicle, and upon written request by the city, the owner of the billboard shall promptly and within forty-eight (48) hours reduce the intensity of the illumination of the billboard to a level acceptable to the city or otherwise remedy the interference.
 7. Mobile electronic multiple message billboard that are otherwise in compliance with this subsection, including the provisions of subsection (f) above, and are illuminated entirely by the use of light emitting diodes, back lighting, or any other light source shall not be illuminated or otherwise in use while within the city limits.
- I. **Certain LED signs.** The following standards shall apply to all LED signs regulated hereunder and in existence at the date of adoption of this article; any LED sign regulated

hereunder that does not comply with these standards shall be nonconforming. For the purpose of this paragraph, "LED Sign" shall mean a digital sign, including but not specifically limited to light-emitting diode (LED), liquid crystal display (LCD) and other similar technology signs.

1. LED signs shall only be permitted for signs regulated under O.C.G.A. § 10-1-164 and located within the BP, Planned Business Park and OP, Office and Professional Districts.
2. Each such LED sign must be located a minimum of one hundred fifty (150) feet from any single family residence, or any property zoned for single family residential use.
3. No more than two (2) LED panels shall be allowed on any one (1) sign face.
4. The total area of each LED panel shall not exceed twenty (20) square feet.
5. Color of characters must contrast with the field of the sign to provide for maximum visibility and legibility, and each character on the LED panel must be the same color. The field of the sign shall be a solid color.
6. LED lights on signs shall remain, and appear to be, fixed and static. In no instance shall LED lights on signs be, or appear to be, moving, changing, flashing, or animated in any way.
7. The LED signs permitted in this paragraph shall not block sight distance for persons entering and exiting the premises.
8. Notwithstanding the provisions of this article to the contrary, digital billboards may be permitted under the following conditions:
 - a. For purposes of this section, "Digital Billboard" shall mean any LED sign that also meets the definition of a billboard found in subsection 2(7) of this article. "Interstate highway" shall mean I-85 or I-285.
 - b. Digital billboards shall be limited to non-residential zoning districts.
 - c. Digital billboards shall be limited to parcels fronting on Interstate highways only, shall themselves face be positioned for viewing from such Interstate highways, and shall be located within one hundred (100) feet of such Interstate highways.
 - d. No digital billboard shall be located within five hundred (500) feet of another billboard on the same side of the Interstate highway.
 - e. No digital billboard shall be located within five thousand (5,000) feet of another multiple message billboard (including any other digital billboard) on the same side of the highway.
 - f. Digital billboards having a height up to seventy-five (75) feet shall be permitted.
 - g. All billboards must be stationary and may not contain any visible moving parts, alternating or moving messages or have the appearance of having moving parts or messages.
 - h. The display or message on a digital billboard may change no more frequently than once every ten (10) seconds, with a transition period of one (1) second or less.
 - i. All digital billboards must have installed an ambient light monitor which shall continuously monitor and automatically adjust the brightness level of the display based on ambient light conditions consistent with terms of this article. Maximum brightness levels for digital billboards shall not exceed three-tenths (.3) foot-candles over ambient light levels measured within one hundred fifty (150) feet of

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.

- j. The maximum allowable surface display area for a digital billboard is six hundred seventy-two (672) square feet if the billboard is within one hundred (100) feet of an Interstate highway. Such digital billboards shall be permitted up to the industry standard sign face height of fourteen (14) feet and width of forty-eight (48) feet. The maximum allowable surface display area for all other billboards at any location is three hundred (300) square feet.
- k. Properties having digital billboards permitted hereunder shall be unaffected by the square footage of any digital billboard permitted by the City of College Park as concerns compliance with the limitation of five hundred (500) square feet of aggregate sign area for every ten (10) contiguous acres.
- l. Digital billboards shall meet each of the requirements of subsection 5(9) that do not conflict with the provisions of this section. The repair or replacement of permitted digital displays shall be allowed without permit so long as neither the size nor weight of the display is increased.

9.5 Special Requirements

- A. All signs must be placed upon a lot, as defined in the zoning ordinance and the subdivision regulations. No sign may be placed on any lot that does not meet the minimum requirements of the zoning ordinance and subdivision regulations. No sign may be placed upon any lot that has road frontage only on an interstate or intrastate highway.
- B. Obstruction to doors, windows, or fire escapes. No sign shall be erected, relocated or maintained so as to inhibit safe and free ingress and egress of any door, any window, an emergency exit or any fire escape; nor shall any sign be attached to any standpipe or fire escape.
- C. Sign not to constitute traffic hazard. No sign shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision from pedestrians or vehicle operators. No sign shall be erected where, due to its proposed location, position, shape, color, size, height, and/or lighting would appear to be imitation of, or likely would be construed by pedestrians or vehicle operators for, an official traffic control device or signal.
- D. Posting on trees, poles, etc. No sign shall be tacked, painted, posted, marked or otherwise affixed on trees, utility poles or other similar structures, or on rocks, the ground itself or other natural features.
- E. No message may be displayed on any portion of the structural supports of any sign.
- F. Maintenance. All signs regulated by this article shall be kept clean, neatly painted and free from all electrical and mechanical hazards, including, but not limited to, faulty wiring and loose connections. The premises surrounding signs shall be maintained by the owner in a sanitary and inoffensive condition, free and clear of all weeds, rubbish and debris.
- G. Special situations. Buildings of three (3) stories or more. Developments which include building(s) of three (3) stories or more may be permitted wall or roof signs in sizes and configurations different from those set out in this article, at the sole discretion of mayor and council. In evaluating such applications mayor and council shall review the plans for conformance with the spirit of this article, and shall otherwise consider the health, safety, welfare, aesthetics and morals of the community. Other factors to be considered are whether

the proposed sign conforms to a national or regional advertising and architectural design scheme maintained by the owner or tenant.

- H. Compliance of premises with City Code. No sign shall be allowed on any lot where such lot is in non-compliance with any provision of the City Code.

9.6 Special Requirements by Zoning District

- A. No sign shall be illuminated, either internally or externally, in any residential district, except that entrance signs and subdivision signs may be illuminated from dusk until dawn.
- B. All temporary signs are prohibited on lots zoned for residential use, except for stake signs as allowed in the tables contained within.
- C. The following requirements shall apply to all lots in the DB Downtown Business and Commercial District and other commercial zoned parcels:
1. The provisions of the City of College Park Downtown Design Guidelines as approved by the mayor and council on June 20, 2011 pertaining to signage (specifically paragraphs 1.1 through 1.7 of subsection 1.0 Signage), are hereby incorporated herein and made a part hereof as if fully set out in their entirety.
 2. A building that has more than one (1) tenant occupying interior space shall be allowed one (1) wall sign placed near each public entrance into the interior of said building. The maximum sign area for any such wall sign shall not exceed twelve (12) square feet. Each wall sign may have multiple face panels but each face panel shall be of the same size, color and font.
 3. Ground signs are permitted, subject to review and approval of sign plans submitted, as appropriate, by the Main Street Advisory Board. Ground signs shall be designed so as not to hinder pedestrian activity within the district.
- D. Projecting signs.
1. Projecting signs are prohibited over streets, alleys or ways available for vehicular travel.
 2. All projecting signs must be installed at a 90-degree angle to the building facade.
 3. The lowest part of every projecting sign shall be placed a minimum of ten (10) feet above the public sidewalk over which it is erected, and no sign or part thereof shall extend a distance greater than six (6) feet from the building facade. No projecting sign shall be allowed over public property if a ground sign can be accommodated on the lot in front of the business.
- E. Roof signs are prohibited.
- F. Neon signs are prohibited except that a single sign per storefront may be comprised of neon tubing provided such individual signs are limited to three (3) square feet. No neon sign shall be lit unless the business is open and operating.
- G. Temporary signs (other than those described in subsection (15) below) are prohibited, provided that mayor and council may approve such signs.
- H. Flashing signs are prohibited.
- I. Back lit and internally lit signs are allowed, provided that such signs conform to material standards as to the gauge of the surface.
- J. Sidewalk signs shall be permitted, provided that no such sign shall exceed two (2) feet in width and three (3) feet in height. Only one (1) sidewalk sign per lot is permitted, and there shall be a separation of at least twenty (20) feet between sidewalk signs. The space utilized by sidewalk signs on public sidewalks shall comply with all Americans with Disabilities Act

standards and shall not impede the public right-of-way. Sidewalk signs are permitted to be displayed seven (7) days a week, during business hours only. Murals may be allowed upon approval by mayor and council.

- K. Banners are allowed for any lot during the period that a promotional event occurs on that lot under the following conditions and subject to the following requirements:
1. Prior to the occurrence of the promotional event and the erection of any banner under this subsection, a permit for the erection of such sign shall be obtained from the chief building inspector. An application for such a permit shall specifically describe the banner as to its construction, composition, the dimensions of the banner, location where the banner is to be erected, the address of the lot where it is to be erected, state where the banner is to be attached to a building, pole, or other structure, and identify the date(s) of the special event. The chief building inspector shall render a decision within ten (10) days after the submission date of such application.
 2. A permit issued under this subsection shall expire thirty (30) days after the date of issuance. The owner or permittee shall remove the banner no later than the expiration of the permit.
 3. A lot shall be eligible for a maximum of two (2) banners under this subsection per year.
 4. Any banner erected under this subsection shall not be placed within ten (10) feet of a public right-of-way or in any other manner as to obstruct the view of motorists or pedestrians.
 5. The maximum size allowance for any banner erected under this subsection shall not exceed twenty-four (24) square feet.
- L. In commercial districts and buildings used for hotels and hospitality uses, as well as in any other districts in which site plan approval is required prior to development, the following sign requirements shall be observed, in addition to those limitations found in the tables within:
1. A uniform design scheme shall be established for the development as a whole and/or for each building in the development subject to approval of mayor and council.
 2. Plans for the development shall include detailed descriptions of all signs, including but not limited to, size, height, location, type, colors and materials to be used as well as lighting and ownership responsibility.
 3. Plans for signs shall undergo the same review and approval process as is required for other aspects of the development; provided that the chief building inspector may make no modification of these regulations which would permit a sign otherwise prohibited under this article.
 4. All signs shall be designed, erected and maintained in accordance with an approved plan.
- M. For properties zoned C1, C2, M1, M2, BP or OP, the maximum aggregate sign area shall be five hundred (500) square feet for each ten (10) contiguous acres of land.
- N. Decals not exceeding four (4) inches in width and twelve (12) inches in length or forty-eight (48) square inches in size may be displayed on windows in non-residential districts. A single decal shall not be considered in the calculation of maximum allowed window signs in subsections; however, any additional decals shall be considered.
- O. All signs in the Hospitality Campus District shall be controlled by the provisions of this article, except as provided below:
1. For any new development as a whole and for each building in the development, a uniform design scheme of signs shall be established subject to the approval of mayor and council.

