

ZONING ORDINANCE FOR
PINE MOUNTAIN, GEORGIA

PREPARED BY

PINE MOUNTAIN TOWN COUNCIL

WITH ASSISTANCE FROM

River Valley Regional Commission

REVISED AND ADOPTED May 2019

ARTICLE I. PURPOSE AND APPLICATION SECTION 1. SHORT TITLE

SECTION 1. SHORT TITLE

These regulations shall be known and may be cited as "THE ZONING ORDINANCE OF PINE MOUNTAIN, GEORGIA.

SECTION 2. PURPOSE

The regulations set forth herein are enacted to implement the Comprehensive Plan for land uses in order to encourage the most appropriate use of land, to maintain and stabilize the value of property, to prevent the over-crowding of land and undue concentrations of population, and to create a comprehensive and stable pattern of land uses which will facilitate the planning and provision of transportation, water, sewage, schools, parks, and other facilities; and, to promote the health, safety, and welfare of present and future inhabitants.

SECTION 3. APPLICATION

Except as hereinafter provided, no building shall be erected, or structurally altered, nor shall any building or premises be used for any purpose other than permitted in the zoning district in which the building or premises is located. No land or lot area shall be reduced or diminished so that the yards or open spaces shall not be smaller than prescribed herein, nor shall the lot area per family be reduced in any manner except in conformity with the regulations hereby established for the district in which such building is located. No yard or open space provided for any building for the purpose of complying with these regulations shall be considered as providing a yard or other open space for any other building. This ordinance is an exclusionary zoning ordinance.

ARTICLE II. DEFINITIONS

For the purpose of this ordinance, certain terms or words used herein shall be interpreted as follows:

The word "person" includes a firm, association, organization, partnership, trust, company, proprietorship or corporation, as well as an individual.

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

The word "shall" is mandatory. The word "may" is permissive.

The words "used" or "occupied" include the words intended, designed or arranged to be used or occupied.

The word "lot" includes the words plot or parcel.

The following words, terms and phrases are hereby defined as follows and shall be interpreted as such throughout this Ordinance. Terms not herein defined shall have the meaning customarily assigned to them.

ACCESSORY BUILDING - A subordinate building, the use of which is incidental to that of a main building and located on the same lot therewith and not used for residential purposes.

ACCESSORY USE - A use customarily incidental, appropriate and subordinate to the principal use of land or buildings and located on the same lot therewith.

ALTERATIONS - As applied to a building or structure, means a change or rearrangement in the structural parts, or an enlargement, whether by extending on a side or by increasing in height, for public utility purposes.

AREA, BUILDING - The total area taken on a horizontal plane at the average ground elevation of the principal building and all accessory buildings exclusive of uncovered porches, terraces and steps.

AUTOMOBILE WRECKING Yard (See also junkyard) - The dismantling, storage, sale or dumping of used motor vehicles, not in running condition, or parts thereof. The presence on any lot or parcel of land of two or more motor vehicles, which for a period exceeding thirty days, have not been capable of operating under their own power from which the parts have been or are to be removed for reuse or sale, shall constitute prima-facie evidence of automobile wrecking yard.

BILLBOARD See "Sign".

BED AND BREAKFAST INN - An owner-occupied dwelling unit that contains no more than six (6) guest rooms where short-term lodging, with or without meals, is provided for compensation.

BOARDING OR ROOMING HOUSE - A dwelling unit or part thereof in which, for compensation lodging and meals are provided on a weekly basis, and where a family residing in the building acts as proprietor of owner.

BREW PUB - A restaurant-brewery that sells 25 percent or more of its beer on site. The beer is brewed primarily for sale in the restaurant and bar. The beer is often dispensed directly from the brewery's storage tanks.

BUFFER STRIP - A buffer zone or strip is a strip of land which separates two or more zoning districts by the use of shrubs and trees.

BUILDING HEIGHT - The vertical distance measured from the average ground elevation to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

CITY - Town of Pine Mountain.

CLINIC - See "Medical Facility".

CONDITIONAL USE - A use which is not permitted inherently in a specific district, but which may be permitted under specific conditions subject to approval by the Town of Pine Mountain. See Article IV. Section 2 (b).

CONDOMINIUM - Individual ownership units in a multi-family structure, combined with joint ownership of common areas of the building and grounds, in accordance with all applicable provisions of this article and the Georgia Condominium Act, O.C.G.A. 44-3-70 et seq.

COUNTY - Any reference to "county" used within this ordinance will denote Harris or Meriwether County, Georgia.

COVERAGE - The lot area covered by all buildings located therein, including the area covered by all overhanging roofs.

DESIGN REVIEW COMMITTEE - The committee shall be a part of the planning and zoning functions of the Town. Members shall be appointed by the Town of Pine Mountain Council and will oversee all material changes including all new construction, exterior alterations, and signage for commercial or non-residential projects where the property lies within the Historic Preservation Overlay District and the Commercial Corridor Design Overlay District. The Committee will issue a letter of appropriateness to the applicant who will in turn take it to the Harris County Community Development Department before a building permit is issued.

DISTRICT - Any section or sections of the County or City for which the regulations governing the use of land and the use, density, bulk, height and coverage of buildings and other structures are uniform.

DRIVE -IN COMMERCIAL USES - Any retail commercial use providing considerable off-street parking and catering primarily to vehicular trade such as drive-in restaurants, drive-in theaters and similar uses.

DWELLING UNIT - One room or rooms connected together, constituting a separate, independent housekeeping establishment for occupancy by one family, and physically separated from other rooms or dwelling units which may be in the same structure, and containing independent cooking, sleeping and sanitary facilities.

DWELLING, VERTICAL MIXED USE - A vertical mixed-use building contains a mix of residential and commercial uses. Typically, commercial uses (i.e. retail shops, restaurants, offices) are located on the ground floor, while residential units are located on the upper floors.

EXCLUSIONARY ZONING - Only the uses contained in Article IV shall be allowed in the listed zones.

FAMILY - One or more persons related by blood, marriage or adoption, consisting of spouse, children, grandchildren, parents, or grandparents, or who requires medical attention, guardianship, or assistance due to disability, occupying the premises and living as a single nonprofit housekeeping unit as distinguished from a group occupying a boarding or lodging house, hotel, club or similar dwelling for group use. A family shall be deemed to include domestic servants employed and living with said family.

FILLING STATION - See "Gasoline Service Station".

FLOOR AREA - The sum of the gross floor areas for each of the several stories under roof, measured from the exterior limits or faces of a building or structure to include enclosed parking.

FRONTAGE - All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.

GARAGE APARTMENT - A dwelling unit for one family erected above a private garage.

GARAGE, PRIVATE - An accessory building or a part of a main building used for storage purpose only.

GARAGE, REPAIR - A building in which are provided facilities for the care, servicing, repair or equipping of motor vehicles. Vehicles waiting for service may only be stored on the lot for 96 hours and screened from public view.

GASOLINE SERVICE STATION - Any area of land, including structures thereon, that is used for the retail sale of gasoline or oil but not butane or propane fuels (may include a grill tank exchange service), or automobile accessories, and incidental services including facilities for lubricating, hand washing and cleaning, or otherwise servicing automobiles, but not including painting.

GREEN BELT - An open area that may be cultivated or maintained in a natural state surrounding development, used as a buffer between land uses or to mark the edge of an urban or developed area.

HOME OCCUPATION - An occupation conducted in a dwelling unit, by the family occupying the same dwelling unit, which is clearly incidental and secondary to the residential use of the dwelling and does not alter the exterior of the property or affect the residential character of the neighborhood (See Article VI, Section 4 for additional requirements).

HOSPITAL - See "Medical Facilities".

HOTEL - A facility offering transient lodging accommodations to the general public and that may include additional facilities and services, such as restaurants, meeting rooms, entertainment, personal services, and recreational facilities.

INDUSTRIALIZED BUILDING - Any structure or component thereof which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on a building site and has been manufactured in such a manner that all parts or processes cannot be inspected at the installation site without disassembly, damage to, or destruction thereof, and bearing the approved insignia of the Commissioner of Community Affairs, Georgia Department of Community Affairs.

JUNK YARD - A lot, land or structure, or part thereof, used for the collecting, storage and sale of wastepaper, rags, scrap metal, discarded building materials or discarded machinery or vehicles not in running condition, or for the sale of parts thereof. Must be screened from public view. See Article VI, Section 2 for additional requirements.

LOADING SPACE - A space within the main building or on the same lot therewith providing for the standing, loading or unloading of a truck.

LOFT - A single unit, living space carved out of a building that wasn't built as a living unit. Usually found in commercial or light manufacturing districts. Space must meet building and life safety codes.

LOT - A parcel of land which is or may be occupied by a building and its accessory buildings or use customarily incident thereto, together with such yards or open spaces with the lot lines as may be required by this Ordinance.

LOT OF RECORD - Any lot or parcel of land in any district owned at the date of adoption of the Ordinance, or amendment thereof. See Article VIII, Section 1 for additional requirements.

LOT AREA - The total horizontal area included within lot lines.

LOT, CORNER - A lot of which at least two adjoining sides abut for their full lengths on a street, provided that the interior angle at the intersection of two (2) such sides is less than one hundred thirty-five (135) degrees.

LOT DEPTH - The average distance from the street line of the lot to its rear line, measured in the general direction of the side lines of the lot.

LOT LINES - The lines bounding a lot as defined herein.

LOT LINES, FRONT- In the case of an interior lot, the lines separating said lot from the street. In the case of a corner or double frontage lot, the line separating said lot from the street in the request for Building Permit.

LOT LINES, REAR - The lot boundary opposite and most distant from the front lot line. In the case of a pointed or irregular lot, it shall be an imaginary line parallel to and farthest from the front lot line, not less than ten (10) feet long and wholly within the lot.

LOT LINE, SIDE - A side lot line is any lot boundary lines not a front lot line or rear lot line.

LOT WIDTH - The width of a lot at the building setback line measured at right angles to its depth.

MANUFACTURED (MOBILE) HOME - A structure, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width and forty (40) body feet or more in length, or when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained herein; except that such term shall include any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development (HUD) and requires with the standards established under the National Manufactured Housing and Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq.

MANUFACTURED HOUSING UNIT PARK - Any area, tract, site per plot of land whereupon a minimum of four (4) manufactured housing unit spaces as herein defined where manufactured housing units are placed, located or maintained, or intended to be placed, located or maintained, and shall include all accessory buildings used or intended to be used as part of the equipment thereof. See Article VI, Section 5(a) for additional requirements.

MANUFACTURING - M-1(General Manufacturing) - The manufacture of items and goods for wholesale, or on-premises sales. The following are examples of light manufacturing:

- Advertising displays
- Bakery products
- Beverages, nonalcoholic
- Bottling works for beverages
- Book binding and tooling
- Brooms and brushes
- Custom furniture making
- Cabinet shops
- Candy and other confectionary products
- Canvas products
- Community Kitchen with limited retail
- Costume and or custom jewelry and miscellaneous notions
- Curtains and draperies
- Dairy products
- Dental equipment and supplies
- Floor coverings
- Furniture (wood and metal)
- Grain mill products
- Ice
- Medical and other professional instruments
- Millwork (wood)
- Musical Instruments
- Printing and publishing
- Watches, clocks, clockwork repair, devices and parts
- Yarns and threads

MEDICAL FACILITIES -

DENTAL OR MEDICAL CLINIC: A facility for the examination and treatment of ill and afflicted human out-patients provided, however; that patients are not kept overnight except under emergency conditions.

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

HEALTH CLINIC: A facility primarily utilized by a health unit for the provision of public health services including related facilities such as laboratories, clinics and administrative offices operated in connection therewith.

HEALTH CLUB: Building and facilities owned and operated for physical body conditioning purposes and operated primarily for profit or to render a service which is carried over as a business.

MICROBREWERY - a brewery that produces less than 15,000 barrels (17,600 hectoliters) of beer per year with 75 percent or more of its beer sold off-site. Microbreweries sell to the public by one or more of the following methods: the traditional three tier system (brewer to wholesale to retailer to public); the two-tier system (brewer acting as wholesaler to retail to consumer); and directly to the consumer through carry-outs and/or on-site tap-room or restaurant sales.

MOBILE HOME - See "Manufactured Housing Unit".

MOBILE HOME PARK - See "Manufactured Housing Unit Park".

MOTEL - A building or group of buildings used for the temporary residence of motorists or travelers.

NATURAL DISASTER - Flood, tornado, fire, earthquake, hurricane, etc.

NONCONFORMING USE - A building, structure or use of land existing at the time of enactment of this Ordinance and which does not conform to the regulations of the district in which it is situated.

OVERLAY DISTRICTS - The overlay zoning districts include: Historic Preservation Overlay District (HPO) and Commercial Corridor Design Overlay (CCDO) District. These overlay districts are superimposed over existing zoning districts. The special requirements of the overlay districts shall apply in addition to the requirements of the zoning district within which a specified property is located. Uses permitted within the overlay districts are those permitted in the underlying zoning district. In such cases that the overlay district provisions conflict with the underlying zoning conditions, the stricter policies shall apply. See Article IV. Sections 3.11 and 3.12 for additional requirements.

PARKING LOT - An off-street facility including parking spaces along with adequate provision for drives and aisles for maneuvering and giving access, and for entrance and exit, all laid out in a way to be usable for the parking of more than six automobiles.

PARK - Any public or private land available for recreational, educational, cultural, or aesthetic uses.

PARKING SPACE - An off-street space available for the parking of one motor vehicle and having an area of not less than two hundred (200) square feet exclusive of passageways and driveways appurtenant thereto and giving access.

PLANNED CENTER, SHOPPING, OFFICE, INSTITUTIONAL OR INDUSTRIAL - Any planned concentration of at least two business establishments which also provides planned and shared parking, access and service. A Master sign plan per the Town of Pine Mountain Sign Ordinance will be required.

PLANNED UNIT DEVELOPMENT (PUD) - A form of development usually characterized by a unified site design for a number of housing units, clustering buildings and providing common open space, density increases and a mix of building types and land uses. See Article IV. Section 3.10 for additional requirements.

PLANNING COMMISSION - The Harris County Planning Commission.

RECREATIONAL VEHICLE - A motor vehicle or trailer equipped with living space and amenities found in a home. Not considered a permanent residential dwelling.

RESIDENCE, SINGLE FAMILY - A detached building designed for one dwelling unit to be occupied exclusively by one family; this to include industrialized buildings.

RESIDENCE - TWO FAMILY - A detached building designed to be occupied by two families living independently of each other; this to include industrialized buildings.

RESIDENCE - THREE OR MORE FAMILIES - A building designed for three or more dwelling units to be occupied by a number of families not exceeding the number of dwelling units provided; this to include industrialized buildings.

RESORT - Shall mean a development of at least five hundred (500) acres or more that encompasses active and passive recreational activities, housing and other supportive commercial land uses such as restaurants, shops and motels. The recreational activities shall be open to the public and development of these shall be concurrent with the proposed housing development. In order to be defined as a resort development at least five (5) of these activities shall be proposed: 1) golf, 2) tennis, 3) swimming pool, 4) boating, 5) beach, 6) walking trail, 7) horseback riding, or 8) amusement devices as defined by current amusement standards or others as approved. See Article IV. Section 3.8 for additional requirements.

RIGHT-OF-WAY - An area or strip of land, either public or private, on which a right-of-way use has been recorded. A right-of-way, as distinguished from an easement, is owned in fee-simple title by the Town of Pine Mountain or other government.

SELF-SERVICE LAUNDRY - A laundry providing home type washing, drying and/or ironing machines for hire to be used primarily by the customers on the premises.

