

**LAND DEVELOPMENT CODE
FOR THE
CITY OF SPARKS, GEORGIA**

Developed in Cooperation With:



Adopted October 10, 2016

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Chapter One: **General Provisions**

1-1 Title

This Ordinance shall be known as and may be cited as the “Land Development Code, City of Sparks, Cook County, GA” and may be referred to as the Code.

1-2 Authority

This Land Development Code is enacted pursuant to the Georgia Planning Act of 1989, § 36 – 70 et seq.

1-3 Applicability

1-3.1. General Applicability

Except as provided below, the provisions of this Code shall apply to all development in the City. No development shall be undertaken without prior authorization pursuant to the provisions in the Sparks Land Development Code.

1-3.2 Application of Zoning Regulations

a. Height and Density

Except as herein provided, no building or other structure shall be erected or altered so as:

1. To exceed the height or intensity/density limits;
2. To have narrower or smaller rear yards, front yards, side yards, or other open spaces than those which are required by the provisions of this Code;
3. To in any other manner be contrary to the requirements of this Code.

b. Yard Service to One Building

No part of a yard or other open space required in connection with any building for the purpose of complying with this Code shall be included as a part of a yard or open space similarly required for any other building.

c. Only One Principal Building

Every building or structure hereafter in an R-1 zoning district shall be located on a lot or tract as defined herein; and in no case shall there be more than one principal building on one lot – plus its accessory structures.

d. Reduction of Lot Area

No lot shall be reduced or divided so that the lot width or depth, front, side or rear yard, lot area per unit, or other requirements of this Code are not maintained. This section shall not apply when a portion of a lot is subsequently acquired for public purposes.

e. Street Frontage

No building shall hereafter be erected on a lot which does not abut or have immediate frontage on a publicly dedicated, publicly approved, or publicly maintained street. No alley shall be used as street frontage.

1-3.3. Exceptions

a. Previously issued Development Permits

The provisions of this Code and any amendments hereto shall not affect the validity of any lawfully issued and effective development permits, if:

1. A building permit was issued for the development prior to adoption date of this Code; and
2. The development activity under this permit continues without interruption until the development is complete. If the development permit expires, any further development on that site shall occur only in conformance with the requirements of this Code.

1-3.4. Zoning in Progress

a. Purpose

The “zoning in progress” rule allows the City to make a text or map amendment to this Code, and apply that change to development applications submitted after the declaration has been made of a zoning in progress.

b. No Permits Issued and Period of Time

During the period of time that the City Council is considering either a text or map amendment to this Code, no permit(s), license(s), or other development order(s) of any kind shall be issued if issuance would result in the non-conforming or unlawful use of the subject property should the text or map amendment change be enacted by the City Council (freeze period). The maximum freeze period allowed for a zoning in progress shall be three months, except that the City Council may extend the period of up to an additional three months for good cause, and if it makes a finding that it is in the public interest to do so.

c. Notice of Declaration

The declaration of “zoning in progress”, and freeze period on development orders, permit and licenses shall begin on the earlier of:

1. Publication of a notice of a public hearing before the City Council to consider a resolution declaring a zoning in progress; or
2. Public notice given as required by law for the initial public hearing on a text or map amendment to this Code.

d. Applicability

1. Upon adoption of a text or map amendment, all pending applications, permits, licenses, and other development orders shall conform to the new provisions.

2. Notwithstanding anything contained in this section to the contrary, no application for a text or map amendment to this Code, or permit or development order, shall be held up by this procedure for more than six (6) months, including all time periods described herein.

3. If it is determined by the City that an application for a text or map amendment, or for a permit, license, or other development order, would not violate the provisions of a pending zoning measure, then such application, and any subsequent permits, licenses and other development orders shall be exempt from this section.

1-4 Findings

1-4.1. General Public Need

The Sparks City Council finds that controlling the location, design and construction of development within the City of Sparks is necessary to maintain and improve the quality of life. The Sparks City Council further finds:

- a. A single set of administrative procedures for making all land use decisions promotes efficiency, predictability, and citizen participation.
- b. All development proposals, excluding single-family homes or the re-use of an existing building where the re-use does not create a greater impact, must undergo a development review process to ensure compliance with the requirements of this Code.
- c. All administrative decisions shall be supported by a record with written findings to assure accountability and efficient appellate review.
- d. A quick and efficient avenue of appeal will be available for all ministerial and administrative decisions.
- e. Enforcement of development permits and the provisions of this Code should be through procedures that are efficient, effective, and consistent with the code enforcement procedure established by state law.

1-5 Purpose and Intent

a. General Intent

The general intent of this Code is the implementation of the current Cook County and City of Sparks Comprehensive Plan, as adopted, and its successors.

b. Purposes

The purposes of this Code include, but are not limited to the following:

- 1. Promote the public health, safety, welfare, convenience, order and prosperity of the Citizens of the City of Sparks.
- 2. Conserve the value of land, buildings and resources, and protect landowners from adverse impacts of adjoining developments.
- 3. Protect the character and maintain the stability of residential, agricultural, business, industrial, recreational, and public areas.

4. Promote responsible growth, lessen the congestion in public streets, secure safety from fire and health dangers, and promote desirable living conditions.
5. Direct and regulate, through the establishment of appropriate standards, the type, distribution and intensity of development.
6. Balance the interest of the general public in the City of Sparks with that of the individual property owner.

1-6 Incorporation by Reference

1-6.1. Maps

The boundaries of the zoning districts of the City of Sparks are shown on the map entitled “Zoning Map, City of Sparks, Georgia,” dated and certified by the Zoning Administrator. Said map is hereby incorporated into and made part of this Code by reference.

Regardless of the existence of purported copies of the “Zoning Map, City of Sparks, Georgia”, which may from time to time be published, the most current zoning map of the City of Sparks, Georgia, in the office of the Zoning Administrator, shall be the final authority for zoning districts in the City.

1-6.2. Other Materials

Associated materials include, but are not limited to, the Future Development Map and the Comprehensive Plan.

1-7 Rules of Interpretation

1-7.1. Generally

The provisions of this Code, in their interpretation and application, shall be held to be the minimum requirements for the promotion of the public health, safety, morals, and general welfare of the community.

In the interpretation and application of this Code, all provisions shall be liberally construed in favor of the objectives and purposes of the City of Sparks and deemed neither to limit nor repeal any other powers granted under state law.

1-7.2. Abrogation

It is not intended by this Code to interfere with or abrogate or annul any easements, covenants, or other agreements between parties.

1-7.3. Stricter Provisions Apply

Where this Code imposes a greater restriction upon the use of buildings or premises or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants or agreements, the provision of this Code shall control.

1-7.4. Interpretation

1-7.4.1 Responsibility

In the event that any question arises concerning the application of regulations, performance standards, definitions, development criteria, or any other provision of this Code, the Zoning Administrator shall be responsible for interpretation and shall look to the Cook County and City of Sparks Comprehensive Plan for guidance. Responsibility for interpretation by the Zoning Clerk shall be limited to standards, regulations and requirements of this Code, but shall not be construed to include interpretation of any technical code adopted by reference in this Code, nor be construed as overriding the responsibilities given to any commission, board, or official named in other sections or articles of this Code.

1-7.4.2 Interpretation of District Boundaries

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the “Zoning Map, City of Sparks, Georgia”, the following rules shall apply:

- a. Where district boundaries are indicated as approximately following the centerlines of streets or highway right-of-way lines, such centerlines, street lines, or highway right-of-way lines shall be construed to be such boundaries.
- b. Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be such boundaries.
- c. Where district boundaries are so indicated that they are approximately parallel to the centerlines or street lines of streets, or the centerlines of highway right-of-way, such district boundaries shall be construed to being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such distance shall be determined by the use of the scale on said zoning map.
- d. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.

1-8 Delegation of Authority

Whenever a provision appears requiring the head of a department or some other city officer or employee to do some act or perform some duty, it is to be construed to authorize delegation to professional-level subordinates to perform the required act or duty unless the terms of the provision or section specify otherwise.

1-9 Relationship of Specific to General Provisions

More specific provisions of this Code shall be followed in lieu of more general provisions that may be more lenient than or in conflict with the more specific provision.

1-10 Conflict with other Regulations

Whenever this Code requires or imposes more restrictive standards than are required in or under any other statutes, the requirements of this Code shall govern. Whenever the provisions of any other statute require more restrictive standards than are required by this Code, the provisions of such statute shall govern.

1-11 Severability

Should any section, subsection, sentence, clause, phrase or provision of this Code be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Code as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

1-12 Effective Date

This Code shall be in full force and effective upon adoption by the City Council and shall apply to any development for which the first submittal of development plans is received after the effective date of this Code.

Chapter Two: **Definitions**

2-1 Rules of Interpretation

The Zoning Administrator or his/her designee shall be responsible for the interpretation of the requirements, standards, definitions, or any other provisions of this Code, unless that authority is provided to another administrative official within a specific chapter.

2-2 Interpretations

In the interpretation and application of this Code, all provisions shall be considered minimum requirements. Where the literal interpretation is clear, it shall be construed literally. Where the chapter, section or subsection has a statement of purpose and intent, such purpose and intent shall be considered in making the interpretation. Where ambiguity exists, the Zoning Administrator shall interpret this ordinance in favor of the least restrictive use of the property.

2-3 Use of Words and Phrases

For the purpose of this Code, the following shall apply to the use of words and phrases:

- a.** The word “person” is intended to include any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other subdivision of this State, any interstate body or any other legal entity.
- b.** Words used in the singular include the plural and words used in the plural include the singular.
- c.** Words used in the present tense include the future tense. Words used in the masculine gender include the feminine and are intended to be gender neutral.
- d.** The words “shall” and “must” are always mandatory and not discretionary, while the word “may” is permissive.
- e.** The word “and” indicates that all of the conditions, requirements, and factors so connected must be met or fulfilled, while the word “or” indicates that at least one condition, requirement or factor so connected must be met.
- f.** The term “such as” is intended to introduce one or more examples in illustration of a requirement or point, and is intended to mean “including but not limited to the following,”
- g.** The word “day” shall mean a calendar day unless otherwise specified.
- h.** Where a term is defined in this Chapter, it shall be construed to have that meaning and application throughout this Code.
- i.** Where a term is defined in any Chapter other than this Chapter, it is the intent that such definition only applies within the Chapter it appears.
- j.** Except as specifically defined herein, all words use in this Code shall have their customary dictionary definitions.

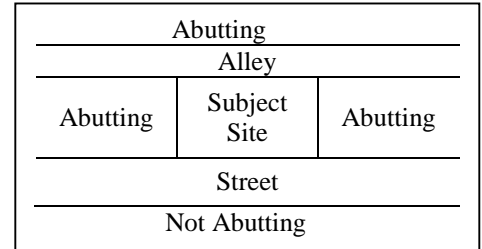
k. Unless indicated otherwise, reference to zoning districts refer to the most recent copy of the “Official Zoning Map of the City of Sparks, Georgia”.

2-4 General Definitions

When used in this Code, the following shall have the meanings herein ascribed to them.

ABUTTING/CONTIGUOUS

Having property lines in common, or having property separated by only an alley. Separation by a street right-of-way is not considered abutting.



ACCESS

A paved or unpaved area intended to provide ingress or egress of vehicular or pedestrian traffic from a public or private right-of-way or easement.

ACCESS, CONTROLLED

Restriction of access to or from a highway in order to provide an unhindered flow of traffic, by means of measures such as entrance/exit ramps, interchanges, and the absence of traffic signals, at-grade intersections, or direct access to properties.

ACCESSORY

A use or detached structure that:

- (1) Is located on the same lot as the principal structure or use;
- (2) Is subordinate to an existing principal building or principal use;
- (3) Is subordinate in area, extent and purpose to the principal structure or use;
- (4) Contributes to the comfort, convenience or necessity of the occupant, business, or industry in the principal structure or use.

ADDITION

Any walled or roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition that is connected by a fire wall or is separated by an independent perimeter load-bearing wall shall be considered “new construction”.

ADULT ESTABLISHMENT/ENTERTAINMENT

Any commercial establishment that has as its primary purpose or business the rent, sale or presentation of any adult materials. Such establishments include, but are not limited to: Escort Services, Adult Arcade, Adult Bookstore, Adult Dancing, Adult Massage Parlor, Adult Motel/Hotel, Adult Motion Picture Booth, Adult Motion Picture Theater or drive-in, or Adult Theatre.

Adult materials shall mean any one or more of the following: books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, DVDs, video cassettes or video reproductions, slides or other visual representations that have as their primary or dominant theme the depicting or describing of “specified sexual activities” or “specified anatomical areas”; or instruments, devices or paraphernalia which are designed for use in connection with “specified sexual activities.”

ADVERSE IMPACT

A condition that creates, imposes, aggravates, or leads to inadequate, impractical, unsafe, or unhealthy conditions on a site proposed for development or off-site.

AGRICULTURE

Raising, harvesting or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock or poultry; growing plants, sod, and trees for sale; the production of horticultural, dairy, poultry, eggs, and apiarian products.

ALLEY

A right-of-way privately or publicly owned, primarily for secondary access to the back or sides of property. Alleys may not be used as street frontage.

ALTERATION

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

ANTENNA

A transmitting and/or receiving device mounted on a tower, building or structure and used in telecommunications or personal wireless services that radiates or captures electromagnetic waves, digital signals, analog signals, and radio frequencies; including directional antennas such as panel and microwave dish antennas, and omni-directional antennas such as whips, but excluding radar antennas, amateur radio antennas, and satellite earth stations.

APARTMENT

A room or suite of rooms, with bathroom and culinary accommodations, used or designed for use as a residence.

APPEAL

A request for a review of an administrative official's interpretation of any provision of this Land Development Code, or a request for a review of an action taken by an administrative official in the application or enforcement of this Land Development Code.

APPLICANT

A person or entity making an application for a permit as provided for under this Code, including a stormwater management permit. The applicant may be the owner, developer, project manager or contractor.

AWNING/ CANOPY

Any roof or other form that shelters from sunshine, rain, snow, or other forms of precipitation, open on at least one side. A canopy may be attached to a permanent building or it may be an independent structure permitted in accordance with the current International Building Code.

AS-BUILT PLANS

Amended plans specifying the location, dimensions, elevations, capacities, and operational capabilities of facilities and structures, including storm drainage facilities and structures, as they have been constructed.

BLOCK

A parcel or group of parcels of land entirely surrounded by public highways or streets, other than alleys.

BOARD OF APPEALS

The City of Sparks Zoning Board of Appeals. The City Council also serves as the Board of Appeals.

BUFFER

A strip of land located between a property line and a building, structure, or use, intended to separate and obstruct the view of the site on which the buffer is located from an abutting property. A buffer is usually intended to provide screening, as defined and as may be required by this Code.

BUILDABLE AREA

The portion of a land parcel within which a structure may be built, in accordance with the minimum front, side, and rear yard setback requirements.

BUILDING

A temporary or permanent structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind and occupying more than 100 square feet of area. A modular home shall be considered a building for the purposes of this Code. A mobile or manufactured home shall not be considered a building for the purposes of this Code.

BUILDING HEIGHT

The vertical distance measured to the highest point of the building roof from the average finished grade across those sides of a building that face a street.

BUILDING PERMIT

Any permit for the erection, placement, or construction of any building, structure, or related building system or building system component, or manufactured home, or portion thereof.

BUILDING, PRINCIPAL

The building in which is conducted the principal use of the parcel on which it is located. Parcels with multiple principal uses may have multiple principal buildings. However, storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

BUILDING SETBACK LINE

A line beyond which no foundation wall or part of the structure of any building shall project, with the exception of roof overhang up to 24 inches and the subsurface projection of footings; provided, however, that such overhang and footings do not encroach upon the adjacent property, right-of-way, or an easement.

CERTIFICATE OF COMPLETION

A written release from the Building Official that an uninhabited structure or system is complete and is released for use. These would include signs, fences, walls, and accessory buildings.

CERTIFICATE OF OCCUPANCY

A written release from the Building Official certifying that all requirements for development or redevelopment of a property or structure have been met and authorizing occupancy of buildings and structures for residential or commercial purposes. For one- or two-family dwellings, the approval of all final inspections may serve as the Certificate of Occupancy.

CHANNEL

A natural or artificial water course with a definite bed and banks that conducts continuously or periodically flowing water.

CITY

The City of Sparks, Georgia.

CITY CLERK

The City Clerk of the City of Sparks, Georgia.

CITY COUNCIL

The Sparks, Georgia City Council.

CITY ENGINEER

The City's official responsible for implementing and enforcing the applicable engineering requirements of the City, or his/her designee.

CLEARING

The removal of trees, other vegetation and/or above ground improvements including, but not limited to, buildings and structures, walls, fences, steps, walks, curbs, gutters, concrete slabs, pavements (including bases for pavements), and surfacing.

CLUB, PRIVATE

A non-commercial establishment organized for a common purpose to pursue common goals, interests, or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution or by-laws.

COMMERCIAL USE

A use that is carried on for profit by the owner, lessee, or licensee.

COMPREHENSIVE PLAN

The Cook County and City of Sparks Comprehensive Plan as currently adopted or amended.

CONCENTRATED ANIMAL FEED LOT OPERATIONS (CAFO)

Factory farms are also known as concentrated animal feeding operations (CAFOs), confined animal feeding operations, or intensive livestock operations (ILOs). "A *confined animal feeding operation* means a lot or facility, together with any associated treatment works, where both of the following conditions are met: First, animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period. And secondly, crops, vegetation, forage growth, or post-harvest residues are not sustained over any portion of the operation lot or facility." The definition is used as part of waste management and environmental protection laws to deal with the concentrated pollution from large quantities of animal waste. CAFOs and factory farms can be mostly indoor or mostly outdoor operations. The "confinement at high stocking density" aspect refers to lack of natural vegetation that the animals can eat and that can naturally process the resulting animal waste. High stocking density destroys the vegetation and produces unacceptable pollution from the animal waste in run-off and ground water unless it is handled appropriately, so laws have been enacted to deal with that; thus the *legal* definition for the term CAFO.

CONCEPT PLAN

The conceptual site plan submitted with an application for development under this Code, which requires the applicant to show the intended development and its conceptual design. Approval of the application request does not constitute approval of the concept plan; said plan must be adjusted according to the requirements listed for submittal of civil plans and reviewed by the appropriate departments for permitting.

CONSTRUCTION (erect, build, locate, relocate)

The building, erection, location, relocation or substantial improvement to any structure or the clearing, filling or excavation of any land. It shall also mean any alterations in the size or use of any existing structure or the appearance of any land. When appropriate to the context, "construction" refers to the act of construction or the result of construction.

CONTINUING CARE RETIREMENT COMMUNITY (CCRC)

A large scale facility which has a primary purpose of providing housing and continuing care for older people, and which consists of Independent Living Units, Assisted Living Facilities, Skilled Care Nursing

Facilities and related accessory uses, all as defined by this Code and as regulated by the Georgia Department of Community Health or other appropriate state agency. Continuing care means the provision of lodging, nursing, medical or other health-related services at the same or another location to an individual pursuant to an agreement effective for the life of the individual or for a period greater than one year, including mutually terminable contracts, and in consideration of the payment of an entrance fee with or without other periodic charges to an individual.

INDEPENDENT LIVING UNIT

A dwelling unit within a CCRC containing living area(s), kitchen area and bathroom(s), including attached or detached, multi-family or single-family dwellings, which house one or more older persons in a manner in which they may live independently while receiving one or more meals per day in a congregate care setting.

ASSISTED LIVING FACILITY

A facility located within a CCRC that provides a residential living environment, assisted by congregate meals, housekeeping, and personal services for older persons, who have temporary or periodic difficulties with one or more essential activities of daily living., but do not require services in or of a Georgia Department of Community Health licensed long-term care facility or nursing facility. An ALF shall include dwelling units, dining rooms, bathing area(s), common area(s), offices and other spaces necessary to provide the above services, and shall be operated by a legal entity holding a license issued by the Georgia Department of Community Health or other appropriate state agency permitting the operation of an ALF at the location of the facility.

SKILLED CARE NURSING FACILITY

A facility which provides board, shelter and 24-hour skilled nursing and medical care to chronic or convalescent patients. A Skilled Care Nursing Facility shall include nursing beds and/or individual rooms, dining rooms, bathing areas, common areas, offices, clinics, therapy areas, medical facilities and other space necessary to provide the above services and shall be operated by a legal entity holding a license issued by the Georgia Department of Community Health, or other appropriate state agency, permitting the operation of a nursing facility at the location of the facility.

COUNTY

Cook County, Georgia

CUL-DE-SAC (see STREET, DEAD END)

A local street or road with one outlet and having an appropriate terminal for safe and convenient reversal of traffic movement.

CURB CUT

The opening along the curb line or edge of pavement of a public street at which point a driveway begins for vehicular ingress and egress from a property.

CUT (excavation)

A portion of land surface or area from which earth has been removed or will be removed by excavations; the depth of which is below the original ground surface.

DAY CARE CENTER (CHILD)

An establishment, licensed by the Georgia Department of Human Resources, operated by a person, society, agency, corporation or institution, or any group, wherein are received with or without pay, seven (7) or more children under 18 years of age for group care, for less than 24 hours per day, without transfer of custody.

DAY CARE CENTER (ADULT)

An establishment, licensed by the Georgia Department of Human Resources, operated by any person with or without compensation for providing for the care, supervision, and oversight during daytime hours only of six or fewer adults who are elderly, physically ill or infirm, physically handicapped, or mentally handicapped.

DAY CARE FACILITY

Any place operated by any person with or without compensation, licensed by the Georgia Department of Human Resources, providing for the care, supervision, and protection of three (3) or more, but no more than six (6), children who are under the age of 18 years for less than twenty-four hours per day, without transfer of custody. For the purpose of counting the number of children within the day care facility, all children who are related by blood, marriage, adoption, or guardianship to the person or persons operating the facility shall be included.

DAY-NIGHT AVERAGE SOUND LEVEL (Ldn)

The average sound level over a 24 hour period.

DEDICATION

The deliberate appropriation of property by its owner for general public use.

DEMOLITION

The removal of any above ground improvements including, but not limited to, buildings and structures, walls, fences, steps, walks, curbs, gutters, concrete slabs, pavements (including bases for pavements) and surfacing.

DENSITY

The total number of square feet of a building or buildings per acre of land, or the number of lots or dwelling units per acre of land.

DENSITY, GROSS

The total number of square feet of a building or buildings divided by the total acres of a parcel or tract of land, or the number of lots or dwelling units per acre of land divided by the total acres of a parcel or tract of land.

DENSITY, NET

The gross density (see above for definition) less the area for streets, right-of-way, common open space, floodplain, wetland, and surface water.

DETENTION

The temporary storage of storm run-off in a stormwater management practice with the goals of controlling peak discharge rates and providing gravity settling of pollutants.

DETENTION FACILITY or DETENTION POND

A detention basin or alternative structure designed for the temporary storage of stream flow or surface runoff and gradual release of stored water at controlled rates.

DEVELOPER

Any person, individual, firm, partnership, association, corporation, estate, trust, or any other group or combination acting as a unit undertaking any land development activities as defined in this Code, including, but not limited to, the subdivision of land, the construction of buildings, and/or other land disturbance activities.

DEVELOPMENT

Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials; any activity which alters the elevation of the land, removes or destroys plant life, or causes structures of any kind to be erected or removed other than for agricultural purposes.

DEVELOPMENT ACTIVITIES – see Land Disturbance Activity

DEVELOPMENT PLANS

The detailed and professional plans showing the layout and design, site work and construction activities proposed for a project (other than architectural/engineering building plans), including but not limited to: site plans, grading plans, erosion and sediment control plans, tree protection plans, landscape plans, street plans and profiles, water supply plans, sanitary and storm sewer plans and profiles, other site improvement plans. Such plans shall also include other appropriate sections, details, notes, schedules, legends and diagrams.

DEVELOPMENT PERMIT

An official authorization issued by the Zoning Administrator in accordance with this Code to proceed with land disturbance, construction and grading, as set forth in this Code.

DRAINAGE EASEMENT

The legal right granted by a landowner to a grantee allowing the use of private land for stormwater management purposes.

DRAINAGE IMPROVEMENTS

Those facilities and structures intended to control and direct the passage of stormwater and other surface water flows from and across property; including but not limited to: modified natural drainage ways, modified creeks, streams, channels, swales, ditches flumes, culverts, cross drains and other piping, catch basins, area drains, drop inlets, junction boxes, headwalls, flared end sections, detention ponds and basins, rip rap, drainage way lining systems, and energy dissipation devices.

DRIVEWAY

Any public or private ingress or egress allowing access between a public street and abutting property.

DRIVEWAY, JOINT ACCESS

A driveway that provides vehicular access to two or more properties from a public street.

DWELLING

Any building or structure or portion thereof, which is arranged, designed or used for residential occupancy on a permanent or long-term basis, not including transient use such as hotels and motels, and which complies with the provisions of this Code and the International Building Code.

DWELLING, ACCESSORY

A secondary dwelling established in conjunction with, and clearly subordinate to, a primary dwelling unit on the same lot, whether a part of the same structure as the primary dwelling unit or in a detached structure.

DWELLING, DUPLEX

A building containing two dwelling units, designed to be occupied by no more than two (2) families living independently from each other, each as a separate housekeeping unit.

DWELLING, LIVE-WORK

An owner-occupied dwelling unit in which a significant portion of the ground floor space includes a non-residential use which is operated by the property owners. Such dwellings shall not include Home Occupations.

DWELLING, MULTI-FAMILY

A building containing three (3) or more dwelling units, designed to be occupied by three (3) or more families living independently of each other, each as a separate housekeeping unit, e.g. apartments or condominiums.

DWELLING, SINGLE-FAMILY, ATTACHED (Zero Lot Line)

A building subdivided by a joint property line and wall which separates the structure into two (2) or more dwelling units, each occupying its own lot. An attached single-family structure must meet all front, rear and side yard setback requirements in the zoning district in which it is located, except for the joint property line and wall. Each unit must be separately metered for all utilities and the joint property wall must be fire-rated and extend from the foundation to the roof decking of the structure.

DWELLING, SINGLE-FAMILY, DETACHED

An individual detached dwelling unit that is designed to be occupied by no more than one (1) family, living as a separate household unit., excluding mobile homes and double-wide mobile homes.

DWELLING, TOWNHOUSE

Two (2) or more attached single-family dwellings which (1) may or may not have a common roof, (2) shall not have a common exterior wall; and (3) are separated from each other by fire resistant walls extending at least from the lowest floor level to the roof.

DWELLING UNIT

A self-sufficient dwelling that is designed for or used as a residence by a single housekeeping unit with cooking, sleeping and sanitary facilities provided within. Does not include rooms in a hotel, motel, boarding house, bed & breakfast, or extended stay hotel.

EASEMENT

A right given by an owner of land to another person or entity for specific limited uses of that land.

ACCESS EASEMENT

An easement created for the purpose of providing vehicular or pedestrian access across or to a property.

DRAINAGE EASEMENT

A legal right granted by a landowner to a grantee allowing the use of private land for stormwater management purposes.

UTILITY EASEMENT

A grant by a property owner for the use of real property for the specified purpose of constructing and maintaining utilities including but not limited to: sanitary sewers; water mains, electric lines, telephone lines, cable lines, storm sewer or storm drainage ways, and gas lines.

ENGINEER

A professional civil engineer who is registered in the State of Georgia, and who has extensive education or experience regarding structural/mechanical design.

EROSION AND SEDIMENT POLLUTION CONTROL & PLAN

A plan and actions that are designed to minimize the accelerated erosion and sediment run-off at a site during construction activities.

EXTERIOR ARCHITECTURAL FEATURES

The architectural style, general design, and general arrangement of the exterior of a building or other structure, including but not limited to the texture of the building material, the type and style of all windows, doors, signs, and other appertainments, architectural fixtures, features, details, or elements relative to the foregoing.

FAÇADE

The exterior of a building facing the principal street entrance and extending the entire width of the building elevation.

FCC

Federal Communication Commission

FAMILY

A group of individuals living together in a dwelling unit as a single housekeeping unit based on an intentionally structured relationship providing organization and stability.

FLOOR AREA

The sum of all square feet of each floor of a building, measured from the interior faces of the exterior walls. The following areas are excluded from the measurement of the floor area: unfinished attics and basements, attached garages or spaces used for off-street parking or loading, breezeways, and enclosed or unenclosed decks and porches.

FILL

A portion of land surface to which soil or other solid material has been added and where the depth is above the original ground surface or excavation grade.

FLEA MARKET

A temporary market held in an open area or structure where groups of individual sellers offer goods for sale to the public.

FLOOD INSURANCE RATE MAP (FIRM)

An official map of the community, issued by the Federal Insurance Administration, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

FLOODPLAIN

Any land area susceptible to flooding.

FLOOR

The lower horizontal finished surface of each story in a building that is intended to support the contents of the building and its occupants.

GASOLINE STATION WITH CONVENIENCE STORE

A gasoline station that includes a retail store that sells a limited line of groceries and household items.

GUEST HOUSE OR GUEST QUARTERS

An attached or detached accessory building that provides living quarters for guests that does not include a full kitchen facility.

GRADING

Altering the shape or topography of ground surfaces to a predetermined condition; this includes stripping, grubbing, cutting, filling, stockpiling and shaping or any combination thereof, and shall include the land in its cut or filled condition.

GRADE, NATURAL

The elevation of the ground surfaces in its natural conditions, prior to any man made alteration resulting in an increase or decrease in elevation relative to Mean Sea Level (MSL).

GRADE, FINISHED

The elevation of the average finished surface level of the ground adjacent to the exterior wall(s) of a building or structure.

GROUP CARE HOME

A facility or dwelling unit licensed by the Georgia Department of Human Services housing persons unrelated by blood, adoption or marriage and operating as a single housekeeping unit under a common housekeeping management plan based on an internally structured relationship providing organization.

HARDSHIP

A condition of significant practical difficulty in using a lot because of physical problems relating solely to the size, shape or topography of the lot in question, which are not economic difficulties, and which are not self-imposed.

HEIGHT

When referring to a communications tower or other communications structure, the distance measured from ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

HISTORIC RESOURCE OR HISTORIC PROPERTY

A building, site, district, object, or structure evaluated as historically significant by the City of Sparks. These are usually, but not necessarily, 50 years of age or older.

HOME OCCUPATION

A business, profession, occupation, or trade conducted within a residential building for gain or support by a resident of the dwelling that is incidental and secondary to the residential use of the building and does not change the essential residential character of the use.

IMPERVIOUS

A material that water cannot pass through or be absorbed by.

IMPERVIOUS AREA

The number of square feet of surface areas which either prevent or retard the direct entry of water into the soil as would occur under natural conditions on undeveloped property, and/or cause water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions as undeveloped property.