2. Plans submitted to the city for the development shall include detailed descriptions of all signs, including but not limited to size, height, locations, type, colors and materials to be used, lighting and ownership responsibility.
 3. Plans for signs shall undergo the same review and approval process as is required of other aspects of the development; provided that the chief building inspector may make no modification of these regulations that would permit a sign otherwise prohibited under this article, nor may the chief building inspector regulate the content of any sign.
 4. All signs shall be designed, erected and maintained in accordance with a plan approved by the chief building inspector.
 5. In addition to permitted wall signs, secondary wall signs shall be permitted on any facade. Such signs may exceed the one per facade maximum, but individual wall signs shall be limited to an area of sixty-four (64) square feet per building occupant and shall be installed at or below the third story of the building. Any sign installed on any parking structure shall, except as to size, conform in style, shape, color scheme and materials to the style, shape, color scheme and materials of the largest sign on the primary structure on the lot.
 6. No projecting, roof or window sign or signs shall be permitted.
- P. All signs on lots in the PD district shall be subject to the following regulations:
1. Sign regulations as found in the Planned Development District.
 2. Sign regulations of the zoning district most closely associated with the proposed use of the property as referenced in the Planned Development District and as determined by the city planner. Should any conflict between the sign regulations arise, the most restrictive regulations shall apply.
- Q. Industrial wall signs. The following requirements shall apply to all wall signs on buildings located in industrial districts, and shall be independent of billboards and other signs located on the property:
1. Wall signs visible from the interstate or a public right-of-way shall be limited to a maximum area of one hundred fifty (150) square feet.
 2. No wall sign visible from a residential property shall exceed an area of fifty (50) square feet.
 3. One (1) wall sign shall be permitted for each individual tenant space.
 4. A requirement for design review shall be established. The design review shall consider such parameters as:
 - a. Relationship to other wall signs on the building as to sign separation, sign height and relative dimensions;
 - b. Maximum distance from building wall; and
 - c. Distance from top of building wall.

9.7 Sign Standards

In addition to all other regulations in this article, all Signs must conform to the standards contained in this section. Sign types not found in a table are not permitted in the corresponding districts, except as provided in this article.

A. Lots zoned R-1, R-2, R-3 and R-4.

	Ground Sign	Wall Sign	Temporary Sign	Subdivision Sign
Maximum height	4 feet		4 feet	8 feet
Maximum width	2 feet		1.5 feet	8 feet
Maximum area	3 square feet	1 square foot	3 square feet	32 square feet
Maximum number per lot	4	1	2 stake signs	1
Minimum setback from right-of-way	5 feet		5 feet	15 feet
Minimum setback from electrical power lines	10 feet		10 feet	10 feet

NOTE: In addition to these regulations, no person may maintain any sign or signs on a lot zoned R-1, R-2, R-3, or R-4 so that the aggregate sign area on the lot exceeds twenty (20) square feet, regardless of the construction, placement or type of sign or signs.

B. Lots zoned MF.

	Ground Sign	Projecting Sign	Wall Sign	Temporary Sign	Entrance Sign
Maximum height	4 feet	3 feet		4 feet	8 feet
Maximum width	2 feet	3 feet		1.5 feet	8 feet
Maximum area	3 square feet	6 square feet	2 square feet	3 square feet	32 square feet
Maximum number of signs	4	1/building	1/building	2 stake signs	1/entrance
Required setback from right-of-way	5 feet			5 feet	5 feet
Required setback from electrical power lines	10 feet	5 feet		10 feet	10 feet
Maximum projection from building		4 feet			

NOTE: In addition to these regulations, no person may maintain any sign or signs on a lot zoned MF so that the aggregate sign area for that lot exceeds eight (8) square feet per unit, regardless of the construction placement, number or type of sign or signs.

Lots zoned C-1 and C-2.

	Ground sign	Projecting Sign	Wall Sign	Temporary Sign	Roof Sign	Entrance Sign	Window Sign	Billboard	Awning Sign
Maximum height	20 feet			4 feet	10 feet above eave	8 feet		20 feet	
Maximum width	15 feet	10 feet		8 feet	building width	8 feet		15 feet	
Maximum area	1 square foot per foot of road frontage up to 50 square feet	50 square feet	2 square feet per foot of road frontage up to 200 square feet	32 square feet	200 square feet	32 square feet	10% of the facade window space	1 square foot per foot of road frontage up to 300 square feet	50% of awning
Maximum number of signs	One Sign per street frontage, for a total of no more than 2 ground signs on a parcel	For each tenant space: 1/primary facade and 1/secondary facade (if any)	For each tenant space: 1/primary facade and 1/secondary facade (if any)	1	1/primary facade and 1/secondary facade	1/entrance		3	1 per tenant space
Required setback from right-of-way	10 feet			10 feet		10 feet		25 feet	
Required setback from electrical power lines	10 feet	10 feet		10 feet	10 feet	10 feet		10 feet	
Setback from I-85, I-285, U.S. 29 and Camp Creek Parkway	25 feet			25 feet		25 feet		25 feet	
Maximum projection from building		6 feet							

NOTE: In addition to these regulations, no person may maintain any sign or signs on a lot zoned C-1 or C-2, so that the aggregate sign area exceeds five hundred (500) square feet for every ten (10) contiguous acres, regardless of the construction, placement or type of sign or signs. No combination of ground signs and billboards shall exceed a total of three (3) such signs.

C. Lots zoned M-1, and M-2.

	Ground Sign	Projecting Sign	Wall Sign	Temporary Sign	Roof Sign	Entrance Sign	Window Sign	Billboard
Maximum height	20 feet			4 feet	10 feet above eave	8 feet		20 feet
Maximum width	15 feet	10 feet		8 feet	building width	8 feet		15 feet
Maximum area	1 square foot per foot of road frontage up to 50 square feet	50 square feet	2 square feet per foot of road	32 square feet	200 square feet	32 square feet	10% of the facade window space	1 square foot per foot of road frontage up
Maximum number of signs	One sign per street frontage, for a total of no more than two (2) ground signs on a parcel	1/tenant space	For each tenant space: 1/primary facade and 1/secondary facade (if any)	1	1/primary facade and 1/secondary facade	1/entrance		3
Required setback from right-of-way	10 feet			10 feet		10 feet		25 feet
Required setback from electrical power lines	10 feet	10 feet		10 feet	10 feet	10 feet		10 feet
Setback from I-85, I-285, U.S. 29 and Camp Creek Parkway right-of-way	25 feet			25 feet		25 feet		25 feet
Maximum projection from building		6 feet						

NOTE: In addition to these regulations, no person may maintain any sign or signs on a lot zoned M-1, or M-2 so that the aggregate sign area exceeds five hundred (500) square feet for every ten (10) contiguous acres, regardless of the construction, placement or type of sign or signs. No combination of ground signs and billboards shall exceed a total of three (3) such signs.

D. Lots zoned BP and OP.

	Ground Sign	Projecting Sign	Wall Sign	Temporary Sign	Entrance Sign	Window Sign	Billboard
Maximum height	20 feet			4 feet	4 feet		20 feet
Maximum width	20 feet	10 feet		8 feet	8 feet		20 feet
Maximum area	1 square foot per foot of road frontage up to 50 square feet	50 square feet	32 square feet	32 square feet	32 square feet	10% of the facade window space	1 square foot per foot of road frontage up to 100 square feet
Developments of less than 10 acres	1	1/tenant space	For each tenant space: 1/primary facade and 1/secondary facade (if any)	1	1/entrance		1
Developments of more than 10 acres	One sign per street frontage, for a total of no more than two (2) ground signs on a parcel	1/tenant space	For each tenant space: 1/primary facade and 1/secondary facade (if any)	1	1/entrance		2
Required setback from right-of-way	10 feet			10 feet	10 feet		25 feet
Required setback from electrical power lines	10 feet	10 feet		10 feet	10 feet		10 feet
Maximum projection from building		6 feet					
Setback from I-85, I-285, U.S. 29 and Camp Creek Parkway right-of-way	10 feet						25 feet

NOTE: In addition to these regulations, no sign or signs shall be maintained on a lot zoned BP or OP that comprise an aggregate sign area in excess of five hundred (500) square feet for every ten (10) contiguous acres, regardless of the construction, placement, number or type of sign. No combination of ground signs and billboards shall exceed a total of two (2) such signs for every ten (10) contiguous acres.

E. Lots zoned DB.

	Ground Sign	Projecting Sign	Wall Sign	Window Sign	Awning Sign
Maximum height	12 feet		wall height		
Maximum width	8 feet		wall width		
Maximum area primary facade	32 square feet	10 square feet	The lesser of 10% of the wall area or 200 sq. ft.	Lesser of 25% of the window area or 24 sq. ft.	50% of awning
Maximum area secondary facade	32 square feet	10 square feet	The lesser of 10% of the wall area or 50 square feet	Lesser of 25% of window area or 24 square feet	50% of awning
Maximum number of signs	One sign per street frontage, for a total of no more than two (2) ground signs on a parcel	For each tenant space: 1/primary facade	For each tenant space: 2/primary facade; 1/secondary facade		1 per tenant space
Required setback from right-of-way	6 feet	6 feet			
Required setback from electrical power lines	6 feet	6 feet			
Maximum projection from building		6 feet			
Above sidewalk or ground surface		10 feet			

NOTE: The total of all signs shall not exceed two (2) signs of each sign type permitted above for the primary facade and one sign of each sign type permitted above for each secondary facade. In addition to these regulations, no person may maintain any sign or signs on a lot zoned DB so that the aggregate sign area exceeds five hundred (500) square feet for every ten (10) contiguous acres, regardless of the construction, placement or type of sign or signs.

F. Lots zoned HC.

	Ground Sign	Wall Sign	Temporary Sign	Entrance Sign	Awning Sign
Maximum height	10 feet		6 feet	8 feet	Ground floor
Maximum area	32 square feet	10% of facade	24 square feet	24 square feet	50% of awning
Maximum number of signs	One Sign per street frontage, for a total of no more than two (2) ground signs on a parcel	1 per facade	1 per lot	1/entrance	1 per tenant space
Required setback from right-of-way	4 feet		4 feet	4 feet	
Required setback from electrical power lines	10 feet		10 feet	10 feet	
Setback from U.S. 29 and Camp Creek Parkway right-of-way	25 feet				

NOTE: In addition to those regulations set forth in the above table, no person may maintain any sign or signs on a lot zoned HC district so that the aggregate sign area exceeds five hundred (500) square feet for every ten (10) contiguous acres, regardless of the construction, placement or type of sign or signs.

- G. **Exemptions for certain window signs.** Interior window signs located at least twenty-four (24) inches inside a window shall not be counted for purposes of determining the maximum area in subsections (a) through (h) above provided (1) the sign does not impede visibility into or out of the building, and (2) the sign does not present an undue distraction to motorists or otherwise threaten public safety.

9.8 Unsafe and Unlawful Signs

- A. Upon a finding by the chief building inspector that any sign regulated herein is unsafe or unstable, or is a menace to the public health or safety, or is abandoned, or is maintained in a dilapidated condition, or has been constructed or erected or is being maintained in violation of the provisions of this article, the chief building inspector shall notify the owner or occupant of the property on which the sign is located by certified mail of such violation. Said notice shall include a brief and complete statement of the violations to be remedied. If the owner or occupant of the property where the sign is located cannot be located, notice to the owner or occupant of the property shall be effected by the chief building inspector by affixing the notice to the sign or to the building on which the sign is erected for a minimum period of ten (10) days.
- B. Should the owner or occupant of the property fail to remove or alter the structure so as to comply with the standards of this article within ten (10) days following such notice, the permit for such sign shall be revoked and the owner or occupant of the property shall be subject to the penalties set forth in the Enforcement Article of this Ordinance.
- C. The chief building inspector may remove any sign constituting an immediate threat to the physical safety of persons or adjoining property summarily and without notice and cause the cost of such removal to be placed as a lien on the property upon which the sign is located.