SCHOOL, PUBLIC - A tax-supported institution of learning, including colleges and universities.

SCHOOL, SEMI-PRIVATE - An institution of learning, including colleges and universities.

SHOPPING CENTER - A group of commercial establishments, planned developed, owned and managed as a unit, with off-street parking provided on the property and related in its location, size and type of shops to the trade area which the unit serves.

SHORT-TERM VACATION RENTAL (STVR) - An accommodation for transient guests where, in exchange for compensation, a residential dwelling is rented for lodging for a period of time not to exceed thirty (30) consecutive days. Such use may or may not include an on-site manager. For the purpose of this definition, a residential dwelling shall include all housing types and shall not include group living or other lodging uses. A business license is required, and hotel/motel taxes will be assessed. See Article V. Section 10 for additional requirements.

SIGNS - See Town of Pine Mountain Sign Ordinance.

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SOLAR ENERGY SYSTEM - Any device or combination of devices or elements which rely upon direct sunlight as an energy source, including but not limited to any substance or device which collects sunlight for use in the heating or cooling of a structure or building, the heating or pumping of water, or the generation of electricity. The energy produced shall be for on-site use only. See Article VI. Section 8 for additional requirements.

SPECIAL EXCEPTION - See Conditional Use.

STORY - That portion of a building between the surface of a floor and the surface of the floor next above it, or, if there is no floor above it, then the space between the floor and ceiling.

STREET - A public or private thoroughfare which affords the principal means of access to abutting property.

STREET LINE - The legal line between street right-of-way and abutting property.

STRUCTURE - Structure means a combination of materials to form a construction that is safe and stable and includes, among other things, stadiums, platforms, radio and television towers, sheds, storage bins, fences and display signs.

TEMPORARY BUILDING - A temporary building may be a mobile home, metal or wood building which may be used on site before and during construction and is not used as a structure for living. See Article VIII. Section 5 for additional requirements.

TINY HOUSE - A residence less than 500 square feet design build for single family occupancy. The house shall be on a permanent foundation and meet the building code and be reviewed and approved by the Design Review Committee and/or the Town of Pine Mountain Town Council.

TOWNHOUSE - A single family attached dwelling that is erected in a row as part of a single building, on adjoining lots, each being separated from adjoining units by approved fire-resistant wall. Each unit shall have its own front door, which opens to the outdoors, but no access between the adjoining units.

TOWING OR WRECKER SERVICE - A person engaged in the business of offering the services of a vehicle wrecker or towing service, whereby disabled motor vehicles are towed or otherwise removed from the place where they are disabled by use of a wrecker so designed for that purpose or by a truck,

automobile, or other vehicle so adapted to that purpose, or in the business of storing disabled motor vehicles. All towed vehicles shall be screened from public view.

TRANSIENT GUEST - A person who resides at a place other than his usual place of residence for no more than thirty (30) consecutive days in exchange for compensation.

TRAILER - See "Manufactured Housing Unit".

RECREATIONAL VEHICLE - A portable or mobile living unit used for temporary human occupancy away from the place of residence of the occupants, and not constituting the principal place of residence of the occupants.

USE - The specific purpose for which land or building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

VARIANCE - A variance is a deviation from a design requirement of the Zoning Ordinance. See Article X.

VEHICULAR BUSINESS - "Vehicular business" is a business that due to the nature of the product or service offered is oriented toward persons in vehicular transportation. Included are, but not limited to, automotive or motorcycle dealers and repair shops, bicycle shops, used car lots, banks with drive through windows, drive-in eating establishments and grocery stores, conducting more than 50% of their business on a carry-out or eat-in-the-car basis.

YARD - An open space between a building and the adjoining lot line, unoccupied and unobstructed by any portion of a structure from the ground upward except where otherwise specifically provided in this Ordinance. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard, or the depth of a rear yard, the shortest horizontal distance between the lot line and the main building shall be used.

YARD, FRONT - An open, unoccupied space on the same lot with a main building extending the full width of the lot and situated between the street line and the front line of the building projected to the side line of the lot. The depth of the front yard shall be measured between the front line of the building and the street line.

YARD, REAR - An open (other than for permitted accessory structures) space on the same lot with the principal building between the rear line of the building and the rear line of the lot and extending the full width of the lot.

YARD, SIDE - An open, unoccupied space on the same lot with the building, situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line.

ZONING CONDITION - Any stipulation made by the Town of Pine Mountain Town Council as a part of a zoning decision affecting property which imposes a requirement on the use or development of property which is different from the use or development regulations set forth in the zoning district to which the property is being rezoned. By way of example, but not as a limitation, such zoning conditions may relate

to the use, density, construction materials, architectural style and design, location of structures, and buffer area.

ZONING DECISION - Final action by the Town of Pine Mountain Town Council which results in:

- (a) the adoption of a zoning ordinance;
- (b) the adoption of an amendment to a zoning ordinance which changes the text of the zoning ordinance; or
- (c) the adoption of an amendment to the zoning ordinance which rezones property from one zoning district to another.

ARTICLE III. ZONING DISTRICTS AND MAP

SECTION 1. ESTABLISHMENT OF ZONING DISTRICTS

For purposes of this Ordinance, the town is hereby divided into districts, as follows:

AGRICULTURAL

A-1 General Agricultural and Forestry District

RESIDENTIAL

R- 1 Low Density Residential District

R- 2 Medium Density Residential District

R-3 High Density Residential District

COMMERCIAL

C-1 Central Business District

C- 2 Commercial District

MANUFACTURING

M-1 General Manufacturing District

RESORT

See Article IV. Section 3.8 and Pine Mountain Subdivision Regulations.

MANUFACTURED HOUSING UNIT DISTRICT PARKS

MHU-1 See Article VI. Section 5(a)(b)

MANUFACTURED HOUSING UNIT DISTRICT SUBDIVISIONS

MHU-2 See Article VI. Section 5(b)

PLANNED UNIT DEVELOPMENT (PUD)

See Article IV. Section 3.10

HISTORIC PRESERVATION OVERLAY DISTRICT (HPO)

See Article IV. Section 3.11

COMMERCIAL CORRIDOR DESIGN OVERLAY DISTRICT (CCDO)

See Article IV. Section 3.12

SECTION 2. ZONING MAP

The location and boundaries of the zoning districts established by this Ordinance are bounded and defined as shown on the map(s) entitled "Zoning Map of Pine Mountain". Said map(s) shall also be identified by the signature of the Mayor and attested by the Clerk and the date of this Ordinance. The zoning map(s) and all explanatory matters thereon are hereby adopted and made a part of this Ordinance.

Changes made in district boundaries or other matters portrayed on the zoning map(s) shall be entered on said map(s) promptly after such change has been approved by the governing authority

together with an entry on the map(s) showing the date and Ordinance Number such action was approved. No amendment to this Ordinance which involves matters portrayed on the zoning map(s) shall become effective until such change and entry has been made on said map(s).

Zoning map(s) shall be kept and maintained by the Harris County Department of Community Development and shall be available for inspection and examination by the public at all reasonable times.

SECTION 3. INTERPRETATION OF ZONING BOUNDARIES

Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map(s), the following rules shall apply:

1. Boundaries shown as following or approximately following streets, highways or alleys shall be construed to follow the center lines of such streets, highways or alleys;
2. Boundaries shown as following or approximately following railroad lines shall be construed to follow the right-of-way of said railroad line;
3. Boundaries shown as following or approximately following platted lot lines or other property lines, shall be construed to be said lot lines;
4. Boundaries indicated as following or approximately following shore lines shall be construed to follow such shore lines and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as following or approximately following the center lines of streams rivers, canals, lakes or other bodies of water shall be construed to follow such center lines;
5. Boundaries indicated as following or approximately following the town limits shall be construed as following such town limits; and
6. Distances not specifically indicated on the Zoning Map(s) shall be determined by the scale of the map.

When the application of the aforementioned rules leaves a reasonable doubt as to the boundaries between two districts, the regulations of the more restrictive district shall govern the entire parcel in question, unless otherwise determined by the Pine Mountain Town Council.

ARTICLE IV. SCHEDULES OF DISTRICT REGULATIONS

SECTION 1. DISTRICT OBJECTIVES

1.1 A-1 GENERAL AGRICULTURAL AND FORESTRY DISTRICT

The objective of this district is to preserve land areas suitable for eventual rezoning when the need and availability of community facilities warrant its development. The types of users, area and intensity of development permitted in this district are designed to protect agricultural uses until rezoning is warranted and appropriate changes in districts can be made.

No new A-1 General Agricultural and Forestry District can be created which contains less than five acres.

1.2 R-1 LOW DENSITY RESIDENTIAL DISTRICT

The objective of this district is to preserve land areas for single dwelling unit structures and to promote residential areas with low densities. These areas are intended to be geographically defined and protected from the encroachment of uses not performing a function necessary to a residential environment. In addition to the primary structure, only one detached residential structure shall be permitted on the same lot as the primary structure, shall be on the same utilities as the primary structure, shall be no more than 500 square feet, and shall be located to the rear or side yard of the primary structure. Prohibited: detached structures which may be or are intended to be rented out as primary dwelling units.

No new R-1 Low Density Residential District may be created which contains less than one acre.

1.3 R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT

The objective of this district is to provide and preserve land areas for single dwelling unit structures and low density multiple dwelling unit structures, not to exceed two dwelling units per structure, which will achieve an overall medium density of residential development. R-2 districts should be located in areas with good proximity to central community facilities and in areas where a stable transition from one district or density or development to another is desirable.

No new R-2 Medium Density Residential District may be created which contains less than one half acre.

1.4 R-3 HIGH DENSITY RESIDENTIAL DISTRICT

The objective of this district is to promote and encourage the development of multi-dwelling unit structures in areas served by facilities and services necessary to result in efficient, but not overcrowded, high density residential development. Intensities of land development should be limited to avoid congestion of building and traffic to provide adequate open space for a healthful and tasteful environment. Nonresidential uses permitted on review should be limited to those necessary to directly serve residents in high density residential districts.

1.5 C-1 CENTRAL BUSINESS DISTRICT

The objective of this district is to provide and preserve the central area of intensive commercial, financial, professional, governmental and cultural activities scaled to pedestrian needs. Uses which do not require a central location and create hazards in the performance of centralized functions are discouraged.

1.6 C-2 Commercial District

The objective of this district is to provide areas for the development of commercial establishments which cater specifically to motor vehicle needs. It is also the intent of this district to provide adequate land areas in terms of width and depth to meet the needs of commercial development where access is dependent on vehicular trade. It is also intended that neighborhood shopping areas and planned centers be developed as units with adequate buffers to protect and preserve surrounding residential development. In certain instances where the objectives of this district can be met, manufacturing activities where products are sold on the premises only may be permitted on review and approval by the Pine Mountain Town Council.

The location and development of these commercial activities shall be encouraged so as to minimize traffic hazards and interference with adjacent uses.

1.7 M-1 General Manufacturing District

The objective of this district is to provide areas for the development of light manufacturing and assembly plants and their related activities. It is also the intent of this district that noise, odor, dust and glare associated with uses permitted in this district be confined with buildings so as to minimize the effects upon adjacent development and uses. It is also the intent of this district that traffic generated by uses permitted including raw materials, finished products and employees be minimal but that transportation facilities and routes are easily accessible.

1.8 Resort

The objective of this district is to provide areas within the town to encompass recreational activities as well as other related activities in order to promote tourism and serve existing residents of the town. The district may include temporary and permanent housing.

1.-9MHU-1 Manufactured Housing Unit District Parks

The objective of this district is to provide areas within the town for the placement of manufactured housing units in parks which are designed for the placement of manufactured housing units. No new MHU-1 district may be created which contains less than four (4) acres.

1.10 MHU- 2 Manufactured Housing Unit District - Subdivisions

The objective of this district is to provide areas within the Town for placement of manufactured housing units in concentrated locations and for proper management of land development. The district shall permit subdivisions designed for the placement of manufactured housing units.

1.11 PUD Planned Unit Development

Planned Unit Development is a method of development which permits a tract of land to be developed as one lot, rather than separate lots. The technique is designed to encourage coordinated development; to permit higher densities in conjunction with functional open space; to promote efficient use of land; to promote preservation and enhancement of existing natural landscape features and to be developed in compliance with an approved Development Plan. No PUD district may be created which contains less than ten (10) acres.

1.12 Historic Preservation Overlay District

The objective of this overlay district is preservation of each property within its boundary. It provides for the protection of Pine Mountain's unique historic character and quality environment. This district emphasizes the compatibility of building form, scale, massing and materials such that new structures will conform to neighboring

community features and the traditional development pattern, and more closely respect the historic character of the area.

1.13 Commercial Corridor Design Overlay District

The objective of this district is to protect and enhance the significant visual assets of the Town's gateways and corridors. The development along this corridor affect's the Town of Pine Mountain's small-town character, its traditional development pattern, and its tourism economy. This district emphasizes the compatibility of building form, scale, massing and materials such that new structures will conform to neighboring community features and the traditional development pattern of the downtown area.

SECTION 2(a). PERMITTED USES IN ZONING DISTRICTS

The following schedule sets forth the uses permitted in the zoning districts established in Article III, Section I, subject to:

1. Compliance with zoning district regulations set forth in Section 3 of this Article; and supplementary district regulations found in Article V; and
2. Provision of off-street parking in the amounts shown in the schedule and as provided for in Article V, Section 3.

SECTION 2(b). CONDITIONAL USE

1. Applications for a conditional use in a zoning district is denoted by an "*" shall be initiated by filing an application for a conditional use permit with the Town of Pine Mountain. The Town of Pine Mountain shall hold a public hearing in accordance Article XI. Section 1(f).
2. Applicant shall post a sign as set forth in Article XI. Section 1(c)(b). Applicant's sign shall read as follows:

NOTICE OF CONDITIONAL USE APPLICATION
APPLICANT OR OWNER:
ADDRESS of PROPOSED CONDITIONAL USE:
TELEPHONE:
PROPOSED USE:
DATE & TIME OF PUBLIC HEARING:
LOCATION OF HEARING:
Additional Information: Town of Pine Mountain (706) 663-2213

3. The Town of Pine Mountain shall provide public notification as set forth in Article XI. Section 1(c)(a);
4. The Town of Pine Mountain shall notify adjacent property owners as set forth in Article XI. Section 1(c)(c);

5. The public hearing procedures shall be as set forth in Article XI. Section 1(d);
6. The Town of Pine Mountain public hearing and action shall be as set forth in Article XI. Section 1 (f);
7. The Town of Pine Mountain, in making its decision, shall consider the zoning standards as set forth in Article XI. Section 1(g) in its review of the conditional use permit being sought by the applicant.

All land, buildings, and structures located in the Town of Pine Mountain shall be used only in accordance with uses permitted in the zoning district in which such land, buildings, or structures are located. Such permitted uses are shown on the following schedule of uses. Any use not specifically permitted by the applicable zoning district is prohibited.

The following schedule of use [uses] is a chart designed to indicate a specific use of land, the citation to any supplementary district regulations which apply to that use, all off-street parking space requirements which apply to that use, and all zoning districts in which that use is permitted.