INDUSTRIALIZED BUILDING

Any structure that is either wholly or in substantial part made, fabricated, formed or assembled in one or more factory built sections or panels in manufacturing facilities for assembly and installation on a building site. An industrialized building is manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage or destruction thereof, and which, when completed, meets or exceeds the requirements of and all development standards for conventionally constructed site-built structures as specified by the Department of Community Affairs and current code

requirements. Any industrialized home must be designed to be permanently connected to a site-built foundation.

INDUSTRIALIZED HOME

Any residential structure that is either wholly or in substantial part made, fabricated, formed or assembled in one or more factory built sections or panels in manufacturing facilities for assembly and installation on a building site. An industrialized building is manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage or destruction thereof, and which, when completed, meets or exceeds the requirements of and all development standards for conventionally constructed site-built structures as specified by the Department of Community Affairs and current code requirements. Any industrialized home must be designed to be permanently connected to a site-built foundation.

IMPERVIOUS COVER OR SURFACE

Those surfaces that cannot effectively infiltrate rainfall, such as building roof tops, pavement, sidewalks, driveways, etc.

JUNK

Any scrap, waste, reclaimable material, debris, whether or not stored, for sale, or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed, or other use or disposition.

JUNKED VEHICLE

Any wrecked or non-operable, dismantled, or abandoned automobile, truck, boat, motorcycle, or similar device.

JUNK YARD

Any parcel and/or building which is wholly or partly utilized for the parking, storage, or disassembling of junked vehicles, wrecked or inoperable automobiles, or other vehicles; or for storage, bailing, or otherwise dealing in bones, animal hides, scrap iron and other metals, used paper, used cloth, used plumbing fixtures, old household appliances, scrap tires, and used building materials. These uses shall be considered junkyards, salvage operations, or recyclable material wholesalers.

KENNEL

Any location where more than a total of three dogs, cats, or other small animals (except litters of animals not more than six months of age) are boarded, cared for, or kept for compensation, or are raised or bred for commercial purposes.

LAND DISTURBANCE ACTIVITY

Any activity which changes the volume or peak flow discharge rate of rainfall runoff from the land surface. This may include the grading, digging, cutting, scraping, or excavating of soil, placement of fill materials, paving, construction, substantial removal of vegetation, or any activity which bares soil or rock or involves the diversion or piping of any natural or man-made watercourse.

LAND OWNER

The legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

LOADING SPACE

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

LOT (plot, parcel)

A parcel of land occupied or intended for occupancy by a use that includes or will include at least one (1) structure together with any accessory structure, yard, open space, buffer area, or parking spaces as required by this Code.

LOT AREA

The total area within the boundaries of a lot.

LOT, CONFORMING

A lot that meets all the requirements of this Code.

LOT, CORNER

A lot located at the junction of two (2) or more public rights-of-way.

LOT COVERAGE

The percentage of total area of a lot that is occupied by buildings.

LOT, DOUBLE FRONTAGE

A lot other than a corner lot that abuts two streets.

LOT, FLAG

A lot not meeting minimum road frontage requirements and where access to the lot from a public road is achieved by a narrow strip of land (flag pole).

LOT LINE

The boundary of a lot.

LOT WIDTH

The width of a lot at the required front setback line measured parallel to the street right-of-way.

LOT OF RECORD

Any contiguous parcel of land designated as a separate and distinct parcel of land on a legally recorded, approved subdivision plat or in a legally recorded deed, as filed in the official records of the Clerk of Court for the City of Sparks/Cook County prior to the date of the adoption of this Code.

LOT SPLIT

The platting of one lot into no more than two parcels, lots, tracts, tiers, blocks, sites, units, or any other division of land.

MAINTENANCE AGREEMENT

A legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

MANUFACTURED HOME

A dwelling fabricated in an off-site facility for installation or assembly at the building site, bearing a label certifying that it is constructed in compliance with the Federal Manufactured Home and Standards Act, 42 U.S.C. 5401 – 5445, and meeting each of the following standards:

1. The term “manufactured home” includes a structure, transportable in one or more sections;
2. Which in the traveling mode is 8 body feet or more in width or 40 body feet or more in length or, when erected on site, is 800 or more square feet in floor area;

3. Which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; and

4. Which is manufactured after June 15, 1976.

MANUFACTURED HOME PARK

A parcel of land (or contiguous parcels) divided into two or more manufactured home lots for rent or sale.

MEAN SEA LEVEL

The average height of the sea for all stages of the tide. For purposes of this Code, the term is synonymous with the National Geodetic Vertical Datum (NGVD).

MINI-WAREHOUSE

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

MOBILE HOME

A dwelling manufactured prior to June 15, 1976, transportable in one or more sections, which, in the traveling mode, is 8 feet or more in width or 40 feet or more in length, and when erected on site, is 800 or more in square feet floor area, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. Mobile homes, as defined herein, may not be placed within any zoning district in the City of Sparks.

MODULAR HOME –An industrialized home that is constructed in such a way as to be permanent and not removable (not remaining upon a frame). For the purposes of enforcement of this ordinance, modular homes shall be subject to the same standards as site-built homes.

MIXED USE

A single building containing more than one type of land use or a single development of more than one building and use, where the different types of land uses are in close proximity, planned as a unified whole, and functionally integrated.

NATIVE VEGETATION

Any indigenous tree, plant or shrub adapted to soil and climatic conditions on site.

NON-CONFORMING LOT OF RECORD

A lot of record on the effective date of this Code, that does not comply with the current requirements of this Code, but was lawfully established and authorized by the City of Sparks.

NON-CONFORMING STRUCTURE

Any lawfully existing structure or building on the effective date of this Code that does not comply with all of the provisions of this Code.

NON-CONFORMING USE

Any use lawfully being made of any land, building, or structure on the effective date of this Code that does not comply with the provisions of this Code.

NON-RESIDENTIAL PROPERTY

Any property developed for commercial, industrial, governmental, or institutional use, including churches, hospitals, and other such institutions, but excluding undeveloped property and property used exclusively for agricultural purposes.

OFF-SITE FACILITY

A stormwater management measure located outside the subject property boundary described in the permit application for land development activity.

ON-SITE FACILITY

A stormwater management measure located within the subject property boundary described in the permit application for land development activity.

OPEN SPACE

Any lot area not used for or occupied by a driveway, off-street parking or loading space, refuse storage, or structure.

OUTDOOR STORAGE

The keeping in an outdoor area, if not fully screened from public view, of any goods, material, merchandise, or vehicles in the same place for more than seven (7) consecutive days whether for storage, display, processing, or sale.

OVERLAY ZONE

A defined geographic area that encompasses one or more underlying zoning districts and that imposes additional requirements above those required by the underlying zoning district. An overlay zone can have the same boundaries as the existing zoning districts or contain only parts of one or more such districts.

PARCEL OF LAND

Any plot, lot, or acreage shown as a unit on the latest County tax assessment records.

PARKING SPACE

An area designed for the temporary storage of a motor vehicle.

PAVING

An area covered by asphalt, concrete, brick, or pavers meeting the specifications of the City. Previous paving materials are subject to approval by the Zoning Administrator/City Engineer.

PERMIT

The authorization necessary to conduct a land-disturbing activity, land development activity, building construction, or other activity regulated by the City of Sparks that requires an official authorization as provided in this Code.

PERSONAL CARE HOME

Buildings in which is provided for the housing, meals, and 24-hour continuous watchful oversight for one or more ambulatory adults and which is licensed as a personal care home by the State of Georgia Department of Human Resources, including:

1. Family Personal Care Home: a personal care home which offers care to at least 4, but no more than 6 persons.
2. Group Personal Care Home: a personal care home which offers care to at least 7, but no more than 15 persons.
3. Congregate Personal Care Home: A personal care home which offers care to 16 or more persons.

PET

A domestic animal which is cared for by members of a household for companionship.

PLANNING COMMISSION

The Sparks/Cook County Planning Advisory Commission, as established by the City and County governments in accordance with Georgia General Act No 358, 1957, as amended.

PLAT

A map, plan or other graphic layout of a lot, tract, parcel, or subdivision indicating the location and boundaries of one or more properties along with improvements subject to this Code.

PLAT, FINAL

A finished drawing or map of a subdivision or development site plan, meeting all of the requirements of this Code and approved by the City of Sparks and fully certified for recording.

PLAT, PRELIMINARY

A tentative plan of a proposed subdivision or development meeting the specified requirements of this Code and showing the layout in sufficient detail to allow an evaluation of the proposed project.

PORTABLE ON DEMAND STORAGE UNITS (PODS)

Portable sheds (hereinafter referred to as “PODS”) that are loaded with materials and placed on a residential or commercial property for the purpose of storing materials.

PROPERTY LINE

The legal boundary that separates a lot or parcel of land from other lots or parcels or right-of-way as recorded by a graphic description on a subdivision plat of record or a survey.

PUBLIC HEARING

An official session of any elected or appointed board advertised according to law.

PUBLIC IMPROVEMENTS

Any improvement, facility, or service together with its associated public site or right-of-way. Public improvements differ from lot improvements because public improvements are constructed either on public property, or on the portion of a site undergoing development that is to be dedicated for public ownership and maintenance. Common examples of public improvements include, but are not limited to, streets, sidewalks, curbs, traffic control devices, street lights, and utilities.

PUBLIC USES

Buildings, structures, and uses of land by a unit of government, including but not restricted to government administration, water treatment facilities, streets, libraries, public schools, parks, playgrounds, recreation centers and fire stations.

RECHARGE

The replenishment of underground water reserves.

RECREATIONAL VEHICLE

A camper, trailer, motor home, or similar vehicle that is:

1. Built on a single chassis; and
2. Designed to be self-propelled or towable by a non-commercial vehicle; and
3. Designed primarily for use as temporary living quarters for recreation, camping, travel, or seasonal use.

RECREATIONAL VEHICLE PARK

Any area that is occupied or intended for occupancy by transients using recreational vehicles, mobile trailers, or tents as temporary living quarters for recreation, education, or vacation purposes and is open to the public.

RELIGIOUS FACILITY

A building in which persons regularly assemble for religious worship, and that is maintained and controlled by a religious body organized to sustain public worship.

RECYCLABLE MATERIAL WHOLESALER – see Junk Yard

REDEVELOPMENT

A land development project on a previously developed site. Excludes ordinary maintenance activities, remodeling of existing buildings, resurfacing of paved areas, and exterior changes or improvements which do not materially increase or concentrate stormwater runoff or cause additional nonpoint source pollution.

RETENTION POND

A basin or alternative structure designed to hold a specific amount of water indefinitely. Usually such ponds are designed with drainage to convey some water to another location when the water level gets above the pond capacity.

RIGHT-OF-WAY (PUBLIC)

A strip of land dedicated to, designated, reserved, or deeded to the City, County, or State, on which facilities such as roads, railroads, canals, utilities, and other similar uses exist or may be constructed.

RIGHT-OF-WAY LINE

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

RIGHT-OF-WAY WIDTH

The distance between property lines measured at right angles to the centerline of the street.

ROAD FRONTAGE

The length of the lot line of any one lot or parcel along a street on which it borders, including proposed streets (but excluding alleys), within a subdivision of land approved by the City of Sparks.

SALVAGE OPERATION – see Junk Yard

SANITARY SEWER

A pipe or conduit that carries wastewater.

SETBACK

The shortest distance between the right-of-way of a street or an adjacent lot line and the nearest part of a building as prescribed in this Code for specific districts. Primary and accessory buildings may not be placed within a required setback.

SEWER, PUBLIC

A common sewer controlled by a government agency or public utility; a pipe or conduit that carries wastewater or stormwater.

SIDEWALK

That portion of the right-of way which is parallel to the street or road which is intended for pedestrian traffic.

SIGHT DISTANCE TRIANGLE

The area of property in the quadrant of an intersection located within a triangle formed by a diagonal line that connects two points at a certain distance away from the intersection of the right-of-way lines of two intersecting streets or the intersection of a street and a driveway. The dimensions of the triangle shall be determined using the Geometric Design of Highways and Streets published by the American Association of State Highway and Transportation Officials.

SIGN,

ABANDONED SIGN

a. A sign, including a sign structure, is abandoned if it is located on a parcel that was previously occupied, but the use has been discontinued or all buildings on the parcel containing the sign have been vacated for a period of more than 6 months and no building permit or occupational permit has been issued for the parcel during that six month period and the sign has not been well maintained for a 120-day period.

b. Any sign the owner of which cannot be located at the owner's last address as reflected on the records kept by the Zoning Administrator;

c. Any sign no longer fully supported by the structure designed to support the sign.

A-FRAMED SIGN

A double-faced, temporary sign, constructed with an A-shaped frame, composed of two sign boards attached at the top and separate at the bottom, not permanently attached to the ground, but secured to the ground or sufficiently weighted to prevent the sign from being blown from its location or easily moved.

ANIMATED SIGN

A sign that depicts action or motion or that changes color; an animated sign differs from a flashing sign in that it uses movement to create a special effect or scene.

AWNING/CANOPY SIGN

Any sign that is suspended from, attached to, or forming a part of any canopy or awning, whether or not that canopy or awning is part of a permanent building or structure.

BANNER SIGN

Any sign having characters, letters, illustrations, or ornamentations applied to cloth, paper, balloons, or fabric of any kind. The foundation of such signs shall consist only of cloth, paper, balloons, plastic or fabric.

COPY

The text or graphics on a sign surface either in permanent or removable form.

COPY AREA/SIGN FACE

The area in square feet of the smallest geometric figure that describes the total area enclosed by the actual copy of a sign. For wall or canopy signs, the copy area limits refer to the message, not to the illuminated background.

CONSTRUCTION SIGN

Any sign that is placed at a construction site that has received development plan approval.

DILAPIDATED SIGN

Any sign that is structurally unsound or potentially dangerous or any sign face that is illegible due to damage or lack of maintenance that is not prepared to meet City Codes within 30 days after written notification by the Zoning Administrator to the property owner or sign owner.

DOUBLE-FACED SIGN (= back to back sign)

A sign with two (2) faces which are parallel, or in the case of a V-shaped sign has an interior angle of less than sixty (60) degrees.

ENTRANCE SIGN

A type of ground sign placed at the vehicular entrance or exit of an office park, institutional use, industrial park, residential development, shopping center, platted subdivision development, or other similar use.

FACE

The portion of a sign on which the copy, message, or other visual image to be communicated is placed or is intended or designed to be placed.

FLASHING SIGN

Any sign utilizing a continually or intermittent or sequentially flashing light source.

FREE STANDING SIGN

A sign not attached to any building or structure and entirely supported by structures that are permanently placed on or in the ground, including one or more poles.

GOVERNMENT SIGN

A sign posted, or required to be posted, by this municipality, another governmental agency, the State of Georgia, or the federal government.

GROUND SIGN/MONUMENT SIGN

Any sign that is permanently affixed to the ground, either flush to the ground or on poles and not attached to an adjoining building. Ground signs include pole signs, monument signs, freestanding signs, and detached signs.

ILLUMINATED SIGN

Any sign designed to emit artificial light or lit by a stationary source of artificial light.

MESSAGE SIGN

An electronically changeable sign upon which graphic displays, symbols, or words can be varied upon the face or faces of the sign.

OFF-PREMISE/BILLBOARD SIGN

A sign that advertises a use, establishment, product, or service sold, produced, manufactured, or furnished at a place other than on the real property on which said sign is located. Billboard signs are signs 300 square feet or larger in area.

POLITICAL SIGN

A temporary sign advertising a candidate for public office, a political party, or a measure or issue scheduled for an election or referendum.

PORTABLE SIGN

Any sign supported by its own frame or trailer, with or without wheels, which is designed to be transported from one place to another. This does not include typical sandwich or A-frame signs.

PROJECT MARKETING SIGN

A temporary sign indicating the availability, for rent, sale, or lease, of some real property which is located within the common development site on which such sign is placed.

REAL ESTATE SIGN

A temporary sign indicating that the lot on which the sign is located, or any building or structure located thereon, is for sale, rent, or lease.

ROOF SIGN

Any sign erected over or on the roof of a building.

SIGN AREA

The entire face of a sign, including the area to which the sign's message is attached, and any framing, trim, or molding, but not including the support structure for free-standing pole-mounted signs. The sign area for free standing monument signs does include the support structure.

SNIPE SIGN

A sign of any material whatsoever that is attached in any way to a utility pole, tree, fence, rock, or any other similar object located on public or private property.

TEMPORARY SIGN

A sign erected on a temporary basis, containing any lawful message.

WALL SIGN

A sign erected parallel and attached to the outside wall façade of any building or fence, including flat, painted, individual letter, or cabinet signs, no more than 12" beyond the wall.

WELL-MAINTAINED SIGN

Any sign where the lettering is securely attached and aligned as originally designed; any sign whose painted surfaces have not been allowed to peel, flake, fade, or oxidize to the extent that the sign no longer displays its original message; any sign that does not have similar conditions of disrepair or lacks maintenance as determined by the Zoning Administrator; and for lighted signs, any sign whose illumination devices are fully working as designed.

WINDOW SIGN

Any sign, excluding identification and incidental signs, placed inside or upon a window, and intended to be seen from the outside. The term does not include merchandise included inside the window.

SPECIAL EVENTS

Events of a temporary nature including outdoor meetings, auctions, bake sales, car washes, yard sales from other than residential properties, carnivals, special outdoor entertainment and similar activities which are not part of the property's normal use and which are not otherwise permitted on the site. Outdoor displays or sales accessory to an established retail use are not considered special events.

SPECIAL EXCEPTION

A special exception is a use which, within certain districts specified by this ordinance, is not permitted as a matter of right but may be permitted within these districts by the City Council after the Planning Commission and City Council have: (1) reviewed the proposed site plans for the use, its location within the City, its arrangement and design, its relationship to neighboring property, and other conditions peculiar to the particular proposal which would determine its desirability or undesirability; (2) has found the proposal not to be contrary to the intent of this ordinance; and (3) has approved the use as specified.

STOP WORK ORDER

An order issued which requires that all construction activity on a site be stopped.

STORMWATER MANAGEMENT

The use of structural or non-structural practices that are designed to reduce stormwater runoff pollutant loads, discharge volumes, and/or peak flow discharge rates.

STORMWATER RETROFIT

A stormwater management practice designed for an existing development site that previously had either no stormwater management practice in place or a practice inadequate to meet the stormwater management requirements of the site.

STORMWATER RUNOFF

The flow on the surface of the ground, resulting from precipitation, which reaches a drainage system.

STORMWATER TREATMENT PRACTICES (STPs)

Measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies.

STREET or ROAD

This term includes streets, roads, sidewalks, alleys, highways and other ways open to travel by the public, including the roadbed, right-of-way, and all culverts, drains, sluices, ditches, water storage areas, waterways, embankments, slopes, retaining walls, bridges, tunnels, and viaducts necessary for the maintenance of travel. This definition does not include any private street or way that is not constructed in conformance with the provision of this Code.

STREET or ROAD CLASSIFICATIONS

ARTERIAL (MAJOR / MINOR):

A road providing service that is relatively continuous and of a relatively high traffic volume, long average trip length, and a high operating speed. In addition, every United States numbered highway is an arterial road.

CONNECTOR/ COLLECTOR

A road providing service that is of relatively moderate traffic volume, moderate trip length and moderate operating speed. Such a road/street also collects and distributes traffic between local streets and arterial streets.

LOCAL ROAD

A road providing service which is of low average traffic volume, short trip length, minimal through traffic, and high access for abutting property.

STREET, CONTROLLED ACCESS

The right-of-way of a public street, road, or highway where curb cuts are prohibited or limited because of potential interference with safe and efficient movement of vehicles.

STREET, DEAD END (CUL-DE-SAC)

A local street or road with one outlet and having an appropriate terminal for safe and convenient reversal of traffic movement in compliance with Fire Marshal Safety Regulations.

STREET GRADE

The percent change in vertical elevation of the street centerline measured along the finished surface of the street.

STREET FRONTAGE

The width in linear feet of a lot or parcel where it abuts the right-of-way of any public street.

STREET, HALF

A street or road adjacent to a subdivision tract boundary where only half the required right-of-way and road improvements are provided within the proposed subdivision and the responsibility for the other half is undecided or is left to the adjacent property owner.

STREET JOG

Where two streets or two portions of a single street are separated by a relatively short distance, usually at their intersection with another street.

STREET LIGHT

A pole- or pedestal-mounted luminary with a metal halide or other full spectrum bulb.

STREET, PRIVATE

Any privately owned and maintained right-of-way set aside to provide vehicular access, including safety and emergency equipment, which is not dedicated to the City and which is not maintained by the City.

STREET, PUBLIC

Right-of-way dedicated to or owned by a public government agency for the purpose of providing principal access to abutting property.

STREET, SHOULDER

That portion of the street or road from the outer edge of the traveled lane to the inside edge of the ditch or gutter or original ground surface.

STREET, SUBSTANDARD

A street which does not meet the specifications of this Code.

STRUCTURE

Anything constructed or installed, the use of which requires location on a parcel of land. It does not include a movable structure, even when it is located on land that can be used for housing, business, commercial, agricultural, or office purposes. "Structure" also includes fences, billboards, swimming pools, and signs. Structures shall meet International Building Code Requirements and be permanently affixed.

STRUCTURE, PRE-CONSTRUCTED – see modular home and industrialized building

SUBDIVISION

The cumulative platting of real property into three or more parcels, lots, tracts, tiers, blocks, sites, units, or any other division of land, including all division of land involving a new street or a change in existing streets.

SUBSTANTIAL DAMAGE

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.

SUBSTANTIAL RENOVATION

Renovation to a structure whereby the cost of renovating the structure would equal or exceed fifty percent of the market value of the structure before the renovation.

SURVEY, AS-BUILT

Drawings specifying the dimensions, location, capacities and operational capabilities of structures and facilities as they have been constructed.

SURVEYOR

A professional surveyor who is registered in the State of Georgia.

TAX ASSESSOR

The Cook County Board of Tax Assessors.

TEMPORARY USE/BUILDING

Land uses/buildings established for a limited duration with the intent to discontinue/remove such use within a designated time period.

TOWER

Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes but is not limited to radio and television transmission towers, microwave towers, common-carrier towers, communication towers, alternative tower structures.

UTILITY

Public or private water, stormwater, or sewer piping systems, water or sewer pumping stations, electric power lines, cables, fuel pipelines, telephone lines, roads, driveways, bridges, river/lake access facilities, stormwater systems, railroads, similar services, and all equipment and structures necessary to provide such services for utilities licensed or authorized to serve the City.

VARIANCE

A grant of relief from the dimensional requirements of this Code which permits construction in a manner otherwise prohibited by this Code where specific enforcement would result in unnecessary hardship. See Chapter 10 of this Code.

YARD

An open space at grade between a building and the property lines of the lot on which the building is located. A yard is unoccupied and unobstructed from the ground upward, except as otherwise provided in this Code.

YARD, FRONT

A yard extending the full width of a lot, bounded by the side lot lines, front property line, and the front of the principal building or any projections thereof. In all cases, the main building and any projections thereof must be behind the line of minimum lot width.

YARD, REAR

A yard extending the full width of the rear of a lot between the side lot lines and the rear property lines and being the minimum required distance between the rear property line and the rear of the principal building or any projections thereof. On all lots, the rear yard shall be the opposite end of the lot from the front yard.

YARD, REQUIRED

A yard situated between a lot line and the setback line established by the zoning district for the principal building or structure.

YARD, SIDE

A yard between the principal building and the side line of the lot, extending from the required front yard to the required rear yard, and being the minimum required distance between a side property line and the side of the principal building or any projections thereof.

ZONING ADMINISTRATOR

The officially appointed administrator of the City of Sparks, or his/her designee, who is responsible for administering all elements of the City's Zoning Ordinance.

ZONING DISTRICT

One or more sections of the City as set forth in this Code and delineated and designated on the zoning maps, within which the zoning regulations are uniform.

ZONING MAP (map, zoning map of City of Sparks, GA)

ZONING ORDINANCE

The zoning ordinance or land development code enacted by the Sparks City Council, Georgia, as duly amended.

Chapter Three: **Zoning Districts**

3-1 General Provisions

3-1.1 Purpose

The purpose of this section is to describe the specific uses and restrictions that apply to zoning districts in the City of Sparks. These regulations are intended to allow development and use of property in compliance with the goals and policies of the City as expressed in the Cook County and City of Sparks Comprehensive Plan.

3-1.2 Permitted Uses

Principal permitted uses and structures for each zoning district are listed in Table 3-1, “Table of Permitted Uses”. In some instances, additional requirements and limitations on principal uses and structures are contained in the individual sections addressing each zoning district in this Chapter or are separately addressed under “Supplemental Standards.”

3-1.3 Accessory Structures

Accessory uses and structures may be permitted in each zoning district in accordance with Table 3-1 “Table of Permitted Uses” and as provided in the standards of Chapter 4 and Chapter 5 of this Code.

3-1.4 Development Standards

Property may be developed in accordance with Chapter 4, Table 4-1, Development Standards, and Chapter 5, Supplemental Standards.

3-1.5 Supplemental Standards

Certain uses may be permitted in each zoning district as provided in the standards of Chapter 5.

3-1.6 Lot Size Requirements & Dimensional Standards

See Chapter 4, Table 4-1.

3-1.7 Parking & Loading Requirements

See Chapter 4, Table 4-4.

3-1.8 Landscaping Requirements

See Chapter 4.

3-2 Zoning Districts

The City of Sparks is hereby divided into six (6) zoning districts. There are three (3) residential districts (R-1, R-2, RP), one (1) commercial district (B-1), one (1) agricultural district (AG), and one (1) industrial district (I). In addition, a special Planned Development District (PD) is available for combined rezoning/site plan projects which have unique characteristics that will benefit the City of Sparks.

3-2.1 AG (AGRICULTURAL)

1. Purpose

The purpose of the AG District is to provide and protect an environment suitable for productive agriculture, together with such other uses as may be necessary to and compatible with productive agricultural surroundings. Residential densities are restricted to a maximum of one dwelling unit per 10,000 square feet.

3-2.2 R-1 (SINGLE-FAMILY RESIDENTIAL)

1. Purpose

The purpose of the R-1 District is to provide for single-family detached residential uses, said areas being protected from any depreciating effects of high density development or other uses incompatible with the area.

3-2.3 R-2 (MULTI-FAMILY RESIDENTIAL)

1. Purpose

The purpose of the R-2 District is to provide for a balanced mix of single-family detached, single-family attached, duplex and multi-family housing on moderately sized lots, said areas being protected from the encroachment of those uses which are incompatible to a desirable residential environment. R-2 is also intended to provide and protect an environment suitable for limited retail trade and service activities covering a relatively small geographic area and that are intended to serve the population in surrounding neighborhoods.

3-2.4 R2-M (RESIDENTIAL-MANUFACTURED HOUSING PARK)

1. Purpose

The purpose of the R-2M District is to provide for the development of property that is suitably located and planned for manufactured housing park use. Manufactured housing parks shall be developed only in strict accordance with the manufacturing housing park provisions of this ordinance.

3-2.5 R-P (RESIDENTIAL-PROFESSIONAL)

1. Purpose

The purpose of the R-P District is to create an area in which residential, business-professional, educational, and institutional uses can be compatibly mixed while maintaining a healthful living environment for the residents of the district and at the same time preventing the development of blight and slum conditions.

3-2.6 B-1 (BUSINESS DISTRICT)

1. Purpose

The purpose of the B-1 District is to provide and protect an environment for a wide variety of commercial and institutional uses for various types of community and regionally oriented commercial activities, including retail and wholesale, that serve a large sector of the population. B-1 districts are intended to be located along major arterial streets and at locations that are appropriate for larger or more intense commercial businesses.

3-2.7 D-C (DOWNTOWN COMMERCIAL)

1. Purpose

The purpose of the D-C District is to provide and protect an environment for higher-density commercial development, which will include a wide variety of sales and compatible uses which should be located in

the central business district. The D-C District is bounded by the Railroad to the north and east, Patterson Avenue to the south, and College Street to the west.

3-2.8 I (INDUSTRIAL)

1. Purpose

The purpose of the I District is to provide and protect an environment that is suitable for manufacturing, wholesale, and warehousing activities that do not impose undesirable noise, vibration, odor, dust or other offensive effects on the surrounding area, together with such other uses as may be necessary to and compatible with light industrial surroundings.

3-2.9 PD (PLANNED DEVELOPMENT)

1. Purpose

Planned Development Districts are intended to provide an alternative method of land development and redevelopment, not available within the framework of the standard zoning districts. Planned Development Districts are intended to promote flexibility of design and allow for planned diversification and integration of uses and structures while at the same time retaining for the City Commission the absolute authority to establish such conditions, limitations and regulations as it deems necessary to maintain community aesthetics and to protect the public health, safety and general welfare. Planned Development Districts are intended to achieve the following:

- a. Accomplish a more desirable development pattern than would be possible through strict adherence to the standard zoning districts.
- b. Accommodate a mixture of uses and/or development patterns which are compatible both internally and externally through sign control, building orientations, combination of architectural styles, building forms and landscaping, design or other techniques which may be appropriate to a particular development proposal.
- c. Encourage flexible and creative concepts of site development planning.
- d. Preserve natural amenities of the land by encouraging scenic and functional open areas.
- e. Encourage a more efficient use of land resulting in smaller networks of streets and utilities, thereby lowering development and housing cost.
- f. Maintain consistency with goals, policies and Character Areas of the Comprehensive Plan.

3-3 Table of Permitted Uses

1. The uses listed in Table 3-1 shall be permitted only in the zoning district where the uses are listed, and only in the manner so listed. No use shall be permitted and no structure associated with such use shall be constructed, altered, or enlarged unless the use is permitted as one of the following:

“p”: A permitted use in the zoning district; an “x” is a use that may be considered in the PD district.

"SE": A use allowed in the zoning district only by Special Exception.

2. Any use not listed with the letter “p”, “x”, or “SE” in a particular zoning district shall be prohibited in that zoning district, unless it is a non-conforming use lawfully established prior to the effective date of the regulation that rendered it non-conforming.

3. Public Utilities shall be allowed in all zoning districts within the city in order to serve the public health, safety, and welfare. Such use shall only be approved after a public hearing is held to the proposed public utility. Utility stations shall comply with applicable design standards in order to blend in with other adjacent land uses.

4. Public parks shall be allowed in all zoning districts within the city in order to serve the public health, safety, and welfare.

5. Specific site design and development standards are contained in Chapters 4 and 5.

6. Any use listed with a “y” in the column headed by the words “Supplemental Regulations” shall satisfy the applicable supplemental use standards as shown in Chapter 5, in addition to the development regulations of the district in which it is located as shown in Chapter 4.