9.9 Non-conforming Signs

- A. Signs which, on the effective date of this article, were approved and legally erected under previous sign restrictions and which became nonconforming with respect to the requirements of this article, may continue in existence subject to the following restrictions:
1. The owner of the sign shall secure a permit for the continuation of the sign subject to the restrictions of this section. Application for such permit must be filed within ten (10) days of the notice of nonconformance. There shall be no charge for this permit. Failure to apply for such permit within ten (10) days of such notice shall result in waiver of the protections afforded nonconforming signs by this section and the display of such sign shall be thereafter unlawful.
 2. No change shall be made in the size of any nonconforming sign, nor shall any structural changes be made in such a sign unless the sign is brought into compliance with the provisions of this article.
 3. Any nonconforming sign declared to be unsafe by the chief building inspector shall be removed or rendered safe and brought into compliance with the provisions of this article.
 4. No nonconforming sign damaged by fire or other causes to the extent of more than fifty (50) percent of its assessed value shall be repaired or rebuilt except in compliance with this article.

5. Except for businesses located in planned shopping centers or planned business parks, any signs erected in violation of this section may be removed from any public right-of-way by duly authorized employees of the city, and the responsible party may be cited for such violation.
 6. No business located in a planned shopping center or planned business park shall be allowed an otherwise conforming sign until it has removed any existing non-conforming signs.
 7. No conforming sign(s) shall be permitted or erected on any lot which has located there upon an existing non-conforming sign until the non-conforming sign has been removed.
- B. Any person may file with the inspections department an application for exemption from this article for a permit for a sign. City staff shall, within thirty (30) days of the filing of the application, recommend that the mayor and council review such application for exemption where the following conditions are met:
1. The applicant agrees to remove at least one (1) non-conforming sign from the location at issue.
 2. The non-conforming sign to be removed is highly visible from any public right-of-way or adjoining property.
 3. The non-conforming sign to be removed is in poor condition.
 4. The proposed sign meets all the requirements of this article except for subsection (a)(7)a.
 5. Other aspects of the addition of the proposed sign(s) to the location at issue reasonably suggest that the proposed sign would benefit community aesthetics in conformance with the purpose of this article as described in section 1.
 6. If the provisions above are not met due to the inability of the applicant to remove at least one (1) non-conforming sign, and if any nonconforming signs on such lot were previously agreed to by the city, the city may waive the provisions of the sections, so long as the aggregate sign area of all signs on such lot does not exceed four hundred (400) square feet for every ten (10) contiguous acres or major fraction thereof. For purposes of determining the aggregate sign area, the city shall exclude the sign area of all non-conforming signs which were previously agreed to by the city.
- C. Upon the expiration of the 30-day period without a decision being made on the application, the applicant shall be permitted to erect and maintain the sign under this statutory provision unless and until such time as city staff make a recommendation to the mayor and council. No person erecting a sign under this provision shall acquire any vested rights to continued maintenance of such signs, and if the building inspector or the mayor and council later denies the application, the sign must be removed.
- D. The mayor and council shall, within thirty (30) days of receipt of a recommendation from city staff, grant such exemption where at least three (3) of the following conditions are met:
1. Granting the exemption would further the purpose of this article as described in section 1.
 2. The benefits of granting the exemption would outweigh the ill effects of allowing the non-conforming sign proposed for removal to remain erected.
 3. If an applicant is seeking to waive the removal of any non-conforming sign pursuant to subsection (a)(7)b.(ii)F., there are no substantial new ill effects of allowing the non-conforming sign to remain erected along with any new sign(s).
 4. There is no negative effect on surrounding property values and that the erection of the proposed sign(s) would afford the applicant a reasonable opportunity to advertise.

5. The grant of an exemption in no way confers any rights upon the applicant or the exempted plans, applications or requests.
- E. Upon the expiration of the 30-day period without a decision being made on the application, the applicant shall be permitted to erect and maintain the sign under this statutory provision unless and until such time as the mayor and council deny the application. No person erecting a sign under this provision shall acquire any vested rights to continued maintenance of such signs, and if the mayor and council later deny the application, the sign must be removed.
1. A nonconforming sign shall not be replaced by another nonconforming sign, including face material except that the substitution or interchange of poster panels or painted boards on nonconforming signs shall be permitted. All nonconforming signs shall be maintained in a safe manner and in good repair.
 2. Minor repairs and maintenance of nonconforming signs shall be permitted. However, no structural repairs, structural changes and/or changes in the size, shape or technology currently being used on the sign shall be permitted except to bring the sign out if its nonconforming condition and into compliance with the requirements of this article.
- F. Nonconforming signs that met all requirements of the College Park Code when erected may stay in place until one of the following conditions occurs:
1. The deterioration of the sign or damage to the sign makes it a hazard; or
 2. The sign has been damaged to such extent that structural repairs are required to restore the sign.
- G. Nothing in this section shall prohibit non-digital nonconforming billboards from being converted to digital billboards in this article. All applications for conversion of billboards to digital billboards pending at the time this ordinance was adopted shall be processed in the order in which they were received and in accordance with this article.

9.10 Prohibited Signs

- A. Flashing signs shall be prohibited.
- B. Aerial view signs shall be prohibited.
- C. Digital signs, including but not specifically limited to light-emitting diode (LED), liquid crystal display (LCD) and other similar technology signs, are prohibited, unless specifically authorized elsewhere in this article.

9.11 Exemptions

The following signs are exempt from the permitting requirements of section 3 above; provided, however, that such signs shall be subject to all other provisions of this article:

1. Wall signs one (1) square foot and smaller; provided however that any combination of two (2) or more such signs located in such close proximity to each other as to form a discernible message shall be subject to the provisions of section 3 above.
2. Stake signs located in districts zoned R-1, R-2, R-3, R-4, and MFL.
3. Each lot is entitled to one sign that is less than thirty-six (36) square inches in sign area and that must be placed in any of the following locations:
 - a. On the front of every building, every unit in a multiple unit building, every residence, or every structure;
 - b. On each side of an authorized United States Postal Service mailbox;

- c. On one post which measures no more than forty-eight (48) inches in height and four (4) inches in width and which shall not be placed in a public right-of-way.
- 4. Temporary signs that meet the following criteria:
 - a. For each lot during the period that it is being developed under an active City of College Park building permit, one sign that is no more than twelve (12) square feet in sign area, is no more than six (6) feet in height to the top of the sign component when placed and standing in ground, and is not placed within a public right-of-way. Any sign erected under this subsection shall be immediately removed upon the completion of the development or the expiration of the building permit, whichever occurs earlier.
 - b. For each lot during the period in which it is listed for sale or for rent, one temporary sign that is no more than twelve (12) square feet in sign area, is no more than six (6) feet in height to the top of the sign component when placed and standing in ground, and is not located within a public right-of-way. Any sign erected under this subsection shall be immediately removed when the lot is no longer listed for sale or for rent.
 - c. For a period of forty-five (45) days immediately preceding a federal, state, county, or City of College Park election or referendum, any lot may, in addition to any other signs authorized by this article, display four (4) stake signs that are not placed within a public right-of-way. Any sign erected under this subsection shall be removed one (1) day after the conclusion of the election period, which period shall include any time preceding a run-off election.

9.12 Exceptions for Large Ground Signs

- A. Regardless of any other provisions of this article to the contrary, ground signs not exceeding sixty-five (65) feet in height measured to the top of the sign face, fifty (50) feet in width and five hundred (500) square feet in area shall be allowed, subject to the conditions of this Section, in the areas described in that Exhibit "A" attached to Ordinance No. 2006-11, enacting this Section, which said Exhibit "A" is incorporated herein by reference and shall be maintained in the office of the city clerk.
- B. Any sign authorized by subsection (a) of this section shall be erected for no longer than two (2) years, provided that the owner of any such sign may apply to the building inspector, at least thirty (30) days prior to the termination of the initial term or any renewal term for erection of said sign, for subsequent one (1) year renewals. Such renewals shall be granted by the building inspector unless the building inspector makes a written finding either:
 - 1. That the sign is not owned by the owner of the property on which the sign is erected; or
 - 2. That the sign is not located within seventy-five (75) feet of either: i) a vacant lot for which a current, valid permit has been issued for construction of a residential structure, but for which no certificate of occupancy has been issued; or ii) a residential structure for which a certificate of occupancy has been issued, but which has never been occupied by any resident.
- C. The applicant shall pay an additional application fee of one hundred dollars (\$100.00) for each permit and each renewal.
- D. Except to the extent that signs described in subsection (a) are allowed by this section, such signs shall remain subject to the other requirements and limitations of this article.

9.13 Appeals

An applicant who is dissatisfied by a decision of the chief building inspector rendered under this Article may appeal to the board of zoning appeals under the procedures set forth in Article 15 of this Ordinance subject to the following:

1. The notice of appeal shall be in writing and must be delivered to the board of zoning appeals within three (3) days after the applicant receives notice of the chief building inspector's decision. In the event that no appeal is made within the three-day period, the decision of the chief building inspector shall become final;
2. The board of zoning appeals shall hold the hearing on any such appeal no more than thirty-two (32) days following receipt of the appeal; and
3. The board of zoning appeals shall render a final determination on the appeal not more than thirty-two (32) days following the date of the hearing. If a decision on an appeal is not made within this 32-day period, the appellant shall be permitted under this subsection to erect and maintain the sign that is the subject of such appeal unless and until such time as the board of zoning appeals notifies the appellant of the a denial of the appeal and the reason(s) for that decision. No person erecting a sign under this subsection shall acquire any vested right to continued maintenance of such sign and should the board of zoning appeals deny the appeal, the sign shall be brought into compliance with this article.

Any appeal of the decision of the board of zoning appeals shall be taken to the appropriate Superior Court by a petition for a writ of certiorari as provided by law.

9.14 Variances Limited

Notwithstanding any other section of this article or the zoning ordinance, a variance from the provisions of this article shall occur only pursuant to the following requirements. The board of zoning appeals or any other duly authorized administrative body shall have the power to grant variances related to the height of signs, sign setbacks, topographic conditions which would prevent the erection of a sign which is otherwise permissible under this article, and similar minor variances, according to their authority, and which are not otherwise expressly prohibited below. Neither the board of zoning appeals nor any other duly authorized administrative body shall have the power or authority to vary the express terms of this article related to the number of signs, the total area of signs permitted on a lot, distance and spacing requirements, or removal of illegal signs. Further, the board of zoning appeals or any other duly authorized administrative body shall have no power to permit within any zoning district within the City of College Park any Sign not otherwise authorized by this article.

9.15 Penalties

Any person found in violation of any provision of the article shall be subject to a fine not to exceed five hundred dollars (\$500.00) per day. A separate offense shall be deemed committed each day during or upon which a violation occurs or is permitted to continue. Any sign erected or maintained in violation of this article for more than thirty (30) days shall also be subject to removal by the city at the owner's or permit holder's expense.