	USE	SUPPLEMENTARY DISTRICT REGULATIONS	MINIMUM OFF-STREET PARKING SPACES	DISTRICT(S) PERMITTED
1	Accessory Building	Article V Section 6	None	All
2	Advertising Agency	None	1 per 300 sq. ft. floor area	C-1, C-2
3	Agricultural Production			
	Gardens (no sales)	None	None	R-1
	Crops (no sales)	None	None	A-1
	Animals (no sales)	None	None	A-1
	Sale of Product on Premises	None	None	A-1*, M-1
4	Air Conditioning Supplies and Parts Contractor	None	1 per 300 sq. ft. floor area	C-2, M-1
5	Aircraft Sales and Service	None	1 per 200 sq. ft. floor area	C-2, M-1
6	Airports	Article VI Section 1	None	A-1
7	Ambulance Service	None	1 per each employee	C-1, C-2, M-1, A-1
8	Amusement Parks - Commercial	None	1 per 200 sq. ft. floor area	C-2, A-1

9	Apparel Service (Other Than Dry Cleaning, Laundering)	None	1 per 300 sq. ft. floor area	C-1, C-2
10	Appliance Sales	None	1 per 300 sq. ft. floor area	C-1, C-2
11	Appliance Service	None	1 per 300 sq. ft. floor area	C-2
12	Auditorium, Arenas, Exhibit Halls, Art Galleries	None	1 per 3 seats	All Districts except R-1, R- 2, R-3
13	Automobile			
	Accessories & Supplies	None	1 per 300 sq. ft. of floor area	C-1, C-2
	Repair Service - Minor Service (Service Station)	Article VI Section 7	1 per 300 sq. ft. floor area	C-1, C-2
	Sales	None	1 per 300 sq. ft. of floor area	C-2
	Washing	None	10 per each lane	C-1, C-2
	Wrecking (See Junkyard)	Article VI Section 2		
	Body & Paint	None	1 per 300 sq. ft. of floor area	C-2, M-1
14	Awning and Canopy Company	None	1 per 300 sq. ft. floor area	C-1, C-2, M-1
15	Bakery	None	1 per 300 sq. ft. floor area	C-1, C-2
16	Bait Shop	None	1 per 300 sq. ft. floor area	C-2
17	Bank and Financial Institutions	None	1 per 300 sq. ft. floor area	C-1, C-2
18	Barber and Beauty Shops	None	1 per 200 sq. ft. floor area	A-1*, R-1*, C-1, C-2
19	Bed and Breakfast Inn	None	1 per guest room	A-1, HPO
20	Beer Sales			
	Package and Carry-Out Retail (Consumption on Premises)	None	1 per 200 sq. ft. floor area	C-1, C-2

	Dormitories & Similar Facilities	None	1 per 3 beds	PUD
	All Other Facilities	None	1 per 500 sq. ft. floor area	PUD
33	Condominiums and Townhouses	Article V Section 11	2 per unit	C-1*, C-2*, R-3
34	Construction office and shop	None	1 per 400 sq. ft. floor area	C-2, M-1
35	Dairy Products (See Manufacturing)			
36	Dancing Schools	None	1 per 500 sq. ft. floor area	C-1*, C-2*
37	Day Care Centers	None	1 per 11/2 employee	C-2
38	Drug Store- Retail	None	1 per 300 sq. ft. of floor area	C-1, C-2
39	Dwelling, Vertical Mixed Use	Article V Section 9	1 per 400 sq. ft. of floor area and one per dwelling	C-1*, C-2*
40	Eating and Drinking (Restaurants)			
	Inside Service	None	1 per 200 sq. ft. of floor area	C-1, C-2
	Automobile Curb Service	None	1 per 200 sq. ft. floor area	C-2
41	Electrical, Heating, and Plumbing Sales & Service	None	1-per 400 sq. ft. floor area	C-2, M-1
42	Exterminator - Pest Control	None	1 per 500 sq. ft. floor area	C-2
43	Farm Equipment Sales Service & Repair	None	1 per 500 sq. ft. floor area	A-1*, C-1*, C-2*
44	Farmer's Market	None	1 per 300 sq. ft. floor area	C-2, M-1
45	Florists	None	1 per 300 sq. ft. floor area	C-1, C-2
46	Food Stores Retail	None	1 per 200 sq. ft. floor area	C-1, C-2
47	Freight Depots	None	1 per 1000 sq. ft. floor area	M-1
48	Funeral Homes and Mortuaries	None	1 per 3 seats in Chapel	C-2

49	Loft Apartment	Article V Section 9	1 space	C-1
50	Gasoline Storage	None	1 per each employee	M-1*
51	General Retail	None	1 per 400 sq. ft. of floor area	C-1, C-2
52	Golf Course			
	9 or 18 holes	None	1 per 500 sq. ft.	Resort, A-1*
	Miniature	None	1 per 500 sq. ft.	Resort, A-1*, C-2*
	Driving Range	None	1 per 500 sq. ft.	Resort, A-1*
53	Health Club	None	1 per 400 sq. ft. floor area	C-1*, C-2
54	Hobby Shops	None	1 per 300 sq. ft. of floor area	C-1, C-2
55	Home Occupation	Article VI Section 4		A-1, R-1
56	Hospitals & Clinics (Excluding animal)	None	1 per 3 beds plus 1 per each employee	C-2
57	Hotels	None	1 per room/manager	C-1, C-2
	Cocktail/Restaurant	None	1 per 100 sq. ft. floor area plus 1 per employee	C-1, C-2
58	Ice Manufacture & Sales	None	1 per 300 sq. ft. floor area	C-2, M-1
59	Industrialized Building	Temporary Use		All districts
60	Junkyards (Including salvage, scrap metal and recycling materials)	Article VI Section 2	1 per 500 sq. ft. of floor area	M-1*
61	Kennels	None	1 per 300 sq. ft. floor area	C-2*, A-1*
62	Laundering & Dry Cleaning			

	Plant	None	1 per employee	C-2, M-1
	Pick-up Station	None	1 per 300 sq. ft. floor area	C-1, C-2
	Self-Service	None	1 per 300 sq. ft. floor area	C-1, C-2
63	Libraries	None	1 per 300 sq. ft. floor area	C-1, C-2
64	Liquor Sales	None	1 per 300 sq. ft. floor area	C-1, C-2
65	Lumberyards & Millwork	None	1 per employee, 1 per 500 sq. ft. floor area	M-1
66	Machinery Sales, Service, Rental	None	1 per 500 sq. ft. floor area	C-2, M-1
67	Manufactured Home	Article VI Section 5 (b)	1 each manufactured home	MHU-1
68	Monument Sales	None	1 per 1,000 sq. ft. lot area	C-2
69	Motion Picture Theater (excluding Drive-In)	None	1 per every five seats	C-1, C-2
70	Motels	None	1 per room/manager	Resort, C-1, C-2
	Cocktail Lounge/ Restaurant	None	1 per 100 sq. ft. floor area plus 1 per employee	Resort, C-1, C-2
71	Motorcycle Sales & Service	None	1 per 300 sq. ft. floor area	C-2
72	Moving Service	None	1 per employee plus 1 per 1,000 sq. ft. floor area	C-2, M-1
73	Newspaper Publishing Printing & Distribution	None	1 per employee plus 1 per 1,000 sq. ft. floor area	C-2, M-1
74	Nurseries – Plants	None	1 per 400 sq. ft. floor area	C-1, C-2, A-1
75	Nursing Home, Personal Care Home, Assisted Living Center	None	1 per 3 beds	A-1*

76	Office			
	Professional Other than Medical	None	1 per 300 sq. ft. floor area	C-1, C-2
	Profession – Medicine	None	1 per 300 sq. ft. floor area	C-1, C-2
	Business Services	None	1 per 300 sq. ft. floor area	C-1, C-2
	Governmental	None	1 per 300 sq. ft. floor area	C-1, C-2
	All Other	None	1 per 300 sq. ft. floor area	C-1, C-2
77	Office Equipment and Supply	None	1 per 300 sq. ft. floor area	C-1, C-2
78	Parks-Campgrounds, Camp Sites, Primitive, Camps, Boat Launching Sites	None	2 per site	A-1*, Resort
79	Planned Center			C-1*, C-2*
80	Post Office	None	1 per 300 sq. ft. floor area	C-1, C-2
81	Printing	None	1 per 300 sq. ft. floor area	M-1
82	Produce Stands	None	None	A-1, C-1, C-2
83	Public Buildings	None	To Be Determined	All Districts
84	Radio & Television Broadcasting Studios	None	1 per 400 sq. ft. floor area	C-1, C-2
85	Residential			
	Single Dwelling Unit Per Structure	None	1 per Unit	R-1, R-2, R-3, A-1
	Two Dwelling Units Per Structure	None	1 per Unit	R-2, R-3
	Three or More Dwelling Units per Structure	None	3 spaces per 2 units	R-3
	Lofts	Article V Section 9	1 per unit	C-1, C-2
	Short-Term Vacation Rentals (STVR)	Article V Section 10	1 per unit	A-1*, R-1*, R-2*, C-1*, C-2*, Resort*

	Tiny House	None	1 per unit	R-2*, R-3*, Resort*
	Resort	Article IV Section 3.8		A-1, Resort
86	Roller Skating Rink	None	1 per 300 sq. ft. floor area	C-2
87	Schools			
	Commercial or Trade Schools	None	1 per 500 sq. ft. of floor area	All Districts*
	Public or Private Schools			
	Elementary	None	1 per 1 1/2 employee	All Districts*
	Junior	None	1 per 1 1/2 employee	All Districts*
	Senior High	None	1 per 500 sq. ft. floor area	All Districts*
88	Shopping Center	None	1 per 300 sq. ft. floor area	C-1, C-2
89	Specialty Goods Shop	None	1 per 300 sq. ft. floor area	C-1, C-2
90	Taxidermist	None	1 per 300 sq. ft. floor area	C-2*, A-1*
91	Truck Sales & Rental	None	1 per 400 sq. ft. floor area	C-2
92	Truck Service	None	1 per 200 sq. ft. floor area	C-2
93	Public Utilities Buildings, Substations, Pumping Stations, etc.	None	1 per 1 ½ employee	All Districts*
94	Veterinary Services	None	1 per 400 sq. ft.	C-1*, C-2*, A-1*
95	Warehousing (To Include Mini-Storage)	None	1 per 1,000 sq. ft. floor area	C-2, M-1
96	Wireless Telecommunication Tower	Article VI Section 9		All Districts*

SECTION 3. ZONING DISTRICT REGULATIONS

3.1 A-1 - General Agricultural and Forestry District

- A. MINIMUM LOT REQUIREMENTS
Five Acre
- B. LOT COVERAGE
The district regulations for the use intended shall apply.

- C. MINIMUM SETBACK REQUIREMENTS
The district regulations for the use intended shall apply.
- D. MAXIMUM BUILDING HEIGHT
35 feet or 2 1/2 stories
- E. OFF-STREET PARKING - LOADING AND UNLOADING
As required in Section 2 of this Article and Article V, Sections 3 and 4.
- F. OTHER REQUIREMENTS
 - 1. Each lot shall abut on a public street for a distance of not less than 50 feet.
 - 2. The district regulation for the use intended shall apply.

3.2 R-1 - Low Density Residential District

- A. MINIMUM LOT SIZE REQUIREMENTS

Area (See Article IX, Section 3e)	1 acre
Width at building line	90 feet
- B. MAXIMUM LOT COVERAGE
25% of the total lot area
- C. MINIMUM SETBACK REQUIREMENTS

Front	25 feet
Side	20 feet
Street Side Yard	25 feet
Rear Yard	25 feet
- D. MAXIMUM BUILDING HEIGHT
35 feet or 2 ½ stories
Accessory use buildings 15 feet in height
- E. OFF-STREET PARKING
As required in Section 2 of this Article and Article V, Section 3.
- F. OTHER REQUIREMENTS
 - 1. Each lot shall abut on a public street for a distance of not less than 75 feet.
 - 2. Permitted nonresidential uses shall have a minimum lot size of 30,000 square feet and shall be set back from all lot lines for a distance of not less than 35 feet.

3.3 R-2 - Medium Density Residential District

- A. MINIMUM LOT REQUIREMENTS

Single Family	R-1 Requirements
Two Family:	
Area (See Article IX, Section 3e)	21,780 sq. ft.
Area per dwelling unit	
(Not to exceed two dwelling units per structure)	30% of total lot area
Width at building line for multi-dwelling unit structures	100 feet
- B. MAXIMUM LOT COVERAGE

Single Family	R-1 Requirements
R-2	30% of the total lot area
- C. MINIMUM SETBACK REQUIREMENTS

Single Family	R-1 Requirements
---------------	------------------

- | | | |
|--|--|------------------------|
| R- 2 | | |
| Front | | 30 feet |
| Side | | 20 feet |
| Street side yard | | 30 feet |
| Rear yard | | 30 feet |
| D. MAXIMUM BUILDING HEIGHT | | |
| Single family | | R-1 Requirements |
| R-2 | | 35 feet or 2 ½ stories |
| Accessory use buildings | | 15 feet in height |
| E. OFF-STREET PARKING | | |
| As required in Section 2 of this Article and Article V, Section 3. | | |
| F. OTHER REQUIREMENTS | | |
| 1. | Each lot shall abut on a public street for a distance of not less than 75 feet. | |
| 2. | Permitted nonresidential use shall have a minimum lot size of 30,000 square feet and shall be set back from all lot lines for a distance of not less than 30 feet. | |
| 3. | Whenever a single-family residence is proposed to be built in an R-2 district, they must meet the district regulations of the R-1 district. | |

3.4 R-3 - High Density Residential District

- | | |
|--|---|
| A. MINIMUM LOT REQUIREMENTS | |
| Area (See Article IX, Section 3E) | 15,000 square feet |
| Area Per Dwelling Unit | |
| (Multi-dwelling unit structures up to 4 dwelling units) | 4,500 square feet |
| Each additional dwelling unit (See Article IX, Section 3(e)) | 1,600 sq. ft. per dwelling unit |
| Width at building line | 100 feet |
| Single dwelling unit structure | must meet all R-1 requirements |
| Multi-dwelling unit structures | must meet all R-2 requirements |
| B. MAXIMUM LOT COVERAGE | 30% of the total lot area |
| C. MINIMUM SETBACK REQUIREMENTS | |
| Front | 25 feet |
| Side | 20 feet |
| Street Side Yard | 25 feet |
| Rear Yard | 25 feet |
| D. MAXIMUM BUILDING HEIGHT | 65 feet or five (5) stories |
| E. OFF-STREET PARKING REQUIRED | |
| As required in Section 2 of this Article and Article V, Section 3. | |
| F. OTHER REQUIREMENTS | |
| 1. | Each lot shall abut on a public street for a distance of not less than 50 feet. |
| 2. | Permitted nonresidential uses shall have a minimum lot size of 30,000 square feet and shall be set back from all lot lines for a distance of not less than 30 feet. |
| 3. | More than one multi-dwelling unit structure may be erected on the same lot provided there shall be a minimum distance of 25 feet between principal buildings. |

4. Whenever single-family residences or medium density residences are proposed for an R-3 district, these residences must meet the district regulations of the R-1 or R-2 district respectively.