Table 3-1. Table of Permitted Uses

Uses	Supplemental Regulations	AG	R-1	R-2	R-2M	R-P	B-1	D-C	I	PD
Agricultural										
Agricultural & Farm Operations (Crops, Livestock & Specialties)		p					p		p	
Agricultural Manufacturing (such as chemicals, food & similar products, lumber & wood products except furniture)									p	
Agricultural Processing, Sales, Indoor and Outdoor Storage		p								
Agricultural Services		p								
Agricultural Retail (such as farm equipment & related accessories, road side farm stand)		p					p			
Commercial Greenhouse		p					p			
Fishing, Hunting		p								
Forestry		p					p		p	
Kennels	y	SE								
Plant Nurseries		p					p			
Riding Stables	y (Min acreage)	p								x
Growing of Gardens		p	p	p		p	p		p	x
Residential										
Single-Family (front door must face street)		p	p	p		p				x
Two-Family (Duplex) (front door must face street)	y			p		p				x
Multi-Family (front door must face street)				p		p				x
Manufactured Home (front door must face street)	y				p					
Mobile Home (not permitted)										
Modular Home (front door must face street)	y	p	p	p		p				x
Mother-In-Law Apt (lot size must be 1.5 times the minimum that would otherwise be required)		p	p	p		p				x
Garage Apartment (lot size must be 1.5 times the minimum that would otherwise be required)		p	p	p		p				
Town Home (front door must face street)				p		p				x
Loft/Apartment	y					p		p		x
Accessory Buildings or Uses		p	p	p		p	p		p	x

Uses	Supplemental Regulations	AG	R-1	R-2	R-2M	R-P	B-1	D-C	I	PD
Institutional										
Colleges & Universities, public or private						p	p			x
Family Personal Care Homes (less than six people)	y	p		p			p			x
Group Care Homes (six or more people)	y					p	p			x
Government & Civic Buildings including Library, Museum and other Cultural Facilities		p		p		p	p	p		x
Police, Fire, EMS (Public)		p	p	p		p	p	p	p	x
Postal Services				p		p	p	p	p	x
Recreational Facilities		p	p	p		p	p		p	x
Religious Facilities	y	p	p	p		p	p			x
School, Public or Private (Pre K – 12)		p	p	p		p	p			x
School, Business/ Vocational						p	p	p	p	x
Commercial										
Adult Entertainment Uses	y								p	
Alcohol & Liquor Stores	y					p	p			
Amusement Arcade	y					p	p	p		x
Animal Hospital (incl. Emergency)	y	p				p	p		p	x
Animal Shelter	y	p					p		p	x
Automobile, Truck & other Motor Vehicle Sales & Service							p			x
Bait & Tackle				p		p	p	p		x
Bed & Breakfast Lodging	y	p		p		p	p			x
Building Materials & Supply Store	y					p	p	p	p	x
Business Services such as Mailing, Copying, Printing						p	p	p	p	x
Cemeteries (Human, Pet)	y	p	p	p			p			x
Car Washes	y						p		p	x
Club, Lodge or other similar non-commercial Association	y					p	p	p		x
Commercial Recreation (such as Billiard Halls, Bowling Alley, Roller Skating Ring)	y					p	p	p		x
Convenience Store						p	p	p	p	x
Day Care Center	y					p	p			x
Dry Cleaner						p	p			x

Uses	Supplemental Regulations	AG	R-1	R-2	R-2M	R-P	B-1	D-C	I	PD
Department Store							p			x
Farmer's Market							p		p	x
Flea Market	y						p		p	x
Financial Institutions						p	p			x
Freight & Moving Company									p	x
Funeral Home						p	p			x
Gasoline Service Station	y						p		p	x
Golf Club with Course		p								x
Grain, Seed & Farm Supply Store		p					p	p	p	x
Grocery Store						p	p			x
Home Occupation	y	p	p	p		p	p			x
Hospital							p			x
Hotel, Motel							p			x
Indoor Gun Range	y								p	x
Laundromat							p			x
Lounge, Bar, Nightclub							p			x
Medical & Dental Clinic						p	p			x
Medical & Research Laboratories							p		p	x
Mini-Storage/Self Storage							p		p	x
Movie Rental				p		p	p	p		x
Nursing Home							p			x
Outdoor Recreation (such as Miniature Golf)		p					p		p	x
Parking Garage						p	p		p	x
Personal Services (such as Beauty Shop, Barber, Massage, Shoe Repair, Travel Agency)						p	p	p		x
Professional Offices (such as Accountant, Lawyer, Realtor, Engineer, Architect, Surveyor, Tax Return, Detective)				p		p	p	p		x
Restaurant (see supplemental regulations for parking)						p	p	p		x
Retail Stores up to 2,500 sq. ft. (such as Clothing, Furniture, Food Stores, and Drug Stores). No outdoor storage.							p	p		x

Uses	Supplemental Regulations	AG	R-1	R-2	R-2M	R-P	B-1	D-C	I	PD
Retail Stores (General Retail, no size limitation, such as Drug Stores, Sporting Goods, Hobby, Toy & Games, Misc. Retail), No outdoor storage.							p			x
Small Appliance or Equipment Repair Shop						p	p	p		x
Specialty Retail (such as small gift shops, antique stores, jewelry stores, book stores, Florists). No outdoor storage.						p	p	p		x
Studios (such as Arts, Music, Dancing, Photography)						p	p	p		x
Theaters, Movie or Performing Arts						p	p	p		x
Trades and Repair Services (such as Electrical, Heating & Air Conditioning, Painting, Plumbing)		p				p	p			x
Travel Trailer Park (RV Park)									p	
Vehicle Sales (with outdoor storage such as Automobile, Truck, Motorcycle, ATV, Golf cart, Boat or RV sales)							p			x
Veterinary Services	y	p					p			x
Industrial										
Bulk Storage Yard									p	
Construction Services incl. heavy equipment sales & service									p	
Fueling & Fuel Storage Facilities									p	
Heavy Industrial Manufacturing (with odor, noise, vibration and other nuisance impacts on adjacent properties)									p	
Industrialized Buildings, Non-Residential	y								p	
Light Industrial Manufacturing (do not impose undesirable noise, vibration, odor, dust or other offensive effects on the surrounding area)									p	
Millwork									p	
Manufactured Home Dealers									p	
Motor Freight Transportation & Warehousing									p	
Salvage Operations & Junk Yard	y								p	
Scrap, Waste, land clearing and yard trash recycling	y								p	
Warehousing (not including Mini-Storage)									p	
Wholesale Trade									p	
Utility										
Communication Tower/Facility	y	p							p	

Uses	Supplemental Regulations	AG	R-1	R-2	R-2M	R-P	B-1	D-C	I	PD
Compost Facilities		p							p	
Lift Station		p	p	p		p	p		p	x
Power Generation Plant	y								p	
Utility Substation	y	p	p	p		p	p		p	x
Bus Passenger & Train Station						p	p		p	x
Water and /or Sewer Plant (Public)		p							p	

Chapter Four: **Development Standards**

4-1 Purpose

The purpose of this Chapter is to provide development design and improvement standards applicable to all development activity within the City of Sparks.

4-2 Responsibility for Improvements

All improvements required by this Code shall be designed, installed, and paid for by the developer.

4-3 Principles of Development Design

The provisions of this Chapter are intended to ensure functional and attractive development. All development shall be designed to avoid unnecessary impervious surface cover; to provide adequate access to lots and sites; to avoid adverse effects of shadow, glare, noise, odor, traffic drainage, and utilities on surrounding properties; and to increase public safety, health and welfare.

4-4 Area, Setback, and Height Requirements

Table 4-1 – See Table below

Table 4-1 Dimensional Requirements

Zoning District		Minimum Lot Size (sf) (a)	Minimum Lot Width (ft.)	Minimum Road Frontage (ft.)	Minimum Yard Note: Front setback is measured from road centerline.				Maximum Height (ft.)	Minimum Floor Area Per Dwelling Unit
					Front	Rear	Side	Side @ corner		
AG	Agricultural	10,000	80	80	40	20	10	30	35	800
R-1	Residential, Single-Family	10,000	80	80	30	20(b)	10(b)	25	35	1000
R-2	Single-Family	7,000	80	80	25	20(b)	8(b)	20	35	800
	Two-Family (Duplex)	8,000 (4,000 per unit)	100 (50 per unit)	100	25	20(b)	8(b)	20	35	600
	Multi-Family	3,000 per unit	100 (50 per unit)	100	25	20(b)	8(b)	20	35	600
	Neighborhood Commercial Uses	4,000 (d)	80	80	25	20	8	20	35	n/a
R-2M	Residential-Manufactured Home Park	10,000	80	80	25	20	10	25	35	800
R-P	Residential-Professional District	7,000 (d)	80	80	25	20	8	20	50 (c)	800
B-1	Business District	4,000 (d)	80	80	25	20	8	20	50 (c)	n/a
D-C	Downtown Commercial	0 (d)	0	0	25	0	8 (e)	20	50 (c)	600
I	Industrial, Light	20,000 (d)	100	100	25	20	15	20	50 (c)	n/a
PD	Planned Development	Please refer to Section 4-8 and as approved by City Council as part of the Planned Development Ordinance for a specific project.								

(a) If not served by public sewer, but by private on-site septic and public water supply, minimum lot size shall be ½ acre per or 21,780 sq. ft., per Department of Health. If served by on-site septic and on-site well, minimum lot size shall be one acre or 43,560 square feet per unit, per Department of Health.

(b) For enclosed small garden sheds, greenhouses, children’s playhouses, and gazebos, this dimension may be reduced to five (5) feet.

(c) Above 35 feet – with Fire Department approval only.

(d) With water and sewer service only.

(e) Where fireproof walls are used, no side yard is required.

4-5 Building Setback Requirements

4-5.1 General

No person shall construct or erect a building or other permanent structure, with the exception of fences/walls/hedges, sidewalks, terraces, or driveways, on any lot or tract for which a setback line has been established, between such a setback line and the property line.

4-5.2 Exceptions

Architectural features, such as cornices, eaves, gutters, fireplaces, flower boxes, bay windows, decorative moldings, balconies, and front staircases designed as complementary to the principal structure, which are part of or attached to the structure, may project no more than 36 inches into a required setback area. Equipment tanks, filters, stairwells, stairways attached post-construction, and enclosed floor space are not considered architectural features and must meet principal structure setbacks.

4-5.3 Address and Front Door

The address of a house or location of the front door shall have no effect on the setback regulations outlined in Table 4-1. The front door must face the street. All residences must have the street number posted on the front of the residence in legible numbers not less than 3 inches high.

4-6 Building Height

4-6.1 Building Height

Building height is the vertical distance measured to the highest point of the building roof from the average finished grade across those sides of a building that face a street.

4-7 Planned Development Standards

4-7.1. Definition

A Planned Development (PD) may be a residential PD, a commercial PD, or a mixed-use PD. A PD shall consist of land under unified control which may be planned and developed as a whole, as a single development, or as an approved programmed series of developments by multiple developers. A typical PD will include principal and accessory uses and structures that are substantially related to the character of the development itself and to the surrounding area of which it is a part.

Unified control, as used above, shall mean that all land to be included within a PD shall be owned or otherwise under the legal control of the person or legal entity which has applied for the PD zoning district. Such person or entity shall be legally capable of providing a commitment to the City that the PD development will comply with all PD documents, plans, standards, and conditions ultimately approved by the City of Sparks.

A PD zoning district shall consist of the approved PD zoning district classification, the PD Concept Site Plan and the PD Final Site Plan, as well as any other plans, drawings, renderings, elevations, maps and documents specifically included as development documents in the approval of the PD by ordinance by the City Council. The ordinance approving a PD shall be deemed a zoning ordinance. The provisions of the individual PD zoning ordinance shall replace all conflicting development regulations set forth in this Code

which would otherwise apply to the development. The PD ordinance shall be recorded in the public records of Cook County and the City of Sparks.

The applicant may proceed with development or any land disturbing activities only after a plat is recorded and after certification by the Zoning Administrator that the building plans and other required documents and information substantially conform to all documents approved by the City Council as part of the PD ordinance. The applicant must also provide evidence that would bind his successors in title to any commitments made for the approval of the PD.

4-7.2. Zoning Map

The boundaries of land zoned PD by ordinance of the City Council shall be indicated as such on the official Zoning Map of the City.

4-7.3. Location

A PD may be located anywhere in the City.

4-7.4. Minimum Size

The minimum size of a PD is two acres.

4-7.5. General Requirements

1. PD standards for circulation, parking, utilities, drainage and other standards shall apply as described in this Code except as specifically modified by the City Council as part of the PD ordinance.
2. Open Space
Not less than 25 percent of the PD shall be open space. Required open space may include all common vegetation and landscape areas.
3. Maximum Building Area
Not more than 75 percent of the total development site shall be covered by buildings.

4-8 Subdivision Standards

A subdivision is the cumulative platting of real property into three or more parcels, lots, tracts, tiers, blocks, sites, units, or any other division of land, including all division of land involving a new street or a change in existing streets.

4-8.1. Exemptions

The following will not be regarded as subdivisions:

- a. Where located on a public road, the combination or recombination of previously platted lots, where the total number of lots is not increased, and the resulting lots comply with the standards in this Code.
- b. The public acquisition or sale of land.

4-8.2. Blocks

a. Non-Residential

Blocks for other than residential use shall be of such length and width as may be suitable for their prospective use, including adequate provision for off-street parking and maneuvering space.

b. Residential

The length of residential blocks shall not exceed 1,500 feet or be less than 400 feet. Blocks of more than 1,500 feet will be permitted if natural or man-made barriers such as streams or railroads require blocks of greater size.

The depth of residential blocks shall be sufficient to allow for two (2) tiers of lots, unless not possible due to natural or man-made barriers, or unless one tier backs onto a line of another person's property, except as provided for in Section 4-9.4.d. The foregoing shall not prevent the inclusion of blocks of greater width, including super blocks. Super blocks may contain public or joint use areas such as parks and playgrounds and shall be covered by adequate maintenance agreements if not dedicated and accepted for public maintenance.

c. Crosswalks

Rights-of-way for pedestrian crosswalks shall be provided when they are necessary for direct pedestrian access to schools, shopping centers, parks, and health care facilities. A crosswalk right-of-way shall not be less than twenty (20) feet wide.

4-8.3. Easements

a. Utility

Utility easements for underground or overhead services shall be located within the platted street right-of-way and shall be in accordance to the utility plan approved by the City Engineer.

Where possible, water lines shall be located on the west and south sides of streets; sewer and gas lines shall be on the east and north sides of streets. Wherever public utility easements are planned adjacent to the subdivision tract boundary or phase, they shall be platted within the subdivision or phase thereof.

Water and sewer lines outside of street rights-of-way shall follow side and rear property lines where possible and shall have a minimum easement width of twenty (20) feet except that a greater width shall be provided where it is determined by the City Engineer that a greater width is necessary for maintenance and construction.

b. Drainage

Drainage easements shall be provided as required by the City Engineer after review of the preliminary construction plans and preliminary plat of the subject subdivision.

4-8.4. Lots

a. Minimum Lot Elevation

The lot area contained within and contiguous to the building walls, for a minimum distance of ten (10) feet measured from all sides of any structure, shall have a minimum elevation of two (2) feet above maximum flood stage of streams or canals in the particular area.

No change of elevation necessary to meet this requirement will be permitted if the change of elevation would constitute placing fill within a designated Flood Hazard Zone.

b. Lot Width and Area Requirements.

In no case shall the lot dimensions be less than the minimum requirements of Table 4-1 of this Code. Where the following subdivision standards require greater minimum dimensions than Table 4-1, the requirements of this Section shall apply.

c. Corner Lots

Corner lots shall be of such size and dimension that will permit the location of buildings so as to conform to the building setback lines as prescribed in this code.

d. Double and Reverse Frontage

Lots having street frontage both to the front and rear shall be prohibited except to provide for the separation of residential development from railroad or major, secondary arterial, or collector street right-of-way. Where the aforementioned abuts or runs through any portion of the subdivision, the subdivision plan shall provide for lots backing on the railroad or right-of-way. Those lots shall have a minimum depth adequate to provide for the rear yard setback required by the respective zoning district, plus an additional 30 feet, 10 feet of which shall be a planted, non-encroachable buffer strip separating the lots from the right-of-way. The buffer zone shall be landscaped with hedges or closely planted small trees to provide a visual screen. The vegetation shall be planted at the time of development. This planted, non-encroachable buffer strip shall be clearly indicated on the Final Plat and proper covenants shall be prepared to ensure this restriction and its perpetual maintenance.

e. Building Lines

All setback lines shall be in conformance with this Code.

f. Addresses and Property Numbers

Addresses and property numbers may be assigned to each lot in accordance with a property numbering system set up by the City.

g. Conformance to Utilities Master Plans

All proposed subdivisions shall conform to any storm drainage and sanitary sewer master plans and development policies in effect at the time of submission to the City Council.

h. Monuments

Monuments shall be placed as described in Section 4-10.2.

4-8.5. Commercial Use Buffer Zones

When a portion of the subdivision is to be devoted to commercial purposes and when the commercial area adjoins residential lots, or when a portion of a proposed subdivision adjoins an area zoned for commercial or industrial uses, a buffer zone not less than twenty (20) feet in width shall be provided on the commercial property. Said buffer strip shall be landscaped with hedges or closely planted small trees so as to provide visual screening. No building or portion thereof may be constructed in said buffer zone, and protective covenants shall be provided to ensure this restriction and the buffer's perpetual maintenance. This buffer zone shall be labeled as such on the final subdivision plat and shall be planted at the time of the commercial subdivision development.

4-8.6. Streets and Driveway Standards

The street and road system of any subdivision shall give due consideration to the Major Thoroughfare Plan according to the 2015 Greater Cook Comprehensive Plan, as amended from time to time.

a. Access

Every lot of every subdivision shall abut a public street of a minimum of thirty feet right-of-way. Where the subdivision does not adjoin a public street, the subdivider shall provide a public street from the subdivision to a public street. Driveways connecting the public road with adjoining property are the responsibility of the property owner. Prior to driveway construction, approval of any needed drainage pipe under the driveway must be received from the City Engineer.

b. Alignment and Continuation

Streets within the subdivision shall be so arranged as to provide for the alignment and continuation of or projection of existing and future public streets.

c. Cul-de-Sac (Dead-end Street)

Permanent cul-de-sacs shall not be longer than five hundred (500) feet from the nearest street right-of-way line with which it intersects to the center of its diameter of the turn-around. Where the area served by the cul-de-sac has two (2) or less dwelling units per acre, the maximum length may be increased to one-thousand (1000) feet. Cul-de-sacs shall terminate in a circular turn-around having a right-of-way of not less than one-hundred (100) feet. Paving within the turn-around shall have an outside diameter of not less than eighty (80) feet. Permanent dead-end streets without the appropriate turn-around shall be prohibited.

d. Half Streets

Permanent half streets and half alleys shall be prohibited.

e. Intersections

Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at an angle less than 80 degrees or more than 100 degrees.

l. Sidewalks

Sidewalks shall be provided along public streets for all developments as described in Section 7-4.7.j.

m. Additional Rights-of-Way

If the subdivision boundary line lies adjacent to the right-of-way lien of an existing street of less than the minimum right-of-way width, a minimum of one-half of the required extra right-of-way shall be dedicated by the developer of the proposed subdivision.

n. Provisions for Public Use

In subdividing land, due consideration shall be given to suitable sites for schools, parks, playgrounds, fire protection facilities including dry hydrants and connection to public water systems, and other common areas for public use. Such land should be located in accordance with the Comprehensive Plan. The acquisition of such land shall rest with the City of Sparks.

4-9 Minimum Improvements

The subdivider shall provide all public improvements as required by these regulations.

4-9.1. Street Improvements

Within the incorporated area of Sparks, the subdivider shall install paving and proper drainage, which includes ditch slopes and grassing requirements.

Proper drainage control structures, which may include paved ditches and canals, and which will require established grass sod on road shoulders, front and back slopes of ditches, and erosion control devices at outfall locations, are required in subdivisions within the City of Sparks.

All streets and roads shall be paved according to standards set by the Georgia Department of Transportation Standard Specifications for Roads and Bridges, except that the minimum requirement for road base construction shall be per the Minimum Road Base Construction Standards. The City Engineer will determine the type of base materials to be used on each and all subdivisions based on conditions and sound engineering judgment prior to beginning any grading work. These materials shall be applied according to established construction methods and shall be subject to inspection by and final approval by the Sparks City Engineer prior to acceptance for public maintenance.

4-9.2. Water Supply and Sanitary Sewerage

a. It is the intent of these regulations that the general public health of the city be safeguarded from the proliferation of septic tank systems and individual wells in higher density developments, by requiring all subdivisions to be served by the City's public water and sewer systems.

b. Where public sanitary sewer and/or public water is available within one thousand (1,000) feet of any portion of the subdivider's property, the subdivider shall provide every lot of the subdivision with public sewer and water in accordance with city specifications. Each dwelling shall have an individual connection to the main water and sewer lines; it shall not be permitted for two or more dwellings to share a water or sewer connection. Said facilities are to be dedicated and accepted by the City of Sparks for public maintenance and operation prior to recording of the plat.

4-9.3. Wetlands

Jurisdictional wetlands shall be addressed by the US Army Corp of Engineers and the location of wetlands boundaries shall be delineated on the Preliminary Plat.

All preliminary plats delineating wetlands shall have on the face of the preliminary plat the note “No fill or work shall be permitted within jurisdictional wetlands without a prior permit from the US Army Corp of Engineers”. The acquisition of permits shall be the responsibility of the owners/developers.

All minimum lot areas per designated zoning district requirements shall be calculated upland of all wetland boundaries within or contiguous to the plat.

4-9.4. Buffer Strips

The subdivider shall provide adequate buffer strips, which shall consist of plantings and/or visual blinds as detailed in this Code.

4-9.5. Street Signs and Lights

The developer shall pay for all street signs and street lights required for his subdivision according to a fee schedule set by the Sparks City Council.

4-9.6. Utilities

a. Water mains for both domestic use and fire protection shall be properly connected with an approved source of water supply. The lines shall conform to accepted standards of good practice for municipal water systems and shall meet, as a minimum, the specifications of the Cook County Health Department. All materials, except fire hydrants, labor, equipment and other matters related to the water distribution system shall be provided or arranged for by the developer. The developer shall be responsible for installation of fire hydrants that meet city specifications and shall reimburse the city for the cost and handling of each hydrant. All water plans shall be prepared by a Georgia Registered Professional Engineer and approved by GaEPD prior to construction.

b. When the subdivision is located within the service area of a public sewerage system, sanitary sewers shall be installed in such a manner as to serve adequately all lots with connection to the public system. Where lots cannot be economically connected with a sewerage system, they must contain adequate area for the installation of approved septic tank and disposal fields and must be approved in writing by the Cook County Health Department.

All materials, equipment, labor and other matters related to the sanitary sewerage system shall be provided by the developer.

All sewer facilities shall be installed in accordance with the standards of the Department of Public Health of the State of Georgia, the City of Sparks, and the Cook County Health Department.

4-10 Installation of Improvements

4-10.1 Following approval of the Preliminary Plat by City Council, the developer shall request approval of the construction drawings by the City Engineer. The developer may begin installation of the minimum improvements, including grading, paving, installation of utilities, etc., upon approval of the construction drawings. In all cases, sedimentation control devices and retention, detention, or sedimentation ponds shall be the first in order of construction.

4-10.2 Final Plat approval by the City Council can be requested during or following the installation of minimum improvements.

4-10.3 Improvements required and/or regulated by this Code shall be constructed in accordance with approved engineering plans and specifications, the standards, requirements and regulations set forth in this Code, and other applicable ordinances of the City of Sparks.

4-10.4 Construction of improvements required or regulated by this Code shall not commence until the City Engineer has approved in writing engineering plans and specifications for said improvements.

4-11 Acceptance and Guarantee of Completed Minimum Improvements

4-11.1. Completion of Improvements

Before the plat is signed by the Zoning Administrator, all developers shall be required to complete, in accordance with the City Council’s decision and to the satisfaction of the Sparks City Engineer, all minimum improvements as required by this Code, specified on the Final Plat, and as approved by City Council, and to dedicate same to the City of Sparks.

4-11.2. Acceptances

Upon written notification of completion of Minimum Improvements, the City Engineer shall within thirty (30) days after such notice accept or reject, in writing, the completed improvements stating the deficiencies, if any.

The required minimum improvements shall not be accepted unless they conform to this Code and the officially adopted city specifications.

a. Upon completion of construction of improvements required and/or regulated by this Code, the subdivider’s engineer/surveyor shall deliver to the City Engineer:

1. All required test data not previously forwarded to the City Engineer.
2. Five (5) complete sets of “As Built” plans, each set of which is clearly marked “As Built” in the lower right corner. “As Built” plans shall depict actual construction on the date of submittal of said plans. Two sets shall be reproducible and three sets of prints.
3. The following signed and sealed “Engineer’s/Surveyor’s Certificate”:

ENGINEER’S/SURVEYOR’S CERTIFICATE

STATE OF GEORGIA) SS
COUNTY OF COOK)

I, _____, being a registered Professional Engineer/Surveyor in the State of Georgia, registration number _____, do hereby certify that _____ (the project) was constructed in accordance with the plans and specifications and change orders approved by the City Engineer, Sparks, Georgia.

I further certify that all construction operations were inspected by me or someone under my supervision.

Signed and sealed this _____ day of _____ 20__.

(SEAL)

Signature

b. The City Engineer is authorized to reject any construction which fails to conform to the approved plans and specifications and this Code.

c. The city shall bill the subdivider the city's cost for any subsequent inspections necessitated by the subdivider's failure to construct improvements in accordance with approved plans and specifications and this Code. Those costs shall be based on a schedule of fees established by Sparks City Council.

4-11.3. Guarantees

The subdivider shall guarantee to the city, for a period of one year, after completion and acceptance of the minimum improvements, all material and workmanship going into such improvements. The subdivider shall post a guarantee with the city in the form of a 100 percent maintenance bond, or a twenty (20) percent cash escrow or twenty (20) percent irrevocable letter of credit made payable to the Sparks City Council.

4-11.4. Recording of Plat

Upon acceptance of all improvements installed by the developer and posting of the required guarantee, the office of the Sparks City Clerk shall release the Final Plat for recording. This plat shall be returned to the Zoning Administrator, who shall record said plat in a timely manner and distribute appropriate copies thereof in accordance with this Code.

4-11.5. Duration and Release of Guarantee

Bonds and/or cash posted pursuant to this Code shall be released or returned at such time as the improvements guaranteed thereby have received final inspections after the guarantee period.

4-12 Violations and Penalties

4-12.1 Violations

a. It shall be unlawful to convey or improve property by the construction of buildings on lots of any land subdivision which has not been approved and recorded as provided in this Code, except those parcels recorded prior to the effective date of these regulations.

b. It shall be unlawful to record a subdivision plat or once recorded, to make any changes to the plat, without the approval of the Zoning Administrator, the City Engineer, and the City Council, in accordance with the provisions of this Code.

c. Each day's violation is a separate offense. After due notice has been given, each and every day's violation of any provision of this Code shall constitute a separate offense.

4-12.2 Violations and Penalty

Any person who violates any provisions of this Code shall, upon conviction, be penalized by the imposition of a fine not exceeding \$500.00 per violation and/or imprisonment in the county jail for a period not greater than sixty (60) days.

4-13 Parking and Loading Standards

4-13.1. Applicability

Parking spaces shall be provided for each permitted use established in accordance with this Code.

- a. The construction of a new building or new structure;
- b. The construction of a new addition to an existing building or structure; or
- c. Changes in use including changes in the intensity of an existing use.

4-13.2. Time of Completion

Parking areas shall be completed, landscaped and ready for use prior to the issuance of a Certificate of Occupancy or Certificate of Completion.

4-13.3. Calculating Parking Requirements

- a. In the event the calculation of the number of required parking spaces results in a fractional space, the number of required spaces is the nearest whole number.
- b. The number of required parking and loading spaces for a use not specifically listed in this Chapter shall be determined by the Zoning Administrator based on a listed use most similar in parking and loading needs to the unlisted use.
- c. The number of required parking and loading spaces for any use in the Central Business District shall be determined by the Zoning Administrator.
- d. For properties containing more than one use, the number of required parking spaces is the cumulative number of spaces for all uses, including approved shared parking.
- e. Gross floor area shall be used for the calculation of required parking spaces relating to floor area.
- f. The greatest number of employees, including owners and managers, present on premises at any one time during the largest shift shall be used for the calculation of required parking spaces relating to the number of employees.

4-13.4. Location of Required Parking Spaces

- a. All required parking spaces shall be located on the same real property upon which the principal use is located. The term “same real property” means that the principal use site and the parking site are in the same ownership or in the same leasehold interest.
- b. If the site of the principal use and the site of required parking are not contiguous, the nearest portion of the parking site shall be located within 250 feet of the front entrance to the principal use as measured by a safe and convenient pedestrian route. Contiguous for this purpose means a common boundary and does not include properties which are separated by a road, alley, or other public right-of-way.
- c. The owner of the off-site parking site shall relinquish all development rights for said property until such a time that the required parking space is approved and provided elsewhere.
- d. For a single-family dwelling, a driveway may be used to provide two parking spaces.

4-13.5. Shared Parking and Joint Use of Facilities

- a. The Zoning Administrator may permit the required parking spaces for one use to be shared as required parking spaces by another use upon a finding that:
- b. The shared parking spaces are in close proximity and readily accessible to the uses served; and
- c. The uses served by the shared parking spaces have different peak parking demands and operating hours; and
- d. There will be a reduction in vehicle movements by the users of the shared parking spaces; and
- e. The design of the parking area in terms of traffic circulation, vehicular and pedestrian access, stormwater management, landscaping, open space preservation and public safety will be improved.
- f. It shall be the responsibility of an applicant for shared parking approval to provide a description of the uses, a site plan, parking study and other necessary information to permit a finding by the Zoning Administrator regarding the request for shared parking.