9.16 Substitution

The owner or the permittee of any sign which is otherwise allowed by this article may substitute non-commercial speech in lieu of any commercial speech or other non-commercial speech. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to

prevent any inadvertent favoring of commercial speech over non-commercial speech, or favoring of any particular non-commercial speech over any other non-commercial speech. This provision prevails over any more specific provision in this article to the contrary.

Article 10 – Site Development Plans

Article Ten: Site Development Plans

10.1 Intent

The intent of this Article is to further the goals of the City of College Park’s Comprehensive Plan; provide for the adequate, consistent review of new development to ensure compliance with this Code; provide for the appropriate creation of facilities and systems for the accommodation of traffic and utilities; and address the unique characteristics of certain types of development that require specific review and approval.

10.2 Site Development Plan Required

Site Development Plans shall be required for all developments for which a Land Disturbance and Erosion Control Permit is required by this Code. The following types of development shall be exempt from the requirements of this Article, but shall be required to obtain a Construction Improvement Permit and any other permit or approval required by this Code:

- A. The expansion of an existing structure or the construction of an accessory structure which does not result in a greater than 10% increase in the floor area of the structures that were previously existing on the property or require the provision of additional landscaping, parking, or other improvement regulated by this Code.

10.3 Review and Approval Authority

The City Planner, Chief Building Inspector, and Engineering Director shall have the authority to review and approve Site Development Plans required by this Article consistent with these provisions.

Neither the City Planner, Chief Building Inspector, and/ or Engineering Director, nor the Planning Commission shall have the authority to waive any requirement of this Code in the review of a Site Development Plan.

The procedure for the review of proposed amendments or revisions to previously approved Site Development Plans shall follow the process for the initial approval of Site Development Plans outlined below.

10.4 Review Process and Standards

Site Development Plans shall be subject to the following review and approval process:

- A. **General Requirements:** All applications may be obtained through the Chief Building Inspector’s office. Fees shall be paid at the time the petition and permit applications are submitted.
 1. All applications shall be made on forms provided by the Chief Building Inspector. All petitioners and permit applicants shall submit original applications which are completed in their entirety either in ink or typed. All applications shall be signed and notarized (if required).

2. All petitioners and applicants shall submit copies of applications and necessary attachments as required by the adopted policies of the City Planner.
 3. All petitions and permit applications shall be assigned reference and/or docket numbers by the City Planner. Petition applications shall be scheduled by the City Planner for the appropriate public hearings based on the completeness of the application consistent with the requirements of this Article and the appropriate adopted calendar of filing and meeting dates for the Planning Commission.
- B. Application:** The petitioner shall submit an application for Site Development Plan review, an affidavit and consent of property owner (if the property owner is someone other than the petitioner), a deed for the property involved, the required filing fee, and required supportive information to the Chief Building Inspector. Supportive information shall include, but not be limited to the following:
1. A location map showing and clearly identifying the subject property and showing all land within 1 mile of the subject property. The location map should identify the current zoning and use of all property within 1 mile of the subject property.
 2. A property survey showing all existing structures, topography, trees with a diameter measured at chest height of 8 inches or greater, floodplain and floodway boundaries (including elevations), rights-of-way, easements, building setback lines, drainage areas, pipes, known tiles, structures, utility services, historic structures, and road accesses.
 3. A site plan, drawn to scale and bearing the seal of a professional engineer or land surveyor clearly showing all aspects of the property and all features relevant to the Site Development Plan, including:
 - a. All proposed setbacks, buffer yards, structure heights, and lot coverage calculations;
 - b. All proposed buildings, structures, fences or walls, areas of outdoor storage, permanent dumpsters, and other improvements;
 - c. All proposed locations and dimensions of road accesses, interior drives, parking lots, loading docks or areas, sight visibility triangles, and interior sidewalks (all public road access shall be subject to the approval of the "Name of Jurisdiction" Board of Commissioners);
 - d. All proposed open spaces;
 - e. All proposed locations and capacities of public and private utilities (all septic systems shall be subject to the approval of the "Name of Jurisdiction" Health Department, all public sewer connections shall be subject to the approval of the appropriate public service provider);
 - f. All proposed public improvements including sidewalks, street trees, and right-of-way dedications; and
 - g. All proposed locations for temporary uses, such as seasonal sales areas.
 4. A landscaping plan, drawn to scale and bearing the seal of a registered landscape architect, architect, engineer, or surveyor showing all required and proposed landscaping in the site interior, in and adjacent to parking areas, in buffer yards, and street trees. The landscaping plan shall include the identification of the height of the plantings from ground level at the time of installation and the species proposed to be used to meet the requirements of this Code.
 5. A site drainage plan bearing the seal of a professional architect engineer or land surveyor including all calculations required by the Engineering Director. All Site Development

Plans shall be subject to the approval of the Engineering Director.

6. A site construction plan showing proposed erosion control measures, the location of any proposed construction trailer and worker parking, the location, height, and dimensions of any temporary construction-related signage, any temporary site accesses to be used during construction, any temporary utility connections, the location of any stockpiles of dirt, construction materials, and construction waste dumpsters or storage areas.
7. A detailed statement of the characteristics and operation of the development, including the 160 population densities, presence of any adult uses, and number of potential employees. The detail statement shall include any written commitments being made regarding the Site Development Plan.

Article 11 – Non-Conforming Structures, Lots, and Uses

Article Eleven: Non-Conforming Structures, Lots, and Uses

11.1 Intent

Upon adoption of this Code and Official Zoning Map, some structures, lots, and uses may no longer conform to the regulations of the zoning district in which they are located. For this reason, this Article has been generated to provide the rules, policies and regulations that apply to these structures, lots, and uses; referred to as Legal Nonconforming.

11.2 Distinction Between illegal Nonconforming and Legal Nonconforming

A structure or lot which was constructed or is being used without an approved Building Permit or approval from the Board of Zoning Appeals or City Council is considered illegal nonconforming. An illegal nonconforming property shall be subject to actions and penalties allowed by this Code and all other applicable City of College Park laws and shall be altered to conform to all applicable standards and regulations of this Code. Further, an illegal nonconforming structure, lot or use is created at the fault of the owner, tenant or property manager.

Legal Nonconforming differs from illegal Nonconforming in that the reason for the nonconformance is caused by the enactment of a Zoning Code or a change to the Zoning Code (including the Official Zoning Map). The structure, lot or use has not changed, but due to the Zoning Code enactment or change, the property no longer conforms to the policies and standards of the zoning district in which it is located. When this situation occurs, the property is deemed Legal Nonconforming or “Grandfathered.”

11.3 Nonconforming Structures

Any structure, lawfully established prior to the effective date of this Code, or its subsequent amendments, that no longer meets the developmental standards shall be deemed a Legal Nonconforming Structure.

A legal nonconforming structure may continue provided that it remains the same or fits within the below described tolerances:

- A. Any legal nonconforming structure shall not be enlarged or altered in a manner that increases its nonconformity, but any structure or portion thereof may be expanded within the allowable building envelope or altered in a manner to decrease its nonconformity.
 - B. Any legal nonconforming structure which is intentionally altered to conform to the requirements of this Code shall thereafter conform to the regulations of the district in which it is located, and the legal nonconforming features may not be resumed.
 - C. If a building or structure is moved for any reason, for any distance, it shall thereafter conform to the provisions of this Code.
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11.4 Nonconforming Lots of Record

All lots legally established and recorded prior to the effective date of this Code, or its subsequent amendments that no longer meet any applicable provision of this Code shall be deemed a Legal Nonconforming Lot of Record. Legal Nonconforming Lots of Record may be built upon only if the proposed use is permitted and all development standards of the applicable zoning district of this Code are met. Any lot which met minimum lot standard area at the time it was created, shall be deemed buildable for a single family residence.

11.5 Nonconforming Uses of Structures, Land, or Structures and Land in Combination

Any lawful use of structures, land, or structures and land in combination established prior to the effective date of this Code or its subsequent amendments that is no longer a permitted use in the district where it is located shall be deemed a Legal Nonconforming Use. A legal nonconforming use may continue provided that it remains otherwise lawful, subject to the following conditions:

- A. Existing structures devoted to a legal nonconforming use shall only be enlarged, expanded, increased, extended, constructed, or structurally altered in accordance with the Zoning District Standards identified in Article 3. Furthermore, the use of the structure may be altered to a use permitted in the district in which it is located or as otherwise specified in this Article.
- B. No structure shall be constructed in connection with an existing legal nonconforming use of land.
- C. Any legal nonconforming use of a structure may be extended throughout any parts of a building which were plainly arranged or designed for such use at the effective date of this Code or its subsequent amendments, but no such use shall be extended to occupy any land outside the building.
- D. No legal nonconforming use of land shall be enlarged, increased, extended to occupy a greater area of land, or moved in whole or in part to any other portion of a lot than was occupied at the effective date of this Code.
- E. If a legal nonconforming use is intentionally discontinued for six (6) months or longer, any subsequent use of such land, structure or land and structure shall conform to the provisions of this Code. The intent, and any evidence thereof, of any owner and/or user of a building or land, to discontinue or abandon the use shall be irrelevant in determining whether discontinuance or abandonment has in fact occurred. Instead, the determination of such discontinuance or abandonment shall be based upon such objective evidence as would lead a reasonable observer of actual use of the building or land, to believe that discontinuance or abandonment of the use has in fact occurred. This subsection shall not apply to legal nonconforming uses in existence on or before September 15, 2003.
- F. Uses which are required to be discontinued due to government action which impedes access to the premises, or damage resulting from fire, flood, other natural disaster, or a criminal act shall be exempt from this provision. Such exempt uses, if rebuilt or restored, shall be identical in scale, lot coverage, and all other aspects to that which was discontinued.
- G. When a legal nonconforming use is superseded by a permitted use, it shall thereafter conform to the regulations of the district in which it is located, the legal nonconforming use may not thereafter be resumed.

11.6 Repairs and Maintenance

The following applies to legal nonconforming structures and legal nonconforming uses of

structures, or structures and land in combination:

- A. Work may be done for ordinary repairs or replacement of walls, heating, fixtures, wiring, or plumbing; under the condition that the cubic content existing when the structure became nonconforming shall not be increased.
- B. If a structure becomes unsafe or unlawful due to physical condition and is razed, the structure shall be rebuilt in conformity with the district in which it is located.
- C. Nothing in this Section shall be deemed to prevent the strengthening, repairing, or restoring to a safe condition of any structure or part thereof declared to be unsafe by any official charged with protecting public safety upon order of such official.

Article 12 - Boards and Commissions

Article Twelve: Boards and Commissions

12.1 Planning Commission

There is hereby created a body known as the Planning Commission for the City of College Park as identified within Chapter 15, Planning & Development, Section 15.1 of the City of College Park.

12.2 Powers and Duties

The Planning Commission shall hear and act upon applications pursuant to procedures and standards established by the city council. The commission shall review, conduct public hearings, and make recommendations to the Mayor and City Council, on applications for annexation and rezoning, rezoning, and conditional use permits. The Commission shall have such other powers and duties as the Mayor and City Council may, from time to time, establish.

12.3 Hearings

1. Public notice of hearing. The Planning Commission shall give public notice of a hearing to consider any matter which the City Council or the law requires public notice, in a newspaper designated as the official organ for the City of College Park, at least 15 days prior to the date of the public hearing in accordance with the Zoning Procedures Act of the State of Georgia.
2. Who may appear. Any party may appear at the public hearing in person or by agent or by attorney.
3. Decision. The decision of the Planning Commission shall be made by a public vote and shall constitute a recommendation to the Mayor and City Council, unless the Mayor and City Council provides otherwise in its ordinances.