3.5 C-1 - Central Business District

- | | | |
|----|---|---|
| A. | MINIMUM LOT REQUIREMENTS | None |
| B. | MAXIMUM LOT COVERAGE | None |
| C. | MINIMUM SETBACK REQUIREMENTS | Compatible with existing, neighboring setbacks for front, side and rear yards |
| D. | MAXIMUM BUILDING HEIGHT | 45 feet or 3 stories |
| E. | OFF- STREET PARKING | As required in Section 2 of this Article and Article V. Section 3 |
| F. | OFF-STREET LOADING AND UNLOADING | As required in Article V. Section 4 |
| G. | OTHER REQUIREMENTS | |
| | 1. Rear yard requirement shall be waived if a lot abuts on an alley and if loading and unloading facilities are provided. | |

3.6 C-2 - Commercial District

- | | | |
|----|--|---|
| A. | MINIMUM LOT REQUIREMENTS | |
| | Area | 15,000 sq. ft. |
| | Width at building line | 75 feet |
| B. | MAXIMUM LOT COVERAGE | 25% of the total lot area |
| C. | MINIMUM SETBACK REQUIREMENTS | Compatible with existing neighboring setbacks for front, side, and rear yards |
| D. | MAXIMUM BUILDING HEIGHT | 45 feet or 3 stories |
| E. | OFF-STREET PARKING | As required in Section 2 of this Article an Article V. Section 3 |
| F. | OFF-STREET LOADING AND UNLOADING | As required in Article V, Section 4 |
| G. | OTHER REQUIREMENTS | |
| | 1. A side yard buffer strip of 50 feet shall be required when a side yard abuts a residential district and five feet of the buffer strip shall be planted with shrubs and trees to provide an aesthetic appearance. | |
| | 2. A rear yard buffer strip of 50 feet shall be required where a rear yard abuts a residential district and five feet of the buffer strip shall be planted with shrubs and trees to provide an aesthetic appearance. | |
| | 3. A 20-foot fire lane shall be required on one side of the major structure or single freestanding structure. | |

3.7 M-1- General Manufacturing District

- | | | |
|----|--------------------------|----------------------------|
| A. | MINIMUM LOT REQUIREMENTS | |
| | Area | 5 acres |
| | Width at building line | 200 feet |
| B. | MAXIMUM LOT COVERAGE | 50 % of the total lot area |

- C. MINIMUM SETBACK REQUIREMENTS
 - Front 50 feet
 - Side 30 feet
 - Side Street 50 feet
 - Rear 50 feet
- D. MAXIMUM BUILDING HEIGHT 45 feet or three stories
- E. OFF-STREET PARKING
 - As required in Article V, Section 3
- F. OFF-STREET LOADING AND UNLOADING
 - As required in Article V, Section 4
- G. OTHER REQUIREMENTS
 - 1. A side yard buffer strip of 75 feet shall be required where a side yard abuts a residential district and five feet of the buffer strip shall be planted with shrubs and trees to provide an aesthetic appearance.
 - 2. A rear yard buffer strip of 75 feet shall be required where a rear yard abuts a residential district and five feet of the buffer strip shall be planted with shrubs and trees to provide an aesthetic appearance.
 - 3. A green belt of five feet shall be required on three sides of the property unless waived by the Town of Pine Mountain Town Council.

3.8 RESORT

See definition (Article II) and notes 1, 2 and 3 (below)

1. A site plan, to include a comprehensive sign plan, for the total acreage must be submitted to the Harris County Planning Commission for review and approval to ensure consistency with the overall plans for the appropriate development of the town. Final approval of the plan rests with the Town of Pine Mountain Town Council.
2. Amendments to the site plan, and the comprehensive sign plan, must be submitted to the Harris County Community Development Department for review. Final approval rests with the Town of Pine Mountain Town Council.
3. Where resort development abuts a public road, the minimum setback requirements shall be those of the most restrictive adjacent zoning district.

3.9 MHU- 1 - MANUFACTURED HOUSING UNIT DISTRICT - PARKS

See Article VI, Section 5(a).

3.10 PLANNED UNIT DEVELOPMENT (PUD)

INTENT

Planned Unit Development is a method of development which permits a tract of land to be developed as one lot, rather than separate lots. The technique is designed to encourage coordinated development; to permit higher densities in conjunction with functional open space; to promote efficient use of land; to promote preservation and enhancement of existing natural landscape features and to be developed in compliance with an approved Development Plan and comprehensive sign plan.

PERMITTED USES

Uses permitted in this district are multi and single-family residential dwellings, townhouses, and accessory structures; and uses permitted in the C-1 Central Business District.

PRELIMINARY DEVELOPMENT PLAN

A person applying for a zoning amendment to establish a Planned Unit Development District shall submit a Preliminary Development Plan to the Planning Commission, consisting of:

- A. A site plan showing:
 - 1. The direction of north, appropriate scale and topography.
 - 2. The location of subject property in relation to the entire town.
 - 3. The use of property adjacent to the site.
 - 4. The proposed use of land and density of development for the site.
 - 5. Proposed access to, and traffic circulation within the site.
 - 6. Comprehensive Sign Plan.
- B. A proposed development schedule for the project.
- C. The Planned Development shall be located in an area for which public facilities and services are available and adequate for the uses that are proposed; provided however, that the applicant may provide such facilities which are not presently available, and written assurance of such provision shall be included as a part of the Preliminary Development Plan which is submitted.
- D. The Planning Commission and the Pine Mountain Town Council shall review and act on the proposed zoning request and any amendment to an approved Preliminary Development Plan in accordance with the zoning ordinance.

FINAL DEVELOPMENT PLAN

Prior to removal of natural vegetation, restructuring of the land or construction of any improvements, an approved final development plan is required. A plan shall be submitted to the Planning Commission and the Pine Mountain Town Council, which is consistent with the preliminary development plan, and containing:

- A. A Site Plan Showing:
 - 1. The direction of north, appropriate scale and topography in not greater than five - foot contour intervals.
 - 2. The proposed location and height of all structures.
 - 3. The use of all structures and land.
 - 4. The location and use of structures adjacent to the site.
 - 5. The location, area and number of parking spaces and maneuvering areas.
 - 6. The location and dimensions of streets, driveways and walks on and off the site.
 - 7. All service and loading areas and spaces.
 - 8. The location, size, number and character of all exterior signs and lighting.
 - 9. The location, character and extent of existing vegetation landscaping, retaining and screen walls and other treatment for the protection of adjoining property.
 - 10. The facilities for surface drainage of the premises.
 - 11. Location and character of all public improvements including utilities.
- B. A copy of any deed restrictions to be recorded.
- C. A comprehensive traffic analysis indicating the probable effect of the proposed development on traffic patterns and capacities of adjacent streets in the immediate area, prepared by a registered professional engineer.
- D. A development schedule indicating the appropriate date when construction, of the planned development or stage thereof can be expected to begin and be completed.

- E. Any other information necessary to establish compliance with this and other ordinances of the availability of adequate utility capacity.
- F. A Fire Protection Plan, approved by the Pine Mountain Fire Department, indicating the location and size of all proposed fire mains, fire hydrants, and fire access lanes, as well as a description of all fire protection measures and devices for structures.
- G. The public improvements included in the Final Development Plan shall be consistent with the Pine Mountain Subdivision Regulation. Compliance with the said regulations shall be reviewed as part of the Final Development review process.
- H. The applicant shall provide for and establish an organization or other legal entity for the control and maintenance of any common open space designated on the Final Development Plan. Such organization shall be created by covenants running with the land, and such covenants shall be included as a part of Final Development Plans and subject to approval by the Pine Mountain Town Council.
- I. Structures and open space shall be arranged in such a way as best to serve the needs of residents and commercial users of the planned development, and to minimize any adverse effects on neighboring districts.
- J. Scenic assets and natural features, such as trees, streams, and topographic features, shall be protected and preserved to the greatest extent possible.
- K. Not more than 50 percent of the gross tract area shall be covered by buildings in the PUD.
- L. At least 50 percent of the area remaining after the development of buildings, parking, right-of-way, and utility or drainage easements, shall be developed to serve the needs of the residents of the development; including but not limited to landscaping, patios, walks, play areas, recreation, and other uses consistent with the character of the PUD.
- M. Buffers and building set-backs shall recognize and honor existing adjacent land development. However, in no case, shall a building be constructed closer than 15 feet from the PUD District boundary, nor 20 feet from any public road right-of-way.
- N. Adequate screening and separation between different land uses shall be provided by means of buffers or other acceptable methods.
- O. Vehicular access to the PUD shall be from streets capable of supporting existing and projected traffic. No streets or roads within the PUD shall connect to the public street system in such a way as to encourage use of minor streets for through streets.
- P. The PUD shall include provisions for safe and convenient pedestrian access and circulation.

FINAL DEVELOPMENT PLAN REVIEW

- A. Upon receipt of an applicant's Final Development Plan, the Harris County Community Development Department shall transmit a copy of the Plan to the appropriate departments and agencies for their review, report, and recommendation. Such officials and agencies shall each within thirty (30) days from receiving the Plan and documentation, furnish to the Harris County Community Development Department a report pertinent to their respective jurisdiction and concerns.
- B. Upon receipt of the various review comments, the Harris County Community Development Department shall schedule the development plan for review at the next available scheduled meeting of the Planning Commission. The Planning Commission shall review the applicant's final development plan, and within thirty (30) days of their review shall also prepare and forward their written report and recommendation on the

final development plan to the Pine Mountain Town Council for approval or disapproval at the next available scheduled meeting of the Town of Pine Mountain Town Council.

AMENDING FINAL DEVELOPMENT PLAN

- A. The Final Development Plan may be amended by the Planning Commission, provided the procedure specified in (the previous section) for review and approval is followed.
- B. Minor changes in the location, siting, or character of buildings and structures as shown on the Final Development Plan may be authorized by the Harris County Community Development Department. No change authorized by the Harris County Community Development Department under this section may increase the size of any building or structure by more than ten (10) percent, nor change the location of any building or structure in any direction by more than ten (10) percent in any direction; provided notwithstanding anything in the foregoing, the Harris County Community Development Department may not permit change beyond the minimum or maximum requirements set forth in this Ordinance. All other changes in the Final Development Plan, including changes in the site plan and in the development schedule, must be made under the procedures that are applicable to the initial approval of a Final Development Plan.

3.11 HISTORIC PRESERVATION OVERLAY DISTRICT

INTENT AND PURPOSE

The intent of this overlay district is the preservation of each property within its boundary. It provides for the protection of Pine Mountain's unique historic character and quality environment. This district emphasizes the compatibility of building form, scale, massing and materials such that all new objects, structures and buildings will conform to neighboring architecture, character-defining features and the traditional development pattern, and more closely respect the historic character of the area.

PERMITTED USES

The Pine Mountain Historic Preservation Overlay (HPO) District is superimposed over existing zoning districts. The special requirements of this district shall apply in addition to the requirements of the zoning district within which a specific property is located. Uses permitted within the Historic Preservation Overlay District are those permitted in the underlying zoning district. If there is any conflict with this district and another part of the zoning ordinance, the more stringent requirement shall govern.

3.12 COMMERCIAL CORRIDOR DESIGN OVERLAY DISTRICT

INTENT AND PURPOSE

The Commercial Corridor Design Overlay (CCDO) District serves to protect and enhance the Town of Pine Mountain's gateways and corridors. These entry areas have a direct impact on places, districts, sites, buildings, structures, and aesthetics of the town. The development along such corridors affects Pine Mountain's small- town character, its traditional development pattern, and its tourism centered economy. In order to preserve the Town of Pine Mountain's rural and small- town ambiance, guidance is necessary to develop these corridors in keeping with the Town's existing downtown area. The primary goal is to protect and improve the character of these corridors/gateways while directing future development in harmony with the unique charm of Pine Mountain. This district emphasizes the compatibility of building form, scale, massing, and materials such that all new buildings, structures and objects will conform to

neighboring community features and the existing downtown area of Pine Mountain. New uses and structures should be reflective of and harmonious with existing traditional architecture and character-defining features.

PERMITTED USES

The Commercial Corridor Design Overlay District is superimposed over existing zoning districts. The special requirements of this district shall apply in addition to the requirements of the zoning district within which a specific parcel is located. Uses permitted within the Commercial Corridor Design Overlay District are those permitted in the underlying zoning district. If there is any conflict with this district and another part of the zoning ordinance, the more stringent requirement shall govern.

A design review committee will be established to review development and redevelopment within the Historic Preservation Overlay District and the Commercial Corridor Overlay District.

DESIGN REVIEW COMMITTEE

1. Committee Members. The committee shall be a part of the planning and zoning functions of the Town. Members shall be appointed by the Town Council and will oversee material changes in appearance with HPO and CCDO districts. The committee shall consist of three (3) members who have demonstrated special interest, experience, or education in history, architecture, and/or small- town development. Members shall serve staggered two (2) year terms. Members shall not receive compensation.
2. Committee Duties. To review and recommend approval/denial of proposed developments in these two districts to the Town of Pine Mountain Town Council. To hold a Public Hearing on the proposed changes as spelled out in Article XI, Section I (c) and (d). The committee may suggest alternatives to the property owners and/or developers in respect to their initial design.

CERTIFICATE OF APPROPRIATENESS

Within the HPO and CCDO districts, no material change in appearance shall be made and no building permit issued unless a Certificate of Appropriateness (COA) has been approved by the committee. All construction shall conform with the COA. An approved COA shall become void unless construction is commenced within six months of the date of issuance. A COA shall be valid for eighteen (18) months from the time of issuance. After expiration, a new application must be submitted and a new COA issued by the committee prior to any construction or modification after expiration of a COA. Work not in compliance with a COA is prohibited.

PRELIMINARY DESIGN PLAN

A person applying for a building permit and/or zoning amendment in the HPO and/or CCDO Districts shall submit a Preliminary Design Plan to the Design Review Committee, consisting of:

- A. A site plan showing:
 1. The direction of north, appropriate scale and topography.
 2. The location of subject property in relation to the entire town.
 3. The use of property adjacent to the site.
 4. The proposed use of land and density of development for the site.
 5. Proposed access to, and traffic circulation within the site.
 6. Drawings or photographs of the proposed use.
- B. A proposed development schedule for the project.

- C. Development within the district should strive to retain and adaptively reuse existing structures. New structures shall be developed in keeping with Pine Mountain's existing character in terms of building height, building materials, and street façade. Parking shall be in the rear of the property when possible.
- D. The Design Review Committee and Town Council shall review and act on the proposed zoning request and any amendment to an approved Preliminary Design Plan in accord with the zoning ordinance.