4-13.6. Off-Street Parking Schedule

Off-Street parking spaces shall be provided in accordance with the minimum standards contained in the following table:

Table 4-3 Off-Street Parking Schedule

Use	Number of Spaces Required
<i>Residential Uses</i>	
Residential Single-Family	2 per unit
Residential Two Family	2 per unit
Residential – Multi Family (studios or 1 bedroom)	1.5 per unit
Residential – Multifamily (2 or more bedrooms)	2 per unit
Adult Care Facility	0.5 per resident plus 2 spaces per 3 employees
Bed And Breakfast	1 per unit plus 2 spaces for owner/manager
Nursing and Convalescent Homes, Congregate Care Facilities and Related Uses	1 space for 4 occupants, plus 1 space per 2 employees
Hotel & Motel	1 space per guest room plus 2 spaces per 3 employees plus 75% of required spaces for ancillary uses associated with the facility
Manufactured Home/RV Park	2 spaces per unit
<i>Public & Institutional Uses</i>	
Cemetery or Crematorium	0.25 per seat in place of assembly, plus 0.5 space per employee
Child Care and Nursery School	1 per 6 children plus 1 space per employee
Church, Temple, and Place of Worship	1 per 4 seats in main sanctuary, 50% of the required parking requirement may be in an aggregate other than dirt

Use	Number of Spaces Required
Club and Lodge	1 per 3 persons based on the maximum seating capacity of the building or 1 space per 200 square feet, whichever is greater
Miniature Golf Course	1 per golf hole
Country Club and Golf Course	3 per green, plus other parking requirements if applicable
Fire Station	1 per shift member, plus 2 spaces
Hospital	1 space per 4 beds plus 1 space per 2 employees
Library	4 per 1000 square feet
Public Assembly	1 space per 4 seats
Private/Parochial Elementary or Junior High School	3 per classroom, plus 1 space per employee, plus 1 space for each 6 seats in auditorium or other areas for public assembly; together with adequate stacking for pick-up/drop-off activities consistent with the student population
Private/Parochial Senior High School	0.5 per student, plus 1 space per employee, plus adequate space for ancillary uses
Private/Parochial Technical School	1 per 10 student stations, plus 1 space per each employee, plus 20 visitor spaces
Swimming Pool (Public & Private)	1 per 50 square feet of pool area
Transportation Terminal (Bus, Train, Airport, Railroad)	1 per 100 square feet of public waiting area plus 1 per two employees plus sufficient storage and unloading space for all commercial motor vehicles at the facility
Commercial Uses	
Adult Entertainment Business	1 per 200 square feet
Automobile – Used Car Lot	2 for the first 30 vehicles displayed, plus 1 space per next 20 displays, plus 1 space for manager
Automobile – Sales, Rental, Repair/Service	2 for every 1,000 square feet of gross floor area of sales/leasing, plus 1 space for every 4,500 square feet of outdoor display area, plus 1 storage space for each vehicle displayed outdoors, plus 2 spaces per repair bay
Automobile Service Station (Gas Station)	1 space per 200 square feet of sales area, plus 2 spaces per service bay, plus 1 space per employee
Bar/Cocktail Lounge	1 per 3 persons based on the maximum seating capacity of the building or 1 space per 100 square feet, whichever is greater
Bowling Alley	4 spaces per Alley
Business Service Establishment	1 per 300 square feet
Car wash	3 spaces plus 1 space per employee
Catering	1 per employee plus 0.5 spaces per delivery truck, plus 2 spaces per 1,000 square feet
Flea Market	1 per 200 square feet of sales area or outdoor display area
Financial Institutions	1 per 300 square feet plus queuing spaces
Fitness Center, Health Club and Spa	1 space per 200 square feet
Funeral Home	0.25 per seat of chapel capacity plus 1 space per 3 employees

Use	Number of Spaces Required
Kennel	1 per 250 square feet of office, administration and examination area, plus 1 per employee
Self Service Laundry (Laundromat)	1 per 250 square feet
Museum, Art Galleries and similar Uses	2 per 1,000 square feet
Office – Business and Professional	1 per 300 square feet
Office – Medical, Dental, Veterinary and other Health Related Uses	1 per 200 square feet
Personal Service Establishment (including Barbershops, Hairdressers, Nail Salons etc)	1 per 200 square feet
Pool Hall/Billiard Parlor	1 per 200 square feet, plus restaurant/ bar seating requirements if applicable
Quick Oil Change Facility	1 space per employee, plus 1 space per service bay. Not less than 5 parking spaces may be provided.
Radio/TV studio	1 per employee
Service and Repair Shop	1 per 300 square feet
Restaurant – General	1 per 3 seats based on the maximum seating capacity, plus 1 space per employee
Restaurant – Fast Food, Convenience	1 per employee, plus 1 space of 100 square feet of service area, plus queuing spaces
Retail Trade and Services	1 per 200 square feet plus 1 parking spot for each vehicle used directly for the business
Theater, Arena, Auditorium	1 per 4 seats
Warehouse – Mini-Storage	1 per employee plus 1 per 50 storage units
Warehouse – General Storage	1 per employee
Warehouse – Wholesale & Distribution	1 per 2 employees or 1 space per 1,000 square feet, whichever is greater
<i>Industrial and Manufacturing</i>	
Hazardous Operations	1 per 1,000 square feet
Industrial – Light	1 per employee
Industrial – Heavy	1 per employee

4-13.7. Design Standards for Parking Spaces

a. The minimum design of parking spaces and access ways as they relate to the angle of parking shall be as follows:

Table 4-4 Design for Parking Spaces

Parking Angle (Degrees)	Parking Space Dimensions (ft x ft)	Space to Curb (ft)	One-Way Traffic Aisle Width (ft)	Two-way Traffic Aisle Width (ft)
0	9 x 18	9	16	24
30	9 x 18	17	16	24
45	9 x 18	19	16	24
60	9 x 18	20	16	24
90	9 x 18	18	24	24

4-13.8. Paving of Parking Surfaces

a. All required parking spaces, access ways and loading zones shall be paved and otherwise constructed in accordance with the applicable ordinances of the City. As an alternative to paving, parking spaces and access ways may be provided on stabilized grassed areas for uses requiring only occasional parking or transitory vehicle storage as needed for recreational facilities, vehicle dealerships, churches, assembly halls and flea markets. Transitory vehicle storage shall occur only in the rear of such facility and shall only be used by the specified vehicle dealership for their own saleable vehicles. Paved parking shall be provided, however, for all full-time employees of such uses.

b. All parking spaces, access ways, and loading zones shall be maintained in good condition and be free of potholes, loose or cracked pavement, broken wheel stops, and any other conditions which might be otherwise detrimental to the health or safety of the residents of the City as determined by the City Engineer.

c. Pervious parking surfaces are permitted when the following conditions are met:

1. Pervious paving materials and other soil stabilization techniques are used in a manner as to assure that parking will remain functional in heavy rains or drought.
2. Pervious paving materials are installed according to manufacturer's specifications, including sub-surface preparation, composition, and density of compaction.
3. Sub-surface soil testing must demonstrate that the manufacturer's specifications will be met to allow for percolation and other stormwater functions. A registered professional engineer shall also make inspections and tests as necessary to certify that construction of the pavement is consistent with the approved plans as well as industry and manufacturer's standards.
4. Pervious parking areas shall allow stormwater to percolate into the ground as designed as part of an overall stormwater management system and in accordance with the approved site plan.
5. Such areas shall be provided with drainage facilities adequate to properly dispose of all surface water run-off.
6. Regular maintenance of pervious parking areas is necessary to ensure long-term integrity of function. Sweeping or other recommended maintenance procedures as per manufacturer's specifications must be implemented. If such areas cease to function in providing adequate parking or drainage, or cause sedimentation within the drainage system, then paving to normal design standards will be required. In such an event, any credit given towards pervious surface area for the pervious parking will be revoked and pervious areas shall be installed which are comparable to the area credited.

4-13.9. Off-Street Loading Requirements

In addition to the parking required for non-residential uses, loading spaces shall also be required. All loading spaces shall be located and screened to avoid nuisance impacts to adjacent areas with special consideration for noise. A sufficient number of loading spaces shall be provided to accommodate the maximum number of buses or trucks to be loaded or unloaded at any one time. Wheel stops or curbs shall be provided to prevent any vehicle using a loading space from encroaching upon unpaved areas or adjacent property.

Table 4-5 Required Number of Loading Spaces: Commercial & Industrial

Floor Area (square feet) of Use	Minimum Number of Spaces
5,000 – 20,000	1
20,001 – 50,000	2
50,001 – 100,000	3
100,000 – 250,000	4
For each additional 150,000	Plus 1

Each loading space shall be not less than ten feet in width and 25 feet in length for commercial uses and not less than 12 feet in width and 50 feet in length for industrial uses.

4-14 Landscaping and Screening Standards

4-14.1 Applicability

a. The City of Sparks Landscaping requirements shall apply to all new development and to substantial renovation for which a building permit has been issued after the adoptive date of this Code. No Certificate of Occupancy shall be issued for any portion or phase of a new development or substantial renovation to which these landscape standards apply until all required landscaping has been installed pursuant to the requirements of this Chapter.

b. All landscaping required by this Chapter shall be installed and maintained as required by this Chapter. The failure to do so shall constitute a violation of this Code subject to code enforcement procedures and regulations.

4-14.2 General Provisions

a. Plant Materials

1. At least 50 percent of all required landscaping in the form of trees, shrubs, ground cover, and grass shall collectively consist of vegetation native to Southern Georgia.
2. Tree species which are likely to cause damage to public roadways, public facilities or building foundations shall not be planted closer than 12 feet unless the tree root system is completely contained within a container or barrier five feet square and 5 feet deep.
3. Ground cover used in lieu of grass shall be planted so as to present a finished appearance and reasonable complete coverage within three months of installation. All landscaped areas shall be sodded or mulched or otherwise covered with ground cover.
4. Grass areas shall be planted in species locally grown as permanent lawns.

b. Installation

1. All required landscaping installed pursuant to this Chapter shall be installed according to accepted good planting practices.
2. Landscaped areas shall be protected from vehicular encroachment by car stops, curbs, or other appropriate manes.

c. Irrigation

1. All irrigation systems shall be designed, installed and maintained in such a manner as not to be a nuisance to adjacent properties, adjacent uses and to the general public. Irrigation systems shall not direct water onto impervious surfaces.
2. All irrigation systems shall include a “rain switch” to monitor rain levels and irrigation needs.
3. All areas with native vegetation or xeriscape areas must have a readily available water supply to provide temporary irrigation until plantings are established.
4. Natural areas and native vegetation left undisturbed by development may be excluded from the irrigation system.
5. All landscaping and irrigation plans shall consider current Best Management Practices (BMPs) for water conservation.

d. Existing Native Vegetation

1. All native vegetation, which is not located in areas requiring their removal as part of the development plan, should be retained in an undisturbed state.
2. Landscape Standards
 - i. Not less than 20 percent of the total gross area of a development site shall be landscaped. The landscaped areas shall be located on the site in such a manner as to maximize preservation of existing trees.
 - ii. A landscaped area not less than five feet wide, consisting primarily of shrubbery, shall be provided along all sides of a building which abut a parking area. A landscaped area not less than two feet in width shall be provided along the sides and rear of a building. The landscaping shall include a hedge, one tree for every 30 linear feet, and ground cover. The landscaping may be clustered to allow for creativity and flexibility in design with the approval of the Zoning Administrator.

e. Maintenance

1. The owner and the lawful occupant of the real property are each responsible for the maintenance of all required landscaping in a healthy, growing condition in accordance with this Code.
2. The City shall periodically inspect all areas of required landscaping for proper maintenance. The owner or lawful occupant of the real property shall be responsible for correcting any deficiencies reported by the inspection within a reasonable time frame. Failure to comply will result in code enforcement action.
3. Landscaped areas shall be maintained in a neat and orderly appearance and kept free from refuse and debris. All walls and fences shall be maintained in good condition so as to present a neat and orderly appearance and shall be kept free from graffiti.
4. Trees and shrubbery shall be pruned as necessary to promote healthy growth, to avoid power lines, and to provide proper sight distances for roadways or intersections.

f. Buffer Yard Types

Buffer yards shall be required along the side and rear yards of the proposed development or reconstruction exceeding 50% of the value of the property wherever the proposed development abuts a different existing or permitted use. The existing use of the zoning classification of the adjacent property shall determine the type of buffer yard required. Vacant property will not require a buffer.

1. Buffer yard specifications. The following table prescribes the minimum number of trees and shrubs per 100 linear feet. Where feasible and appropriate, developers are encouraged to exceed these minimum requirements.

Buffer Type Descriptions

Buffer Component (per 100 linear feet)	Zoning District			
	I	B-1	R-P	R-1, R-2, R-2M
# Canopy Trees	7	4	3	2
# Understory Trees	11	6	4	4
# Shrubs	50	25	20	20
Buffer Width	40	20	15	10

A minimum 50% of all canopy trees, and minimum of 75% of all understory trees and shrubs shall be evergreen vegetation. Planting areas must be mulched with approved material. Upon maturity, buffer yards shall not contain any unobstructed openings more than 10 feet in width.

4-15 Moving of Houses

1. No residential home built prior to 1980 may be moved to a new location within the City. Houses built in 1980 or thereafter that are moved must be brought into compliance with all current construction codes. Photographs of the interior and exterior of the home must be submitted to the City Clerk providing evidence that the home meets the minimum health and safety standards of Section 4 of this ordinance.

Chapter Five: **Supplemental Standards**

The uses in this Section are listed in alphabetical order. The purpose of these Supplemental Use Standards is to provide more specific standards for certain uses for which site development and design standards are necessary to ensure that they will be compatible with surrounding uses, have minimal impact on the environment, and promote the health, safety, and welfare of the City.

These standards shall apply to specific uses in all zoning districts and shall be enforced by the Zoning Administrator.

Any use that is regulated by this Section and is authorized in a zoning district shall be developed in conformance with the applicable Supplemental Use Standards.

5-1 Accessory Uses and Structures

5-1.1 No accessory uses and structure shall be constructed unless a permitted principal use exists on the parcel, located in full compliance with all standards and requirements of this Code.

5-1.2 Accessory uses and structures shall not be located in any required front yard and shall only be permitted in side and rear yards, subject to minimum five feet rear setback and eight feet side setbacks from the property line. On corner lots the side setback shall be ten feet.

5-1.3 There shall not be less than five feet separation between an accessory structure and the principal building, but the separation must be in compliance with minimum fire code.

5-1.4 An accessory dwelling unit may be in the same building or in a separate building from the primary dwelling unit.

5-1.5 In a residential district the height of an accessory use and structure shall not exceed the height of the principal structure and the footprint of an accessory use and structure shall not exceed 50 percent of the footprint of the principal structure and 35 percent of the maximum permitted building area of the entire lot.

5-1.6 Accessory uses and structures and detached accessory dwelling units shall be included in all calculations of impervious surface and stormwater run-off.

5-1.7 An accessory dwelling unit shall have at least one parking space in addition to the required parking space(s) for the primary dwelling unit.

5-2 Adult Entertainment Uses

5-2.1 Adult Business Premise Regulations

a. All adult materials shall be located within the adult business premises and the activities of employees which include the exposure of specified anatomical areas shall take place within the adult business premises.

b. No adult materials or activities of employees which include the exposure of specified anatomical areas shall be visible from the exterior of the adult business premises in any way, including but not limited to exterior apertures such as opened doors and unobscured windows.

c. No merchandise, advertising or depictions of the activities of an adult business shall be displayed on the exterior of the adult business premises or in any location where they are visible from public right-of-way.

d. Additional landscaping shall be provided adjacent to public right-of-way and adjacent to private property:

1. A landscaped strip at least five feet wide shall be provided along the boundary of adjacent public right-of-way between the right-of-way and all on-site parking areas and other vehicular use areas to consist of one tree every 50 feet or portion thereof and a fence, wall or hedge not less than four feet in height at planting; and

2. An opaque fence, wall or hedge shall be provided along the boundary of adjacent private property of a height of not less than four feet and more than eight feet at planting.

5-2.2 Distance Requirements

a. No adult business shall commence operation within 1,000 feet of any residential zoning district.

b. No adult business shall commence operation within 1,000 feet of any other adult entertainment establishment.

c. No adult business shall commence operation within 1,000 feet of any church or school.

5-2.3 Prohibited Activities

a. It shall be unlawful for an employee of an adult business to engage in specified sexual activities within the adult business premises in the presence of a patron or spectator of the business or for any form of compensation.

b. It shall be unlawful for an employee of an adult business to physically touch a patron or spectator of an adult business while simultaneously revealing specified anatomical areas.

5-2.4 Amortization of non-conforming Adult Businesses

a. An adult business in violation of the location or distancing requirements of this Code at the time of its enactment shall be deemed a non-conforming use which may remain in operation until two (2) years after the date of the enactment of this Code. No such non-conforming uses shall continue to operate as an adult business longer than two (2) years after the date of the enactment of this Code, except in compliance with the requirements of this ordinance.

b. If any non-conforming adult business ceases to do business for a continuous period of six months, it shall be deemed abandoned and shall not thereafter re-open except in conformance with these regulations.

5-3 Amateur Radio Antenna

5-3.1 No such antenna structure, including any support upon which it may be constructed, shall exceed a combined height of 50 feet.

5-3.2 Amateur radio service antenna structures exceeding 50 feet in height shall be permitted only by the Zoning Board of Appeals subject to all variance requirements of this Code.

5-3.3 Amateur radio service antennas shall be located a distance of at least one-half the height of the tower (antenna) from all property lines.

5-4 Amusement Arcade; Amusement Theme Park, Commercial Recreation

5-4.1 An outdoor recreation facility consisting of amusement rides, games, water slides, amusement vehicles, golf driving ranges, miniature golf, batting cages, water slides or any similar commercial outdoor recreation shall be limited as follows:

- a. The minimum lot size shall be 5 acres.
- b. All such facilities must be enclosed within an 8 feet high fence with unpierced gates that are to be locked except when the facility is open to the public.
- c. Outdoor activities are limited to the hours from 10 a.m. to 10 p.m.
- d. A site plan shall be required in accordance with Chapter 10 to indicated entrances and exits, type location and height of recreation facilities, buildings and other structures and lights, parking areas, landscaping, buffers and drainage. The site plan shall also illustrate surrounding property uses and the location of the nearest residence.
- e. Lighting must be designed to direct light downward and away from adjacent properties.
- f. An environmental acoustical study shall be submitted to the Zoning Administrator as part of the site plan approval in order to identify and analyzes all sources of noise emanating from the site including outdoor speakers, sound effects, or sound systems as well as rides, vehicles, and mechanical equipment. Noise levels shall not exceed 65 decibels, dbA measured at the property lines.
- g. A 100-foot buffer shall be maintained adjacent to all abutting residentially zoned property.

5-5 Animal Shelter & Kennels

Any outside kennel or kennels with access to the outside shall be at least 200 feet from any residential district.

5-6 Automobile, Boat, RV Sales (new and pre-owned)

5-6.1 A 10 foot wide landscape buffer shall be required abutting public right-of-way. All landscaping shall be in conformance with the requirements of Chapter 4, Landscaping.

5-6.2 A 15 foot wide landscape buffer shall be required abutting all side and rear property lines. All landscaping shall be in conformance with the requirements of Chapter 4, Landscaping.

5-6.3 All vehicles shall be parked on paved surfaces or approved pervious paving materials.

5-6.4 All outdoor display areas shall be at least 50 feet from the right-of-way line and no closer than 100 feet from the nearest residence.

5-6.5 Maintenance, repair, painting and body work must take place within an enclosed building.

5-7 Bed and Breakfast Lodging

5-7.1 The Bed and Breakfast must be secondary to the use of the premises for a dwelling. All operators of a Bed and Breakfast Residence must own and occupy the building where said use will occur as their principal residence.

5-7.2 Only one sign shall be permitted. The sign shall have a maximum of four square feet in sign area and shall not be illuminated.

5-7.3 The maximum number of guest rooms made available for rent shall be five.

5-7.4 One off-street parking space shall be provided per guest room and shall meet the requirements of this Code.

5-7.5 No food preparation or cooking shall be conducted within any bedroom nor other individual rented rooms.

5-7.6 The exterior appearance of the structure shall not be altered from its single-family character.

5-8 Car Washes

5-8.1 A car wash operation is considered to be a drive through facility and is subject to site plan submission requirements.

5-8.2 The property on which the car wash is to be located shall be a minimum of 10,000 square feet in size.

5-8.3 The car wash and all related activity areas shall be screened from all adjoining side and rear properties with a 15 foot landscape buffer with 1 tree for every 30 linear feet and a continuous hedge along the entire length of the property. All landscaping shall be in accordance with this Code.

5-8.4 No more than 7 car wash bays and 7 vacuum stations shall be allowed in any self-serve car wash facility.

5-8.5 All car wash bays shall be enclosed on two sides and covered by a permanent roof.

5-8.6 All on-site lighting fixtures shall be directed so that adjacent properties are not illuminated.

5-8.7 Mobile Car Washes shall meet the following criteria:

- a. No Mobile Car Wash shall wash a car on a public street or within a public right-of-way.
- b. A Mobile Car Wash operating on private property shall have the written permission of the property owner.
- c. A maximum of five (5) vehicles may be washed on a non-paved or pervious surface, provided there is a good stand of live ground cover such as grass and the grass is able to absorb the run-off into the ground without any water run-off from the site.
- d. All Mobile Car washes shall be permitted as a home occupation and shall not operate without a permit issued by the Zoning Administrator.

5-9 Cemeteries, Human and Pet

5-9.1 Cemeteries are permitted in any zoning district provided they front on an arterial or connector street.

5-9.2 A cemetery may include one or more of the following: a burial park for earth interments, a mausoleum for vault or crypt interments, and a columbarium.

5-9.3 A cemetery may include a chapel when operated in conjunction with and within the boundaries of the cemetery.

5-9.4 Registered cemeteries per State Law must have a minimum size of 10 acres; other cemeteries must have a minimum land area of two acres.

5-9.5 The minimum setbacks for any structures to the front property line must be 40 feet, to the side and rear property lines must be 20 feet, and adjacent to any residentially zoned property must be 50 feet.

5-9.6 Cemeteries must have a 25-foot planted buffer strip or fence (opaque, at least 6 feet high and not more than 8 feet high) around their entire perimeter except for ingress and egress points.

5-10 Clubs, Lodges and similar non-commercial Associations

5-10.1 The serving of food shall be limited to club members on a non-profit basis;

5-10.2 Ingress and egress shall be situated so that the added traffic, lights, noise, etc. are not objectionable to the surrounding residences;

5-10.3 No structures may be within 50 feet of an adjacent residential structure; and

5-10.4 A planted buffer strip or fence (opaque, at least 6 feet high and not more than 8 feet high) shall be provided and maintained to screen off-street parking areas, trash, service entrance, and other potential offensive features from adjacent residential properties.

5-11 Communication Tower/Facility

5-11.1 The purpose and intent is to provide a uniform and comprehensive set of standards for the development and installation of communication towers, antenna support structures, antennas, and related facilities. These standards are designed to protect and promote public health, safety, and community welfare and the aesthetic quality of the city, while at the same time not unduly restricting development of needed telecommunication facilities nor denying wireless communications suppliers' access to the public switched telephone network. These standards encourage managed development of telecommunication infrastructure.

5-11.2 All applications shall include a statement of need or necessity showing that the service cannot be provided through other means, e.g. co-location.

5-11.3 All applications shall include a statement of the intended service area and existing coverage by service providers.

5-11.4 Telecommunication towers shall comply with applicable Federal Aviation Administration and Federal Communications Commission regulations. Evidence of compliance must be submitted prior to issuance of building permits for construction. A statement of "no objection" from Moody Air Force Base must also be submitted prior to issuance of building permits for construction.

5-11.5 All certifications required for the construction of telecommunication facilities shall be sealed by a Georgia registered engineer.

5-11.6 All telecommunication towers, as well as accessory and support structures, including guy anchors, shall comply with the applicable zoning district setbacks. For guyed towers, applicants should submit certified break-apart calculations in order for the property boundary setbacks of the tower to be determined. If the applicant does not submit break-apart calculations, the minimum setback from all property lines or the nearest inhabited building shall be 150 percent of the height of the tower, but not less than 200 feet.

5-11.7 A wall or fence no less than ten feet in height from finished grade shall be constructed around each telecommunication tower and ground related support or guy anchors. Access to the tower shall be controlled.

5-11.8 The City may require, as a condition of approval, the dedication of space on a tower for communications equipment required for public safety. The need for such public use shall be indicated to the applicant prior to formal approval of an application. In the case of co-use with the City, the applicant shall certify that none of the proposed or future users of the tower shall interfere with its use by the City for public safety.

5-11.9 In addition to the landscaping requirements per Chapter 4 of this Code, landscape buffers shall be required around the perimeter fencing of the telecommunication tower and any accessory uses, including guy anchors. Landscape buffers shall be located outside and within ten feet of the required fence and shall include not less than one tree and suitable ground cover for every 20 linear feet of fence. In addition, a hedge shall be installed around the exterior perimeter of the fence.

5-11.10 A 12-foot wide stabilized access driveway is acceptable to a telecommunication tower, unless the Zoning Administrator determines, based on public safety concerns, that circumstances require paved access. The turn-around area shall be approved by the City Engineer, Police Chief and Fire Chief.

5-11.11 A minimum of one on-site parking space shall be provided. The parking area shall be paved if the access road is paved.

5-11.12 Telecommunications towers and accessory structures shall be unoccupied.

5-11.13 A tower may constitute an accessory use on a lot containing a separate principal use. If the tower constitutes a principal use, then it must be located on a property which meets the minimum lot size requirements of the district in which the tower is located and is large enough to accommodate the tower, accessory structures, landscaping, parking and other required improvements.

5-11.14 The use of any portion of a tower for signs or advertising is prohibited.

5-11.15 The following distances shall be measured by a straight line measurement without regard to intervening buildings from the nearest point of the building or unit within a building in which the proposed telecommunications tower is to be located to the nearest point of the lot, use, right-of-way line, or district from which the proposed telecommunications tower is to be separated.

a. No telecommunications tower shall be constructed within 500 feet of any residential zoning district within the City or within 500 feet of a residential area outside of the City.

b. No telecommunications tower shall be constructed within 500 feet of a school.

5-11.16 An unused tower shall be removed within three months of cessation of all telecommunications uses.

5-11.17 Existing non-conforming towers may be replaced one time by a tower of equal or lesser height.

5-11.18 Temporary facilities known as “cells on wheels” shall be allowed for periods up to 30 days during documented states of emergency as declared by the Mayor, and for special events subject to review and approval of the Zoning Administrator.

5-12 Concentrated Animal Feedlot Operations (CAFO)

Are prohibited within the City of Sparks.

5-13 Continuing Care Retirement Community or Adult Congregate Care Living Facilities

5-13.1 The provisions of this section only apply to facilities which provide housing for more than 10 persons or which are more than 1 acre in size. Any adult congregate care facility which is intended to house less than four unrelated persons in a single-family detached dwelling shall be a use by right in all residential zones. Licensed CCRCs or ACLFs shall be a use allowed within the General Business District.

5-13.2 Standards

a. A site plan drawn to scale, in accordance with Chapter 4 of this Code, shall be provided.

b. The permitted density shall be that of the underlying zoning district.

c. Off-street parking shall be provided on a minimum basis of one space per every four occupants and one space for every two employees as determined by the maximum working shift. The City Council may require the provision of additional parking in the reasonable exercise of its discretion.

d. For all facilities, each unit in the facility to be occupied by one person shall be a minimum of 250 square feet; each unit in the facility to be occupied by two persons shall be a minimum of 450 square feet. Additionally, at least 100 square feet of interior common area shall be provided for each unit.

e. All facilities provided shall be sufficient in size, as determined by the City Council, to serve meals to the residents and shall provide at least two meals a day to its residents which shall be included in the monthly fee.

f. All facilities shall also provide the following amenities or services for its residents:

1. An office or examination room for the purpose of housing a qualified and properly licensed nurse or nursing staff.

2. T.V. and game room, library, arts and crafts center or other similar facility to provide leisure activities for facility residents.

3. Laundry facilities for the residents.

g. All facilities shall be subject to a 45-foot height maximum

h. All facilities shall be subject to the regulations in the residential zoning districts which pertain to lot coverage and setbacks.

i. At least 20 percent of each facility shall be maintained as open space to be either a lawn or landscaped area which can be used for recreation and other leisure activities.

j. All signs in conjunction with the facility shall meet the applicable requirements pertaining to the zoning district in which the facility is located.

k. Accessory uses shall be limited to those normal and incidental to residential dwelling units, including a small convenience store to provide personal items such as toiletries, magazines, a small selection of groceries, and prescriptions. Said facility shall be self-contained within the structure and open only to the residents of the facility.

l. Each facility and its units shall be served by one master meter for water, sewer, gas and electric utilities.

m. Any plan for a facility must not only establish compliance with the above requirements, but also that such use will be reasonably compatible with the surrounding neighborhood on the basis of the following considerations:

1. Ingress and egress to the property and proposed structures on the property with particular reference to automotive and pedestrian safety, traffic flow and control, and access in case of fire or other emergency.
2. Off-street parking and loading areas where required, with particular attention to the noise, glare, or odor effects, or property value effects of the proposed facility on adjoining properties and properties in the neighborhood.
3. Refuse and service areas.
4. Utilities with reference to location, availability and compatibility.
5. Screening and buffering with reference to type, dimensions, and character.
6. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, compatibility, and harmony with the neighborhood and adjacent properties.

5-14 Care/ Child Care Center

5-14.1 In the B-1 and I Districts, a day care center shall be allowed as an accessory to the business for use by employees of that business only.

5-14.2 In any residential district, the use shall maintain a residential appearance compatible with the neighborhood and not be detrimental to adjacent properties as a result of traffic, noise, light, refuse, parking or other activities.

5-14.3 The principal and accessory buildings shall meet all yard setback and height requirements of this district.

5-14.4 The use shall comply with all state day care requirements for standards, licensing, and inspections.

5-14.5 The use must provide at least 200 square feet of outdoor recreation per child.

5-14.6 The outdoor play area must be enclosed with a six (6) foot high fence.

5-14.7 The use shall provide paved driveways with drop-off areas and turn-arounds to be reviewed by the Zoning Administrator, so that traffic associated with the use does not impede flow of traffic on adjacent streets.

5-15 Distance Requirements for Alcoholic Beverage Sales

No alcoholic beverage license shall be granted or issued to any applicant for such license nor shall any person knowingly and intentionally sell or offer to sell, give or distribute:

5-15.1 Any wine or malt beverages within 300 feet of any school building, school grounds or college campus;

5-15.2 Any distilled spirits within 300 feet of any church building;

5-15.3 Any distilled spirits within 600 feet of any school building, educational building, school grounds or college campus;

5-15.4 Any distilled spirits, wine or malt beverages within 300 feet of an alcoholic treatment center owned and operated by the State of Georgia or any county or municipal government therein.

a. As used in this subsection, the term "school building" or "educational building" shall apply only to state, county, city, or church school buildings and to such buildings at such other schools in which are taught subjects commonly taught in the common schools and colleges of this state, and which are public schools or private schools.

5-15.5 No person may knowingly and intentionally sell any alcoholic beverages for consumption on the premises within 300 feet of any housing authority property.

a. As used in this subsection, the term "housing authority property" means any property containing 300 housing units or fewer owned or operated by a housing authority created by Article 1 of Chapter 3 of Title 8, the "Housing Authorities Law."

5-15.6 This section shall not be applicable to sales or transfers by any license holder whose use of his premises for such sale existed before the establishment of the use of the religious facility, school, or public playground; or when the religious facility is located in a storefront in a commercial zoning district as a temporary use.

5-15.7 Those distance measurement prohibitions stated above shall be measured in the following manner: In the nearest traveled pedestrian way from the front door of the structure on the premises for which an alcoholic beverage license is applied for, to the nearest right-of-way line or a sidewalk or street or public way and proceeding to the premises (property line) listed under a. through e. above along such nearest public right-of-way.