12.4 Standards for Review

The Planning Commission shall review all applications pursuant to the applicable standards established by the Mayor and City Council or established by state or federal law.

12.5 Powers and Duties of the Planning Commission

1. The following provisions shall apply to all zoning amendments, conditional uses, text amendments, and Comprehensive Plan amendments:
 - a. Submission of requests. Requests for alterations from these zoning regulations shall be submitted to the City Planner pursuant to the following powers and procedures:
 - i. A written application for a variance, indicating the section of this chapter under which the variance is sought, and stating the grounds upon which it is requested, shall be submitted to the city planner. Once the application and all required attachments are deemed complete, the city planner will place the application on the next planning commission agenda.

- ii. Before making its decision on a request, the commission shall hold a public hearing thereon.
- iii. At the expense of the applicant, the commission shall give public notice of a hearing on a variance or conditional use permit in the newspaper used as the official legal organ for the City of College Park, published at least 15 days, but not more than 45 days prior to the date of the hearing, and shall further cause the erection at least 15 days prior to the date of the hearing, in a conspicuous place on the property in question, a sign as a notice to the public that a petition for a zoning amendment has been filed as to the property and that a public hearing will be held on the request before the planning commission, stating the date, time and place of that hearing.
- iv. The applicant or any aggrieved party may appear at the public hearing in person or by agent.
- v. The planning commission shall reach a recommendation within 30 days of the hearing.
- vi. Recommendation of the planning commission with regard to the above zoning amendments shall be forwarded to the Mayor and City Council for an official decision.

12.6 Standards for Review of Conditional Uses

1. General policy. Conditional Uses are neither absolutely permitted as a matter of right nor prohibited in particular zoning districts. Such uses of property may be permitted as generally compatible with the zoning district, but not in every location therein, nor without certain standards or other requirements or conditions met. Uses which require a conditional use permit are potentially incompatible with other uses usually allowed in the particular district or particularly incompatible with nearby or contiguous districts.
2. Conditional Uses shall be authorized only upon making a finding that the application conforms to all of the requirements of the designated zoning district requirements.
3. Standards for review. Special emphasis shall be placed on the justification for the proposed use at the proposed location and how the proposal relates to and affects neighboring properties. Therefore, the commission and the council, on appeal, shall consider among other matters, the statement of general policy stated above and the following:
 - a. Compliance with the City of College Park's zoning ordinance.
 - b. The character and use of buildings and structures adjoining or in the vicinity of the subject property.
 - c. The compatibility of the proposed use at the subject property to the present uses of the buildings, structures, or properties adjoining or in the vicinity of the subject property.
 - d. Impact of the proposed use on nearby properties, including existing and possible future uses.
 - e. Impact of the proposed use on public facilities, utilities and public infrastructure.
 - f. Appropriateness of the proposed use as related to the city's land use plan.
 - g. The number of persons residing, studying, working in or otherwise occupying buildings adjoining or in the vicinity of the subject property.
 - h. Traffic conditions in the area of the proposed use and possible aggravation of traffic conditions by the proposed use.

- i. Accessibility of building for fire and police protection.
 - j. Materials of combustible, explosive or inflammable nature to be sold, stored, or kept on the premises.
 - k. Protection of occupants of adjoining and surrounding buildings from noise, dust, gases, pollution.
 - l. Population density in the surrounding area and threats to the public safety created by the proposed use.
 - m. Relationship of the proposed use to the neighboring areas in the context of how the use might service or have utility to the area.
 - n. Adequacy of the site in terms of protecting and screening nearby properties from adverse impacts which might result from the proposed use.
 - o. The number, size, and type of signs proposed for the site.
 - p. The amount and location of open space on the site.
 - q. Hours and manner of operation of the proposed use.
 - r. The type of electrical illumination for the proposed use with special reference to its effects on nearby structures and the glare, if any, from such illumination in surrounding sleeping quarters.
 - s. Adequacy of ingress and egress to the property.
 - t. Impact of the proposed use on the property values of surrounding properties at the uses for which the surrounding properties are presently being used.
4. Conditional approval. The Mayor and City Council may impose such conditions as it deems necessary to insure compatibility of the proposed use with the neighboring area and with the policies of the city's zoning ordinance and land use plan and the standards of this chapter. Such conditions may include, at a minimum, any of the following:
- a. The existence of certain public facilities, utilities, or infrastructures.
 - b. The existence of traffic control devices or modifications to streets and traffic patterns.
 - c. Parking.
 - d. Screening or buffering.
 - e. Distance from other similar uses.
 - f. Building or improvement setbacks.
 - g. Minimum lot size.
 - h. Hours of operation.
 - i. Number and location of curb cuts or driveway entrances into public roads or into the subject tract.
 - j. Type and placement of outdoor lighting.
 - k. Type and placement of signs.
 - l. Physical design and layout of property.
 - m. Limitations on operation of use.
5. Prior to the approval of a land disturbance permit, a building permit or a certificate of occupancy, a site plan based on a certified boundary survey of the property, showing the exact location of all improvements, and incorporating the stipulations of the conditional use permit and meeting and exceeding the requirements of this zoning chapter, shall be first approved.

12.7 Board of Zoning Appeals

There is hereby created a body known as the Board of Zoning Appeals for the City of College Park, as identified within Chapter 15, Planning & Development, Section 15.8 of the City of College Park.

12.8 Powers and Duties

The Board of Zoning appeals shall hear and act upon applications pursuant to procedures and standards established by the Mayor and City Council. The Board of Zoning Appeals shall review, conduct public hearings, and make decisions upon applications for variances and administrative appeals.

12.9 Hearings

1. Public notice of hearing. The Board of Zoning Appeals shall give public notice of a hearing to consider any matter which the law requires public notice, in a newspaper designated as the official organ for the City of College Park, at least 15 days prior to the date of the public hearing in accordance with the Zoning Procedures Act of the State of Georgia.
2. Who may appear. Any party may appear at the public hearing in person or by agent or by attorney.
3. Decision. The decision of the Board of Zoning Appeals shall be made by a public vote and shall constitute a final decision.

12.10 Criteria for Granting a Variance

The Board of Zoning Appeals may authorize, only in the specific cases of height and size of structures, buffers, yard requirements, parking, fences, pools, and accessory buildings, such variance from the terms of these regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these regulations will, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done; provided, however, that a variance shall not be granted for use of land, building, structure that is prohibited by this chapter in the district in question. Such variance may be granted, in an individual case, upon a finding by the Board of Zoning Appeals that the following exists:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question, because of its size, shape or topography;
2. The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship;
3. Such conditions are peculiar to the particular piece of property involved;
4. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this chapter and the City Comprehensive Plan text, however, no variance may be granted for a use of land, building, structure that is prohibited by this chapter;
5. A literal interpretation of this chapter would deprive the applicant of any rights that others in the same district are allowed; and
6. Provided that the commission may impose or require such additional restrictions and standards as may be necessary to protect the health and safety of workers and residents in the community, and to protect the value and use of property in the general neighborhood; and provided that wherever the commission shall find, in the case of any permit granted pursuant to the provisions of these

regulations, that any of the terms, conditions, or restrictions upon which such permit was granted are not complied with, said commission shall rescind and remove such permit after giving due notice to all parties concerned and granting full opportunity for a public hearing.

12.11 Limitations of the Board of Zoning Appeals for granting Variances

1. The Board of Zoning Appeals shall not review sign variances. Sign variance applications are made to the Mayor and City Council.
2. The Board of Zoning Appeals shall not grant variance to:
 - a. Allow a structure or use not authorized in the applicable zoning district or a density of development that is not authorized within such district;
 - b. Allow an increase in maximum height of building;
 - c. Allow any variance which conflicts with or changes any requirement enacted as a condition of zoning or of a conditional use permit by the Mayor and City Council;
 - d. Reduce, waive or modify in any manner the minimum lot width and minimum lot area where the lot has been conditionally zoned to a specific site plan;
 - e. Reduce, waive or modify in any manner the minimum lot area established by the Mayor and City Council for any permitted use;
 - f. Extend the time period for a temporary outdoor social, religious, entertainment or recreation activity approved by the City Planner;
 - g. Permit the expansion or enlargement of any nonconforming use of land, nonconforming use of land and buildings in combination, nonconforming use of land and structures in combination, or nonconforming use requiring conditional use permit;
 - h. Permit the reestablishment of any nonconforming use of land, nonconforming use of land and buildings in combination, nonconforming use of land and structures in combination, or nonconforming use requiring conditional use permit where such use has lapsed pursuant to the requirements and limitations of Article 12 of this Ordinance; or
 - i. Permit customer contact for a home occupation authorized by this Ordinance.

12.12 Analysis, Findings of Fact, and Recommendation on Each Application for Variance and Conditional Uses

The city planner shall conduct a site inspection of and shall prepare an analysis of each application for variance and conditional use permits. The city planner shall present its findings and recommendations in written form to the Planning Commission and Board of Zoning Appeals at least four days prior to the public hearing thereon.

12.13 Establishments of Administrative Appeals Process

All appeals from actions of the City Planner shall be heard by the Board of Zoning Appeals.

12.14 Establishments of Appeals Process for Variances

All appeals of the Board of Zoning Appeals shall be by certiorari to Superior Court.

Article 13 - Administration

Article Thirteen: Administration

13.1 Administrative Officer

The City of College Park's City Planner, including designee(s), will have the principal responsibility for administration and enforcing and/or coordination of the enforcement of this Code. The duties of the City Planner, or his/her designee shall include, but not be limited to:

- A. Reviewing, approving, or disapproving all construction permits and keeping permanent records of applications made and actions taken;
- B. Conducting inspections of structures and properties to determine compliance with the requirements of this Code and all approvals granted by the Planning Commission, Board of Zoning Appeals, and City Council;
- C. Maintaining permanent and current records documenting the application of this Code including, but not limited to, all maps, amendments, conditional uses, variances, and appeals;
- D. Receiving, processing and referring to the Planning Commission and City Council all amendment applications;
- E. Receiving, processing, and referring to the Board of Zoning Appeals all appeals, variances, and other matters upon which it is authorized to act under this Code.
- F. Provide all such clerical and technical assistance as may be required by the Board of Zoning Appeals, Planning Commission, City Council, or other body in the execution of its duties as established by this Code.