FINAL DESIGN PLAN

Prior to removal of natural vegetation, restructuring of the land, additions to said property or construction of any improvements, an approved final design plan is required. A plan shall be submitted to the Design Review Committee, which is consistent with the preliminary design plan, and containing:

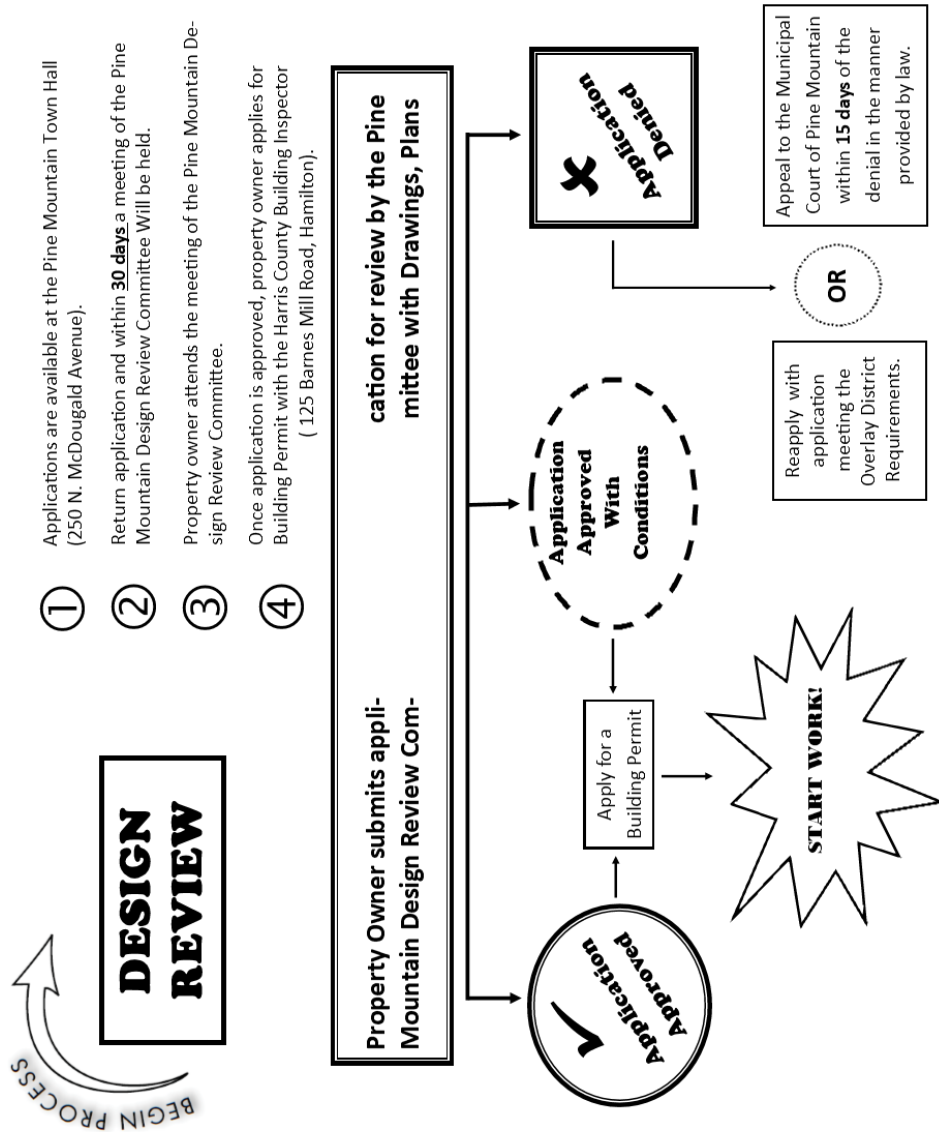
- A. A Site Plan Showing:
 - 1. The direction of north, appropriate scale and topography in not greater than five- foot contour intervals.
 - 2. The proposed location and height of all structures/objects.
 - 3. The type of building materials to be used.
 - 4. The use of all structures/objects and land.
 - 5. The location and use of structures adjacent to the site.
 - 6. The location, area and number of parking spaces and maneuvering areas.
 - 7. The location and dimensions of streets, driveways and walks on and off the site.
 - 8. All service and loading areas and spaces.
 - 9. The location, size, number and character of all exterior signs and lighting.
 - 10. The location, character and extent of existing vegetation landscaping, retaining and screening walls and other treatment for the protection of adjoining property.
 - 11. The facilities for surface drainage of the premises.
- B. A development schedule indicating the approximate date when construction is expected to begin and be completed.
- C. Any other information necessary to establish compliance with this and other ordinances.
- D. Structures and open space shall be arranged in such a way as best to serve the needs of Pine Mountain and to minimize any adverse effects on neighboring parcels and/or districts.
- E. Scenic assets and natural features, such as trees, streams, and topographic features, shall be protected and preserved to the greatest extent possible.
- F. Buffers and building set-backs shall recognize and honor existing adjacent land development.
- G. Adequate screening and separation between different land uses shall be provided by means of buffers of other acceptable methods.
- H. Development shall include provisions for safe and convenient pedestrian access and circulation.

FINAL DESIGN PLAN REVIEW

- A. Upon receipt of an applicant's Final Design Plan, the Design Review Committee shall transmit a copy of the Plan to the appropriate departments and agencies for their review, report, and recommendation. Such officials and agencies shall each within thirty (30) days from receiving the Plan and documentation, furnish to the Town of Pine Mountain Council a report pertinent to their respective jurisdiction and concerns.
- B. The Design Review Committee shall review the applicant's Final Design Plan and within forty-five (45) days following the applicant's submission of the plan to the Design Review Committee shall also prepare a written report stating clearly the reasons and justifications therefore, and identify what changes are necessary in order for the Plan to be approved. Said written disapproval shall be transmitted to the applicant.

AMENDING FINAL DESIGN PLAN

- A. The Final Design Plan may be amended by the Design Review Committee, provided the procedure specified in (the previous section) for review and approval is followed.
- B. Minor changes in the location, siting, or character of buildings and structures as shown on the Final Design Plan may be authorized by the Harris County Community Development Department. No change authorized by the Harris County Community Development Department under this section may increase the size of any building, structure or object by more than ten (10) percent, nor change the location of any building, structure or object by more than ten (10) percent in any direction; provided, notwithstanding anything in the foregoing, the Harris County Community Development Department may not permit change beyond the minimum or maximum requirements set forth in this Ordinance. All other changes in the Final Design Plan, including changes in the site plan and in the development schedule, must be made under the procedures that are applicable to the initial approval of a Final Design Plan.



ARTICLE V. SUPPLEMENTARY DISTRICT REGULATIONS

SECTION 1. PERFORMANCE STANDARDS

The Pine Mountain Town Council may require the conduct of any use, conforming or nonconforming, which results in unreasonable noise, smoke, gas, vibration, fumes, dust, fire, radio interference, or explosion hazard or nuisance to surrounding property to be modified or changed to abate such hazard to health, comfort, and convenience. The Pine Mountain Town Council may direct the Harris County Community Development Department to issue an abatement order, but such an order may be directed only after a public hearing by the Town, notice of which shall be sent by registered mail to the owners and/or operators of the property on which the use is conducted, in addition to due notice of advertisement in a newspaper of general circulation. A hearing to consider issuance of an abatement order shall be held by the Pine Mountain Town Council either upon petition signed by any person affected by the, hazard or nuisance or upon the initiative of the Council. An abatement order shall be directed by the Pine Mountain Town Council only upon reasonable evidence of hazard or nuisance, and such order shall specify the date by which the hazard or nuisance shall be abated.

SECTION 2. CORNER VISIBILITY

On a corner lot in any zoning district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and one-half and ten feet above the center line grades of the intersection streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines 50 feet from the point of the intersection.

SECTION 3. OFF-STREET PARKING

3.1 Requirements for Off-Street Parking

In all zoning districts, there shall be provided at the time any permitted use is established, enlarged or increased in capacity, off-street parking spaces for automobiles in accordance with the schedule set forth in Article IV, Section 2, and as set forth herein.

1. For the purpose of applying the off-street parking requirements set forth in Article IV, Section 2. "Floor Area" is defined as the gross floor area used or intended to be used by the public for the purchase of goods and services and shall include areas occupied by fixtures and equipment for display or sale of merchandise. "Lot Area" is defined as the area or portion of a lot actually used for display or sale of goods and services to the public.
2. For uses not specifically mentioned in the schedule, off-street parking requirements will be interpreted by the Harris County Community Development Department. (This also includes a lot designated for parking only).
3. Joint off-street parking facilities for two or more uses are encouraged so long as the required number of off-street parking spaces shall not be equal to less than the sum of the requirements for the individual uses computed separately.
4. Fractional off-street parking space requirements shall be counted as a whole space if the fraction is greater than one-half.
5. Off-street parking area shall not be considered as loading or unloading areas. No off-street parking facility in existence at the effective date of these regulations shall be reduced to an amount less than required for a similar use.
6. Off street parking shall be established at the back of buildings whenever possible.

3.2 Establishment of Off-Street Parking

Wherever off-street parking is required for the development of a lot, it shall be established and maintained as follows.

1. Each off-street angled parking space shall consist of a designated and defined area of at least 10 feet in width and 20 feet in length exclusive of access drives and aisles.
2. Except for lots devoted to single and two (2) dwelling units per structure uses, all areas established for off-street parking shall be designed and be of such size that no vehicle is required to back into a public street to obtain egress.
3. All areas devoted to off-street parking shall have clearly defined access drives of ingress and egress not to exceed 25 feet to include curbs which may be waived by the Town of Pine Mountain Town Council.
4. All areas devoted to permanent off-street parking shall be of a hard surface or in such a manner that no dust will result from continuous use. Each off-street parking space shall be clearly marked or otherwise defined. Gravel or plant mix is also acceptable.
5. No off-street parking space shall extend beyond any lot line and where an off-street parking space abuts a residential lot line, a setback line of five (5) feet shall be established.
6. All areas devoted to ingress or egress in a commercial, industrial, or multi-family zone shall be denoted by curbing. This requirement can be waived by the Town of Pine Mountain Town Council upon appeal.

SECTION 4. OFF-STREET LOADING AND UNLOADING

Where practical in all zoning districts where permitted uses require the receipt or distribution of materials or merchandise by truck or similar vehicle, the owner shall provide off-street loading and unloading space. Such requirements will apply to new structures which are altered or expanded after the effective date of the regulations.

4.1 Requirements for Off-Street Loading and Unloading Space

1. One (1) space shall be required for the first 20,000 square feet of floor area plus one (1) additional space for each 20,000 square feet of floor area up to 100,000 square feet and one (1) space for each additional 40,000 square feet thereafter.
2. The minimum size of an off-street loading and unloading space shall be 10 feet by 50 feet exclusive of driveway and maneuvering space.
3. No street shall be considered as part of the off-street loading or unloading area.
4. All areas for loading and unloading shall be so designed and located to permit traffic to exit facing a street or alley.
5. Off-street loading and unloading spaces may occupy all or any part of any required yard area.

SECTION 5. ACCESS TO STREETS

The following regulations shall govern ingress and egress to all lots in all zoning districts:

1. A point of access, i.e. driveway, curb-cut, entrance or exit point shall not exceed 25 feet in width on lots for residential uses and 35 feet in width on lots for uses other than residential provided the point of access does not exceed 50 percent of the frontage on the street.
2. The number of access points for each lot shall be governed by the width of lot frontage as follows:

- | | | |
|--|--------------------|---|
| | Less than 75 feet | 1 access point |
| | 75 - 200 feet | 2 access points |
| | More than 200 feet | 2 access points plus one additional access point for each additional 100 feet frontage in excess of 200 feet. |
3. No two (2) access points on the same lot frontage shall be closer than 25 feet from their nearest edges.
 4. No access point shall be located closer to any street intersection than 20 feet measured from its nearest edge to the curb radius tangent point or property line radius point.
 5. On lots other than residential, no access point shall be located closer to any side lot line than 20 feet. Where access to a State or Federal highway is controlled by regulation other than those stated herein, those rules and regulations shall prevail, whichever is more restrictive.
 6. Prior to any curb-cut or driveway cut, a permit must be obtained from the Public Works Department. If a driveway pipe is required, the applicant must bear the cost of the pipe and its installment.

SECTION 6. ACCESSORY BUILDINGS

An accessory building may be erected either attached or unattached to a principal building on the same lot. An attached accessory building shall be considered a part of the principal building and shall comply with the requirements of the district in which it is located.

An unattached accessory building in any Residential "R" district shall be located in the rear yard of the principal building but shall not: Occupy more than 30 percent of the area of the required rear yard; be located closer than 15 feet to the principal building on the same lot or any principal building on an adjoining lot; be located closer than five (5) feet from any rear or interior side lot line; project into any required front or street side yard. On corner lots the accessory building may not be located closer than 25 feet from the road right-of way. Except that unattached accessory buildings 400 square feet or less which are used for private, noncommercial and non-dwelling use of the resident may be built in the rear yard or side yard in A-1, R-1 and R-2 districts and shall not require a building permit.

SECTION 7. DRAINAGE

1. Storm Sewers:
Storm sewers and drains shall be provided in each subdivision. They shall be designed to carry not less than the storm water from a rainfall expected to occur once in ten (10) years, with a runoff of 90 percent for pavements and buildings and a variable run off factor depending upon topography of ground for other purposes. Storm drain pipes shall consist of reinforced concrete, bituminous coated corrugated metal or bituminized fiber pipe. The storm sewer system shall be designed and sized to accommodate and provide for future extensions. The entire storm sewer system shall be approved by the Town Engineer or duly appointed agent of the Town Council prior to its installments.
2. Drainage Swales and Ditches:
All drainage swales and ditches must be a minimum of six feet wide with a six foot to one-foot (6:1) slope on each side. They must be constructed of sod, asphalt, or concrete sufficient to prevent erosion.
3. Driveways, Headwalls, Masonry Mailboxes:
All driveways shall slope away from streets or roads at a rate of one-quarter (1/4) inch to one-half (1/2) inch per foot for a distance of ten (10) feet. No headwalls or masonry mailboxes may be erected on public right-of-way.

SECTION 8. STORAGE OF CERTAIN VEHICLES AND EQUIPMENT

1. The storage of certain vehicles and equipment (to include but not limited to one automobile without a current license plate, semi-trailer trucks with greater than three axles, camping or travel trailers, recreational vehicles and boats and boat motors) is prohibited in Residential Districts for time periods in excess of 72 hours unless such vehicles and equipment are stored in a carport, enclosed building, or behind a portion of a building which screens it from the street.
2. The storage or parking of any truck with three (3) or more axles in a residential district is prohibited.
3. It shall be unlawful for any person to park or leave unattended any vehicle upon the right-of-way of any town road/street for more than 96 hours.

SECTION 9. DWELLING, VERTICAL MIXED USE

1. Only permitted in Zoning Districts C-1 and C-2.
2. The district regulations for the zoning district in which the unit is located shall apply.
3. Location of Living Space – the living space shall be located above the first floor of the structure and not on the ground, street, or main level of the commercial space. In no event shall the living space be located on same level as any of the commercial area.
4. The living space must meet building and life safety codes.

Section 10. Short-Term Vacation Rentals (STVR)

The use of single-family residential structures located within A-1, R-1, R-2, and C-1 districts as lodging for a period of time not to exceed 30 consecutive days, is a conditional use. Article IV. Section 2 (b) procedures must be followed. In addition, each unit shall comply with the following:

1. Each individual residential structure to be used for STVR shall require a business license from the Town of Pine Mountain, show proof of insurance and pay all applicable state and local taxes to include hotel/motel taxes.
2. Use is restricted to housing. The operation of or the conducting of any other business activity is expressly prohibited.
3. The primary structure shall meet all requirements for minimum lot requirements, maximum lot coverage, and minimum setback requirements for the zoning district where it is located. STVR units must comply with applicable zoning and building code provisions.
4. No lighting may be used on the structure or on the property sufficient to illuminate an adjacent residential property beyond a level considered normal residential lighting.
5. Adjacent property owners must be notified by mail of the potential use of the residential structure as a STVR, as required by Article XI, Section 1 (c)(c).
6. A rental agent or local contact person must be on file at city hall and posted in the residence in case of an emergency.
7. Owners of STVR properties will be given sixty (60) days from the adoption of this ordinance to come into compliance.

If a STVR property is located within a Resort Zoning District any policies and/or covenants of that entity will be used to govern rental requirements.

Section 11. Condominium and Townhouse Development (R-3 High Density Residential District only)

The following regulations shall apply to all condominium and townhouse developments:

1. The applicant shall submit a site plan, front elevation and typical floor plan of the proposed units.

2. Each unit shall be independently served by separate utilities and services and, if multistoried, shall be served by interior stairways.
3. Accessory structures shall be located in the rear yard only.
4. No vehicular entrance or curb cut shall be permitted to the front of any individual townhouse or condominium unit.
5. A permit for the construction of condominium or townhouse development shall be issued in accordance with the regulations set forth after evidence has been presented in the form of proposed deed covenants and restrictions requiring the maintenance of jointly owned areas.

ARTICLE VI. SUPPLEMENTARY USE REGULATIONS

SECTION 1. AIRPORTS

Proposed public airports shall be so located and of sufficient size to meet Federal Aviation Requirements and not constitute a nuisance to surrounding uses. Private airports must have approval of the Pine Mountain Town Council.