5-15.8 Notwithstanding anything contained in the section above to the contrary, "restaurants" which offer alcoholic beverages for consumption on the premises are exempt from the requirements contained above provided that the serving of such beverages is incidental to the principal business conducted.

5-16 Drive-Through Facilities

5-16.1 Drive-Through facilities shall not be permitted in residential zoning districts.

5-16.2 Each stacking space shall be a minimum of 26 feet in length and ten feet in width along the straight portions of the stacking lane. Stacking spaces and stacking lanes shall be a minimum of 12 feet in width along curved segments.

5-16.3 Stacking lanes shall be delineated from traffic lanes, other stacking lanes, and parking areas with striping, curbing, landscaping and the use of alternative paving materials or raised medians. If curbing or a raised median is used, an emergency by-pass or exit shall be provided.

5-16.4 Entrances to the stacking lane(s) shall be clearly marked and a minimum of 60 feet distance from the side property line.

5-16.5 Stacking lanes shall be designed to prevent circulation congestion, both on site and on adjacent public streets. The circulation shall separate the drive-through traffic from the circulation on site, not impede or restrict access into or out of parking spaces, and minimize conflicts between pedestrian and vehicular traffic with physical and visual separation of the two.

5-16.6 Stacking lanes shall not interfere with required loading and trash storage areas and loading or trash operations shall also not interfere with on-site vehicle movement.

5-16.7 Any outdoor service facility, including menu boards, speakers, etc., shall be a minimum of 100 feet from any residentially zoned district or residentially used property.

5-16.8 Menu boards shall be a maximum of 24 feet square feet, with a maximum of seven feet in height, and shall be screened from the view of any public street or residential properties.

5-16.9 Standards for drive through facilities

a. A drive-through or walk-through facility shall be designed, constructed and used so as not to interfere with the public use of public ways, streets, alleys or other public areas. The Zoning Administrator shall specifically approve such facility. In making such determination, the type of business, the existing and projected traffic flow of nearby public areas, and the nearness of other like facilities shall be considered.

5-16.10 The minimum number of queuing or stacking spaces required shall be as follows. Variations from these minimums may be allowed by the Zoning Administrator on the basis of a traffic study as provided by the applicant.

Table 5-1 Required Stacking Spaces

Use Type	Minimum Spaces	Measured From
Bank Teller Lane	3	Teller or Window
Automated Teller Machine	3	Teller Machine
Restaurant Drive Through	8	Order Box*
Other	TBD	TBD

* An additional four vehicle queue from the pick-up window to the order box shall be provided.

k. Each queue space shall be a minimum of ten feet by 26 feet. Queuing lane dimensions shall be measured from the point indicated in the queue space schedule to the end of the queuing lane. Dimensions of queuing lanes shall be shown on the site plan.

5-16.11 Each queue lane shall be clearly defined and designed so as to not conflict or interfere with other traffic using the site. A bypass lane with a minimum width of 10 feet shall be provided if a one-way traffic flow is used in the parking lot. The bypass lane shall be clearly designated and distinct from the queuing area.

5-17 Dwelling, Live-Work

The following standards shall apply to all live-work dwelling units.

5-17.1 The dwelling unit must be owner occupied.

5-17.2 Only one business may be operated in each dwelling.

5-17.3 The business owner shall be the owner of the dwelling unit in which the business is located.

5-17.4 The business shall be located on the ground floor only and shall have direct entry from the sidewalk along the street frontage.

5-17.5 No more than 40 percent of the dwelling unit may be used for conducting the business.

5-18 Dwelling, Loft

5-18.1 Loft dwellings shall be located in mixed use buildings in the D-C zoning district.

5-18.2 No loft dwelling shall be located on the ground floor.

5-18.3 Residential portions of a building shall have at least one entrance/exit to the ground floor that is separate from the entrance/exit used by the occupants of the non-residential portion of the building.

5-18.4 Each loft dwelling shall have at least 600 square feet of heated/ac living area.

5-19 Dwelling, Two-Family (Duplex) in R-2 Zoning District

5-19.1 The following standards are intended to provide for areas of two-family development that are consistent in design and in development patterns with typical single-family detached development.

5-19.2 The two units of a duplex shall share a common roof and a common wall for at least 50% of the maximum depth of the building, as measured from the front to the rear of the lot and prohibit the separation of the two units by a breezeway, carport, or other open building element; instead of a shared common wall, the two units can share a common floor and ceiling.

5-19.3 Each dwelling unit shall have access to the street with a concrete driveway or any other alternative material consistent with this Code.

5-20 Fences, Walls and Hedges

5-20.1 The requirements in this section shall be in addition to and shall supersede in the event of a conflict those contained in the building code, relating to type of construction and materials of walls and fences. A fence permit shall be required by Chapter 10.

5-20.2 Fences and walls shall be constructed of concrete, cement blocks, brick, chain link, wood, ornamental wrought iron, stone, or any alternate material as approved by the Zoning Administrator. Concrete or cement block walls shall be stucco or provided with a textured finish.

5-20.3 Metal fences shall be of non-corrodible metal or galvanized wire fabric, having a minimum of 11 gauge, mounted on steel posts.

5-20.4 Fences or walls should be generally in harmony and compatible with their surroundings.

5-20.5 All fences shall be maintained in good repair on both sides in order to remain structurally sound.

5-20.6 All fences and walls on the same property shall be continuous in alignment and of uniform construction and appearance.

5-20.7 No fence shall be constructed of materials which easily corrode, decay or rust, unless specifically treated to inhibit such corrosion, decay or rust.

5-20.8 The height of fences and walls shall be measured from existing natural elevation of a lot, prior to any construction or alteration.

5-20.9 Any entryway arbor or trellis, constructed in conjunction with a fence or wall, shall not exceed a maximum height of nine feet, measured from existing grade.

5-20.10 The height of all fences, walls, hedges, signs or any other objects located within the Sight Distance Triangle for intersections shall meet the sight distance requirements as defined in the Geometric Design of Highway and Streets as published by the American Association of State Highway and Transportation Officials.

5-20.11 Plans for fences or walls shall be included as a part of the site and/or building plans and shall be erected during or immediately after the erection of the principal building, and in any event before the certificate of occupancy of the principal building is issued.

5-20.12 Electrically charged fences are prohibited, except in prisons or jails or to contain livestock in agricultural areas.

5-20.13 Barbed wire or razor wire fences are prohibited, except in prisons or jails or to contain livestock in agricultural areas.

5-20.14 In no case shall a fence or wall restrict the natural sheet flow of water or impede movement of drainage water from swales, drainage ditches etc.

5-20.15 All major development projects shall be allowed to install a construction fence with a temporary six-foot chain link fence with obscure fabric or other visual barrier material around the site prior to the initiation of the construction phase.

In residential districts:

5-20.16 Fences, walls and hedges may be located in any required yard.

5-20.17 The maximum height of fences and walls shall be four feet in any required front yard and six feet in any required side or rear yard. Hedges of any height may be located within any required front, side or rear yard.

5-20.18 Where a residential lot abuts a non-residential zoned lot, fence height in side or rear yards may be increased to eight feet.

In commercial or industrial districts:

5-20.19 Fences or walls erected in commercial districts shall be no higher than eight feet.

5-20.20 Fences or walls erected in an industrial (I) zoning district shall be no higher than ten feet.

5-20.21 Where an industrial zoned use abuts any other non-industrial zoning district, there shall be a masonry buffer wall erected, with a minimum of six feet, but no higher than 10 feet, along the full length of the property line adjoining such other district in addition to a six foot landscape buffer on the outside of the wall.

5-21 Flea Market

5-21.1 The market must provide adequate off-street parking for its employees, vendors and customers;

5-21.2 The market must provide adequate restroom facilities located within a structure or building on the grounds; and

5-21.3 A building permit shall be required for structural interior spaces.

5-22 Gasoline Service Station with or without Convenience Store

5-22.1 Gasoline and other motor fuel stations, excluding principal use signs, but including storage tanks and gas pumps, must be placed not less than 50 feet from any side or rear property lines, except when the side or rear property lines abut a street, in which case the setback shall be that required for such streets, but shall be at a minimum 25 feet.

5-22.2 All structures, including gas pumps and buildings, must comply with the setback requirements from the abutting streets, but shall be at a minimum 25 feet from the property line.

5-22.3 All points of ingress and egress shall be arranged so as to minimize interference with normal street traffic flow.

5-22.4 No building or structure shall be placed within 100 feet of a residential property line.

5-22.5 All repair and maintenance, if permitted, shall be carried on entirely within an enclosed building.

No outdoor storage is permitted.

5-22.6 All drives, parking, storage and service areas shall be paved and curbed.

5-22.7 Outside above ground tanks for the storage of gasoline, liquefied petroleum gas, oil, and other flammable liquids or gases shall be prohibited.

5-22.8 Overnight accommodations, showers, and overnight parking shall be prohibited.

5-22.9 The use shall not be combined with any other use or facility to create a truck stop.

5-23 Home Occupation

- 5-23.1.** No person shall be employed other than members of the immediate family residing on the premises plus one additional employee.
- 5-23.2.** There shall be no outside display or storage of materials or supplies in residential districts. Outside parking of one trade vehicle is permitted. No business vehicles larger than a van, panel truck or 1 ton pick-up truck are permitted to park overnight on the property. No more than one customer vehicle at a time may be present at the business location.
- 5-23.3.** No signage of any kind shall be displayed other than what is permitted in Chapter 8 of this Code.
- 5-23.4.** The home occupation shall not constitute a fire hazard to neighboring residences, or adversely affect neighboring property values, or constitute a nuisance or otherwise be detrimental to the neighbors because of excessive traffic, noise or odors.
- 5-23.5.** A home occupation shall produce no noise, obnoxious odors, vibrations, glare, fumes or electrical interference detectable to normal observation outside the dwelling or building.
- 5-23.6.** No traffic shall be generated by such home businesses in greater volumes than would normally be expected in a residential neighborhood. Any need for parking generated by the home occupation shall be met off-street.
- 5-23.7.** The use must comply with all local, state, and federal licensing and permitting regulations and other applicable laws.
- 5-23.8.** Any violation of these regulations may result in the revocation of any home occupation license, in addition to any other remedy for such violation.
- 5-23.9.** The issuance of a license to engage in a home occupation in accordance with this ordinance shall not be deemed to be a change in zoning nor an official expression of opinion as to the proper zoning for the particular property.

5-24 Ice Vending Machines

- 5-24.1.** Ice Vending Machines are permitted in the B-1 and I zoning districts.
- 5-24.2.** The Ice Vending Machine shall be set back a minimum of 50 feet from any residentially zoned property.
- 5-24.3.** Two parking spaces shall be provided, plus one additional ADA accessible parking space.

5-25 Industrialized Buildings (Modular Homes) (Residential)

All industrialized homes must comply with the following regulations for dwelling units:

- 5-25.1** The building permit application must be accompanied by the following:
- a.** The serial number of the home as provided by the manufacturer.
 - b.** Proof of the identity of the manufacturer.

c. Proof of inspection of the home at the date of manufacture, including DCA seal.

5-25.2 No industrialized home shall be in a state of disrepair at the time of its installation at the intended location within the City.

5-25.3 All industrialized homes shall receive all applicable inspections necessary to ensure the following:

a. External connections to gas, plumbing, electric and any other utility systems shall be constructed and installed in a manner that meets all City building codes.

b. Each industrialized home site shall include an approved potable water source and an approved sewage disposal system meeting the requirements of the Cook County Health Department.

c. Steps, landings, porches shall meet the requirement of the International Building Code.

5-25.4 All industrialized homes shall meet all requirements of the zoning district in which the home is located.

5-25.5 No industrialized home may be attached to another industrialized home by means of a breezeway, corridor or hallway. Industrialized homes designed to be part of a multi-family structure are prohibited.

5-26 Kennel, Pet Boarding

5-26.1 The lot size shall not be less than two acres.

5-26.2 Any building or enclosed structures for the housing of animals shall have minimum side and rear setbacks of at least 100 feet from the property lines.

5-26.3 All areas maintaining animals outside shall be completely enclosed by wall or fences at least six feet in height and shall be located no closer than 200 feet from property lines or street right-of-way.

5-27 Livestock in Residential Districts

5-27.1 Except as provided below, no animals shall be kept in any residential district except those animals generally recognized as household domestic pets, such as dogs, cats, caged birds etc. In any residential district, no more than a total of three dogs and/or cats four (4) months or older shall be allowed for each dwelling unit.

5-27.2 Manure must be disposed of or composted in a way that does not produce offensive odor. No animals shall be kept in such a manner as to produce odors, overcrowding, or excessive noise.

5-27.3 Noise complaints will be addressed using those guidelines applicable to barking dogs.

5-28 Manufactured Homes

5-28.1. Definitions

The following words, terms, or phrases shall have the meanings ascribed to them in this Section.

a. *Applicant* means any person seeking to install a manufactured home in the City of Sparks.

- b. *Building Inspector* means the person appointed, employed, or otherwise designated as the director of planning, permits and inspections, or the city building official, or his or her designee, including the Zoning Administrator.
- c. *Certificate of Occupancy* means a document issued by the building inspector certifying that a pre-owned or new manufactured home is in compliance with applicable requirements set forth by this Code, and indicating it to be in a condition suitable for residential occupancy.
- d. *Guarantee of Condition Bond* means a surety bond to guarantee that the affidavit and photographs required by paragraphs (1) and (2) of subsection (a) of Section 3 of this Code reasonably portray or represent the existing condition of the manufactured home proposed for location. In lieu of the bond, a cash deposit may be deposited with the City.
- e. *Install* means to construct a foundation system to place or erect a manufactured home on such foundation system. Such term includes, without limitation, supporting, blocking, leveling, securing, or anchoring such manufactured homes and connecting multiple or expandable sections of such manufactured home.
- f. *Jurisdiction* means the incorporated areas of the City of Sparks, Georgia.
- g. *Manufactured home* means a structure, transportable in one or more sections, which, in the travelling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 800 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Sections 5401, *et seq.*
- h. *Pre-owned manufactured home* means any manufactured home that has been previously used as a residential dwelling and has been titled.

5-28.2. Conditions

Any manufactured home located in the City shall bear a label certifying that it was constructed in compliance with the National Manufactured Housing Construction and Safety Standards (MHCSS) Act of 1974, 42 U.S.C. Sections 5401, *et seq.* (the HUD Code), and shall be installed in accordance with O.C.G.A. § 8-2-160, *et seq.*

No manufactured home or mobile home may be placed or held for storage or repair purposes at any location within the City. Manufactured homes may be placed within the City for residential purposes only.

5-28.3. Permitting, Inspection, Certificate of Occupancy and Fees

A permit shall be required to locate a manufactured home in the jurisdiction.

- a. Permit. To obtain a permit, Applicants shall provide to the Zoning Administrator:

1. An affidavit signed by a building inspector that the manufactured home meets health and safety standards required by the MHCSS Act and this ordinance.
 2. Photographs of the interior and exterior of the manufactured home providing evidence that the home meets the minimum health and safety standards of Section 4 of this ordinance. Such photographs must also be provided to the City Clerk.
 3. The permit and inspection fee required by sub-section (d) of this Section.
 4. A concept plan showing the location and setbacks for the manufactured home demonstrating compliance with the provisions of this Code.
- b. Inspection. Upon receipt of a permit, applicants may relocate or locate the manufactured home on a residential site for the purposes of inspection. Applicant shall arrange for an inspection to be held once the installation of the manufactured home is complete.
- c. Certificate of Occupancy. A certificate of occupancy shall only be issued to the Applicant after such time that the building inspector certifies that the requirements of this ordinance have been met.
- d. Fee. A permit and inspection fee shall be charged to the applicant by the appointed jurisdiction to cover the cost to the City to process the permit application and inspect the manufactured home. Such fee shall cover the initial inspection and one follow up inspection. The applicant may be charged for each additional follow-up inspection that is necessary.
- e. Alternative Inspection for relocations inside the City. At the request of the applicant, the building inspector may, at his or her discretion, inspect a manufactured home prior to its being relocated if the home is then located at another site within the city within 90 days from the date of the inspection.

5-28.4. Minimum Health and Safety Standards

All manufactured homes shall comply with the following before being issued a certificate of occupancy by the building inspector.

- a. HUD Code. Every manufactured home located in the jurisdiction shall be in compliance with the Federal Manufactured Housing Construction and Safety Standards Act, 42 U.S.C. 5401-5445 (the HUD Code), and shall not be altered in such a way that the home no longer meets the HUD Code.
- b. Interior Condition. Every floor, interior wall, and ceiling of a manufactured home shall be in sound condition. Doors and windows shall be operable, watertight and in good working condition. The floor system shall be in sound condition and free of warping, holes, water damage, or deterioration.
- c. Exterior Condition. The exterior of all manufactured homes shall be free of loose or rotting boards or timbers and any other conditions that might admit rain or moisture to the interior portions of the walls or to occupied spaces. The exterior siding shall be free of rot and rust. Roofs shall be structurally sound and have no obvious defects that might admit rain or cause moisture to collect on the interior portion of the home.
- d. Sanitary Facilities. Every plumbing fixture, water, and waste pipe of a manufactured home shall be in a sanitary working condition when properly connected, and shall be free from leaks and obstructions. Each home shall contain a kitchen sink. Each bathroom shall contain a lavatory and water closet. At least one bathroom shall contain a tub and shower facilities. Each of these fixtures shall be checked upon being connected to ensure they are in good working condition.

- e. Heating Systems. Heating shall be safe and in working condition. Un-vented heaters shall be prohibited.
- f. Electrical Systems. (switches, receptacles, fixtures, etc.) shall be properly installed, wired, and grounded, and shall be in working condition. Distribution panels shall be in compliance with the approved listing, complete with required breakers, with all unused openings covered with solid covers approved and listed for that purpose. The home shall be subject to an electrical continuity test to assure that all metallic parts are property bonded.
- g. Hot Water Supply. Each manufactured home shall contain a water heater in safe and working order.
- h. Egress Windows. Each bedroom of a manufactured home shall have at least one operable window of sufficient size to allow egress if necessary.
- i. Ventilation. The kitchen in the home shall have at least one operating window or other ventilation device.
- j. Smoke Detectors. Each manufactured home shall contain one operable battery-powered smoke detector in each bedroom and in the kitchen, which must be installed in accordance with the manufacturer's recommendations.

5-28.5. Enforcement

- a. Permanent connection to utilities shall not be approved until the building inspector has issued a certificate of occupancy.
- b. Owners of manufactured homes that are not in compliance upon a third inspection shall have their permit revoked and shall be required to remove the home from the jurisdiction.

5-28.6. Penalties

Failure to remove a manufactured home from the jurisdiction upon failure to receive a certificate of occupancy shall be punishable by a fine of \$500. Each day any violation under this ordinance continues shall be considered a separate offense.

5-28.7. Breezeways, Corridors or Hallways

No manufactured home may be attached to another manufactured home by means of a breezeway, corridor or hallway.

5-29 Mobile Vendors

5-29.1. Mobile vendors, including mobile food vendors, (a mobile food dispensing vehicle that sells prepared food products) and mobile units that sell agricultural produce may be permitted, subject to the approval of a Mobile Vendor Permit by the Zoning Administrator and the presentation of written permission from the property owner on whose property the mobile vendor is to be located. All mobile vending businesses shall be subject to the following criteria:

- a. A mobile vending business shall be treated and permitted as a home occupation and subject to the regulations of a home occupation.

b. All business activities associated with the operation of the mobile vending business are to be conducted away from the home.

5-29.2. A minimum of three parking spaces shall be required for the use of the mobile vendor.

5-29.3. No mobile vendor shall operate in the following areas:

a. Within ten feet from the right-of-way of any public street or roadway.

b. Within a required landscape buffer or improvement setback.

c. Within ten feet of any street intersection or cross walk.

d. Within ten feet of any driveway or other curb cut access, loading zone or bus stop.

e. In any area within 15 feet of a building entrance.

f. On the median strip of a divided roadway.

g. In front of display windows of a fixed location business.

h. Within ten feet of a fire hydrant or fire escape.

i. Within ten feet of any parking space or access ramp designated for persons with disabilities.

5-29.4. No vending cart or stand, or any other item related to the operation of a mobile vendor use, shall be located on any city sidewalk or other public way during non-vending hours. Nor shall any vehicle be parked, stored, or left overnight other than in a lawful parking space.

5-29.5. Vendors shall keep the sidewalks, roadways, and other spaces adjacent to their vending sites or locations clean and free of paper, peelings, and refuse of any kind generated from their business. All trash or debris accumulating within 25 feet of any vending stand shall be collected by the vendor and deposited in a trash container provided by the vendor. The trash container shall be emptied regularly and marked as being for litter.

5-29.6. Mobile Vendors may not do any of the following:

a. Obstruct pedestrian or motor vehicle traffic flow.

b. Obstruct traffic signals or regulatory signs.

c. Obstruct adequate access to emergency and sanitation vehicles.

d. Interfere with access to abutting properties.

e. Sound any device that produces a loud noise or operate any loudspeaker, public address system, radio, sound amplifier, or similar device to attract public attention.

5-30 Outdoor Storage in Residential and Commercial Districts

5-30.1. In all commercial zoning districts, and except as noted below, all business activities shall be in a completely enclosed structure.

5-30.2. Exceptions to the regulation shall be for the display of motor vehicles, marine craft, aircraft, recreational vehicles, manufactured homes, farm and construction equipment and vehicles, farm and garden supplies, stone products, and any other product designed for outdoor use.

5-30.3. An outdoor storage area may not be located in any required off-street parking area, required off-street loading area, required landscape area, designated environmental protection area, or any adjacent public right-of-way.

5-30.4. An outdoor storage area may be located adjacent to a structure but shall not be located in the front yard setback area.

5-30.5. An outdoor storage area shall be kept neat and orderly and shall not be permitted to take on the characteristics of a junk yard.

5-30.6. An outdoor storage area shall be visually screened from adjacent uses by a fence, or a masonry wall or a chain-link fence with green or black slats. In the discretion of the Zoning Administrator, an opaque landscape buffer may be used instead of a wall or fence provided the area is visually screened from adjacent property as effectively as though a fence or wall were used.

5-30.7. The screening used shall not be less than six feet in height. Access through the fence or wall shall be limited through opaque gates that shall be closed when not in use.

5-30.8. Outdoor eating areas are permitted as an accessory to any permitted eating establishment in any commercial district, subject to the following standards:

a. The outdoor eating area does not occupy an area greater than 50% of the building area of the business to which the eating area is accessory;

b. The outdoor eating area is not located in any required parking area, service area, landscape area, and drainage area;

c. If the outdoor eating area is located along, or astride a sidewalk or other pedestrian accessway, a minimum of five foot unobstructed passage shall be maintained through the outdoor eating area.

d. All outdoor eating areas shall be designed and located in such a manner as to prevent them from becoming a nuisance to any adjacent property or use. All outdoor eating areas shall be located so that there is no adverse noise, lighting, trash or other negative impacts onto any adjacent property or use.

e. All outdoor eating areas shall be treated for parking computations as if they were fully enclosed.

5-31 Portable On-Demand Storage Units (PODs)

5-31.1 Portable On-Demand Storage Units may be used for moving purposes only. No POD may be placed upon a property for longer than ten (10) days.

5-32 Religious Facilities and Related Uses

When located in a residential district, the following standards shall be met:

5-32.1. A 10-foot vegetative landscape buffer to adjacent residential zoning or residential uses is required.

5-32.2. Driveways and parking areas must be set back a minimum of 25 feet from side property lines.

5-32.3. The scale, intensity and operation of the use shall not generate unreasonable noise, traffic, congestion or other potential nuisances or hazards to contiguous residential properties.

5-32.4. Any buildings or structures shall be harmonious with the surrounding character of the residential neighborhood.

5-32.5. Permitted related uses in addition to customary accessory uses include a chapel, library, administrative offices including storage areas, educational facilities, fellowship hall, related kitchen and dining area, ornamental garden, and outdoor recreational facilities occupying less than 10,000 square feet.

5-32.6. Outdoor activities shall be limited to the hours from 8 AM to 10 PM.

5-32.7. Retail and commercial sales uses shall be prohibited as accessory uses to a religious facility that is located in a residential zoning district.

5-32.8. Schools, K-12, in addition shall meet the standards as listed in this Section under Schools, K-12, Private.

5-33 Riding Stables

5-33.1. The keeping of horses and use of stables shall be limited to property within the AG zoning district.

5-33.2. The entire parcel shall be fenced.

5-33.3. The maximum number of adult horses shall be two per acre.

5-33.4. Any structure or building to house the horses must be located a minimum of 25 feet from the property line.

5-34 Restaurants

5-34.1 Restaurants may make use of existing off-street parking spaces on adjacent properties, if agreed upon in writing. Such written agreement must be signed by both the property owner of the restaurant and by the property owner of the adjacent property. The agreement may be terminated by either property owner at any time.

5-35 Schools, K-12, Private

5-35.1. This use shall be located with direct access to an arterial or connector street.

5-35.2. The minimum lot size shall be as follows:

a. Elementary School: 2 acres, plus 1 acre for each 100 student capacity

b. Middle School: 3 acres, plus 1 acre for each 100 student capacity

c. High School: 5 acres, plus 1 acre for each 100 student capacity

5-35.3. A 50 foot landscape buffer is required adjacent to residential zoning districts or residential uses.

5-35.4. Driveways and parking areas must be set back 25 feet from side property lines.

5-35.5. The scale, intensity and operation of the use shall not generate unreasonable noise, traffic, congestion or other potential nuisances or hazards to contiguous residential properties.

5-35.6. Any buildings or structures shall be harmonious with the surrounding character of the residential neighborhood.

5-35.7. Permitted accessory uses in addition to customary accessory uses include a chapel, library, administrative offices, educational facilities, fellowship hall, related kitchen and dining area, ornamental garden, and outdoor recreational facilities occupying less than 10,000 square feet.

5-35.8. No signage shall be permitted for accessory uses or facilities.

5-35.9. Outdoor activities shall be limited to the hours from 10 AM to 10 PM.

5-35.10. Recreational facilities and associated outdoor lights shall be located at least 100 feet from property lines with adjacent residential properties and uses.

5-35.11. Retail and commercial sales uses shall be prohibited as accessory uses to a private school that is located in a residential zoning district.

5-36 Store Front Religious Facilities

These are religious facilities in existing structures in D-C (Downtown Commercial) zoning districts. Such use shall be limited to the worship activities of the named applicant, including educational programs conducted in conjunction with the worship service, but shall not include child care programs conducted independently from the worship service or the establishment of schools. Alcohol distance requirements shall not apply.

5-37 Swimming Pools, spas and hot tubs

5-37.1 Any swimming pools deeper than 3 feet, unless entirely screened in, shall be completely enclosed with a fence or wall at least four feet high and so constructed as to be not readily climbable by children. All gates and doors providing access to the pool area shall be securely locked when the pool area is not in actual use or shall be equipped with a self-closing and self-latching device installed on the pool side. The fence and gate shall be installed prior to filling the pool with water.

5-37.2 All swimming pools must be consistent with Appendix G of the International Residential Code.

5-38 Temporary Uses, including Special Events & Structures

5-38.1 Temporary Uses are permitted in any zoning district subject to the following standards, provided that all temporary uses shall meet the dimensional and parking requirements for the zoning district in which the use is located.

5-38.2 Permitted Temporary Uses

a. Garage Sales shall be permitted no more than two times per month at any single location. The duration of a garage sale shall not exceed three (3) consecutive days.

b. Indoor and Outdoor Craft Shows, bazaars, carnivals, revivals, circuses, sports events, and exhibits, provided that no more than 4 events of 10 days each are conducted on the same property during any calendar year.

d. Christmas Tree Sales

e. Construction offices, which may also be used for security purposes, and equipment sheds in which erection, addition, relocation, or structural relocation is taking place provided that such use shall be limited to the period of actual construction.

g. Religious Facilities in existing structures in B-1 (Business) zoning districts shall be limited to the worship activities of the named applicant including educational programs conducted in conjunction with the worship service, but shall not include child care programs conducted independently from the worship service or the establishment of schools. Alcohol distance requirements shall not apply.

h. Temporary On-Site Real Estate Offices.

Included as part of site plan approval, specific authorizations may be granted permitting the installation or construction of a temporary on-site sales office prior to the issuance of any building permits for the primary portions of a development project. All on-site sales offices shall be constructed in accordance with applicable City regulations and shall be required to obtain all necessary permit approvals, including but not limited to storm water management permits, driveway permits, and all required building and public health permits. All temporary on-site sales offices shall be removed from the development site upon the completion of the last phase or unit of the approved development.

i. Special vehicle and boat sales events on sites not approved for the permanent display vehicle and boat sales may be approved by the Zoning Administrator provided that these events shall be conducted on property having a B-1 (Business) or I (Industrial) designation or on property approved and designated by the City as special events sites. Such events shall be conducted on property with existing, permanent, and permitted driveways and access points. The event shall have a duration of 4 or fewer consecutive days and shall be conducted by one or more dealers having a valid local business license. Sanitary facilities shall be provided in accordance with applicable Health Department regulations. Used motor vehicle dealers must have a temporary site permit issued by the Georgia State Board of Used Motor Vehicle Dealers before the city issues a local occupational license.

5-39 Trash and Refuse Areas

Trash and refuse shall not be stored on-site except within the B-1 zoning district. When stored on-site within this district, trash and refuse shall either be stored inside a building or within an opaque screened area, the screening of which shall be at least six (6) feet high.

5-40 Utility Substation

5-40.1. Structures shall be placed no less than 50 feet from any property line.

5-40.2. Structures are to be enclosed by a solid or chain-link fence or wall at least six feet in height above finished grade.

5-40.3. The lot shall be suitably landscaped, including a buffer strip at least 10 feet wide along the front, side, and rear property lines, planted with one tree for every 30 feet and a continuous hedge or shrubs that will grow 8 feet tall and provide an effective visual screen.

Chapter Six: **Signs**

6-1 Purpose

This Chapter regulates all signs in the City of Sparks visible from the public highway right-of-way, public facilities, and navigable waterways. The City of Sparks has a tradition and reputation as a scenic and historic area with a rich mix of land uses that blend into a landscape of high aesthetic quality. Depending on their size, numbers, and character, signs may attract or repel visitors, affect the daily visual quality of residents, affect the safety of vehicular traffic, and define the character of the area. Thus, aesthetic considerations impact economic values as well as public health, safety, and welfare. Therefore, this Chapter sets standards for the following purposes:

- a. Maintain and enhance the visual quality (aesthetics) of the community;
- b. Improve road safety by minimizing distractions and obstacles to clear views of the road and of directional or warning signs;
- c. Protect and enhance economic viability by assuring that Sparks will be a visually pleasant place to live or visit;
- d. Protect property values and private/public investments in property;
- e. Protect views of the natural landscape and sky and promote the use of natural materials;
- f. Avoid personal injury and property damage from structurally unsafe signs.