13.2 Notice of Public Hearing

For all public hearings, the petitioner shall provide notice to the public consistent with the requirements of this section. Required public notice shall include the following:

- A. **Notice Sign:** The petitioner shall allow the City Planner to post on the subject property a sign giving notice of the hearing provided by the Planning office. The sign shall remain on the property until the final decision on the request is made by the Board of Zoning Appeals, Planning Commission, and City Council.
- B. **Legal Notice:** The City Planner shall prepare a legal notice consistent with the requirements of Zoning Procedures Law of the State of Georgia for publication in the local newspaper of general circulation. Legal notices shall include each of the following:
 1. The general location of the subject property;
 2. The street or common address of the real estate.
 3. That the project plans are available for examination at the office of the City of College Park's Planning Office;
 4. That a public hearing will be held giving the date, place, and hour of the hearing; and
 5. That written comments on the petition will be accepted prior to the public hearing and may be submitted to the City Planner.
- C. **Notice to Interested Parties:** The Applicant shall prepare and distribute written notice of the petition to all property owners within 1,000 feet of the boundaries of the subject property.
 1. The notice shall contain the same information as the legal notice which is published in

- the newspaper as outlined in Article 14.2.
2. For all zoning requests that require recommendation by the Planning Commission and decision of the Mayor and City Council, the Applicant shall obtain the names and mailing addresses of those to be notified from the Real Estate Public Records contained in the County Tax Assessor's Office. For all variance requests that require a decision by the Board of Zoning appeals, the City shall obtain the names and mailing addresses of those to be notified from the Real Estate Public Records contained in the County Tax Assessor's Office.
 3. The notices shall be sent to each property owner at least 1 time, and must be postmarked a minimum of at least 15 days before the date of the public hearing. The cost of the mailing for all zoning requests that require recommendation by the Planning Commission and decision of the Mayor and City Council shall be paid for by the Applicant and be sent via certified mail through the United States Postal Service. The cost of the mailing for all variance requests that require decision of the Board of zoning appeals shall be paid for by the City and be sent via certified mail through the United States Postal Service.
 4. A copy of the materials provided to each property owner and all Certificate of Mailings from the United States Postal Service shall be provided to the City Planner seven (7) business days prior to the public hearing.

13.3 Summary of Powers and Duties of the Planning Commission

The powers and duties of the Planning Commission are described below. Duties should be interpreted as activities that are obligations. Powers should be interpreted as activities that are optional to be initiated.

A. Planning Commission duties include:

1. Adopt and maintain rules and procedures for holding meetings, holding public hearings, and administrating and enforcing the comprehensive plan and zoning ordinance;
2. Maintain complete records of all meetings, hearings, correspondences, and affairs of the Planning Commission;
3. Certify the Planning Commission's recommendation and submit recommendations to the Mayor and City Council including new versions of, and revisions to the comprehensive plan, zoning ordinance, and the Official Zoning Map;
4. Certify the Planning Commission's recommendation and submit recommendations to the Mayor and City Council to amend the Official Zoning Map;
5. Certify the Planning Commission's recommendation and submit recommendations to the Mayor and City Council for conditional uses;
6. Approve or deny preliminary plats, re-plats, and the vacation of plats of subdivisions; and
7. Enforce regulations and procedures of the comprehensive plan, and zoning ordinance.

13.4 Summary of Powers and Duties of the Board of Zoning Appeals

The powers and duties of the Board of Zoning Appeals are described below. Duties should be interpreted as activities that are obligations. Powers should be interpreted as activities that are optional to be initiated. The powers, duties, rules, and procedures are further described by the Board of Zoning Appeals Rules and Procedures.

A. Board of Zoning Appeals duties include;

1. Review and hear appeals of decisions made under this Code or in the enforcement of this Code by the City Planner; and
2. Review, hear, and approve or deny all petitions for variances from development standards (such as height, bulk, or area) based on the provisions of this Ordinance.
3. Review, hear, and act on administrative appeals.

Article 14 – Processes, Permits, and Fees

Article Fourteen: Processes, Permits, and Fees

14.1 Types of Petitions and Permit applications

- A. The City of College Park hereby requires that an application be submitted for the following types of petitions:
 - 1. Variance,
 - 2. Conditional Uses,
 - 3. Conditional Height, and
 - 4. Zoning Map Amendment,
- B. All applications shall be obtained through the City Planner’s office. Fees shall be paid at the office at the time petition and permit applications are submitted.
 - 1. All applications shall be made on forms provided by the City Planner. All petitioners and permit applicants shall submit original applications which are completed in their entirety either in ink or typed. All applications shall be signed and notarized (if required).
 - 2. All petitioners and applicants shall submit copies of applications and necessary attachments as required by the adopted policies of the City Planner.
 - 3. All petitions and permit applications shall be assigned reference and/or docket numbers by the City Planner. Petition applications shall be scheduled by the City Planner for the appropriate public hearings based on the completeness of the application consistent with the requirements of this Article and the appropriate adopted calendars of filing and meeting dates for the Board of Zoning Appeals, Planning Commission, and Mayor and City Council.

14.2 Schedule of Fees

The City Planner shall maintain an official Fees Schedule for permits and processes outlined in this Code. The Fees Schedule shall be available to the public in the office of the City Planner. The fees schedule may be amended by a recommendation submitted to the City Council.

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

Any person or persons who initiates construction of a structure or the alteration of land prior to obtaining a Building Permit or any other required permit shall pay a fine equal to 2 times the amount of the fee, in addition to the standard fee amount.

Variance Process (VA)

14.3 Variance Process (VA)

The following procedure shall apply to all variance petitions;

- A. **Application:** The petitioner shall submit a variance application, affidavit and consent of

property owner (if the owner is someone other than the petitioner), a deed for the property involved, the required filing fee, and required supportive information. Supportive information shall include, but not be limited to the following:

1. A site plan drawn with a straight edge, signed, and dated, clearly showing the entire layout of the property and all features relevant to the variance request.
 2. A letter of intent to the Board of Zoning Appeals describing the details of the variance being requested and stating how the request is consistent with the required findings of fact described by Article 13.12 of this Ordinance. The letter should include any written commitments being made by the petitioner.
 3. A letter from the Federal Aviation Administration indicating that the variance will not negatively affect the operation of the Airport, if required.
- B. **Notification:** Notification for the scheduled public hearing regarding the variance request shall be completed consistent with Article 14.2 of this Ordinance and the Rules and Procedures of the Board of Zoning Appeals.
- C. **Public Hearing:** The Board of Zoning Appeals will then, in a public hearing scheduled consistent with the adopted calendar of filing and meeting dates, review the variance application and required supportive information.
1. Either the petitioner or a representative of the petitioner must be present at the public hearing to present the petition and address the required findings of fact.
 2. The Board shall consider a report from the City Planner, testimony from the petitioner, and testimony from the public and interested parties at the hearing.
 3. The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the requirements of the Rules and Procedures of the Board.
 4. The Board of Zoning Appeals may approve, approve with conditions, deny, or table the petition.
 - a. The petition shall be approved if findings of fact are made consistent with the requirements of Article 13.12 of this Ordinance.
 - b. The petition shall be approved with conditions if the Board of Zoning Appeals determines that the required findings of fact may be made if certain conditions are applied to the petition. The Board may make reasonable conditions related to the required findings of fact part of its approval or accept written commitments from the petitioner.
 - c. The petition shall be denied if findings of fact consistent with the requirements of Article 13.12 of this Ordinance are not made.
 - d. The petition shall be tabled consistent with the adopted Rules and Procedures of the Board of Zoning Appeals.

14.4 Appeals to Superior Court

Appeals of the grant or denial of a variance decision shall be taken within thirty (30) days of the decision by filing an appeal in superior court, pursuant to the provisions in Title 5 of the Georgia Code. Such appeals shall be de novo.

14.5 Reapplication of Variance

If the decision of the Board of Zoning Appeals is to deny the variance, then the same property may not again be considered for a variance until the expiration of at least one (1) year immediately following such denial.

14.6 Termination of Variance

A variance may cease to be authorized and terminated with proper public notification, public hearing, and approval by the Board of Zoning Appeals if construction has not been completed and approved within six (6) months of the date the variance is granted.

Administrative Appeal Process (AA)

14.7 Administrative Appeal Process (AA)

The following procedure shall apply to all appeals of administrative decisions;

- A. **Application:** The petitioner shall submit an administrative appeal application and required supportive information. Supportive information shall include, but not be limited to the following:
1. Copies of all materials submitted to the staff member or administrative board upon which the decision being appealed was based.
 2. Copies of any written decisions which are the subject of the appeal.
 3. A letter describing the reasons for the appeal noting specific sections of this Code or other standard applicable to City of College Park upon which the appeal is based.
- B. **Notification:** Notification for the scheduled public hearing regarding the administrative appeal shall be completed consistent with Article 14.2 of this Ordinance and the Rules and Procedures of the Board of Zoning Appeals.
- C. **Public Hearing:** The Board of Zoning Appeals will then, in a public hearing scheduled consistent with the adopted calendar of filing and meeting dates, review the administrative appeal application and supportive information.
1. Either the applicant or a representative of the applicant must be present at the public hearing to present the appeal and address any questions from the Board.
 2. The Board shall consider a report from the City Planner, testimony from the applicant, and testimony from any interested parties at the hearing.
 3. The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the requirements of the Rules and Procedures of the Board.
 4. The BZA may grant, deny, or table the appeal.
 - a. The appeal shall be approved if findings of fact are made consistent with the requirements of Article 13.12 of this Ordinance.
 - b. The petition shall be denied if findings of fact are made supporting the administrative decision.
 - c. The petition shall be tabled consistent with the adopted Rules and Procedures of the Board of Zoning Appeals.

Conditional Use Process (CU)

14.8 Conditional Use Process (CU)

The following procedure applies to conditional use petitions:

- A. **Application:** The petitioner shall submit a conditional use application, affidavit and consent of property owner (if the owner is someone other than the petitioner), a deed for the property involved, the required filing fee, and required supportive information. Supportive information shall include, but not be limited to the following:
1. A site plan drawn with a straight edge, signed, and dated, clearly showing the entire layout of the property and all features relevant to the conditional use request.
 2. A letter of intent to the Planning Commission describing the details of the conditional use request including but not limited to:
 - a. The ways in which the conditional use shall comply with the applicable development standards of this Code,
 - b. The ways in which the conditional use shall be consistent with the required findings of fact described by Article 13.6 of this Ordinance, and
 - c. Any written commitments being made by the petitioner.
 3. A letter from a public sewer provider stating that the proposed conditional use shall be served by its utility.
 4. A letter from the Federal Aviation Administration indicating that the variance will not negatively affect the operation of the Airport, if required.
- B. **Notification:** Notification for the scheduled public hearing regarding the conditional use request shall be completed consistent with Article 14.2 of this Ordinance and the Rules and Procedures of the Planning Commission.
- C. **Public Hearing:** The Planning Commission will then, in a public hearing scheduled consistent with the adopted calendar of filing and meeting dates, review the conditional use application and required supportive information.
1. Either the petitioner or a representative of the petitioner must be present at the public hearing to present the petition and address the required findings of fact.
 2. The Board shall consider a report from the City Planner, testimony from the petitioner, and testimony from the public and interested parties at the hearing.
 3. The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the requirements of the Rules and Procedures of the Board.
 4. The Planning Commission may recommend approval, approval with conditions, denial, or table the petition.
 - a. The petition shall be approved if findings of fact are made consistent with the requirements of Article 13.6 of this Ordinance.
 - b. The petition may be approved with modifications if the Planning Commission determines that the required findings of fact may be made only if certain conditions are applied to the petition. The Commission may make reasonable conditions related to the required findings of fact part of its approval or accept written commitments from the petitioner.
 - c. The petition shall be denied if findings of fact consistent with the requirements of Article 13.6 of this Ordinance are not made. Petitions which are denied shall not be eligible for consideration again by the Planning Commission for a period of 1 year from the date of denial.