SECTION 2. AUTOMOBILE WRECKING, JUNKYARDS, BODY SHOPS AND MOTOR VEHICLE GARAGE

2.1 Location of Automobile and Junkyards

No operation shall be located nearer than 300 feet from any established residential district.

2.2 Screening

All outdoor storage of salvage and wrecking operations shall be conducted within an enclosed solid opaque fence or solid opaque wall not less than six (6) feet in height nor more than ten (10) feet in height. All of the above businesses shall insure that the storage of vehicles is screened from public view from any public road. Any fence or wall erected for screening purposes shall be properly painted or otherwise maintained in good condition. NOTE: All existing businesses shall have six (6) months from the date of adoption of this Ordinance to comply with this Section.

2.3 Storage of Materials or Vehicles

The storage of salvaged materials, junk materials, or vehicles shall not exceed ten (10) feet in height.

2.4 Vehicles Awaiting Repair

Vehicles awaiting repair shall not be stored outside of the business establishment or fenced area for periods greater than 48 hours.

SECTION 3. CEMETERY (Commercial)

3.1 Location

All cemeteries hereafter established shall have direct access to major thoroughfares with ingress and egress so designed to minimize traffic congestion.

3.2 Size

Any new cemetery shall be located on a site containing not less than ten acres. Structure setback shall conform to the district regulations in which the site is located. All burial lots shall be set back not less than 25 feet from any lot line.

SECTION 4. CUSTOMARY HOME OCCUPATIONS

It is the intent of this section to ensure compatibility of home occupations with their uses permitted in applicable districts; to maintain and preserve the character of the districts in which the home occupation exists; and to prevent excessive noise, traffic and other potential nuisances from commercial uses being conducted in these districts. Customary home occupations in those districts where permitted must meet the following requirements:

1. A home occupation is subordinate to the use of a dwelling unit for residential purposes.

2. A home occupation must be operated by the owner of the dwelling unit or with written approval of the owner if applicant resides in a rental unit.
3. No more than one (1) person who is not a resident of the dwelling unit may be employed on the premises in the conduct of a home occupation.
4. Any off-premises employees of the home occupation shall not congregate on the premises for any purpose concerning the home occupation.
5. The home occupation shall be located and conducted in such a manner that the average neighbor under normal circumstances would not be aware of its existence.
6. No traffic shall be generated by such home occupations in greater volumes than would normally be expected in the residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off-street and other than in the front yard of the dwelling unit.
7. On-premises, retail sales are limited to products or goods produced or fabricated on the premises as a result of the home occupation.
8. There shall be no external indication of the home occupation or variation from the residential character of the principal use, except as required by local, state and/or federal law.
9. In any dwelling unit, all home occupations, collectively, shall not occupy more than 25 percent of the gross floor area of the dwelling but not to exceed 500 square feet.
10. The entrance of the space devoted to a customary home occupation may be from within the building or a private outside entrance.
11. No display shall be permitted of goods or services which are visible from the outside of the structure except for one non-illuminated sign having an area of not more than two square feet which may be placed flat on a door, wall, or window.
12. Customary home occupations will be limited to goods and services provided to individuals or groups not exceeding, at any given time, five in number.
13. No on-street parking of business-related vehicles (either marked or commercially equipped) shall be permitted at any home. Business vehicles having a gross vehicle weight of 10,000 pounds or less are permitted to park overnight on the premises. The number of business-related vehicles is limited to one (1).
14. Residential home occupation is limited to use of a practicing professional or to the office use of the operator of a business whose primary work location is off-premises and may involve very limited visits or access by clients and customers. (Examples may include but are not limited to: architectural, engineering, land surveying services; art studio; consulting services; data processing; direct sale product distribution; graphic services; dressmaking, sewing, tailoring, contract sewing; electronic assembly; financial planning or investment services; flower arranging; house cleaning services; insurance sales or broker; interior design; real estate sales or broker; tutoring, music lessons; etc.
15. There shall not be any product stored in plain view or in the yard of the residence.
16. No manufacturing process (the production of goods industrially, making something into a finished product on a large industrial scale, or producing something with machines in an industrial manner) shall be permitted; in addition, no automotive services shall be permitted.

SECTION 5(a). MANUFACTURED HOUSING UNIT PARKS

To provide for sound and healthy residential environments sufficient to meet the unique needs of inhabitants living in manufactured homes, to protect manufactured home groups from encroachment by incompatible land uses, and to encourage the consolidation of

manufactured homes into manufactured home districts. Manufactured housing units to be placed in an MHU-1 District, which must be a minimum of twelve (12) feet in width. In districts where manufactured housing unit parks are permitted, the following minimum standards shall apply:

5(a).1 Minimum Park Requirements

Area: Eight acres and 20 spaces available for immediate occupancy, 1,200 square feet of land area for each manufactured home to be parked, 5,000 square feet for homes wider than 14 feet.

Yards: Front, rear, and side yard: 25 feet

Height: Maximum one story or 15 feet

Open Space: 150 square feet of park and recreation area per manufactured home space.

5(a).2 Manufactured Housing Space Requirements

Space Width: 40 feet minimum

Front Yard: 10 feet minimum

Side Yard: 20 feet between manufactured homes

Rear Yard: 25 feet maximum

Parking: 2 spaces for each manufactured home

5(a).3 Other Requirements

1. Survey site plan required shall include the following: name and address of owner, vicinity map, scale 1"=100' north arrow, numbered lots, lot numbers, size of lots, street layout, trash container(s) location, location of all utilities including sewage, unless originally approved with site plans no accessory buildings or additions to manufactured housing units allowed.
2. Access roads within manufactured housing unit parks shall be not less than twenty (20) feet and shall be paved with a hard surface treatment.
3. There shall be established and maintained guest parking facilities at a ratio of one (1) space per three (3) manufactured housing unit spaces. If access roads are paved to a width of thirty (32) feet, guest off-street parking spaces shall not be required.
4. Each manufactured housing unit space shall be equipped with a pad ten (10) feet for a single-wide, twenty (20) feet for a double-wide by forty-five (45) feet long of six (6) inches of concrete or other similar material.
5. Each manufactured housing unit space shall be furnished with connections to water, sewer, and electricity utilities; and all will be approved by the appropriate public department.
6. Manufactured housing units may not be used for nonresidential use within manufactured housing unit parks except for the manufactured housing unit park office.
7. Standards for manufactured housing unit shall also apply to the latest edition of the building codes adopted by the State of Georgia, with GA amendments.
8. No owner of a manufactured housing park shall allow a manufactured housing unit to locate or relocate within the park without a location placement permit from the county inspector's office and proof of tax paid.
9. An approved trash container(s) to be compatible with the Town of Pine Mountain's sanitation pick-up service, shall be located within one hundred fifty (150) feet of any manufactured housing unit park and shall be screened by a solid opaque fence of adequate height to screen from view any material in the container. Such trash containers shall be provided by the manufactured housing unit park owner/operator.

10. All owners and operators of said manufactured housing park shall be responsible for the upkeep of all drives (access roads) within the confines of said park; and the grounds shall be clear of all litter, trash, garbage, inoperable automobiles, trucks, etc. as well as maintaining grounds (cutting of grass, maintenance of other landscaping), and drainage to assure a clean, habitable, and sanitary environment.
11. It shall be the responsibility of the owner/manager of said manufactured housing parks to not rent, lease, or otherwise convey the use of property within the confines of said manufactured housing park until proper permits have been issued by the Harris County Community Development Department for said location. A registration shall be required to be kept on the premises of all lots rented, leased, or otherwise conveyed to include date, name, address, phone, lot number, size and model.
12. A 5-foot buffer strip shall be planted within the 25-foot side and rear yards of the manufactured housing unit park.
13. Skirting: All manufactured housing units shall have suitable skirting between the base of the unit and the ground. This skirting shall be made of either concrete block, brick, wood, or other materials intended for such use.
14. Anchors: All units shall be provided with anchors as required by the latest edition of the building codes adopted by the State of Georgia, with GA amendments.
15. Inspection: Before electric service is given to any manufactured housing unit, the unit and the lot upon which it is located shall be inspected by the building department after the necessary permits are approved, and all other requirements of this ordinance and other laws, codes, affecting said location.
16. Travel trailers: Manufactured housing unit space shall not be used for accommodation of travel trailers or recreational vehicles under any circumstances.
17. Conditions: The manufactured housing unit to be placed shall bear a label certifying it was constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq. (the HUD Code) and shall be installed in accordance with O.C.G.A. 8-2-160 et seq., prior to issuance of permit.
18. The manufactured housing unit must have a gabled roof with a minimum slope of 2/12. Domed or flat roofs are prohibited. Roof materials may include, but not limited to, shingles, corrugated metal or standing seam. Sheet metal and rolled roofing are not permitted.

SECTION 5(b). MANUFACTURED HOUSING UNITS

When a manufactured home is located outside a manufactured housing unit park, and located within an A-1 District, the A-1 District Regulations shall apply, as well as the following compatibility standards:

Manufactured Housing Unit Compatibility

1. The manufactured housing unit must have a gabled roof with a minimum slope of 2/12. Domed or flat roofs are prohibited. Roof materials may include, but not limited to, shingles, corrugated metal or standing seam. Sheet metal and rolled roofing are not permitted.
2. The exterior siding must be residential in appearance, including, but not limited to, clapboards, simulated clapboards, such as conventional vinyl or metal siding, wood shingles, shakes, or similar material, but excluding smooth, ribbed, or corrugated metal or plastic panels.
3. The manufactured housing unit must have a measured minimum width dimension of at least twenty (20) feet.

4. The manufactured housing unit must be placed on a foundation and be anchored in a manner that complies with the latest published edition of the building codes adopted by the State of Georgia, with GA amendments.
5. The manufactured housing unit must have the area underneath the home completely enclosed with a permanent perimeter enclosure. The enclosure shall be of either rock, brick, concrete block, concrete with stucco type finish, except for a minimum of 18" x 24" latchable access door and required crawl space venting.
6. The hitch, axles and wheels must be removed from the unit when placed.
7. Condition: The manufactured housing unit to be placed shall bear a label certifying it was constructed in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq. (the HUD Code) and shall be installed in accordance with O.C.G.A. 8-2-160 et seq., prior to issuance of permit.
8. The compatibility standards set forth in this article (section) apply only to manufactured housing units to be located in zoning areas designated as A-1 General Agricultural.

SECTION 6. SWIMMING POOL

The following regulations shall apply to swimming pools:

1. Swimming pools may be established in any permitted zoning district. They may be located anywhere within the backyard of a residential zone based on topography. All noncommercial pools shall be enclosed by a fence or wall not less than four feet in height and all commercial pools shall be enclosed by a fence or wall not less than six feet in height to prevent uncontrolled access.
2. Private swimming pools may be established in agricultural and residential zoning districts provided they are to be used solely by the occupants of the property on which it is located and their guests, and that no part of the swimming pool extends into any required front or side yard, unless given permission by the Pine Mountain Town Council.
3. Non-residential pools shall meet all requirements set forth by the Americans with Disabilities Act for accessibility and safety.
4. Non-residential pools shall conform to the standards and methods prescribed by the Georgia Department of Public Health, Rules and Regulations Public Swimming Pools, Spas, and Recreational Water Parks.

SECTION 7. GASOLINE SERVICE STATIONS

The following regulations shall apply to all gasoline service stations:

1. There shall be a building setback, excluding the pump islands, from all street right-of-way lines a distance of not less than 50 feet. Other yard setbacks shall conform to the zone in which the station is located.
2. Gasoline pump islands shall not be located closer than 15 feet to any street right-of-way line; however, when pump islands are constructed perpendicular to the pavement edge, the pump island shall be located not less than 30 feet from the right-of-way lines.

SECTION 8. SOLAR ENERGY SYSTEMS

The following regulations shall apply to solar energy systems:

1. Solar energy panels shall only be allowed on roof tops in all districts; design review shall be required in the HPO and CCDO Districts as outlined in Article IV Section 3.12 and 3.13.
2. A solar energy system shall not be placed on the front slope of a pitched roof of a principal structure.

3. No part of a solar system shall extend above the principal ridgeline of the structure upon which it is fixed.
4. The mounting system shall be approved by the Harris County Community Development Department and shall comply with applicable building codes.
5. For systems installations, the Harris County Community Development Department shall have to require, for permitting purposes, any architectural or engineered design as deemed necessary to confirm that the mounting system is structurally sound.
6. To insure emergency personnel access, in particular for the fire department, roof mounted systems shall provide access and spacing requirements to the Town of Pine Mountain in order to:
 - a. Insure roof access and egress;
 - b. Provide pathways throughout the roof area; and
 - c. Provide smoke ventilation opportunity areas.
7. Solar easements - property owners installing any solar collection system shall be responsible for negotiating with surrounding property owners any desired solar easement, and for properly recording and enforcing same.
8. No permit shall be issued without proof that any electrical utility with power to the property has been informed of applicant's intent to install a solar collection system.
9. Energy derived from the solar energy system shall be for on-site use only.

SECTION 9. STANDARDS FOR TELECOMMUNICATIONS FACILITIES

1. Purpose. The Telecommunications Act of 1996 affirmed the Town of Pine Mountain's authority concerning the placement, construction, and modification of towers, antennas, and the facilities whereon towers, or antennas are located. This section is designed and intended to balance the interests of the residents of the Town of Pine Mountain, telecommunication providers, and telecommunications customers in the siting of telecommunications facilities within the Town of Pine Mountain, Georgia so as to protect the health, safety, and integrity of residential neighborhoods and to foster, through appropriate zoning and land use controls, a competitive environment for telecommunications carriers that does not unreasonably discriminate among providers of functionally equivalent personal wireless services. This section shall not prohibit, or have the effect of prohibiting, the provision of personal wireless services. This section is intended to promote the Town of Pine Mountain, Georgia as a proactive Town in the availability of personal telecommunications service. To that end, this section shall:
 - a. Provide the appropriate location and development of telecommunications facilities within the Town of Pine Mountain, Georgia;
 - b. Protect the Town of Pine Mountain, Georgia's built and natural environment by promoting compatible design standards for telecommunication facilities;
 - c. Minimize adverse visual impacts of telecommunication facilities through careful design, siting, and landscaping screening and innovated camouflaging techniques;
 - d. Avoid potential damage to adjacent properties from tower or antenna failure through engineering and careful siting of telecommunications tower structures and antennas;
 - e. Maximize the use of any new and existing towers through co-location so as to minimize the need to construct new towers and minimize the total number of towers throughout the Town of Pine Mountain, Georgia;
 - f. Maximize and encourage use of alternative telecommunication tower structures as a primary option rather than construction of additional single use towers; and

- g. Encourage and promote the location of new telecommunications activities in areas which are not zoned for residential use.
- 2. Definitions. As used in this section pertaining only to Standards for Telecommunications Facilities, the following terms shall have the meanings ascribed below:

Accessory Facility or Structure. An accessory facility or structure serving or being used in conjunction with telecommunications facilities and located on the same property or lot as the telecommunications facilities, including but not limited to, utility or transmission equipment storage sheds or cabinets.

Alternative tower structure. Man-made trees, clock towers, bell steeples, light poles and similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers.

Antenna. Any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves.

Applicant. Any wireless service provider submitting an application for a telecommunication facility.

Application. All necessary and appropriate documentation that an Applicant submits in order to receive a permit for a telecommunications facility.

Camouflage or Stealth. Disguising a tower or telecommunications facility so as to make it less visually obtrusive and not recognizable to the average person as a telecommunication facility.

Co-location. The use of an existing tower or structure to support antenna(s) for the provision of wireless services.