6-2 Signs shall meet Requirements of this Section

All signs within the City of Sparks shall be erected, constructed, or maintained in accordance with the provisions of this Section and applicable Sections of the International Building Code for the City of Sparks.

6-3 Permit Required

It shall be unlawful for any person to post, display, and change or erect a non-exempt sign or any structure that requires a permit, without first having obtained a permit. Signs or sign structures erected without a valid permit shall be in violation, and it shall be mandatory to obtain a permit, based on this chapter, or failing which the sign or sign structure then shall be removed by the owner or occupant, or by the City, as provided herein. All signs not expressly allowed by these regulations are prohibited.

6-4 Non-conforming Signs

- a. A non-conforming sign shall not be replaced by another non-conforming sign, except that the substitution or interchange of poster panels, painted boards, or dismountable material on non-conforming signs shall be permitted.
- b. No structural repairs, change in shape, or change in size of a non-conforming sign shall be permitted except to make the sign comply with the requirements of this Code. Minor repairs and maintenance of non-conforming signs shall be permitted.
- c. Signs erected under a valid permit prior to the adoption of this Code, which have since become non-conforming, shall be allowed to remain until one of the following conditions occurs:

- 1. In the case of wall or free standing signs, when the business, entity, or activity to which the sign is connected ceases operating at that location;

2. The deterioration of the sign or damage to the sign makes it a hazard;
3. The sign has been damaged to such extent that repairs are equal to or exceed fifty (50) percent of the sign's current replacement value, as determined by independent appraisals and accepted by the Zoning Administrator.
4. No conforming wall or free-standing sign shall be permitted to be erected on the same property as an existing non-conforming sign until the non-conforming sign has been removed or made to conform to the provisions of this Code.

6-5 No Signs Shall Hamper Traffic Safety

No sign shall be erected or continued that:

- a. Obstructs the sight distance along a public right-of way. The height of a sign within an intersection sight triangle shall be consistent with the recommendations of the "Geometric Design of Highways and Streets Manual."
- b. Would tend, by its location, color, or nature, to be confused with or obstruct the view of traffic signs or signals, or to be confused with a flashing light of an emergency vehicle.
- c. Would by its nature, location, color, or moving parts tend to confuse traffic or create any potential hazard to traffic.

6-6 Prohibited Locations

No sign shall be attached to or painted on any telephone pole, light pole, other utility pole, or any tree, rock, or other natural object. No signs other than those signs erected by public governmental agencies or signs required by law shall be placed upon, or so as to overhang, any portion of public rights-of-way or other public properties.

6-7 Illumination Not to be a Nuisance

- a. Illumination devices, such as, but not limited to, flood or spot lights, shall be so posted and so shielded as to prevent their rays or illumination from being cast toward neighboring dwellings and approaching vehicles.
- b. Signs may be illuminated directly or indirectly unless specifically prohibited elsewhere in this Code. In residential zoning districts, all illumination shall be "cut off luminaries" or equivalent so that the light is not directed toward other property. Illumination of monument or free-standing signs shall be external and directed from the ground via "plighting" or from behind individual letters via "backlighting". Illumination of signs shall exclude exposed neon tube lighting, or similar, and electronic changeable copy, unless permitted elsewhere in this Code.

6-8 Signs Not Requiring a Permit

The following signs shall not require a permit:

- a. Signs to regulate traffic.
- b. Signs required to be posted by law.

- c. Warning signs and signs to deter trespassing.
- d. Signs established by governmental agencies.
- e. Signs indicating bus stops, taxi stands, and similar transportation facilities.
- f. Temporary signs less than ten (10) square feet in area, on private property.

6-9 Limitations on Signs

6-9.1 Setbacks

- a. Signs shall meet the building setback required for principal buildings in each respective zoning district where permitted. This setback shall apply to both the sign face and the sign support structure.
- b. The minimum setback for a ground sign shall be a minimum of ten feet from the property line. The setback is measured from the closest portion of the sign, sign structure, or sign footer to the property line.
- c. No sign, sign structure, or sign footer shall be placed in or extend into the right-of-way.
- d. Relief from the setback requirements up to five feet may be obtained by administrative variance, for good cause shown, which causes may include, but are not limited to, sign encroachment into required parking, provision for additional landscape area and materials, a smaller sign, and less than permitted total signage.

6-9.2 Height Restrictions

No sign shall exceed twenty-five (25) feet in height, measured from the highest point of the sign structure to the finished grade at the base of the sign, where the finished grade is defined as the grade adjacent to the sign, not including any artificial berm or swale..

6-9.3 Sign Area and Height

- a. The sign area shall be expressed in square feet or square inches that are allowed in accordance with this Code for each sign face. The sign face includes any background material, panel, trim, color, and direct or self-illumination used that differentiates the sign from the building, structure, backdrop surface, or object upon which or against which it is placed. When there is no such differentiation, the sign face shall be a rectangle just large enough to enclose all lettering, illustrations, ornamentation, symbols, or logos. A sign structure shall not be computed in sign area provided that no message, symbol, or any of the aforementioned is displayed on, or designed a part of, the sign structure.
- b. Whenever a sign requires a permit and is allowed within a setback area or easement, the person erecting the sign shall be required to execute an agreement, which shall be countersigned by the property owner, providing that it is the obligation of the owner of the sign and/or the property owner to relocate the sign at such time that the City determines that additional right-of-way or setback is required, or if conflicts occur with it being located in an easement.
- c. A sign shall not be located in such a manner as to obscure another sign or to be obscured by an existing sign, a structure, or existing vegetation, unless provisions are made for the removal of the obscuring sign, structure, or vegetation.

d. A sign shall not involve or contain intermittent lighting, animation, motion, or rotation of any part of a sign or sign structure or display; except for governmental traffic signals, traffic devices, and traffic signs, as required by law.

e. A sign shall not produce noise or sounds.

f. A sign shall not produce or emit smoke, vapor, particles, or odor.

g. Each separate building or location shall have the street number address located on a sign that is identifiable and readable (using normal 20/20 vision) from the adjacent roadway.

6-10 Permit Procedures

6-10.1 Issuance of Permits

No sign, except those listed in Section 8.8, shall be erected, hung, or placed or structurally altered without a permit from the Zoning Administrator. The Zoning Administrator shall only issue a permit for the erection or construction of a sign which meets the requirements of this zoning ordinance and applicable sections of the current adopted International Building Code for the City of Sparks.

6-10.2 Permit applications

Applications for permits to erect, hang, or place a sign shall be submitted on forms provided by the Zoning Administrator.

Each application shall provide, at a minimum, the following information:

1. Name, address, phone number, and if available, fax and e-mail of the person applying for the permit.
2. A sketch of the proposed sign, indicating its proposed dimensions.
3. Name, address, phone, and if available, fax and e-mail of the person who owns the parcel upon which the sign is proposed to be placed.
4. Written consent of the owner, or his designated agent, granting permission for the construction, operation, maintenance, or display of the sign and/or sign structure.
5. Name, address, phone number, and if available, fax and e-mail of the person erecting/constructing the sign.
6. The street address of the property on which the sign and/or sign structure is to be located along with identification of the location on the specific property where the sign will be located.
7. A statement that: "Any change in the information in this application, such as a change in address, shall be submitted to the Zoning Administrator within 7 days after the change."
8. The type of sign and/or sign structure as described in this Code.
9. The method of illumination.
10. The area per sign face and the aggregate area of the sign and/or sign structure.

11. Two copies of a detailed drawing (CAD), blueprint, sketch, blue line print, or similar presentation, drawn to scale and dimensioned, showing elevations of the sign as proposed and its relationship to other existing and proposed signs or sign structures in the area. In the case of a freestanding sign, the drawing shall include a sketch site plan showing the location of the sign and the immediately surrounding landscape.
12. One copy of the stress sheets and calculations, if applicable, showing the structure as designed for dead load and wind pressure.
13. Signs in excess of 10 feet in height must be signed and sealed by a Georgia registered professional engineer.
14. Any other information deemed necessary by the Zoning Administrator to show compliance with this Code.

6-10.3 Permit Fees

Permit fees for signs shall be established by the Mayor and City Council or their designee. The permit fee must relate to the cost of issuing the permit and may vary based on the size, type, and height of the sign.

6-10.4 Process for Issuing Permits

The Zoning Administrator shall be authorized to issue sign permits in compliance with this Code. The Zoning Administrator shall process all sign applications within 10 working days of receipt of a complete sign permit application and the applicable sign permit fee. This section does not pertain to sign permits in historic districts, which may be subject to additional review.

6-10.5 Additional Permits required

For any sign involving illumination, it shall be unlawful for any person to connect a sign to electrical power without first having obtained an electrical permit, if required by applicable city electrical code or other code effective within its jurisdiction. The applicant for an electrical permit shall submit application materials as specified by the building inspector.

6-11 Types of Signs Permitted

6-11.1 Freestanding/ Ground Sign (Pole Sign/Monument Sign):

- a. Pole mounted signs and monument signs shall be mounted perpendicular to the fronting streets.
- b. One sign may be mounted diagonally, upon submission and approval of the installation, and used in place of two separate free standing signs on corner lots.
- c. Free standing signs shall not be placed in locations that would cause any obstruction and/or interference with the vision or orderly movement of traffic.
- d. Two (2) free standing signs (on corner lots only) are the maximum number of signs permitted on one (1) parcel, with the following exceptions:

Corner lots with at least 300 linear feet of road frontage along a public street are allowed an additional free standing sign along that same street. Two (2) signs total are allowed on the street with at least 300 linear feet of road frontage for a total of three (3) signs on the parcel. One hundred feet must be

maintained between the second sign and any other free standing sign on the property, excluding directional signs.

e. In no case shall more than two (2) free standing signs be placed along a single public street.

f. All freestanding/ground signs shall have a landscaped area around the base which extends a minimum distance of three feet in all directions. Such landscape area shall be completely covered by natural drought-tolerant ground cover and shrubs, hedges, or similar vegetative materials.

6-11.2 Under Canopy Sign:

An under canopy sign is a sign hanging from a canopy or ceiling of an arcade or covered walkway. It must be rigid and may not swing. Such sign is limited to not more than two faces and shall not extend beyond the face of the canopy to which it is attached.

6-11.3 Wall Sign:

A wall sign may be flush mounted or hand painted. Such a sign may be applied to a canopy/awning, mansard, or building face. A wall sign may not extend more than 18 inches from the wall or façade of the building to which it is attached and shall not extend above the roof or parapet of a building. A marquee sign may be used in place of a wall sign for buildings and establishments, such as theaters, for which they are “historically appropriate”. An applicant proposing to erect a marquee sign is responsible for documenting its past usage on the subject building, or its common usage on buildings of the same era, for an identical or similar use. Said documentation shall be provided to the Zoning Administrator for review and approval and may be submitted to the Historic Preservation Commission, if applicable, for review.

6-11.4 Portable Signs

Portable signs are not permitted.

6-11.5 Non-Profit Signs

Signs erected on a temporary basis by a community not-for-profit organization may be allowed for a period of 14 consecutive days and no more than 30 days in a calendar year.

6-11.6 Roof Signs

One (1) roof sign is allowed on the rear roof of a principal building, provided that the building’s rear wall and roof are substantially oriented (at least 75%) toward limited access portions of state highways. Roof signs are allowed a maximum area of 50% of the face of the building’s rear wall.

6-12 Design Standard Matrix

Design Standard Matrix for Signs in Residential Zoning Districts

Signs in R-1, R-2, R2-M, and R-P					
Type of Sign	Quantity	Max Area	Location	Max Height	Illumination
Nameplates	1 per dwelling unit	3 sq. ft.	On building face	-	Not allowed
Wall or Ground Sign	1 per entrance to subdivision, farm or ranch	12 sq. ft.	Entrance	5 feet	Allowed
	1 per school, church, institution, lodge, etc.	60 sq. ft.	Entrance	5 feet	Allowed
Directional Sign	As needed	6 sq. ft.	10 ft. front yard setback	-	Not Allowed

Design Standard Matrix for Signs in Non-Residential Zoning Districts

Signs in D-C, B-1, and I					
Type of Sign	Quantity	Max Area	Location	Max Height	Illumination
Wall (Marquee Sign in D-C only)	1 per road frontage	10% of the area of the front of the building or business (the width of the building x height of the first floor's ceiling)	Front or side building face	-	Allowed except between the hours of 11 p.m. and dawn
Projecting	1 per business (max 4 sq. ft. per face)	0.5 sq. ft. per linear foot of building	From building	-	Allowed except between the hours of 11 p.m. and dawn
Monument	1 per road frontage	100 sq. ft. including signage and structure	10 ft. front yard setback	8 feet	Allowed except between the hours of 11 p.m. and dawn
Freestanding/Ground	1 per road frontage separated by a distance of 30 feet and located at least 30 feet from the point where the street right-of-ways intersect.	70 sq. ft. for parcels less than 1 acre; 120 sq. ft. for parcels 1 to less than 3 acres; 250 sq. ft. for parcels of 3 acres or more.	10 ft. front yard setback	25 feet	Allowed except between the hours of 11 p.m. and dawn
Directory	1 per building	16 sq. ft.	On building face	-	Allowed except between the hours of 11 p.m. and dawn
Name Plates	1 per business	3 sq. ft.	At the entrance of the business	-	Not Allowed
Directional	As needed	6 sq. ft.	10 ft. front yard setback	-	Not Allowed
Portable	1 per principal building/business for 14 consecutive days up to 30 days total per calendar year				

6-13 Signs Not Requiring a Permit

The following signs shall not require a permit:

b. Automated Teller Machine (ATM) Panels

c. Directional Signs, with a maximum height of five feet and six square feet sign area.

d. Flags

e. Hours of Operation Signs with a maximum area of one square foot.

f. Traffic or other municipal signs, legal notices, and danger signs, such as “no trespassing,” “danger,” and such temporary emergency or non-advertising signs as may be approved by the Chief of Police.

g. Residential and Professional Name Plates, one per building with a maximum area of two square feet.

h. Real Estate Signs – one sign may be displayed per parcel, establishment, or dwelling unit. The sign shall not be illuminated and shall be removed within 10 days after the transaction is completed. Real estate signs in all zoning districts except I shall not exceed 32 square feet. In the I Zoning District, real estate signs shall not exceed 64 square feet.

i. Temporary Signs denoting the architect, engineer, contractor, lending agency or subcontractor on the premises of work under construction, no more than 16 square feet in area.

j. Tenant Panels

k. Temporary Political Signs shall be removed within 10 days after the date of the election.

l. Bulletin Boards and directories for public, non-profit or religious facilities, located on the premises of the facility and not exceeding 12 square feet in area, attached to the building.

m. Memorial Signs or Tablets

n. Signs not visible from the street, such as inside a building or backyard.

o. Signs erected by the City on public right-of-way.

p. Seasonal displays or decorations not advertising a product, service, or establishment.

q. Garage Sale Signs

r. Non-illuminated religious emblems

6-14 Prohibited Signs

The following signs, or sign features, are prohibited within the City of Sparks. However, certain exceptions as noted here are allowed. It shall be unlawful for any persons to erect prohibited signs or use prohibited sign features. Further, any sign not expressly permitted or provided for in this Code, is also prohibited.

a. Abandoned Signs

b. Absence of Permit. Any sign for which a permit has not been issued and which is not a permitted sign is prohibited.

c. Banners and Wind Signs. Any banner sign other than special event banners or except as specified in this Code.

d. Off-Premises Signs/Billboards

e. Roof Signs. A sign erected on the roof, or above the roof, or on the parapet, except as specified in this Code.

f. Revolving Signs.

g. Strobe, Laser and Searchlight Signs.

h. Signs causing traffic confusion.

Sign or other advertising matters, erected at any intersection or street right-of-way in a manner obstructing free and clear vision; or at any location where, by any reason of position, shape, or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, traffic signal, or traffic device; or which, by its nature or character, may interfere with, mislead, or confuse vehicular traffic.

i. Vehicular Signs (Portable or Trailer Signs)

Signs placed on vehicles or trailers that are parked in the street, public right-of-way or private property for the primary purpose of displaying the sign for advertising a commercial enterprise.

m. Private signs in public right-of-way. Privately owned signs purchased to further a public purpose are exempt from these regulations with approval of the Zoning Administrator.

n. Signs attached to trees, shrubs, or plants, or signs destroying vegetation.

6-15 Removal and Disposition of Signs

It shall be unlawful to erect, use, or maintain a sign or sign structure when it does not comply with the requirements of this Code. The City is authorized to remove unlawful signs and sign structures pursuant to the provisions of this Code. Unauthorized signs are subject to removal pursuant to the following provisions:

a. Temporary Signs

The City finds that, in view of the inexpensive nature of these signs and the administrative burden which would be imposed by elaborate procedural prerequisites prior to removal, any procedure other than summary removal of these signs when unlawfully erected and maintained would defeat the purpose of regulating such signs. The Zoning Administrator, or designee, or any code enforcement officer, is hereby authorized to remove such signs when unlawfully erected and maintained, subject to the provisions contained herein. After removal of a sign pursuant to this section, and in addition to any notice of violation, citation, or summons issued, a notice will be sent, either by hand delivery or by first-class mail, to the occupant of the property from which the sign was removed, or if the sign identifies a party other than the occupant of the property, the party so identified. The notice shall advise that the sign has been removed and shall state that the sign may be retrieved within 30 days of the date of the notice upon payment of the fee established therefore, and that, if the sign is not retrieved within 30 days, it will be disposed by the City.

b. Permanent Signs

Signs and sign structures not subject to removal pursuant to the provisions above, which are or have been erected or maintained unlawfully, are subject to all remedies available at law to remove signs or sign structures which are or have been unlawfully erected or maintained.

c. Unsafe Signs

Notwithstanding the provisions above, any sign which is declared to be a, unsafe sign by the Zoning Administrator shall be removed or made to conform to the current Building Code immediately, upon notice, by the Zoning Administrator.

d. Responsibility of Maintenance; Abandoned Signs

1. All signs shall be properly maintained. Exposed surfaces shall be cleaned and painted, if paint is required. Defective or damaged parts shall be replaced.
2. If any sign regulated in this section is found to be abandoned or the business advertised has moved from the property where the sign is located, the owner, agent, or responsible person shall be responsible to remove the sign, cover the sign with a plain fabric cover, or place a blank copy panel in the sign frame within 30 days of the abandonment or relocation of the business.
3. Upon the failure, neglect, or refusal of any owner, agent, or responsible person to remove or repair any sign in violation of the provisions of this Code, within 30 days after written notification, the City is hereby authorized and empowered to effect the removal of the sign which is in violation.

e. Responsibility for Cost of Repair or Removal; Lien Right

When the City has affected the repair or removal of a sign or has paid for the repair or removal of the sign, the actual cost of the action, plus an administrative charge, shall be charged to the owner of the property. The charge shall be due and payable to the City within 30 days following written notice, given to the property owner, of the amount due. If the amount is not paid by the property owner, then such amount due to the City shall become a lien upon the property of the owner, and the Zoning Administrator may cause the filing of such lien with the Clerk of the Court.

6-16 Amortization of Non-Conforming Signs

- a. All lawfully existing signs or sign structures present on the date of adoption of this Code, which are not otherwise permitted herein (non-conforming), shall be allowed to remain operational including change of copy, and may be repaired, but not replaced, for five years following their installation date, which in no event shall be later than three (3) years after the adoption of this code, at which time the sign or sign structure shall be removed, replaced, or modified to comply with then-current sign requirements.

Chapter Seven:
Non-Conforming Development,
Hardships, Variances,
Board of Appeals

The purpose of this Chapter is to provide mechanisms for obtaining relief from the provisions of this Code, where hardship would otherwise occur. Two forms of hardship are addressed: (1) hardships that would be caused if non-conforming development were required to immediately come into compliance with this Code and (2) hardships that may be caused in particular cases by the imposition of the Code's development design standards.

7-1 Existing Non-Conforming Development

Existing uses or structures which are inconsistent with the character, natural resources, and adopted Zoning Map of the City shall be eliminated upon redevelopment. Historic and archaeological resources as identified in the Historic Preservation Ordinance are deemed to be consistent with the character of the City, its natural resources, and the Zoning Map, and are therefore considered to be conforming development.

Exceptions may be made if all three of the following conditions are met:

- a. The existing use or structure is destroyed by an accident, disaster, or act of God; and
- b. All neighboring land owners within a 300-foot radius support the rebuilding to prior state; and
- c. Such rebuilding does not pose a serious health or safety threat to the public.

7-2 Continuation of Existing Non-Conforming Development

7-2.1 Non-Conforming Lot of Record

A legal non-conforming Lot of Record in any district may be used for development, provided all required setbacks can be met.

7-2.2 Non-Conforming Uses

1. A lawful use of a building or land existing on the date of adoption of this Code may be continued although such use does not conform to the provisions of this Code, and such use may be extended throughout the building. If such a use is discontinued for a continuous period of not less than one (1) year, every future use of such building or land shall be in conformance with the provisions of this Code.
2. For the purpose of this Chapter, a use shall be deemed discontinued if all activities related to such use have ceased for a continuous period of not less than one (1) year. The determination that a use has ceased shall be made by the Zoning Administrator, who shall consider, among other things, the consumption of utility services at the property, the existence and maintenance of any required business licenses, and advertising to the public of any activities on the property.
3. Such non-conforming uses of land, buildings, and structures shall not be enlarged, expanded, moved, or otherwise altered in any manner except in conformance with this Code.

7-2.3 Non-Conforming Buildings and Structures

1. No non-conforming building shall be enlarged, expanded, moved, or otherwise altered in any manner except in conformance with this Code.
2. A non-conforming building destroyed by more than 50 percent of its assessed value shall not be reconstructed except in accordance with the provisions of this Code. A non-conforming building destroyed by a declared natural disaster to less than 50 percent of its assessed value may be reconstructed as originally constructed.
3. Nothing in this Chapter shall prevent the strengthening or restoration to a safe condition of any part of any building or structure declared unsafe by the Zoning Administrator.

7-2.4. Buildings and Structures under Construction

To avoid undue hardship, nothing in this Code shall be deemed to require a change in the plans, construction, or designated use of any building or structure for which a development or building permit was lawfully applied and issued, or a preliminary or final subdivision plat or site plan was approved, prior to the effective date of this Code or amendment hereto..

7-2.5 Prior Variances

Variances lawfully authorized and granted prior to the effective date of this Code shall continue to be valid, provided that the terms and conditions of that authorization are followed.

7-2.6 Reversions and Changes

1. Any non-conforming use, structure, building or non-conforming Lot of Record that is changed to a conforming state shall not be permitted to revert back to a non-conforming situation.
2. Any non-conforming use shall not be changed to another non-conforming use.

7-3 Variances

7-3.1 Authority

The Board of Appeals may grant a variance from the strict applications of the dimensional requirements of this Code. Use variances are not eligible under this Code.

7-3.2 Applicability

Any person desiring to undertake a development activity not in conformance with this Code may apply for a variance in conjunction with the application for development review. Such variance must be approved by the Board of Appeals prior to any further development approvals. In granting the variance, the Board of Appeals may prescribe appropriate conditions and safeguards.

7-3.3 Standards for Granting Variances

The Board of Appeals shall have the power to authorize upon application in specific cases such variances from the provisions as described in Chapter 7-3 where, in each case, the Board made specific findings of fact based directly upon the particular evidence presented supporting the written findings that:

a. The variance requested arises from a condition:

1. that is unique and peculiar to the property in question, structures and buildings involved;
2. that the particular physical surroundings, shape, or topographical condition of the specific property involved would result in unnecessary hardship for the owner, lessee, or occupant, as distinguished from a mere inconvenience, if the provisions of this Code are literally enforced;
3. that it is a condition not ordinarily found in the same zoning district;
4. that the condition is created by the regulations of this Code, and not by an action or actions of the property owner or the applicant; and

b. The granting of the variance will not impair or injure other property or improvements in the neighborhood in which the subject property is located, nor impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, create a hazard to air navigation, endanger the public safety, or substantially diminish or impair property values within the neighborhood; and

c. The granted variance is the minimum variance necessary that will make possible the reasonable use of the land, buildings or structures; and

d. The variance is not opposed to the general spirit and intent of this Code or the Comprehensive Plan.

e. The Board of Appeals may impose or require such additional restrictions or standards as may be necessary to protect the health and safety of the workers, and residents of the community, and to protect the value and use of the property in the general neighborhood.

f. The Board of Appeals shall rescind and revoke a variance after giving due notice to all parties concerned and granting full opportunity of a public hearing, if the Board of Appeals finds that any of the terms, conditions, or restrictions upon which such a variance was granted, are not being complied with.

7-3.4 Notice of Variance Hearings

Before making its decision on a request for a variance or an appeal filed with the Board, the Board shall hold a public hearing.

The public notice shall be published by a notice in a newspaper of general circulation within the territorial boundaries of the City of Sparks at least 15 days but not more than 45 days prior to the hearing. The notice shall state the name of the applicant and the date, time, place, and purpose of the hearing. A sign containing this information must also be placed in a conspicuous location on the property not less than 15 days prior to the hearing. A notice containing the name of the applicant and the date, time, place, and purpose of the hearing shall also be sent to the applicant by mail to his last known address, and to all adjacent property owners (either directly adjoining or directly across a public right-of-way) not less than 15 days prior to the hearing.

7-3.5 Time Limit

The Board shall reach a decision following the public hearing within thirty (30) days.

7-4 Special Exceptions

7-4.1 General Definition

A special exception is a use which, within certain districts specified by this ordinance, is not permitted as a matter of right but may be permitted within these districts by the City Council after the Planning Commission and City Council have: (1) reviewed the proposed site plans for the use, its location within the City, its arrangement and design, its relationship to neighboring property, and other conditions peculiar to the particular proposal which would determine its desirability or undesirability; (2) has found the proposal not to be contrary to the intent of this ordinance; and (3) has approved the use as specified.

7-4.2 Application for Special Exception

An application for a Special Exception approval shall include the following:

- A) The address, map number, and parcel number of the property for which the Special Exception is proposed.
- B) A Letter of Intent stating the proposed Special Exception usage proposed for the subject property.
- C) The names and address of the owners of the land, and the names and addresses of abutting property owners.
- D) The area of the land proposed to be reclassified stated in square feet if less than one (1) acre, and in acres if one (1) or more;
- E) The application number, date of application, and action taken on all prior applications filed for the Special Exception use of the whole or part of the land proposed for Special Exception use.

7-4.3 Standards for Special Exception Review

The following standards shall be considered for Special Exception requests:

- 1) Is the type of street providing access to the use adequate to serve the proposed Special Exception use?
- 2) Is access into and out of the property adequate to provide for traffic and pedestrian safety, the anticipated volume of traffic flow, and to allow access by emergency vehicles?
- 3) Are public facilities such as schools, water, sewer or other public utilities and police and fire protection adequate to serve the proposed Special Exception use?
- 4) Are refuse, service parking and loading areas on the property located or screened to protect other properties in the area from such adverse effects as noise, light glare and other negative impacts?
- 5) Will the hours and manner of operation of the Special Exception use have no adverse impacts on other properties in the area?
- 6) Will the height, size or location of the buildings or other structures on the property is compatible with the height, size or location of buildings or other structures on neighboring properties?

Provided, that the City Council 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 City Council shall find in the case of any permit granted pursuant to the provisions of these regulations that any term, condition or restrictions upon which such permit was granted are not being complied with, said City Council shall rescind and revoke such permit after giving due notice to all parties concerned and granting full opportunity for a public hearing.

Special Exceptions granted by the City Council shall be executed within a twelve month period or become null and void and subject to procedures for resubmission.

7-5 Appeals

7-5.1 Responsibility

The Board of Appeals shall have the power to hear and decide appeals of alleged error in a decision of the Zoning Administrator made in the enforcement of the provisions of this Code.

7-5.2 Hearings, Appeals, Notice

Appeals to the Board of Appeals may be taken by a person aggrieved or by an officer or department of the City affected by a written decision of the Zoning Administrator in the interpretation of the City regulations covered in this Code.

Such appeals shall be filed no later than thirty (30) days after the date of notification of the decision appealed from, by filing with the Zoning Administrator and with the Board a notice of appeal specifying the grounds thereof. Every written notice of appeal shall refer specifically to the provision of the City's regulation and the interpretation claimed by the appellant which contradicts that of the Zoning Administrator. Upon receipt of the notice of appeal, the Zoning Administrator shall transmit to the Board of Appeals any and all papers constituting the record upon which the appeal is filed. A public hearing shall be set within 30 days of the date of receipt of notice.

7-5.3 Legal Proceedings Stayed

An appeal stays all legal proceedings in the furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board that by reason of facts state in the appeals certificate, a stay would, in his/her opinion, cause imminent peril to life and property. In such a case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board or by a court of record on application, on notice to the Zoning Administrator and on due cause shown.

7-5.4 Presentation of Evidence

The appellant and any public agency or private individual shall be entitled to present evidence on matters before the Board; and the Board may request technical services, advice, data, or factual evidence from the Zoning Administrator and the City Council for assistance in reaching decisions.

7-5.5 Extent of Board of Appeal's Power

The Board may, in conformity with the provisions of this Code, reverse, affirm, or modify, wholly or in part, the order, requirements, decisions, or determinations of the Zoning Administrator.

7-6 Appeals from the Board of Appeals

7-6.1 General

Any person who appeared before the Board of Appeals, and who is aggrieved by any decision of the Board, may present to the Court of Competent Jurisdiction a petition of issuance of a writ of certiorari, duly verified, setting forth that such a decision is illegal in whole or in part, specifying the grounds of the illegality. Such petition may also be filed by the City Council upon a finding that the decision of the Board is illegal. A petition for a writ of certiorari shall be filed in the manner and within the time provided by the Georgia Appellate Rules.

7-7 Forms and Fees

All variances and appeals shall be made on forms provided by the Zoning Administrator, and all information required on such forms shall be provided by the applicant in addition to any other information the Zoning Administrator deems necessary for the review of the application. Forms shall be filed with the Zoning Administrator and be accompanied by a fee as determined from time to time by the City Council, payable to the City.

Chapter Eight: **Administration, Procedure, and Enforcement**

8-1 Purpose

This chapter sets forth the application and review procedures for obtaining development permits and certain other types of permits. This chapter also specifies the procedures for the enforcement of Code provisions.

8-2 Withdrawal of Applications

An application for development review may be withdrawn at any time. There shall be no refund of any applicable fees unless such refund is approved by the Zoning Administrator.

8-3 Planning Commission

8-3.1 Membership/Residency

The City Council shall appoint a member to represent the City on the Cook County Planning Commission. The member shall be a resident or business owner of the City. Any vacancy in a City-appointed membership shall be filled for the unexpired term by the City Council, which shall also have the authority to remove any City-appointed member for cause, on written charges, after a public hearing.