- d. The petition shall be tabled consistent with the adopted Rules and Procedures of the Planning Commission.
- A. **Planning Commission Public Hearing:** The Planning Commission will then, in a public hearing scheduled consistent with the adopted calendar of filing and meeting dates (but no later than 60 days following the receipt of the application), review the conditional use application and required supportive information.
 1. Either the petitioner or a representative of the petitioner must be present at the public hearing to present the petition and address any questions the Commission may have.
 2. The Commission shall consider a report from the City Planner, testimony from the petitioner, and testimony from the public and interested parties at the hearing.
 3. The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the requirements of the Rules and Procedures of the Commission.
 4. The Planning Commission shall either forward the petition to the Mayor and City Council with a favorable recommendation, an unfavorable recommendation, or no recommendation, or table the request.
 - a. The petition shall be forwarded with a favorable recommendation if it is found to be consistent with the decision criteria listed below in Article 15.11.
 - b. The petition shall be forwarded with an unfavorable recommendation if it is found to be inconsistent with the decision criteria listed below in Article 15.11.
 - c. The petition may be forwarded with no recommendations if, by a majority vote of the Commission, it is determined that petition includes aspects which the Commission is not able to evaluate.
 - d. The petition shall be tabled consistent with the adopted Rules and Procedures of the Planning Commission.
 - B. **Certification:** The Planning Commission shall certify its recommendation by resolution to the Mayor and City Council. The City Planner shall forward to the City Council appropriate copies of the Planning Commission's resolution, the original application and all supportive information, any staff reports regarding the petition, and the Code for the Council's consideration.
 - C. **Mayor and City Council Hearing:** The Mayor and City Council shall hold a public hearing and vote on the proposed rezoning Code with 60 days of its certification by the Planning Commission.

14.9 Reapplication of Conditional Use Permit

If the decision of the Mayor and City Council is to deny the Conditional Use Permit, then the same property may not again be considered for a Conditional Use until the expiration of at least one (1) year immediately following such denial.

14.10 Termination of Conditional Use Permit

A Conditional Use Permit may cease to be authorized and terminated with proper public notification, public hearing, and approval by the Mayor and City Council if construction has not been completed and approved within six (6) months of the date the Conditional Use Permit is granted.

Zoning Amendment Process (ZA)

14.11 Zoning Amendment Process (ZA)

The following procedure shall apply to all zoning map amendment (“rezoning”) petitions:

- A. **Petition Initiation:** Proposals for zoning map amendments may be initiated by either the City Council, the property owner, or through a petition signed by property owners of at least 50% of the land involved.
 1. The City Planner shall prepare the petition for zoning map amendment if either the city Council has initiated the petition. The city Planner shall serve as the petitioner for such proposals.
 2. Any property owners requesting a zoning map amendment shall be the petitioners and assume responsibility for preparing application materials.
- B. **Application:** The petitioner shall submit a rezoning application, affidavit and consent of property owner (if the owner is someone other than the petitioner), a deed for the property involved, the required filing fee, and required supportive information. Supportive information shall include, but not be limited to the following:
 1. A site plan drawn to scale showing, at a minimum, all existing and proposed structures, setbacks, easements, rights-of-way, floodplains, trees with a diameter in excess of 8 inches measured at chest height, and any other feature relevant to the petition.
 2. A vicinity map showing the use and zoning of all properties within 1,320 feet of the property subject to the rezoning request.
 3. A letter of intent to the Planning Commission stating the reasons for the Zoning Map Amendment, including a detailed description of any proposed development for which the rezoning is sought. The letter should include any written commitments being made by the petitioner.
 4. A letter verifying that proper waste disposal will be available to the property.
 5. For proposals using septic systems, a letter from the County Health Department shall be provided verifying that the any proposed new development makes appropriate use of the septic system and will be adequately served.
 6. For proposals using public sewers, a letter from the service provider shall be included verifying that any proposed new development will be served.
- C. **Notification:** Notification for the scheduled public hearing regarding the rezoning request shall be completed consistent with the requirements of Article 14.2 of this Ordinance and in accordance with the Planning and Zoning Act of the State of Georgia.
- D. **Planning Commission Public Hearing:** The Planning Commission will then, in a public hearing scheduled consistent with the adopted calendar of filing and meeting dates (but no later than 60 days following the receipt of the application), review the rezoning application and required supportive information.
 5. Either the petitioner or a representative of the petitioner must be present at the public hearing to present the petition and address any questions the Commission may have.
 6. The Commission shall consider a report from the City Planner, testimony from the petitioner, and testimony from the public and interested parties at the hearing.
 7. The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the requirements of the Rules and Procedures of the Commission.
 8. The Planning Commission shall either forward the petition to the Mayor and City Council with a favorable recommendation, an unfavorable recommendation, or no recommendation, or table the

request.

- e. The petition shall be forwarded with a favorable recommendation if it is found to be consistent with the decision criteria listed below in this Article.
 - f. The petition shall be forwarded with an unfavorable recommendation if it is found to be inconsistent with the decision criteria listed below in this Article.
 - g. The petition may be forwarded with no recommendations if, by a majority vote of the Commission, it is determined that petition includes aspects which the Commission is not able to evaluate.
 - h. The petition shall be tabled consistent with the adopted Rules and Procedures of the Planning Commission.
- E. **Certification:** The Planning Commission shall certify its recommendation by resolution to the Mayor and City Council. The City Planner shall forward to the City Council appropriate copies of the Planning Commission's resolution, the original application and all supportive information, any staff reports regarding the petition, and the Code for the Council's consideration.
- F. **Mayor and City Council Hearing:** The Mayor and City Council shall hold a public hearing and vote on the proposed rezoning Code with 60 days of its certification by the Planning Commission.
- G. **Decision criteria:** In reviewing the rezoning petition, the Planning Commission and Mayor and City Council shall consider the following:
- 1. The City of College Park's Comprehensive Plan and any other applicable, adopted planning studies or reports;
 - 2. The current conditions and the character of current structures and uses in each district;
 - 3. The most desirable use of which the land in each district is adapted;
 - 4. The conservation of property values throughout the City of College Park; and
 - 5. Responsible growth and development.

Conditional Zoning Process (CZ)

14.12 Conditional Zoning Process (CZ)

- A. Each district for zoning shall have a subhead there under to be known as "Conditional" for that district.
- B. Whenever any application for a change in the district maps is accompanied or supported by specific plans and design for a particular development and use, and the mayor and council, after action by the planning commission in accordance with this article, and after public hearing as provided in this article, and upon submission of all specifications, plans, designs and conditions in a final ordinance form, have approved such specific plans and design, and such particular development and use and also have approved such change in the district maps, then the property may be rezoned for the proper district as set forth in this zoning ordinance for the City of College Park as "conditional" under that district. After such rezoning, city staff shall provide to the applicant a copy of this ordinance, such applicant shall indicate his or her receipt by initialing the same, and city staff will accordingly retain a copy of the initialed document. The following conditions apply to development of the conditionally-rezoned property:
 - 1. The building inspector shall issue a building permit for the development of the rezoned property only in strict compliance with the plans submitted.

2. Unless the conditional zoning designation has been extended as provided in subsection (4) and subsection (5) herein below, the conditional zoning designation shall expire twelve (12) months from the date of the conditional rezoning and shall immediately revert to the previous zoning designation.
3. If such building permit is issued within twelve (12) months of the date of the conditional rezoning, the conditionally-rezoned property shall retain its conditional zoning designation.
4. However, if such building permit has not been issued within ten (10) months of the date of the conditional rezoning, the applicant may request an extension of the conditional zoning. Additionally, city staff, including but not limited to the city planner and the building inspector shall, between ten (10) months and one (1) year of the date of the conditional rezoning, prepare a report for mayor and council's consideration as to whether the conditionally-rezoned property shall retain its conditional zoning designation. Such report shall include the original rezoning application and details regarding development on the conditionally-rezoned property, if any.
5. Upon consideration of the report of city staff, mayor and council shall determine whether the property shall revert to its previous zoning designation or retain its conditional zoning designation for one (1) additional year. Failure of the applicant to timely request an extension of the conditional zoning shall, in no event, result in an extension of more than one (1) year, of the conditional zoning designation. If mayor and council determine that the property shall retain its conditional zoning designation for an additional year and no building permit is obtained within ten (10) months of the date of the extension of the conditional zoning, the applicant may again request an extension of the conditional zoning, and city staff and mayor and council shall again take the actions specified herein and in subsection (4) hereinabove. Until a building permit is obtained, the processes specified herein and in subsection (4) hereinabove will continue.

The failure of city staff and mayor and council to take any actions herein shall, in no event, result in an extension of the conditional zoning.

Certificate of Occupancy Process (CO)

14.13 Certificate of Occupancy Process (CO)

It shall be unlawful for an owner to use or permit the use of any building or premises or part thereof, hereafter created, changed, converted or enlarged, wholly or partly, until a certificate of occupancy, which shall be a part of the building permit, shall have been issued by the building inspector. Such certificate shall show that such building or premises or part thereof and the proposed use thereof are in conformity with the provisions of this ordinance. It shall be the duty of the building inspector to issue a certificate of occupancy provided that such inspector is satisfied that the building and the proposed use thereof conform with all the requirements of this ordinance. No permit for excavation or construction shall be issued by the building inspector before such inspector is satisfied that the plans, specifications and intended use conform to the provisions of this ordinance.

A. Temporary Certificate of Occupancy.

Under such rules and regulations as may be established by the building inspector, a temporary certificate of occupancy for a part of a building may be issued.

B. Certificate for Existing Building.

Upon written request from the owner, the building inspector shall issue a certificate of occupancy for any building or premises existing at the time of enactment of this ordinance, certifying, after inspection, the extent and kind of use made of the building or premises, and whether such use conforms with the provisions of this ordinance.

C. Certificate of Occupancy for Non-conforming Uses.

1. A certificate of occupancy shall be required of all lawful nonconforming uses of land or buildings created by this ordinance.
2. Application for such certificates of occupancy for nonconforming uses shall be filed with the building inspector by the owner or lessee of the land or building occupied by such nonconforming use within one (1) year of the effective date of this ordinance. Failure to apply for such certificate of occupancy will place upon the owner or lessee the entire burden of proof that such use of land or buildings lawfully existing on the effective date of this ordinance.
3. It shall be the duty of the building inspector to issue a certificate of occupancy for a lawful nonconforming use upon application.

D. Availability of Records.

A record of all certificates of occupancy shall be kept on file in the office of the building inspector and copies shall be furnished on request to any person having a proprietary or tenancy interest in land or in a building affected by such certificate of occupancy.