Coverage Zone. The area in which a wireless device can receive service.

FAA. The Federal Aviation Administration, or its duly designated and authorized successor agency.

FCC. The Federal Communications Commission, or its duly designated and authorized successor agency.

Governing Authority. The Mayor and Town Council of the Town of Pine Mountain, Georgia.

Guy Tower. A tower supported, in whole or in part, by guy wires and ground anchors.

Height. When referring to a tower or structure, the distance measured from the preexisting grade level to the highest point of the tower or other structure, even if said highest point is an antenna or lightening protection device.

Lattice Tower. A guyed or self-supporting open frame structure that has three or four sides used to support telecommunications equipment.

Monopole Tower. A structure consisting of a single spire or pole, constructed without guy wires or ground anchors, used to support telecommunications equipment.

Nonconforming Structure. See definition of Nonconforming Use.

Ordinance. The Town of Pine Mountain Zoning Ordinance.

Person. Any individual, corporation, estate, trust, partnership, joint stock company, association of two (2) or more persons having a joint common interest, or any other entity.

Repairs and Maintenance. The replacement or repair of any components of a telecommunications facility where the placement is materially identical to the component being replaced or for any matters that involve the normal repair and maintenance of a wireless facility without the addition, removal or change of any of the physical or visually discernable components or aspects of a wireless facility that will add to the visible appearance of the facility as originally permitted.

Residential Zoning District. R-1, R-2, R-3, Resort, and PUD.

Separation. The minimum horizontal distance between two towers.

Setback. The minimum horizontal distance between the lot or property line and the nearest front, side, or rear line of the facility/structure (as the case may be), or any covered projection.

Staff. The Harris County Community Development Department staff.

Telecommunications. The transmission and/or reception of audio, video, data, and other information by wire, radio frequency, light, and other electronic or electromagnetic systems.

Telecommunications Facility. A tower, antenna, or any and all buildings, structures, or other supporting equipment used in conjunction with a tower or antenna.

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 radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like

Variance. A grant of relief from the requirements of this section which permits construction in a manner otherwise prohibited by this section.

3. General Requirements for a Tower
 - a. District Height Limitations. The height limitations set forth in this ordinance shall govern the location of towers that exceed, and antennas that are installed at a height in excess

of, the height limitations specified for each zoning district. The height limitations applicable to buildings and structures shall not apply to towers and antennas, except as provided herein.

- b. Public Property. Antennas or towers located on property owned, leased, or otherwise controlled by the governing authority shall be exempt from the requirements of this ordinance, provided a license or lease authorizing such antenna or tower has been approved by the governing authority.
- c. If a tower is to be erected in an M-1 Zoning District and meets the requirements found in this section, staff can process the building permit application.

If a tower is to be erected in a zoning district other than M-1, a tower permit must be obtained from the Town of Pine Mountain. In addition to standards required in this section, the following standards shall be considered by the Town of Pine Mountain prior to the approval of a permit for a tower:

- 1. Height of the proposed tower.
 - 2. Proximity of the tower to residential structures and residential zoning districts, historic districts, parks, and designated nature preserve areas.
 - 3. Nature of uses on adjacent and nearby properties.
 - 4. Surrounding topography.
 - 5. Surrounding tree coverage and foliage.
 - 6. Design of the tower structure, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness.
 - 7. Availability of suitable existing towers and other structures for co-location as defined in this section.
- d. All new towers or antennas shall obtain a building permit prior to the construction or placement of such structures or facilities. A building permit shall not be approved for such towers without prior approval of a tower permit if so required by this ordinance.
 - e. The application for a tower shall include, but not limited to the following information:
 - 1. A survey site plan drawn to scale by a professional licensed by the State of Georgia showing all property lines with dimensions, location of existing buildings and other structures, topography, location of setback lines or other dimensional requirements, proposed tower location, tower height, location of accessory structures to the tower, proposed landscaping, neighboring uses, north arrow, and street number;
 - 2. The coverage zone of the proposed tower;
 - 3. A report documented by the submission of a certification by a qualified engineer licensed by the State of Georgia, showing evidence of an engineering nature, which demonstrates that no existing tower or structure can accommodate the proposed antenna(s). Said report shall include, but not be limited to, the following information:
 - i. No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements;
 - ii. Existing tower or structures are not of sufficient height to meet applicant's engineering requirements;
 - iii. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment;

- iv. The applicant's proposed antenna would cause electromagnetic interference with the applicant's proposed antenna;
 - v. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable (costs exceeding new tower development are considered to be unreasonable); or
 - vi. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable; and
4. A report by a professional licensed by the State of Georgia explaining the process by which the subject site was chosen.
- f. Shared usage of towers and antennas is encouraged, and towers shall be designed to accommodate at least one (1) other entity to co-locate on such towers.
 - g. Accessory facilities or structures shall be limited to the restrictions described in the definition of accessory facilities or structures found in the Definitions of this section.
 - h. All towers shall be equipped with an anti-climbing device to prevent unauthorized access and such towers and related accessory facilities or structure shall be enclosed by security fencing not less than six (6) feet in height.
 - i. At the time of application for a building permit, the plans for construction of a tower shall be certified by an independent registered structural engineer licensed by the State of Georgia as meeting all current safety and design standards of all applicable codes.
 - j. Towers are encouraged to locate in nonresidential areas where possible. Towers shall not be permitted within a single-family residential zoning district unless the applicant can show that the denial of a permit in such a location will cause a significantly harmful and permanent degradation of service which cannot be overcome by any other means including planned or potential locations which would provide the same or similar coverage or capacity.
 - k. Towers shall not be permitted in the C-1 and HPO zoning districts.
 - l. Lattice and guy towers shall be permitted only within M-1 zoning district.
 - m. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the Federal Aviation Administration, Federal Communications Commission, or other applicable federal or state agency, be painted a neutral color or painted to match the existing structure so as to reduce visual obtrusiveness.
 - n. Towers shall not be artificially lighted unless required by the Federal Aviation Administration, Federal communications Commission or other state or federal agency of competent jurisdiction. If lighting is required, the staff may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.
 - o. Towers shall not exceed a height required for a safe approach to any nearby airport as set forth by the Federal Aviation Administration.
 - p. If upon inspection or upon receipt of an engineer's report, Harris County Community Development Department determines that an antenna or tower has not been utilized by any communications service provider for any communications-related purpose for a continuous period of twelve (12) consecutive months, such antenna or tower shall be considered abandoned and the owner shall remove the same within ninety (90) days of receipt of written notice from the Town of Pine Mountain. If the antenna or tower is not removed within said ninety (90) days, the Town may proceed with removal of such antenna or tower and place a lien upon the property for costs of such removal.

- q. No advertising or signage is permitted on the tower other than warning or equipment information.
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- 4. General Requirements for Co-location
The applicant must submit two sets of accurate drawings including a scaled site plan and scaled elevation view and other supporting drawings, calculations, and other documentation including but not limited to, the method of construction and attachment to the building or structure. Plans for antenna construction shall be certified by an independent, registered structural engineer in the State of Georgia as meeting all current safety and design standards of all applicable federal, state, and town codes. The Town of Pine Mountain Town Council shall approve or deny an application for a building permit for co-location following the same requirements as stated below in 9.
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- 5. Tower Setbacks, Height and Separation
 - a. Setbacks. Towers erected in zoning districts shall be set back a distance equal to the full vertical height of the tower from all adjoining property lines of a nonresidential zoning district and a distance of twice (x 2) the height of the tower from all property lines which adjoin a residential zoning district or any residential structure. For purposes of determining whether the installation of a tower complies with setback requirements, the dimensions of the entire lot shall control, even though the tower may be located on leased parcels within such lots.
 - b. Height. Towers shall be limited to a height of two hundred (200) feet in A-1 and M-1 zoning district, one hundred and fifty (150) feet in a C-1 and C-2 zoning district, and one hundred twenty (120) feet in a R-1, R-2, R-3, PUD and Resort.
 - c. Separation. Towers shall be separated a distance equal to one quarter (1/4) of a mile. (Excludes such towers erected in the A-1 and M-1 zoning districts).
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- 6. Landscaping Requirements. Where adequate existing vegetation is not present as determined by the Town, towers located in all zoning districts other than A-1 and M-1 shall have the base of the tower and accessory facilities or structures to the tower screened on all sides with a landscaped area having a minimum width of fifteen (15) feet. Said area shall be included in the setback and shall be planted with trees of an evergreen species capable of achieving a minimum height of twenty (20) feet at maturity so as to provide a visual barrier. Required plantings shall be a minimum of five (5) feet in height at the time of planting and placed outside of any required security fencing and shall be regularly maintained by the property owner(s) to ensure that the above objectives and standards are met.
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- 7. Nonconforming Structures. Any telecommunications facility existing on the date of the adoption of this section shall be considered a nonconforming structure and shall be required to follow standards set forth in Article VII of this ordinance.
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- 8. Exemptions. The following actions shall not require an application for a tower permit from the Town of Pine Mountain:
 - a. A single tower seventy-five (75) feet in height or less owned and operated by a federally licensed amateur radio station operator shall be exempt from these requirements. However, the owner or operator of such antenna shall be required to comply with all applicable town, state, and federal building codes.

- b. Antennas attached to existing nonresidential structures are exempt from these requirements except that such antennas shall meet or exceed Federal Aviation Administration and Federal Communications Commission standards and shall be limited to ten (10) feet in height above an existing structure in C-1 zoning district or the CCDO and twenty (20) feet in height above an existing structure in all other zoning districts. Such nonresidential structures shall include buildings, light poles, water towers, church steeples, and other similar structures. Such antennas shall not be attached to freestanding sign structures. Prior to placement, a building permit shall be obtained. Placement of antennas or other communications equipment on any nonconforming use shall provide no vested right for continued use of the site should the nonconforming use cease.
 - c. Attachment of additional antennas or transmission equipment to existing permitted towers shall be exempt from these tower permit requirements so long as the height of said tower is not increased; such equipment meets or exceeds Federal Aviation Administration and Federal Communications Commission standards; and a building permit is obtained prior to such attachment.
 - d. Monopole tower up to ninety (90) feet in height placed on nonresidential zoned sites shall be exempt from these requirements except that such towers shall be set back a distance equal to the full vertical height of the tower from all adjoining property lines of a nonresidential zoning district and a distance of twice (x 2) the height of the tower from all property lines which adjoin a residential zoning district or any residential zoning structure. Such towers shall be no closer than one-quarter (1/4) mile to any other tower unless within the M-1 zoning district and must obtain a building permit prior to construction.
 - e. Alternative tower structures such as manmade trees, clock towers, bell steeples, flagpoles, light poles, and similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers shall be exempt from these requirements. Such towers shall obtain a building permit prior to construction.
 - f. Towers constructed on the Town of Pine Mountain's properties, facilities, or structures shall be exempt from these requirements. Telecommunications facilities placed upon the Town of Pine Mountain's property shall be governed by a lease agreement between the Town of Pine Mountain and the provider.
 - g. Accessory facilities or structures.
 - h. Repairs and Maintenance.
9. Administrative procedures for tower and antenna building permit
- A building permit issued by the Harris County Department of Community Development is required in advance of the initiation of construction, erection, moving or alteration of any tower or antenna permitted pursuant to this Article.

All telecommunication facilities whether permitted outright or which have received conditional use approval shall obtain a building permit and be required to submit to the Town of Pine Mountain Plans for the Review Process. A copy of the Town of Pine Mountain Plan Review Process is available in the Harris County Department of Community Development.

If an environmental assessment is required by the Federal Communication Commission (FCC), a copy of the assessment, as well as documentation of the FCC's subsequent approval thereof, must be submitted at the time of application. In addition, the applicant shall be required to submit documentation that the proposed wireless telecommunications facility complies with current Federal Communications Commission standards for radio frequency emissions, as adopted by the FCC at the time of application.

The Town of Pine Mountain shall make a final decision on an application for a co-location of an antenna pursuant to this section within a reasonable time period. In determining a reasonable time period, 90 days from the date of filing a complete application by the applicant shall be considered presumptively reasonable. The Town of Pine Mountain shall have 30 days from the date of filing of the application to review the application for completeness. The time it takes for an applicant to respond to a request for additional information will not count toward the 90 days only if The Town of Pine Mountain notifies the applicant within the first 30 days that its application is incomplete. The presumptively reasonable time period may be extended beyond 90 days by mutual written consent of the applicant and the Harris County Building and Zoning Department.

For all other applications pursuant to this section, the Town of Pine Mountain shall make a final decision within a reasonable time period, and in determining a reasonable time period, 150 days from the date of filing a complete application by the applicant shall be considered presumptively reasonable. The Town of Pine Mountain shall have 30 days from the date of filing of the application to request for additional information will not count toward the 150 days only if the Town of Pine Mountain notifies the applicant within the first 30 days that its application is incomplete. The presumptively reasonable time period may be extended beyond 150 days by mutual written consent of the applicant and the Harris County Department of Community Development.

10. Variances. Variances from this section may be applied for and granted in the same procedural manner as required by Article X of the Town of Pine Mountain Zoning Ordinance.

ARTICLE VII. NONCONFORMING USES OF LAND AND STRUCTURES

Except as otherwise provided in this Article, a nonconforming use of land or structures existing at the time of enactment of this Ordinance may be continued and maintained provided that such use of land or structure was not established or created in violation of any previous Zoning Ordinance in effect in Pine Mountain and remains in violation of this Ordinance.

SECTION 1. ALTERATION OR ENLARGEMENT OF STRUCTURES

A nonconforming structure shall not be added to or enlarged in any manner unless said structure, including additions and enlargements, is made to conform to all the regulations or current building codes.

SECTION 2. CESSATION OF USE OF LAND OR STRUCTURE

A nonconforming use of land or structures that has been discontinued for a period of twelve (12) months may not be resumed except in conformity with the regulations of the district in which it is located.

SECTION 3. CHANGES IN USE

A nonconforming use of land or structure may not be changed to another use unless approved by the Town of Pine Mountain Town Council.

SECTION 4. DAMAGE TO NONCONFORMING USES

Any nonconforming use of land or structure which is damaged to an extent of 60 percent of its fair market or appraised value shall not be restored except in conformity with current regulations and building codes and upon approval of the Town of Pine Mountain Town Council.

SECTION 5. REPAIRS TO NONCONFORMING USES

Such repairs and maintenance to nonconforming uses as are required to keep them in sound condition may be made to a nonconforming structure provided no structural alterations shall be made except in conformity with this ordinance or as are required by other laws or ordinances.

ARTICLE VIII. EXCEPTIONS AND MODIFICATIONS

The requirements and regulations set forth in this Ordinance shall be subject to the following exceptions and modifications.

SECTION 1. EXISTING LOTS OF RECORD

Any lot or parcel of land in any district owned at the date of adoption of this Ordinance, or amendment thereof, not adjoining undeveloped land under the same ownership may be used as a building site even though such lot or parcel fails to meet the minimum requirements for lot area, lot width, or both. With respect to such lots or parcels, yard requirements and other requirements shall be subject to the following:

- 1.1 Meet applicable setback requirements.
- 1.2 Not to exceed the maximum lot coverage.

SECTION 2. FRONT YARD

The front yard requirements of this Ordinance shall not apply on lots where the average depth of existing front yards on developed lots located within 100 feet on each side thereof and within the same block and zoning district is greater or less than the minimum required front yard depth. In such case, the depth of the front yard on such lot shall not be less than the average front yard depth on such developed lots for those lots with structure closer to the street. On double frontage lots, the required front yard shall be provided on each street.