All members shall have been continuous residents, property owners, or business owners within the City for not less than six months prior to appointment.

8-3.2 Authority

a. The Planning Commission shall be an advisory board to the City Council and to the City administration in performing the duties and responsibilities as described in Section 8-3.

b. The Zoning Administrator shall serve as Secretary to the Planning Commission in City matters and assist the Chair in the preparation of the agenda for the meetings, send out notices for regular and special called meetings, prepare and distribute minutes of the meetings, and maintain files for the Commission.

8-4 Board of Appeals

8-4.1 Membership/Residency

The Board of Appeals shall consist of three regular members. The members shall serve for overlapping terms of four years. The Chair shall be elected by the Board from its membership. The Board shall adopt rules in accordance with the provisions of this ordinance for the conduct of its affairs.

Members shall have been continuous residents, property owners, or business owners within the City for not less than six months prior to appointment.

8-4.2 Rules and Procedures

The Board shall elect one of its members as Chair, who shall serve for one (1) year or until he/she is re-elected or the successor is elected. The Board of Appeals shall appoint a secretary who may be an employee of the City of Sparks. The Board shall have authority to adopt rules and procedures.

Regular meetings shall be held at a regular time and place to be determined by the Board of Appeals.

The Chair, or in his/her absence the acting Chair, may administer oaths and compel the attendance of witnesses by subpoena. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact; and shall keep records of its examination and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. The decisions of the Board shall be by resolution, which shall contain a statement of the grounds of its decision or action. The full text of the resolution shall be sent to the applicant. No application requesting the same relief in regard to the same property shall be received or heard by the Board for a period of 12 months following the date of said resolution.

The Board of Appeals shall be a quasi-judicial Board of the City and shall accordingly perform the duties and responsibilities in Section 8-4.3. below.

8-4.3 Duties and Responsibilities

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

a. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator or other city employee in the enforcement of this Code.

b. To authorize, upon application, in specific cases, a variance from the terms of this Code as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this Code will, in an individual case, result in unnecessary hardship, so that the spirit of this Code shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship upon a finding by the Board of Appeals that:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography;
2. The application of this Code to this particular piece of property would create an unnecessary hardship;
3. Such conditions are peculiar to the particular piece of property involved; and that
4. Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of this Code; provided, however, that no variance may be granted for a use of land or building or structure that is prohibited in a given district by this Code.

c. To decide on other matters where a decision of the Board of Appeals may be specifically required by the provisions of this Code. In exercising these powers, the Board of Appeals may be reversed or affirm, wholly or in part, or may modify the order, requirements, decision, or determination, and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit. The Board, in the execution of the duties for which appointed, may subpoena witnesses and in case of contempt may certify such fact to the Superior Court.

d. The Zoning Administrator shall provide such technical, administrative, and clerical assistance and office space as is required by the Board to carry out its function under the provisions of this Code.

8-4.4 Certiorari from Decisions

Any person aggrieved by any decision of the Board of Appeals shall have the right of certiorari to the Superior Court within thirty (30) days after the decision of the Board is rendered.

8-5 Building and Development Permit Required

8-5.1 Generally

The Zoning Administrator shall administer and enforce the provisions of this Code.

8-5.2 Building & Development Permit Required

A building/development permit issued by the Zoning Administrator is required in advance of any construction, erection, moving, demolition, or alteration of any building or structure or any land development. No building or development permit shall be issued except in conformity with the provisions of this Code; however, a building permit legally issued before the adoption of this Code shall remain valid with the same qualifications as issued under this Code.

8-5.3 Building Permit review

A building permit may be issued for the following development activities in the absence of a development (site plan) review:

- a. Development activity necessary to implement a valid site plan/planned development plan on which the start of construction took place prior to the adoption of this Code and has continued in good faith. Compliance with the development standards in this Code is not required if in conflict with the previously approved plan.
- b. The construction or alteration of a one- or two-family dwelling on a lot of record approved prior to the adoption of this Code. Compliance with the development standards in this Code is not required if in conflict with the previously approved plat.
- c. The alteration of an existing building or structure so long as no change is made to its gross floor area, its use, or the amount of impervious surface on the site.
- d. The resurfacing of a vehicle use area that conforms to all requirements of this Code.

8-5.4 Post Permit/ Development Order Changes

After a permit or final site development approval has been issued, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of the permit without first obtaining a modification to the permit. A modification may be applied to in the same manner as the original permit. A written record shall be entered upon the original permit/approval and maintained in the files of the Zoning Administrator.

8-7 Review of Building Permit

a. General Procedures

1. The applicant shall submit a building a site plan/permit application and applicable supporting documentation to the Zoning Administrator.
2. After receipt of the above, the Zoning Administrator shall:
 - i. determine if the application is complete and proceed with the review; or
 - ii. determine that the application is incomplete and notify the applicant of the deficiencies.
3. The Zoning Administrator shall review the site plan/building permit and shall determine whether the application complies with the requirements of this Code and the current edition of any applicable Georgia State minimum standard codes as required by the Georgia Uniform Codes Act.
4. Within five days of completion of review, the Zoning Administrator shall either:
 - i) issue a development/building permit, with conditions as may be necessary; or
 - ii) deny the application for failure to meet requirements of this Code.

b. Expiration of Development Permit for Exempt Development

A development permit/building permit for exempt development shall be valid for a period of six months unless the appropriate inspections have been performed.

8-10 Procedures for PD Rezoning plus site plan approval

8-10.1 Initial Application

In addition to information required for an application for rezoning in general, an applicant for PD zoning/site plan approval shall submit the following materials and data to the Zoning Administrator:

- a.** Legal documents demonstrating unified control over the proposed PD.
- b.** A PD rezoning plus site plan application, which includes:
 1. The title of the project (name);
 2. The names of the professional planners, engineers, and the developers;
 3. A Preliminary and/or Final PD Site Plan which shall include a boundary and topographic survey of the proposed PD site and an inclusive list of all uses proposed to be located within the PD and on each parcel thereof;
 4. Calculation of the gross acreage of each use and the proposed PD overall;
 5. Any other matter deemed relevant by the Zoning Administrator to the development and use of the property.

8-10.2 Fees

Each applicant for a rezoning/site plan approval to PD shall pay a fee to the City for examination of the proposed PD application and related materials and the inspection of all required improvements shown on such plans. Such fee shall be determined by the City Council by resolution.

8-10.3 Procedure

Upon application for rezoning/site plan approval of land to a PD zoning district, submission of a PD Site Plan and other documents deemed appropriate by the applicant or required by the Zoning Administrator, appropriate city staff, the Planning Commission and City Council shall process and review the application as a rezoning of land as follows:

a. Pre-Application Meeting

The applicant and City staff shall jointly review the application, master development plan, and all other documents associated with the application at a pre-application meeting. The purpose of this pre-application meeting is to discuss the application in an informal setting and identify all zoning and other regulations applicable to the property and to identify specifically those variations from the regulations which may be justified with this application.

b. Planning Commission

1. Following the pre-application meeting, upon receipt of a complete application and completion of the review by the Zoning Administrator, a rezoning/site plan approval review shall be conducted by the Planning Commission held as for other applications for rezoning.
2. The Planning Commission may require, prior to its recommendation to the City Council, evidence of the PD impact on traffic, water, and sewer facilities in the area.
3. The Planning Commission shall either recommend to the City Council that the PD district rezoning be granted and that the application, PD site plan, and any other required plans, drawings, renderings, elevations, maps, and documents specifically included as part of the application, are approved, with or without conditions, or that the application is denied. In making the recommendation, the Planning Commission shall find that the application and PD site plan, and any other required plans, drawings, renderings, elevations, maps, and documents specifically included as part of the application, do or do not meet the requirements of this Code and specifically this Section.

c. Conditions

In approving a rezoning of land to a PD district classification, the Planning Commission may recommend and the City Council may approve a variation of the strict application of the development requirements of this Code and may instead impose appropriate conditions to otherwise attain the objectives of this Code. These conditions shall be binding upon the applicant and successors with interest in the PD. Deviations from approved plans except in a manner described in this Code or failure to comply with any conditions shall constitute a violation of the respective PD ordinance and of this Code.

d. City Council

1. Upon completion of the Planning Commission review of the PD rezoning application, PD site plan, and any other required plans, drawings, renderings, elevations, maps, and documents specifically included as part of the application, the City Council shall schedule the application for public hearing.

2. Notice of the public hearing shall be provided according to the law for rezonings generally.
3. The City Council shall either approve the application, the PD Site Plan, and any other required plans, drawings, renderings, elevations, maps, and documents specifically included as part of the application, with or without conditions; or shall deny the application. Approval of an application shall take the form of an ordinance rezoning the property to a PD district. The Code shall identify the property by legal description, the development documents, and all conditions of approval. The ordinance shall provide that no development permits or orders shall be issued by the City until a PD site plan has been approved as provided in this Section. The ordinance shall also state the expiration date for the PD Site Plan, if applicable.

The City Council may decide to deny the application. When an application is denied, the City Council shall state the reasons for the denial and indicate what further modifications to the Master Development Plan or other submitted documents must be made for approval.

8-11 Submittal Standards for Site Plans

8-11.1 Application

Applications for any site plan review shall be available from the Zoning Administrator. A completed application shall be signed by all owners, and their agent if applicable, of the property which is the subject of the application. Signatures by other parties will be accepted only with notarized proof of authorization by the owners.

8-11.3 General Plan Requirements

a. Scale

All plans shall be drawn to scale of one inch equals 100 feet, unless the Zoning Administrator determines that a different scale is sufficient or necessary for proper review of the proposal.

b. Size

The plans shall be 24 x 36 inches in size.

c. Numbering of Sheets

If multiple sheets are used, the sheet number and total number of sheets must be clearly marked on each.

d. Front Cover

The front cover of each plan shall include:

1. A general location map drawn to scale, showing the location of the proposed development together with principal roads, city limits and/or other pertinent information.
2. A complete legal description of the property.
3. The name, address, and telephone number of the owner(s) of the property. Where a corporation or company is the owner of the property, the name and address of the president and secretary of the entity shall be known.
4. Name, business address, and telephone number of those individuals responsible for the preparation of the drawing.

5. Each sheet shall contain a title block with the name of the development stated and a graphic scale, north arrow, and date.
6. The area of the property shown in acres.
7. The total number and type of residential units categorized according to number of bedrooms; the total number of residential units per acre (gross density); the total floor coverage calculations; and the total number of square feet for any non-residential development divided by type of use.

e. Format

Unless a format is specifically called for below, the information required may be presented as text, graphically, on a map, plan, aerial photograph, or by other means which most clearly convey the required information. It is the responsibility of the developer to submit the information in a form that allows ready determination of whether the requirements of this Code have been met.

f. Covenants

Restrictions pertaining to the type and use of existing or proposed improvements, open spaces, building lines, buffer strips and walls, and other restrictions of similar nature, shall require the establishments of restrictive covenants and such covenants shall be submitted with the final development plan.

g. Digital Plans

A digital site plan and digital boundary survey are required to be submitted with a major site plan application. The required digital file format for the site plan and boundary survey shall be specified by the Zoning Administrator. The digital version of the site plan and boundary survey must match the hard copy of the version as submitted. Updated digital site plan files shall be submitted by the applicant as they occur during the development review process. The survey shall be prepared and sealed by a licensed Georgia professional surveyor.

h. Floor Plan

For fire prevention review, a floor plan that includes all pertinent fire protection features must be submitted in hardcopy and digitally as a separate file in the required format specified by the Fire Chief. The digital plans submitted must match the hard copy version.

i. Types of Plans not Permitted

Hand drawings or raster images, including scanned documents, are not permitted as a substitute for the digital site plan and boundary survey requirement.

j. Screening and buffering

Fences, walls, and vegetative screening shall be provided where needed to protect the occupants of the site from undesirable views, lighting, noise, and other adverse effects of nearby property, and to protect the occupants of nearby property from like adverse effects produced by the development of the site.

k. Emergency access

Buildings, walls, landscaping, and other site features shall be arranged and constructed to permit access by emergency vehicles to all buildings.

I. Location and design of entrances

Entrances to the site shall be located and designed to maximize public safety and convenience and to minimize negative traffic impacts on the property and surrounding areas. Access and lane improvements located both on and off-site shall be provided if necessary for public safety. Entrances shall also be coordinated with the existing and planned street pattern of off-site public and private roads.

m. Exterior lighting

Exterior lighting shall not produce glare on nearby property or otherwise interfere with the quiet enjoyment of nearby property or with public safety and convenience.

n. Other documentation

Other documentation as necessary to permit satisfactory review under the requirements of this Code and other applicable law as required by special circumstances in the determination of the Zoning Administrator.

8-12 Platting

8-12.1 Generally

Where a proposed minor development includes the subdivision of land, the issuance of a development permit shall be made contingent upon approval by the Zoning Administrator of a plat conforming to the approved site plan.

Where a proposed major development includes the subdivision of land, the issuance of a development permit shall be made contingent upon approval by the City Council of a plat conforming to the approved site plan.

8-12.2 Filing

After receiving plat-contingent site plan approval, the developer shall submit to the Zoning Administrator a plat conforming to the plan. Alternatively, the developer may submit a plat at any point during the development review to be processed concurrently. Five copies of the preliminary plat and any required supplementary material shall be submitted to the Zoning Administrator along with a written request for preliminary approval through City Council.

8-12.3 Data for Preliminary and Final Approval

Preliminary and Final Plats shall generally contain the following information:

- a.** Name of the proposed subdivision; location by county and city; the name, address, and registration number of the surveyor preparing the plat; and the date of the plat. A north arrow shall be included with a notation referencing the bearings to the magnetic north, astronomical north, or grid north.
- b.** Boundary lines, bearings, and distances; a legal description of the tract proposed to be subdivided according to the records in the Clerk of Superior Court of Cook County.
- c.** Easements: location, width, and purpose.

d. Streets on and adjacent to the tract: name; right-of-way width; location type, width and elevation of surfacing; and any legally established centerline elevations, walks, curbs, gutters, culverts, etc.

e. Utilities on and adjacent to the tract: location, size, and invert elevation of sanitary and storm sewers; location and size of water mains; location of gas lines, fire hydrants, electric and telephone poles, and street lights; if water mains and sewers are not on or adjacent to the street, indicate the direction and distance to and size of nearest ones, showing invert elevation of sewers.

f. One soil percolation test hole per acre where the subdivision is not to be served by a public sewerage and, if required by the Zoning Administrator, other subsurface and soil condition studies of the tract as specified by the Cook County Health Department or the City Engineer.

g. Other conditions on the tract: water courses, marshes, wetlands, wooded areas, tree masses, major rock outcroppings, houses, barns, shacks, and other significant features.

h. Other conditions on adjacent land: character and location of buildings, railroads, power lines, towers, and other nearby nonresidential land uses or adverse influences; owners of adjacent unplatted land; for adjacent platted land, refer to subdivision plat by name recordation data and number.

i. Proposed public improvements; highways or other major improvements planned by public authorities for future construction on or near the tract.

k. Topography of the area to be subdivided with a contour interval of five feet or less, based on sea level datum plane.

k. A vicinity map showing location of the tract with distances to intersections or to other obvious geographical locations.

l. Present tract designation according to official records, title under which proposed subdivision is to be recorded with names and addresses of owners and any mortgagor or holder of an encumbrance on the property to be subdivided, name and address of subdivision designer, and notation stating acreage, scale, north arrow, datum, benchmarks, certification of registered land surveyor, and date of survey.

8-12.4 Preliminary Plats

a. Information Required

The subdivision plat shall be at a minimum scale of 200 feet to one inch. It shall show all information required above in 8-12.3., and additionally the following:

1. Streets: Names, layout, right-of-way, and roadway widths; similar data for alleys, if any.
2. Other rights-of-way or easements; location, width, and purpose.
3. Location of all existing and proposed utilities, if not shown on other exhibits.
4. Lot lines, lot numbers and block numbers, lot size, lot width.
5. Sites, if any, to be reserved or dedicated for playgrounds or other public use, together with their purpose and the limitations or conditions of such dedications, if any.
6. Sites, if any, for open space, multiple-family dwellings, shopping centers, churches, industry, or other nonpublic uses exclusive of single-family dwellings.
7. Minimum building setback lines.

8. Site data, including number of residential lots, typical lot size, and areas in parks, etc.
9. Title, date, numerical scale, graphic scale, and north arrow indicating both magnetic and true north.

b. Other preliminary plans

The preliminary plat shall be accompanied by profiles showing existing ground surface and proposed street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision; typical cross sections of the proposed grading, roadway and sidewalk; and preliminary plan of the proposed sanitary and stormwater sewers with grades and sizes indicated. All elevations shall be based on sea level datum plane approved by the City Engineer.

c. Covenants

Draft of protective covenants, whereby the subdivider proposes to regulate land use in the subdivision and otherwise protect the proposed development.

d. Signatures

No preliminary plat shall be approved by City Council unless it is approved by the City Engineer, the County Board of Health, and the City of Sparks/Cook County Fire Department. These agencies shall approve with or without modification or disapprove the preliminary plat to the extent that each has jurisdiction. If the plat is rejected, the reviewing agency shall provide the Zoning Administrator with a written statement specifying all items where the plat fails to comply.

Spaces shall be provided for approval of all agencies listed herein, with wording the same or similar to the following:

APPROVED BY DEPARTMENT OF PUBLIC HEALTH, CITY OF SPARKS, GEORGIA.

APPROVED BY CITY ENGINEER, CITY OF SPARKS, GEORGIA

APPROVED BY ZONING ADMINISTRATOR, CITY OF SPARKS, GEORGIA

e. Approval by City Council

Approval or disapproval of the preliminary plat shall be accomplished within 45 days after the plat is filed with the Zoning Administrator. If the preliminary plat is denied, the reasons for the denial shall be stated in a resolution denying the preliminary plat and the resolution shall be forwarded to the subdivider.

f. Approval Duration

Approved Preliminary plats are valid for one (1) year from the date of approval. If final plat or construction drawings have not been submitted within this period, preliminary plat approval becomes invalid and must be resubmitted.

8-12.5 Approval of Construction Drawings

Upon approval of the Preliminary Plat and before preparation of the final construction drawings for the minimum improvements required by these regulations, the subdivider shall receive tentative approval of said construction drawings from the City Engineer.

- a.** The design of all minimum improvements shall be under the direction of a Georgia registered engineer as defined in Section Two, Definitions, with all plans bearing his seal.
- b.** A certificate of approval from the DNR Environmental Protection Division shall accompany all city water and sewer connection plans.
- c.** A letter shall be provided by the subdivider stating a professional engineer, as defined in Chapter Two, Definitions, is under contract to provide inspection services for the project and sign final certification upon completion.
- d.** If construction has not commenced within one (1) year of construction plan approval, said approval becomes invalid, at which time a new preliminary plat must be submitted per current regulations at the time of resubmittal.

8-12.6 Final Plats

The final plan shall conform to the approved preliminary plat and shall be submitted to the Zoning Administrator for approval by Sparks City Council.

a. Filing

Filing the Final Plat with the Zoning Administrator shall include the following:

1. An application as provided by the Zoning Administrator showing:
 - i. the name and address of the person(s) developing the subdivision and the agent, if applicable;
 - ii. the zoning district of the property to be subdivided;
 - iii. any phased development;
 - iv. plans for serving the proposed subdivision with water and sewer.

a. The final plat shall be drawn in black ink on tracing cloth or other acceptable material, on sheets 18 inches wide by 24 inches long and shall be drawn to a minimum scale of 100 feet to one inch. Where necessary, the plat may be drawn on several sheets accompanied by an index sheet showing the entire subdivision. The final plat shall show the following:

1. Primary control points and benchmarks with necessary descriptions and locations of such control points, including all dimensions, angles, bearings, and similar data necessary for proper location.
2. Track boundary lines, rights-of-way lines of streets, easements, and property lines of residential lots and other sites with sufficient data to determine readily and to reproduce on the ground the location, bearing and length of every street line, lot line, boundary line, and building line, whether curved or straight. This shall include, but not be limited to, the radius; length of arc; internal angles; and bearings of the tangents and tangent distances for the centerlines of curved streets and curved property lines that are not the boundary of curved streets. All dimensions shall be given to the nearest 1/100 of a foot and all angles shall be given to the nearest minute.
3. Name and right-of-way width of each street or other right-of-way.
4. Location, dimensions, and purpose of any easements.
5. Number or letter to identify each lot and block.

6. Purpose for which sites other than residential lots are dedicated or reserved.
7. Minimum building setback lines on all lots and other sites.
8. Location and description of monuments and markers.
9. Names of record owners of adjoining unplatted land.
10. Reference to recorded subdivision plats of adjoining platted land by record, name, date, and number.
11. Title, numerical scale, graphic scale, north arrow, and date.
12. Location map showing site in relation to city.
13. Certification by surveyor or engineer licensed in the State of Georgia, certifying to accuracy of survey and plat.

The surveyor must also certify whether the property is located in a special flood hazard zone as recognized by the City of Sparks, and indicate the informational source and zone of the property. If the property is located within a flood hazard zone, then the limits of the zone must be shown.

14. Certification of title showing that applicant is land owner and that he dedicates streets, right-of way, and any sites for public uses, similar to the following:

“The undersigned hereby acknowledge(s) this plat and allotment to be _____ free act and deed and hereby dedicate(s) to public use as streets, alleys, easements, parks, and open spaces forever, all areas so shown or indicated on said plat.”

Signed

15. Restrictive covenants or deed restrictions in form for recording.
16. A complete listing of the deviations from the approved preliminary plans by the subdivider.
17. Other data: Certificates of approval from the Cook County Health Department and the City Engineer. The City engineer’s Certificate shall also indicate that all required improvements and installations required by these regulations have been completed in accordance with these standards; or a performance bond or certified check has been provided by the developer to satisfy the requirements of this Code.
18. A filing fee to cover the cost of investigation and review of the preliminary, tentative, and final recording cost. The fees are as set by the Sparks City Council.

b. No final plat shall be approved by City Council unless it is approved by the City Engineer, the City of Sparks Board of Health, and the Sparks/Cook Fire Department. These agencies shall approve with or without modification or disapprove the preliminary plat to the extent that each has jurisdiction. If the plat is rejected, the reviewing agency shall provide the Zoning Administrator with a written statement specifying all items where the plat fails to comply.

Spaces shall be provided for approval of all agencies listed herein, with wording the same or similar to the following:

APPROVED BY DEPARTMENT OF PUBLIC HEALTH, CITY OF SPARKS, GEORGIA.

APPROVED BY CITY ENGINEER, CITY OF SPARKS, GEORGIA

APPROVED BY ZONING ADMINISTRATOR, CITY OF SPARKS, GEORGIA

APPROVED BY CITY COUNCIL, CITY OF SPARKS, GEORGIA

After all other approvals and certifications have been met; the City Council shall execute the following certificates, indicating final plat approval:

We hereby approve this plat to be recorded by the Clerk of Superior Court of Cook County.
- Mayor, Sparks City Council.

8-12.7 Plat Review by the Zoning Administrator

The Zoning Administrator shall determine whether the plat conforms to the approved site plan. The plat shall be forwarded to the City Engineer, the Cook County Health Department, and the Cook County Board of Education for comment during that time frame. If the Department determines that the plat so conforms, it shall place the plat on the next available consent agenda of the City Council, allowing for required notice. If it does not conform, the Zoning Administrator shall explain the deficiency in the plat to the developer and inform him that a corrected plat may be submitted for approval.

The original shall be drawn on sheets of cloth to a scale of one inch equals 100 feet as a minimum and shall correspond to plat book dimensions. When more than one sheet is required, an index sheet of the same size shall be filed showing the entire subdivision with sheets lettered in alphabetical order as a key. A two-inch margin shall be provided on the left side of the drawings and a one-half-inch margin shall be left on the other three sides.

8-12.8 Plat Review by the City Council

Review of the plat by the City Council shall be strictly limited to whether the plat conforms to the requirements of the Code. The Zoning Administrator shall make a recommendation regarding the plat to the City Council. A conforming plat shall be approved and the Zoning Administrator shall issue the development order allowing the development to proceed. The City Council shall return non-conforming plats to the developer with an explanation of the deficiencies and a notice that a corrected plat may be resubmitted for approval.

8-12.9 Relief from Platting Requirements due to Hardship

Where the City Council finds that because of topographic or other conditions peculiar to the site, literal enforcement of a provision of this ordinance may result, in an individual case, in unnecessary hardship to the developer, it may vary the regulations where, in the opinion of the City Council, such variation will not have the effect of nullifying the intent and purpose of these regulations. Any relief from the platting requirements shall be recorded in the minutes of the City Council meeting together with the reasoning used to justify it.

8-12.10 Plat Conditions.

In granting relief from and modifications to the platting requirements, the City Council may require such conditions as will secure substantially the objectives of the standards or requirements so varied or modified.

8-12.11 Plat Recordation

Plats approved by the City Council shall be submitted to the Clerk of Superior Court of Cook County along with the appropriate filing fee within 45 days for recordation into the public records of Cook County and the City of Sparks, Georgia. If the applicant fails to comply, the plat approval is rendered invalid.

When the plat has been approved by the City Council, the prints and reproducibles will be distributed as follows:

Developer:	The original will be returned to the developer with the approval of the governing authorities certified thereon for filing with the Clerk of the Superior Court of Cook County.
City Records:	One original and one copy.
City Engineer:	One copy.
Building Inspector:	One copy.
County Tax Assessor:	One copy.
Cook County Health Department:	One copy.
Police Department:	One copy.
Board of Education:	One copy.
Fire Department:	One copy.

In lieu of the completion of all improvements prior to submission of the final plat, the developer may post a bond, certified check, letter of credit, or other surety with the city, providing for and securing to the city the actual construction and installation of such improvements within a period specified by the planning commission and stated in the surety. The surety shall be with a company entered and licensed to do business in Georgia and it shall contain a provision for the maintenance of installations and improvements required by these regulations in the subdivision for a period of one year following the date of final acceptance. Said surety shall be approved by the city attorney prior to its acceptance. Said surety shall be made payable to the city and be in an amount equal to no less than 110 percent of the improvement and installation cost.

8-12.12 Plat Enforcement.

1. No plat or plan of subdivision within the City of Sparks shall be filed or recorded in the office of the Clerk of the Superior Court of Cook County until it has been approved by the City Council and such approval entered in writing on the plat by the Mayor of the City of Sparks. The clerk of the superior court shall not file or record a plat of a subdivision which does not have the written approval of the City Council thereon. The filing or recording of a plat of a subdivision without such approval shall be punishable as provided in this Code of the City of Sparks, Georgia.
3. Any violation of this ordinance shall be punishable as provided in this Code of the City of Sparks, Georgia.
4. No building permit shall be issued for, and no building or other structure shall be erected on, any lot within the City of Sparks unless the street giving access to the lot upon which said building is proposed to be placed shall be accepted or opened as, or shall have otherwise received the legal status of, a public street prior to that time, or unless such street corresponds in its location and line with a street shown on a subdivision plat approved by the City Council or with a street located and accepted

by the City. Any building erected in violation of this section shall be deemed an unlawful structure, and the Building Inspector, City Attorney, or other official designated by the City Council may bring appropriate action to enjoin such erection or cause it to be vacated or removed.

8-14 Building Permits

8-14.1 Generally

The erection, alteration, moving, demolition, or reconstruction of any building or structure shall not be commenced without obtaining a building permit from the Zoning Administrator. Work activities shall not proceed without obtaining all the inspections required by the Zoning Administrator and the applicable Building Codes.

8-14.2 Information

a. Need for a Survey

No building permit shall be issued for development unless the application for a building permit is accompanied by a copy of a survey of the property on which the requested activity is to be permitted. The survey shall show the following:

1. The location of the proposed development activity.
2. The relationship of the proposed activity to all adjacent property lines, and as may be required, to all adjacent structures, improvements and natural features.
3. A minimum of two elevations along each roadway on which the proposed activity borders, the existing ground elevation at the approximate center of the proposed structure, the existing ground elevation along the side property lines adjacent to the proposed structure, and the proposed finished floor elevation of the proposed structure.
4. All surveys shall have been prepared, signed, and sealed by a Georgia Registered Land Surveyors.

Exempt from the survey requirement are detached single-family residential lots or parcels of land with an area of one acre or less, applications for interior modifications or construction, roof permits, and any other permit required activity that does not result in the expansion of any portion of the existing structure.

Accessory structures with a building value of less than \$10,000 shall also not be required to submit a survey, but shall instead be required to submit a scaled drawing indicating the location of the accessory structure and its compliance with minimum setback standards.

Copies of original surveys meeting the above requirements may be submitted with any application for building permit, provided that the survey still depicts the accurate location of all structures and improvements on the property.

b. Other Information

1. Drainage information, if applicable
2. Location and size of ingress/egress/driveways (copy of GDOT permit if applicable)
3. Water and Wastewater mains and services, both existing and proposed; or
4. Location of on-site well and septic
5. Location of fire hydrants

6. Proof that the building lot is a conforming or non-conforming lot of record.

8-14.3 Time Limitations of Building Permits

a. Expiration

Building Permits shall expire and become null and void if work authorized by such building permit is not commenced, having called for and received a satisfactory inspection within six months from the date of issuance of the permit, or if the work is not completed within eighteen months from the date of issuance of the building permit, except that the time may be extended by the Zoning Administrator if any of the following occur:

1. a time schedule has been submitted and approved by the Zoning Administrator, predicated upon customary time for construction of similar buildings, prior to the issuance of the building permit, indicating a completion of construction in excess of 18 months; or
2. the developer furnishes the Zoning Administrator satisfactory written evidence that the delay is due to the unavailability of construction supplies or materials, and every effort has been made to obtain substitute materials equal to those called for in the specifications; or
3. the delay is due in to delay in delivery of construction supplies or materials; or
4. the delay is due to fire, weather conditions, civil commotion or strike.

b. Extension for Owner-Builder Building Permit

Notwithstanding the provisions of Section 10.14.3 above, an owner-builder building permit shall expire within 24 months from the date of issuance of the building permit if the work has not been completed. The time may be extended by the Zoning Administrator for a period not to exceed 18 months if any of the conditions outlined in Section 8-14.3 above occur.

c. No Inspections within Six Months

If construction, having called for an received a satisfactory inspection, has commenced within 6 months from the date of issuance of the permit, and is subsequently abandoned or suspended, not having called for and received a satisfactory inspection within the last 6 months, for reasons other than those enumerated in 8-14.3 above, the permit shall expire and become null and void unless the applicant demonstrates good cause at a hearing before the Board of Appeals as to reasons for the suspension or abandonment of the project. If the Board finds that good cause has been shown for the suspension or abandonment of the project, the applicant shall be allowed to continue the construction under the original permit. The decision of the Board shall be final.

d. Expired Building Permit

1. If the building permit becomes null and void or expires, the Zoning Administrator shall inspect the development and determine whether the development is unsafe and /or constitutes a nuisance. If the Zoning Administrator determines that the development is unsafe and constitutes a nuisance, the Zoning Administrator shall submit a report of this inspection to the City Council for action by the City Council.
2. In order to continue construction once a building permit becomes null and void or expires, the applicant shall reapply and obtain a new building permit covering the proposed construction before

proceeding with construction. The applicant shall comply with all regulations in existence at the time application is made for a new building permit.

e. Cancellation of Permits

A demolition, building, or development permit shall be cancelled by the Zoning Administrator when the method of demolition, construction, or use violates any provisions contained in these regulations or any state or local ordinance or resolution. Upon such cancellation, any further work upon the demolition, construction, alteration, or repair on the structure or land shall be deemed a violation.

f. Denial of a Permit

When a permit is denied, the Zoning Administrator shall, within 10 days after submittal of the permit, provide in writing to the applicant the reasons for denying the permit.

g. Permits and Licenses Void when Issued in Conflict

Any permit or license issued in conflict with the provisions of this Code shall be null and void.