Certificate of Zoning Compliance Process (ZC)

14.14 Certificate of Zoning Compliance Process (ZC)

- A. In the absence of a certificate of zoning compliance ("certificate"), no representation by any official or employee of the city shall in any way legally bind the city or in any way constitute any determination that the structure(s) and/or use(s) located on or proposed for the subject property comply (ies) with the zoning ordinance of the City of College Park, or any appendix thereto, nor shall any owner of property within the city or his agent, successor or assign, be entitled to rely upon any such representation or claim any vested right to maintain or construct any structure and/or conduct any use located on or proposed for the subject property as a result of any such representation.
- B. To determine in advance whether a structure or use existing or proposed for any property located within the city is or may be used or developed in compliance with this ordinance, the owner of the property or his agent ("owner") may request a certificate from the building inspector. Such request shall be in writing and on the form developed by the city, which form, at a minimum, shall require that the following information be provided regarding the property for which the certificate is being requested:
 1. Identity of the owner of the subject property;
 2. Identity of any agent of the owner of the subject property;
 3. A legal description of the subject property;
 4. A complete description and inventory of all existing structures on the subject property;
 5. A complete description and inventory of all proposed structures to be located on the subject property;

6. A complete description and inventory of any and all activities presently occurring on the subject property; and
 7. A complete description and inventory of any and all activities proposed to occur on the subject property
- C. The building inspector or his representative shall respond to owner in writing within ten (10) business days of receipt of a request for a certificate.
- D. The issuance of a certificate shall merely constitute confirmation that the structures and/or uses located on or proposed for the subject property have been determined to be in compliance with the zoning ordinance of the city as effective on the date of issuance of the certificate and may be legally conducted thereon as of the date of issuance of the certificate.
- E. Any certificate issued hereunder shall be valid for thirty (30) days and renewable for additional thirty (30) day periods for up to six (6) total thirty (30) day periods from the date of the initial issuance of the certificate, provided that renewals shall only be granted by the building inspector or his representative upon a satisfactory showing of evidence by owner that the owner is actively continuing to pursue the establishment on the property of the use described in the certificate. Within the period of validity of a certificate or any renewal, the applicant must make any necessary further application to commence or conduct the uses identified within the application for a certificate or begin construction on any and all structures identified in the application for a certificate. Upon the termination of the certificate or any renewal, any property addressed by the certificate shall be governed by any and all ordinances as may have been enacted or amended by the mayor and council of the city during the period of validity of the certificate and any renewal.

Conditional Height Permit (CHP)

14.15 Conditional Height Permit Process (CHP)

- A. The city council may issue conditional height zoning permits which increase the limits of a building on a plot in any zoning district, provided:
1. The property owner or such owner's representative has applied for a conditional height zoning permit and has submitted plans and information to identify the type of development proposed, its maximum proposed height, and details of proposed development which guarantee maintenance of accessibility for firefighting equipment throughout the period of construction and thereafter, including noncombustible stairs and standpipe with water under pressure to every floor.
 2. It has been determined that the proposed development is in harmony with the city's comprehensive development plans, and that the proposed development is of such character as to be an asset to the immediate neighborhood.
 3. The proposed development will not unduly restrict the light and air to surrounding properties or present an undue hazard to aircraft.
 4. The proposed development meets all requirements of the zoning district other than height limit restrictions.
 5. The side yard, front yard, and rear setbacks shall meet the particular district's requirements.

Article 15 – Enforcement and Penalties

Article Fifteen: Enforcement and Penalties

15.1 Authority

The Planning Commission, Board of Zoning Appeals, City Council, and/or City Planner (and their designees) are designated to enforce the provisions, regulations, and intent of this Code.

15.2 Violations

Complaints made pertaining to this Code shall be investigated by the City Planner. Also, any violations suspected by the Planning Commission, Board of Zoning Appeals, or Mayor and City Council shall be investigated. Action may or may not be taken depending on the findings. The degree of action will be to the discretion of the City Planner and should reflect what is warranted by the violation.

15.3 Inspection of Property

Investigations of property may be done by the City Planner either from a right-of-way without permission of the property owner, or adjacent property (with permission), or from the property suspected of a violation once he/she has presented sufficient evidence of authorization and described the purpose of the inspection to the owner, tenant, or occupant at the time of the inspection.

In the event that the City Planner is denied entry to the subject property, he/she may apply to the court of jurisdiction to invoke legal, applicable, or special remedy for the inspection of property and enforcement of this Code or any applicable Codes adopted under state code. The application shall include the purpose, violation(s) suspected, property address, owner's name if available, and all relevant facts. Additional information may be necessary as requested by the court.

Pursuant to applicable regulations and the orders of the court of jurisdiction the owner, tenant, or occupant shall permit entry by the City Planner or designee.

15.4 Responsibility for Violations

The owner of any property or building, or part thereof, shall be responsible for the violation. Architects, builders, developers, or agents thereof may also be held responsible for the violation if evidence of their involvement or negligence is found. Ultimately, if fault is not clearly found in whole or in part in persons other than the owner, the owner shall be held responsible in whole or in part as warranted by the findings of the City Planner.

15.5 Liability

A structure that is raised or converted, or land used in violation of this Code or its subsequent amendments may be deemed a common nuisance, and the owner or possessor of the structure or

land is liable for the nuisance.

15.6 Violations During the Construction/Building Process

The City Planner or designee may place a Stop-Work-Order or Violation Notice on any land/property improvement process. Stop-Work-Orders shall be issued by written letter which shall state the violation and that work or illegal activity must stop immediately until the matter is resolved. This letter shall be posted in a conspicuous place or be delivered/mailed to the owner, developer, property manager, tenant, or occupant.

- A. The City Planner or designee shall meet with the person(s) served the Stop-Work-Order notice within 7 days of any such meeting being requested. A memorandum of agreement shall be drafted stating the conditions by which construction or action may be resumed. This memorandum of agreement must be signed by the owner, developer, property manager, tenant, or occupant that has caused, or is responsible for the violation and the City Planner.
- B. Reasons for a Stop-Work-Order include, but are not limited to:
 - a. Not complying with development standards and/or any regulations of this Code;
 - b. Not obtaining a Building Permit prior to the start of construction of any improvement for which a permit is required by this Code;
 - c. Not completing structures or other improvements consistent with any approved Building Permit, variance, conditional use, or other approval;
 - d. Not meeting the conditions or commitments of a conditional use, variance, or zoning amendment;
 - e. Not meeting the conditions of site development plans, covenants, or written commitments which are enforceable by the City Planner; and
 - f. Illegal use or expansion of use of structures, or structures and land in combination.

15.7 Types of Violations

The following items shall be deemed civil zoning violations, enforceable by the City Planner or designee. Penalties may be imposed based on the provisions set forth in this Article.

- A. The placement or erection of a primary structure, accessory structure, sign, or any other element determined by the City Planner or designee to not conform to the provisions or explicit intent of the Zoning Code;
- B. The maintenance of a primary structure, accessory structure, sign, or any other element determined by the City Planner or designee to not conform to the provisions or explicit intent of the Zoning Code;
- C. Failure to obtain a Building Permit when required by this Code;
- D. Conducting a use or uses that do not comply with the provisions or explicit intent of this Code;
- E. Any failure to comply with the development standards and/or any regulations of this Code;
- F. Proceeding with work under a Stop-Work-Order or a violation of a memorandum of agreement; and
- G. Any failure to comply with commitments or conditions made in connection with a rezoning, conditional use, variance or other similar or documentable commitment, including verbal agreements during official Planning Commission, Board of Zoning Appeals, and/or Mayor and City Council meetings.

15.8 Procedure for Violations

There shall be a three step procedure for violations of this Code. These steps are as follows:

- A. The City Planner shall issue a Notice of Violation to the person(s) who has committed, in whole or in part, a violation. The Notice of Violation is a warning to the violator(s) that a violation has been determined and that it must be corrected within 15 days of the mailing date or posting of notice.
- B. The City Planner shall issue a Notice of Fines and Penalties to the person(s) who have committed, in whole or in part, a violation. The Notice of Fines and Penalties is a citation that states the fines and penalties for the violation. The person(s) in violation will have 15 days to pay said fines and/or comply with the penalties. The person(s) in violation must correct the violation within 15 days or face additional Notices of Fines and Penalties.
- C. If the person(s) in violation refuses to pay or comply with the penalties, or correct the violation, after notice has been given, the City Council may pursue court action through a court of jurisdiction. Fines and liens against the property may also be pursued until the matter is resolved.

15.9 Immediate Public Risk Violations

Any violation of this Code which presents an immediate risk to the health, safety, or welfare of the public, or to property within the City of College Park may be corrected by the City Planner, or a person, firm, or organization selected by the City Planner, without prior notice to the property owner or other person responsible for the violation.

- A. Immediate public risk violations shall include:
 1. Signs, structures, landscaping or other materials placed in a public right-of-way, easement, or sight visibility triangle in violation of this Code;
 2. Any sign, structure, landscaping, or other material located on private property which serves to distract or inhibit operators of motor vehicles on adjacent public streets, pedestrians, or other members of the general public; and
 3. Any other immediate threat to public welfare as determined by the City Council, Planning Commission, Board of Zoning Appeals, City Planner, Engineering Director, or other public official.
- B. Any sign, structure, landscaping or other material which constitutes an immediate public risk violation may be seized by the City Planner in a manner that results in minimal damage to the material and the property upon which it is located.
- C. The City Planner shall provide notice to the owner of the property upon which the violation was located, or any discernible appropriate owner of materials placed within the right-of-way in violation of this Code, by either placing a notice in a conspicuous place on the property or by letter.
 1. The notice shall be sent to the property owner via certified mail within 24 hours of the seizure.
 2. The notice shall include the following:
 1. A description of the materials seized,
 2. A citation of the sections of the Code which were violated and the characteristics of the violation which posed an immediate threat to public welfare,
 3. The address and phone number of the City Planner's Office and the name of the person to

be contacted by the property owner to discuss the violation and request the return of the seized item; and

4. Instructions describing how, where, and when the seized items may be claimed.
- D. The City Planner shall store any sign, structure, landscape materials or other items seized in a secure location for a period of no less than 30 days from the date notice was provided to the property owner. The property owner may claim the seized property at any time following its seizure upon the payment of a \$25 fine and the establishment of a memorandum of agreement between the property owner and City Planner regarding the future use of the item in a manner consistent with this Code.
- E. Neither the City Planner or any other official or entity involved in the seizure shall be liable for any damage to the seized item or the property from which it was taken.

15.10 Fines and Penalties

The City Planner by mandatory injunction in the Circuit or Superior Court against the owner or possessor of the real estate, may require the removal of a structure erected in violation of this Code, or the removal of any use or condition in violation of this Code.

- A. Monetary fines may be imposed for each civil violation determined upon a single inspection. Fines shall be assessed for each day that the violation is present following the provision of any Notice of Violation to the property owner or other responsible party.
- B. No fine for any single violation shall exceed \$1,000.00 per day. Payment of any violation shall be made to the City who shall deposit the funds in the General Fund. A receipt of payment must be recorded and a receipt issued to the person making payment.

15.11 Appeals or Trials

- A. Any person receiving a notice of Violation and/or Fines and Penalties may appeal the violation and/or fine to the Board of Zoning Appeals. A written statement from the person in violation, either filing an administrative appeal consistent with 15.7 of this Ordinance or giving shall be submitted to the City Planner or designee via Certified Mail at least 3 days prior to the date any fine is due.
- B. Fines due will be postponed until the Board of Zoning Appeals has made a ruling as to the violation and/or fine. The person(s) in violation shall have 30 days to file for a hearing with the Board of Zoning Appeals. Also, the person(s) in violation shall have a maximum of 6 months to complete the hearing process with the Board of Zoning Appeals. Failure to meet these deadlines will reinstate all fines due by the person(s) in violation.
- C. No additional notices will be issued by the City Planner or designee if the person(s) in violation has (have) submitted an appeal.