8-14.4 Certificate of Occupancy

A Certificate of Occupancy shall be issued by the Zoning Administrator in accordance with the following provisions:

a. Certificate of Occupancy Required

A certificate of Occupancy issued by the Zoning Administrator is required in advance of occupancy or use of:

1. A building hereafter erected.
2. A building hereafter altered so as to affect height, side, and front or rear yard.
3. Any building or premises where a change in the type of use will occur.

b. Issuance of Certificate of Occupancy

Upon payment of all fees, the Zoning Administrator shall sign and issue a Certificate of Occupancy if the proposed use of land or building is found to conform to the applicable provisions of this Code, and if the building, as finally constructed, substantially complies with the plan submitted and approved for the building permit. One (1) copy of all Certificates of Occupancy issued which contain a statement of the intended use of the applicable property and other pertinent information, signed by the owner or his agent shall be kept on file in the office of the Zoning Administrator.

c. Denial of Certificate of Occupancy

A Certificate of Occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provisions of this Code and substantially complies with the plans submitted for obtaining a building permit.

8-15 Sign Permit

The erection, alteration, reconstruction, or conversion of any sign shall not be commenced without first obtaining a Sign Permit from the Zoning Administrator.

8-16 Driveway Permit

Any person seeking to construct or reconstruct any curb cut or driveway on any City maintained public road in the City of Sparks shall submit a permit application to the City Engineer accompanied by a non-refundable application fee as established by the City Council.

a. Application

Any person seeking a driveway permit shall submit the original and one copy of an application to the City Engineer. The application shall include the following information:

1. Name and address of the owner of the property on which the driveway is proposed to be located.
2. Except for one-and two-family residences, a set of detailed plans for the proposed driveway or curb cut.
3. Except for one and two-family residences, estimated cost of construction/alteration.
4. Approval from Georgia Department of Transportation, if applicable.
5. All other information deemed necessary by the City Engineer for the reasonable review of the proposed driveway connection.

b. Procedure for Review

1. The City Engineer shall review the application and determine if it is complete.
2. If the City Engineer determines that the application is not complete, he shall notify the applicant in writing specifying the deficiencies. The applicant may resubmit the application correcting the deficiencies within 30 days of the notification without paying an additional application fee.
3. After the City Engineer has determined that an application is complete, the City Engineer shall approve, approve with conditions, or deny the application based on the standards set forth in this Code. Notification of the decision shall be made to the applicant and filed in the office of the City Engineer.

c. Approval

Following approval of an application, the City Engineer shall issue a driveway permit which shall take effect on the date issued.

d. Curb cuts, driveways and culverts constructed without driveway permit

1. The City Engineer shall notify the Zoning Administrator of the existence of any curb cut, driveway, or culvert on any City maintained public road, which was constructed after the date of adoption of this Code, without the approval of the City Engineer and which the City Engineer has specifically found to be detrimental or injurious to surrounding property, to substantially increase traffic, and/ or to endanger the public safety.
2. Upon receipt of such notification, the Zoning Administrator shall notify the owner of the curb cut, driveway, or culvert by certified mail of the Engineer's finding of fact and that the curb cut, driveway, or culvert must be brought into compliance with the requirements of this Code within 30 days of receipt

of the notice. The notice shall specifically identify the nature of the violation. A permit issued pursuant to this Section shall be required. If the violation is not corrected within 30 days, the Zoning Administrator may initiate code enforcement action.

8-17 Excavation and Fill Permit

a. No person in control of a lot, parcel, or tract of land within the City shall alter, excavate, fill, or remove any of the land on its surface without first obtaining a permit to do so from the Zoning Administrator. A separate excavation and fill permit is not required if the excavation and/or fill is to be done in the course of a construction project for which a building permit is required and the details of such excavation and/or fill are clearly shown in the building permit application.

b. Application for an excavation and/or fill permit shall be submitted to the Zoning Administrator and shall contain the following:

1. The name and address of the person seeking the permit.
2. The legal description of the property.
3. A map showing the location and boundaries of the tract of land in question.
4. Where a survey or other topographical information is not available to the City, the applicant shall submit a statement of the topography, including the location of water courses or water bodies, of the property proposed to be excavated or filled.
5. The location and means of vehicular ingress and egress to the proposed excavation/fill.
6. The application shall include a statement for the proposed reclamation of any of the property at the conclusion of the excavation/fill operation.
7. The plans shall be accompanied by a statement indicating the nature, purpose and method of the proposed excavation/fill.

c. Permits to alter, excavate, fill, or remove land on its surface within the limits of the City, or building permit which include such work, shall not be issued by the Zoning Administrator without first obtaining the approval of the City Engineer. The City Engineer shall not give his approval unless and until the applicant for such a permit shall have submitted to the Zoning Administrator plans and specifications covering the project and a description of the intended result. The City Engineer shall deny the application or permit if, in his judgment, the work will create a drainage problem.

d. No excavation of soil within the City shall be permitted except in the following specific cases:

1. Installation of utilities
2. Foundations of any building or structure or other on-site leveling or excavation where approved under a valid building permit.
3. Excavations relating to the accessory use of land and designed to be filled upon completion such as septic tanks, burial sites, etc.
4. Swimming pools where a building permit has been issued for the construction of the pool.

5. Excavation in conjunction with agricultural use of lands, where no excavation materials are sold, whether directly or indirectly, or transferred from one parcel of land to a non-contiguous parcel.

6. Subdivisions complying with this Code.

7. Excavation or leveling for private drives to provide ingress or egress.

e. Mining for minerals, stone, or soil shall be unlawful within the City limits.

8-18 Temporary Events Permit

8-18.1 Temporary Events and Uses

The following outdoor uses and activities shall take place only with a special permit obtained from the Zoning Administrator.

a. Temporary commercial sales activities;

b. Exhibitions, displays, performances;

c. Fairs, carnivals, bazaars, contests, rodeos;

d. Any other activity tending to create or cause abnormally large or excessive crowds or traffic and posing a detrimental effect on the public health, safety and welfare.

8-18.2 Information Required

A Temporary Events Permit Application shall be provided to the Zoning Administrator with the following written information no less than 14 working days prior to the proposed event or activity:

a. Name and business address of the applicant;

b. Specific location of activities for which the permit is sought;

c. Nature and purpose of activities for which the permit is sought;

d. Specific location and physical dimensions of any structure, vehicle, tent or apparatus sought to be used in conjunction with permitted activities;

e. Specific days and hours of activities sought to be permitted.

f. Letters of objections and/or no objections as to the activities as described under a. through e. signed by all tenants and/or owners of businesses located on the property for which the permit is sought;

g. No permit shall be issued for the requested activity unless the applicant reasonably establishes that the following concerns have been addressed in a manner that is consistent with the interests of the public health, safety, and welfare:

1. Traffic control
2. Sanitation and litter control
3. Restroom facilities
4. Parking

5. Crowd Control
6. Liability insurance
7. Signage
8. Noise levels and noise control

8-18.3 Fire Chief Approval

Permits for temporary events within the limits of the City shall not be issued by the Zoning Administrator without first obtaining the approval of the Fire Chief. The Fire Chief shall not give his approval unless and until the applicant for such a permit shall have submitted to the Zoning Administrator plans and specifications covering 1 – 8 above. The Fire Chief shall deny the application or permit if, in his judgment, the work will create a fire hazard or hazard to public safety.

8-18.4 Fees

Each application seeking a temporary event permit shall be accompanied by a \$25.00 permit processing fee.

8-19 Temporary Construction Trailers and Containers Permit

A permit for the erection or use of any such temporary structure shall be obtained from the Zoning Administrator, provided, that no such temporary permit shall be issued unless and until sufficient bond, as established by the City Council to insure removal of the temporary structure, has been posted and a building permit for the construction of the permanent structure has first been obtained.

8-19.1 Temporary Construction Trailers

a. Temporary Office

A temporary or portable structure may be erected, or a trailer used, for business occupancy during the construction of a permanent main building, street, utility or other structure. Every temporary business office permit issued shall become invalid and the temporary structure shall be removed within two weeks after the issuance of the Certificate of Occupancy on the permanent structure, or within one year, whichever is earlier. A one-time six-month extension may be allowed, and such extensions shall be in writing by the Zoning Administrator. In addition, in the event of unavoidable circumstances such as acts of God, strikes, or similar hardships, other than financial or inability to obtain financing, a second extension not to exceed six months may be granted by the City Council.

b. Temporary Construction Office & Storage

A temporary or portable structure, or trailer, may be used for a temporary construction office and for the housing of tools, equipment, and materials. Any of the above used may be combined to meet the requirements of a job site after a building permit for the construction of the permanent structure has first been obtained. Every temporary construction office permit shall continue in force for a reasonable period so long as construction of the permanent structure is commenced and continued without delay.

c. Subdivision Sales Office.

Subdivision sales offices may be erected only after approval by the City Council as part of the site development plan approval, subject to such conditions as may be determined by the Commission to be necessary to ensure termination of the use after a reasonable period by removal or conversion to a conforming use.

8-19.2 Temporary Construction Storage or Storage Containers

a. Permit Required

After first receiving a permit from the Zoning Administrator, a temporary construction storage or storage container may be erected or placed at the site for the purpose of storage during the construction of a permanent building, street, utility, or other structure in any zoning district or during such special events as moving/relocation. Such a container shall only be used for the storage of tools, equipment, furniture, or other materials during the construction of a permanent structure or for the duration of the moving event.

b. Maximum Number

One permit shall not permit more than three containers at a single construction site and not more than one container at a moving location.

c. Removal

No permit shall be issued unless the container removal date has been posted at the site. A permit shall expire 15 days following the issuance of a certificate of occupancy for the primary building or 15 days after the moving event and the container shall be removed at that time.

d. Location

A temporary construction storage or storage container shall be placed either on a driveway, in an approved parking area, or in the buildable portion of a construction site. The location shall not be within ten feet of a public right-of-way and shall interfere with or jeopardize the safety of the public.

e. The name, current phone number, and current address of the company providing the container, and the date the container was placed on site, shall be clearly posted on the exterior of the container.

8-20 Walls and Fences Permit

8-20.1 Permit Required

No fence or wall shall be built, constructed, substantially rebuilt, or reconstructed in the City unless a permit has been issued for the wall or fence. Normal repair and maintenance does not require a permit. Application for such permit shall be on forms prescribed by the Zoning Administrator. The fee for such permit shall be the same as for a regular building permit for the same cost of construction. Such permits shall be subject to all provisions applicable to regular building permits. Temporary vegetable or flower garden fences not exceeding three feet in height shall not require a permit.

8-20.2 Removal of Fence

If the Zoning Administrator determines that a wall or fence becomes a hazard, the owner or occupant of the property where the fence or wall is located shall be notified of that fact by certified mail. If the owner or occupant of the wall or fence is unknown and cannot be located, such notice may be posted on the wall or fence. If the wall or fence is not removed or repaired within 30 days of notice being given, then the Zoning Administrator may cause such wall or fence removed or repaired and the City shall have a lien on the property for the cost of such removal and repair.

8-20.3 Required Fencing

The mandatory fencing or walling provisions in Chapter Five (Supplemental Standards) shall only be applicable to property after application is made for the issuance of a building permit for a new principal building on the property, unless the City Council determines that, as to a building or buildings existing on the effective date of this Code, the lack of such fencing creates an unwarranted interference with the property use and enjoyment of neighboring properties and thus constitutes a public nuisance, which must be abated by the erection of the fence or wall mandated for new principal buildings in that zoning district.

a. Before the City Council may declare such a public nuisance, it shall hold a public hearing to consider the matter.

b. Notice of such public hearing shall be sent at least 15 days prior to the hearing, by certified mail, to the owner of the affected property, as shown on the most recent tax roll and the notice shall be published in the newspaper of general circulation no less than 15 and no more than 45 days prior to the public hearing.

c. If at such public hearing, the City Council determines that a public nuisance exists, it shall order the property owner or occupant to erect the required fence or wall within ninety days.

d. If such wall or fence is not built within ninety days, the City's remedies shall include, but not be limited to the following:

1. Appropriate legal action against the owner and/or occupant to compel compliance;
2. Appropriate legal or administrative action against the owner and/or occupant for code violation

8-21 Procedures for Annexations into the City

8-21.1 Application by Petition for Voluntary Annexation

An application for voluntary annexation of real property to be included within the corporate limits of the City shall be made by petition of the owner or owners of said real property.

a. A petition for voluntary annexation shall be filed with the Zoning Administrator accompanied by satisfactory evidence of ownership. The petition for voluntary annexation shall not be further considered by the City until the City Attorney has made a determination that all the owners of the subject property have appropriately signed the petition.

b. Upon a determination that the petition has been appropriately signed, the Zoning Administrator may require additional information of the petitioner, including but not limited to:

1. a development plan for the subject property and a list of anticipated uses;
2. a schedule of development for the subject property;
3. an estimate of the direct public costs to provide capital facilities for City Utilities and other municipal services required by the development;
4. an estimate of the ad valorem taxation revenues to be generated by the subject property at the current mileage rates both prior to and after development;
5. an estimate of the residential population increase of the City after development.

8-21.2 Involuntary Annexation

The process and requirements for involuntary annexation are set forth in this Code. The following provisions shall also be followed in cases of involuntary annexation.

8-21.3 Process

a. Review by the Zoning Administrator

The Zoning Administrator shall form an opinion as to whether or not it is in the best public interest of the City for the City to annex the subject property. In forming such opinion, the Zoning Administrator shall consider, among other things, the potential impact of development upon surrounding properties both within and outside the City, the cost to the City to provide municipal services to and within the subject property, and the estimated ad valorem tax revenues and other revenues payable to the City to be generated by the subject property. The opinion of the Administrator shall be reported to the Planning Commission for its consideration.

b. Review by Planning Commission

The Planning Commission shall review the proposed annexation and shall make an advisory recommendation to the City Council as to the opinion of the Zoning Administrator and the consistency of the proposed annexation with the City's Comprehensive Plan. The Planning Commission shall include in its recommendation to the City Council any information which it deems is relevant to issues relating to the proposed annexation including the opinion of the Zoning Administrator and consistency with the City Comprehensive Plan.

c. Public Hearing before the City Council

A public hearing shall be conducted by the City Council to review and consider a proposal for voluntary annexation. Such hearing may be scheduled on the agenda of a regular City Council meeting.

d. Annexation Ordinance

1. Notice of the annexation shall be published at least 15 days but not more than 45 days prior to the Public Hearing by the Commission, in a newspaper of general circulation published in the City. The notice shall give a brief general description of the subject property and shall include a map clearly showing the subject property. The notice shall also advise that the complete legal description of the property by metes and bounds and the draft ordinance itself may be obtained from the Zoning Administrator.
2. The proposed annexation ordinance shall be adopted with or without amendment after two readings either by title or in full on two separate days.

8-22 Procedures for Amendments to this Code

8-22.1 Generally

a. Text Amendment

A proposal to amend the text of this Code, which does not change the actual zoning map designation of a parcel or parcels of land, shall be referred to as a Text Amendment.

b. Zoning Map Amendment

A proposal to amend the zoning districts on the Official Zoning Map of the City shall be referred to as a Zoning Map Amendment. The term “rezoning” as used herein means the initial zoning of a parcel or parcels of land within the City as well as a change in the zoning classification of a parcel or parcels indicated on the City’s zoning map.

c. Initiation of Amendments

A proposed text or Zoning Map Amendment to this Code may be initiated by the City Council, Board of Zoning Appeals, the Planning Commission, and the Zoning Administrator or by application filed with the Zoning Administrator by a developer or citizen.

8-22.2 Application Procedure

Each request for an amendment of this Code shall be submitted on an application form available from the Zoning Administrator along with such fee as shall be established by the City Council. Such application may not be filed if the City Council has denied a similar application for text amendment or rezoning on the subject property within the previous 12 months.

8-22.3 Application

a. Required Information for Text Amendment

In the case of a text amendment, the application shall set forth the new text to be added and the existing text to be deleted.

b. Required Information for Rezoning

The applicant shall provide to the Zoning Administrator the following submittal information:

1. Legal names of each of the owners of the subject property including their contact addresses (no P.O. Boxes) and telephone numbers;
2. If any owner is a business entity such as a partnership, corporation, or joint venture, the names and addresses of all partners and officers, as appropriate, and their phone numbers;
3. The legal description of the subject property.
4. A copy of the deed or deeds conveying the subject property to the current owner;
5. A current survey of the property or portion of the property prepared by a Georgia registered professional surveyor.
6. If the applicant for a rezoning is a representative of the owner, evidence of agency in the form of a letter, affidavit or other document satisfactory to the City Attorney must be provided: and
7. Any other information required by the Zoning Administrator.

c. Complete Submittal

A submittal deemed complete by the Zoning Administrator shall be forwarded to the Planning Commission for consideration.

8-22.4 Public Notice of Planning Commission Consideration

The Planning Commission shall consider the proposed amendment at a meeting of the Planning Commission. The agenda of the meeting shall include a topical reference to the proposed amendment.

For each amendment to this Code, notice of the nature of the proposed change and the date, time and place of the public hearing before the City Council shall be published in a newspaper of general circulation within the City at least fifteen 15 days prior to the meeting with the Planning Commission and not more than 45 days prior to the public hearing before the City Council.

8-22.5 Review by Planning Commission

a. Upon the receipt of a complete application as noted above, the Zoning Administrator shall submit to the next Planning Commission any and all information submitted by the applicant, provided such application has been submitted a minimum of 30 days prior to the meeting. In addition, the City representative may submit any additional information deemed appropriate to the requested amendment.

b. All applicants seeking amendments to this Code shall have an opportunity to present facts, reports, and/or evidence to the Planning Commission at the time of either their regularly scheduled meeting or at a special meeting. The Planning Commission shall hold and conduct, as appropriate to the requirements of this resolution, public meetings in accordance with the Georgia Open Meetings Act of 1988 (O.C.G.A. 50-14-1)

c. Upon consideration of the amendment application based on the adopted Standards for Zoning, the Planning Commission shall determine by a majority vote their recommendation to the City of Sparks City Council and shall transmit that recommendation to the City Council.

The following zoning standards and criteria shall be utilized in making this recommendation:

1. Whether the proposed rezoning request will permit a use that is suitable, in view of the existing land use pattern of adjacent and nearby property.
2. Whether the proposed rezoning would result in the possible creation of an isolated district unrelated to adjacent and nearby districts.
3. Whether the proposed development would affect the existing population density pattern and lead to the possible increase or overtaxing of the load on public facilities.
4. Whether changed or changing conditions make the passage of the proposed amendment reasonable.
5. Whether the proposed change will adversely influence existing conditions in the neighborhood or the county at large.
6. Whether the proposed amendment would result in potential impacts on the environment, including but not limited to drainage, soil erosion and sedimentation, flooding, air quality, and water quality and quantity.

7. Whether the costs required of the public in providing, improving, increasing, or maintaining public utilities, schools, streets, and public safety necessities would be reasonable when considering the proposed change.
8. Whether the proposed change will be detrimental to the value or improvement of the development of adjacent or nearby property in accordance with existing requirements.
9. Whether the proposed change will constitute a grant of special privilege to the individual owner as contrasted with the adjacent or nearby neighborhood or with the general public.
10. The extent to which the zoning decision is consistent with the Greater Cook County Comprehensive Plan as currently adopted.

The Planning Commission shall include in the recommendation to the City Council any information which it deems is relevant to issues relating to the proposed rezoning.

d. The Planning Commission may determine that additional specific technical information is needed regarding any potential environmental, fiscal, or public service impacts. If such determination is made, the Planning Commission shall have the discretion to defer its recommendations upon preparation of a special study intended to analyze the potential impacts or the specific areas of concern. Where preparation of a special study has been required, no recommendation will be forwarded to the City Council until such study has been received and reviewed by the Planning Commission. The cost of any special study shall be borne by the applicant, unless the City Council approves the participation of public funds, as necessary or as being in the public interest.

e. Where no special studies are required, the Planning Commission shall then have 30 days from the date of the scheduled regular or special meeting at which the review of an application for text or map amendment were conducted to submit a final recommendation based on the adopted Zoning Standards to the City Council for consideration. If the Planning Commission fails to render a final recommendation within the 30 day period, the application shall be forwarded to the City Council for a public hearing without a recommendation and subsequent final action as appropriate to the requirements of this resolution.

8-22.6 Public Hearing before the City Council

The Zoning Administrator shall prepare and submit a written report to the City Council, which includes the recommendation of the Planning Commission. The report may also include a draft ordinance, which, if adopted by the City Council, would affect the proposed amendment.

b. Review and Action by City Council

Following review and recommendation from the Planning Commission, the City Council, after conducting a public hearing with public notice as is required by this Chapter, shall vote to:

1. Approve the proposed amendment; or
2. Approve the proposed amendment with conditions; or
3. Deny the proposed amendment; or
4. Defer the proposed amendment to a certain time; or
5. Refer the decision or application back to the Planning Commission for further investigation.

If the City Council votes to refer the amendment back to the Planning Commission for further investigation, the Zoning Administrator shall re-advertise the dates of the public hearing before the City Council in

accordance with Section 8-22.6 above. No proposed amendment to this Code shall be approved except by the majority vote of the members of the City Council.

c. Public Hearings

Public hearings held by the City Council for consideration of proposed amendments shall be accomplished with the policies and procedures listed below:

1. The Chair shall indicate that a public hearing has been called for the consideration of the proposed amendment. Thereupon each application shall be considered on an individual basis.
2. When an application comes up for review, the Chair may request that a spokesperson for the group be chosen so that the entire presentation of the positions of those in support of/opposition to the petition shall not exceed a reasonable time.
3. The Zoning Administrator shall present a report on the application and present the recommendations.
4. The applicant shall be allowed a reasonable amount of time in which to present evidence to support the proposed amendment.
5. Those in favor of the proposed amendment shall be allowed a minimum of 10 minutes, or the amount of time as prescribed by State of Georgia law, to speak in favor of the proposed amendment.
6. Those who oppose the proposed amendment shall be allowed a minimum of 10 minutes, or the amount of time as prescribed by State of Georgia law, in which to speak in opposition to the proposed amendment.
7. The applicant may be allowed a reasonable amount of time in which to respond to any issues raised.
8. The Zoning Administrator may make additional comments.
9. The City Attorney may be asked to discuss any legal issues that have been raised.
10. The City Council may then pose questions to any party present and may discuss the proposed amendment.
11. After the above procedures have been completed, the Chair will indicate that the public hearing is formally closed.
12. Each speaker at the public hearing shall speak only to the merits of the proposed amendment under consideration and shall address remarks only to the City Council. Each speaker shall refrain from personal attacks on any other speaker or the discussion of facts or opinions irrelevant to the proposed zoning decision under consideration. The Chair may limit or refuse a speaker the right to continue if the speaker, after first being cautioned, continues to violate this subsection.
13. Nothing herein shall be construed as prohibiting the Chair from conducting the hearing in an orderly and decorous manner to assure that the public hearing on a proposed amendment to this Code is conducted in a fair and orderly manner.

8-22.7 City Clerk

The City Clerk shall, within 10 days from action of the City Council on each proposed amendment to this Code provide to the Zoning Administrator a signed and certified copy of each such ordinance.

8-22.8. Rezoning in Conjunction with Annexation

If the rezoning is for property to be annexed into the City, then:

- a. The City shall complete the rezoning procedures as required by this Section, except for the final vote of the City Council, prior to adoption of the annexation ordinance, but no sooner than the date the notice of the proposed annexation is provided to the Cook County Commission;
- b. The rezoning public hearing shall be conducted prior to the annexation of the subject property into the City;
- c. In addition to the other notice requirements of this Code Section, the City shall cause to be published within a newspaper of general circulation within the County wherein the property to be annexed is located, a notice of the hearing and as required shall place a sign on the property as required.
- d. The zoning classification approved by the City following the hearing required by this Code shall become effective on the later of:
 - 1. The date the zoning is approved by the City;
 - 2. The date that the annexation becomes effective; or
 - 3. Where a County has interposed an objection, the date provided for in the resolution of the objection.

8-22.9 Rezoning Consideration for a Halfway House, Drug Rehabilitation Center, or other Facility for Treatment of Drug Dependency

- a. When a proposed zoning decision relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency, a public hearing shall be held on the proposed action. Such public hearing shall be held at least six months and not more than nine months prior to the date of final action on the zoning decision. This hearing shall be in addition to any other hearing required by this Code. The City shall give notice of such hearing by:
 - 1. Posting notice on the affected premises in the manner prescribed by Georgia Code; and
 - 2. Publish in a newspaper of general circulation within the City a notice of the hearing at least 15 days and not more than 45 days prior to the date of the hearing.
 - 3. Both the posted notice and the published notice shall include a prominent statement that the proposed zoning decision relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency. The published notice shall be at least six column inches in size and shall not be located in the classified section of the newspaper.

8-23 Public Notice Requirements

8-23.1 Notice by Mail

a. Method of Mailing

Where notice to surrounding property owners of a hearing or of a public hearing is required to be provided by mail, such notice shall be mailed by regular US Mail. Notice shall be deemed complete upon mailing regardless of whether or not the notice was actually received by the addressee. The notice shall be received prior to the Planning Commission meeting.

b. Property Owners to Receive Mailed Notice

The City shall mail notices to abutting property owners within 400 feet of the subject property, whose names and addresses appear on the latest ad valorem tax rolls maintained by the Cook County Tax Assessor. For property in condominium ownership, both the property owners association and the owners of the individual dwelling units located within the prescribed distance must be notified.

c. Content of Notice

The notice shall advise the addressee of the time, place and purpose of the hearing or public hearing and shall state the substance of the proposed action as it affects the addressee.

d. Proof of Mailing

The Zoning Administrator shall maintain a file including a copy of the mailed notice, the date of mailing, and the list of the addressees and their addresses.

8-23.2 Notice by Posting

a. Manner of Posting

Where a notice of a hearing or of a public hearing is required to be provided by posting, city staff shall cause the subject property to be posted with a sign, clearly visible from the nearest public street. The sign shall not be less than 24 x 24 inches in dimension. The sign shall be posted no less than 15 and no more than 45 days prior to the City Commission public hearing, and before the Planning Commission meeting.

b. Content of Public Notice

The sign shall advise of the time, place and purpose of the hearing or public hearing, the substance of the proposed action and the address, telephone number and business hours of the Zoning Administrator to which questions regarding the subject matter of the hearing or public hearing may be addressed.

c. Duration of Posting

Failure to provide posted notice continuously from the time posted notice is to begin until the public hearing which is the subject of the notice shall not be deemed as failure to give notice required by this Code, and action taken by the City Council subsequent to such notice shall not be deemed void for lack of public notice. Lost signs or signs which become illegible for any reason shall be replaced as soon as reasonably possible upon notification. Signs shall be removed within five days of the conclusion of the noticed public hearing.

d. Proof of Posting

The Zoning Administrator shall maintain a file including a photograph of the posted notice and the date the posted notice commenced.

8-23.3 Notice by Publication

1. Manner of Publication

Where notice of a hearing or public hearing is required to be provided by publication, city staff shall cause an advertisement to be published in the newspaper of general circulation in accordance with the

applicable provisions of this Code at a minimum 15 days before and no more than 45 days before the City Council public hearing, but before the Planning Commission meeting.

2. Proof of Publication

The affidavit of the publisher is appropriate for this purpose. Alternatively, a copy of the published notice and the date the notice was published may be used as evidence.

3. Costs

All costs of publication shall be paid by the applicant or petitioner, and the costs so incurred by the City shall be included in the application fee to be charged upon submittal of the application.

8-24 Campaign Contributions

If the applicant has made, within two (2) years immediately preceding the filing of the request for an amendment to this Code, campaign contributions of a total of \$250 or more to any member of the City of Sparks City Council or any member of the Greater Cook Planning Commission, it shall be the duty of the applicant and the attorney representing the applicant to disclose the following in the application:

- a. The name of the local government official to whom the campaign contribution or gift was made; and
- b. The dollar amount of each campaign contribution made by the applicant to the local government official during the two (2) years immediately preceding the filing of the application for text or map amendment and the date of each contribution; and
- c. An enumeration and description of each gift having a value of \$250 or more made by the applicant to the local government official during the two (2) years immediately preceding the filing of the application for the text or map amendment.
- d. In the event that no such gift or contributions were made, the application shall state that clearly.

8-25 Conflict of Interest and Disclosure Rules

Any Sparks City Council or Planning Commission member or city staff shall refrain from discussion of or voting upon any land development matter where the following exist:

- a. He/she has any direct ownership or interest in any real property to be affected by a land development action by the Sparks City Council; or
- b. He/she has a ten (10) percent or more direct ownership interest in the total assets or capital stock in any business entity which has any direct ownership in any real property affected by a land development action by the Sparks City Council; or
- c. He/she has a spouse, parent, sibling, or child with any interest as described in items a. and b. above.

The nature and extent of such interest shall be disclosed in writing to the Sparks City Council and Planning Commission as soon as the affected party becomes aware of its existence.

The affected official, including City Council members and Planning Commission members, also shall recuse him/herself from voting on the land development action, shall not take part in discussions about, and shall not take any action on behalf of him/herself or anyone else to influence action on the land development proposal.

Any written disclosures made pursuant to this section which result in the inability of the City Council to obtain a quorum for the purpose of making a final decision on the land development proposal, shall result in the Mayor casting a vote to break the tie.

8-26 Public Hearing Record Standards

The City Clerk shall mechanically record the proceedings of all public hearings. If requested by any party, verbatim transcripts of the public hearing can be prepared, but only if requested and purchased in advance by the requesting party, who must arrange at his expense for a certified court reporter to record and transcribe the hearing and furnish the original of the transcript to the City Council for its records. The record of the public hearing and all evidence (e.g. maps, drawings, studies, etc.) submitted as part of the application and at the hearing shall be noted as such and shall become a permanent part of the particular amendment application file.

8-27 Enforcement of Code Provisions

The City Council shall enforce this Code according to the procedures set forth herein.