SECTION 3. HEIGHT LIMITS

Height limitations do not apply to the following: chimneys, church steeples, flagpoles, grain elevator, distribution lines, telecommunication facilities, water towers and similar structures.

SECTION 4. PROJECTIONS INTO REQUIRED YARDS

Certain architectural features shall be permitted to project into required yard areas as follows:

- A. Cornices, canopies, eaves, or similar features may project a distance not exceeding two and one-half (2.5) feet.
- B. Fire escapes may project a distance not to exceed four (4) feet.
- C. An uncovered stair or landing may project a distance not to exceed three (3) feet.
- D. Bay windows, balconies, and chimneys may project a distance not to exceed two (2) feet provided such features do not occupy more than one-third of the wall on which they are affixed.
- E. Patios may be located in side and rear yards provided they are not closer than five (5) feet to any adjacent property line.
- F. Fences, walls, and hedges may be located in required yards subject to the following limitations:
 1. They do not exceed eight (8) feet in height.
 2. They do not extend along the side lot lines into front yards more than one-half the depth of required front yards.
 3. They do not impair corner visibility as set forth in this Ordinance.

SECTION 5. TEMPORARY USES (SEE DEFINITION)

Temporary buildings used in conjunction with construction work may only be permitted thirty (30) days prior to the construction work. Such temporary buildings shall be removed no later than fifteen (15) days upon completion of the construction work. Manufactured housing units may be permitted in any zone, if a natural disaster has occurred, and it is approved by the Town of Pine Mountain Town Council at a called or regular meeting. This use is permitted for only thirty (30) days and then shall require the additional approval for a time extension of thirty (30) days from the Town of Pine Mountain Town Council.

ARTICLE IX. ADMINISTRATION AND ENFORCEMENT

SECTION 1. ENFORCING OFFICER

The provisions of this Ordinance shall be administered and enforced by the Harris County Community Development Department. These officials shall have the right to enter upon any premises at any reasonable time prior to the issuance of Certificate of Occupancy for the purpose of making inspections of buildings at premises necessary in carrying out his duties in the enforcement of this Ordinance.

SECTION 2. BUILDING PERMIT REQUIRED

It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, or to store building materials or erect temporary field offices, or to commence the moving, alteration, or repair (except necessary repairs, not affecting the external or party walls, chimneys, stairways, or heights of buildings) of any structure including a statement that the plans, specifications, and intended use of such structure in all respects conforms to the provisions of this ordinance application for a building permit shall be made to the Harris County Community Development Department on forms provided for that purpose.

SECTION 3. APPROVAL OF PLANS AND ISSUANCE OF BUILDING PERMIT

It shall be unlawful for the Harris County Community Development Department to approve any plans or issue a building permit for any excavation or construction until he has inspected such plans in detail and found them in conformity with this Ordinance. To this end, the Harris County Community Development Department shall require that every application for a building permit for excavation, construction, use of land, moving or alteration be accompanied by a plan or plat drawn to scale and showing the following in sufficient detail to enable the department to ascertain whether the proposed excavation, construction, use of land, moving or alteration is in conformance with this Ordinance, and applicable building codes.

- a. The actual shape, proportion and dimensions of the lot to be built upon.
- b. The shape, size, and location of all buildings or other structures to be erected, altered, or moved and any building or other structures already on the lot.
- c. The existing and intended use of all such buildings or other structures.
- d. The setback and side lines of buildings on adjoining lots and such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.
- e. Must have certificate from Health Department that property will conform to all health standards, if required.

If the proposed excavation, construction, moving, or alteration as set forth in the application is in conformity with the provisions of this Ordinance, the Harris County Community Development Department shall issue a building permit accordingly. If an application for a building permit is not approved, the Harris County Community Development Department shall state in writing on the application the cause of such disapproval. Issuance of a building permit shall, in no case, be construed as waiving any provision of this Ordinance.

SECTION 4. EXPIRATION OF BUILDING PERMIT

If the work described in any building permit has not begun within six (6) months from the date of issuance thereof, said permit shall expire.

SECTION 5. CERTIFICATE OF OCCUPANCY REQUIRED

No land or building or other structure or part thereof hereafter erected, moved, or altered in its use shall be used until Harris County Community Development Department has issued a Certificate of Occupancy stating that such land or structure or part thereof is found to be in conformity with the provisions of this Ordinance. Within three days after the owner or his agent has notified the Harris County Community Development Department that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Harris County Community Development Department to make a final inspection thereof, and to issue a Certificate of Occupancy if the building or premises or part thereof is found to conform with the provisions of this Ordinance or, if such certificate is refused, to state the refusal in writing with the cause.

SECTION 6. PENALTIES FOR VIOLATION OF ZONING ORDINANCE.

Any person, firm, or corporation who violates any provision of the Zoning Ordinance of Pine Mountain, Georgia, shall be guilty of a misdemeanor and upon conviction in municipal court, shall be fined an amount not to exceed five hundred dollars (\$500.00) or imprisoned up to sixty (60) days or both for each violation. Each day such violation continues shall constitute a separate offense and shall subject such person, firm, or corporation to a fine or incarceration specified by this section for each such offense.

Each citation shall state the time and place at which the accused violator is to appear for trial, shall identify the violation with which the accused is charged, shall have an identifying number by which it shall be filed with the court, shall indicate the identity of the accused and the date of service, and shall be signed by the Harris County Community Development Department or his designated agent who shall complete and serve the citation.

Prosecutions for violations of this ordinance in accordance with this section shall be commenced by the completion, signing and service of the citation by the Harris County Community Development Department or his designated agent either of whom is authorized by this ordinance to issue citations. The original of the citation shall be personally served upon the accused and a copy shall be promptly filed with the municipal court.

No person shall be arrested prior to the time of trial for violations under this section, but any person who fails to appear at trial shall be arrested thereafter on a warrant of the magistrate and required to post a bond for his future appearance.

SECTION 7. REMEDIES

In case any building or other structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this Ordinance, the Harris County Community Development Department or any other appropriate authority or any adjacent or neighboring property owner who would be specially damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair,

conversion, maintenance or use, to correct or abate such violation or to prevent occupancy of such building, structure, or land.

ARTICLE X. VARIANCES AND APPEALS

Section 1. AUTHORITY TO GRANT VARIANCES

The Town of Pine Mountain Town Council is authorized to receive, consider, grant, grant with conditions, or deny applications for variances to the dimensional requirements of this ordinance, after a public hearing and after making written findings of fact that the conditions for variances specified herein have been fulfilled or not. In granting a variance, the Town Council may impose such requirements and conditions with respect to the location, construction, maintenance and operation of any use or building, in addition to those expressly set forth herein, as may be deemed necessary for the protection of adjacent properties and the public interest. Decisions of the Town Council pertaining to variances shall be final. Applicant(s) aggrieved by a variance decision of the Town Council may pursue appeals to the Courts of proper jurisdiction of the State of Georgia as provided by law.

Section 2. VARIANCE APPLICATIONS

A property owner or his authorized agent may initiate a request for a variance by filing an application with the Town of Pine Mountain. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. The Town Council may require other drawings or materials essential to the understanding of the proposed use and variance requested and its relationship to surrounding properties. A fee shall accompany variance applications as established by the Pine Mountain Town Council.

Section 3. CONDITIONS AND CRITERIA FOR GRANTING A VARIANCE

The Town Council, in cases where specifically authorized, may grant a variance only after consideration and adoption of findings of fact that all of the following conditions exist, and criteria are met.

- a. There are unusual, exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other property in the same vicinity or use district, and such conditions are not the result of the owner's or occupant's own actions. Such conditions may include topography, unique natural conditions, surroundings of subject property, or the size or peculiar shape of the lot.
- b. As a result of such unusual circumstance or conditions, there is an unnecessary hardship or practical difficulty that renders it difficult to carry out the provisions of this ordinance.
- c. The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which property is located, and the variance will be in harmony with the general purposes and intent of the provisions of this ordinance.
- d. The variance approved is the minimum variance that will make possible the legal use of the land, building, or structure.
- e. The variance does not permit a use of land, building or structure which is not permitted by right in the zoning district in which the proposed development is located.

Section 4. NOTICE OF HEARING

Upon the filing of any complete application for a variance with the Town Council, or upon the filing of any complete application for appeal with the Town Clerk, a public hearing shall be scheduled and held on the proposed variance or appeal. Notice of the public hearing shall be given and the public hearing shall be conducted as provided in Article XI, Section 1(f) of this ordinance.

Section 5. ACTION ON VARIANCES AND APPEALS

The Town Council shall make findings and render a decision in writing within forty-five (45) days after the initial public hearing on the proposed variance or appeal. The Town Council shall notify the applicant, in writing, of its decision within five days after the Town Council has rendered its decision.

ARTICLE XI. AMENDMENT, FEES AND LEGAL STATUS

Section 1 (a). AMENDMENT

"Amendment" as used in this section means a change in the text of the zoning ordinance or a change in the official zoning maps of the town authorized by a zoning decision made only after compliance with the procedures set forth in this section.

1. A proposed amendment to the text may be initiated by the Harris County Planning Commission or may be submitted to the planning commission by the Town of Pine Mountain City Council or by any person who owns property within the zoning jurisdiction of the town. Unless initiated by the town council or by the planning commission, all proposed map amendments shall be submitted by the owner of such property or the authorized agent of the owner. An authorized agent shall have written authorization from the property owner, and such authorization shall be notarized and attached to the application.
2. A proposed amendment to the map affecting the same property shall not be submitted more than once every twenty-four (24) months, said interval to begin with the date of final decision by the Pine Mountain Town Council. The Pine Mountain Town Council may, in its discretion, reduce or waive the 24-month interval between applications for proposed amendments to the zoning map affecting the same property; however, in the case of an application for a proposed amendment to the zoning maps which was defeated by the town council, there shall be at least a six-month interval between the defeated application and the subsequent application affecting the same property unless the council shall find and determine that the conditions under which the previous application for rezoning was made have substantially changed. The 24-month interval shall not apply to applications for proposed amendments initiated by the Pine Mountain Town Council or by the Harris County Planning Commission, except for applications for proposed amendments to the zoning maps which were defeated by the Pine Mountain Town Council, in which case the interval required before a subsequent application may be filed shall be at least six (6) months unless the council shall find and determine that the conditions under which the previous application for rezoning was made have substantially changed. An application to amend zoning conditions may be submitted at any time.

SECTION 1 (b). INITIATION OF AMENDMENTS

Each proposed amendment to the text or to the official zoning map shall be initiated by filing an application with the Harris County building inspection and zoning department. Applications for proposed amendment shall include at least the following information. In addition to any other information required by the Harris County building inspection and zoning department:

1. Applications for proposed amendments to the text shall include the following information:
 - a. Name and address of the applicant;
 - b. Current provisions of the text to be affected by the proposed amendment;
 - c. Proposed wording of the proposed amendment to the text; and
 - d. The reason for proposed amendment.
2. Applications for proposed amendments to the zoning maps shall include the following:

- a. Name and address of the applicant;
 - b. A legal description of the tract(s) proposed to be rezoned;
 - c. Three (3) copies of a plat, drawn to scale, showing north arrow, land lot and district, the dimensions, acreage and location of the tract(s) prepared by an engineer, or land surveyor, whose state registration is current and valid; the architect's or land surveyor's seal shall be affixed to the plat;
 - d. The present and proposed zoning district for the tract(s);
 - e. Existing intermediate flood-plain areas;
 - f. The names and addresses of the owner(s) of the land and of the agent(s) for the owner(s), if any; and
 - g. The map and parcel number identified on the county's tax assessor map.
3. Applications for proposed amendments shall be submitted in accordance with a schedule adopted annually by the Pine Mountain Town Council. Said schedule shall provide that each application for a proposed amendment shall be submitted at least fifty (50) days prior to the date on which it is to be considered by the Pine Mountain Town Council as related to the zoning district requested and the site of the property affected. A fee shall not be charged to proposed amendments initiated by members of the Pine Mountain Town Council or by members of the Harris County Planning Commission.
 4. An applicant shall not be permitted to withdraw an application for a proposed amendment after the legal advertising for said proposed amendment, as required by this article, shall have first appeared, unless such withdrawal is made with the approval of the town council as provided in this Article, Section 1(f)(b).
 5. An applicant may file site plans, renderings, construction specifications, written development restrictions and other zoning conditions which the applicant proposes as binding restrictions upon the development and use of the property that is the subject of the proposed amendment. However, any such zoning conditions shall be filed with the building inspection and zoning department at least seven (7) days prior to the public hearing before the town council. If any such zoning conditions are proposed by an applicant and have not been filed as required by this subsection, the town council, at the time of the public hearing on the proposed amendment, shall defer any action on such proposed amendment to a specific meeting date. The date designated for action on the proposed amendment shall be set at a time which is sufficient to allow the applicant to comply with the filing requirements of this subsection.

SECTION 1(c). PUBLIC NOTIFICATION

- a. Legal notice:
Notice of public hearings before the planning commission and the Pine Mountain Town Council as required by this section shall be published within a newspaper of general circulation within the town and shall state the time, place and purpose of the hearing and shall also include the location of property that is the subject of the zoning action, the present zoning district of said property, and the proposed zoning district of said property. Such notice shall be published at least fifteen (15) but not more than forty-five (45) days prior to the date of the hearing.
- b. Signs posted:
When application is made for a proposed amendment to the zoning maps, the applicant shall post, no more than two (2) days prior to filing in a conspicuous place on the property for which application for a proposed amendment has been submitted one (1) sign at least 48 inches vertical by 96 inches horizontal in size, and the lettering thereon

shall be black letters on a white background and the letters shall be at least three (3) inches in height. Said sign shall be of wood, metal, or plastic. The sign shall be placed on the property at five hundred (500) foot intervals; if the property in question has five hundred (500) foot or less frontage, one sign will suffice. The sign shall not contain additional advertisement or words. The sign shall remain posted until final action has been taken by the Pine Mountain Town Council. The sign(s) shall be removed by the applicant within ten (10) days after the final action by the Pine Mountain Town Council.

The sign shall read as follows:

NOTICE TO REZONE

Name of Applicant or Owner:	Present Zoning:
Address:	Proposed Zoning:
Telephone:	Proposed Use of Property:
Date, Time and Location of Planning Commission Hearing:	
Date, Time and Location of Town of Pine Mountain Town Council Public Hearing:	

Additional Information: Call Harris County Community Development Department (706) 628-4700

- c. Letters to Adjacent Property Owners:
Where application is made for a proposed amendment to the zoning maps, the Harris County building inspection and zoning department shall notify, by regular mail, the owners, as shown by Harris and Meriwether County tax records, of property that is adjacent to the property that is the subject of the proposed amendment. Such notice shall be mailed at least fifteen (15) days prior to the date of the planning commission public hearing and shall include a description of the proposed amendment and the dates, times, and places of the public hearings before the planning commission and the town council.

SECTION 1(d). PUBLIC HEARING PROCEDURES

When a public hearing is required by these ordinances or by state law prior to a zoning decision, such public hearing, whether conducted by the town council or the planning commission, shall be conducted in accordance with the following procedures:

- a. The public hearing shall be called to order by the presiding officer.
- b. The presiding officer shall explain the procedures to be followed in the conduct of the public hearing.

- c. If the subject of the hearing is a zoning decision initiated by a petitioner other than the town council; the petitioner requesting such zoning decision, or the petitioner's agent, shall be recognized first and shall be permitted to present and explain the request for the zoning decision. If the request for a zoning decision is initiated by the town council, all members of the town council shall be allowed to speak as they are recognized by the presiding officer, regardless of whether such board member speaks in favor of or in opposition to the proposed zoning decision. Thereafter, all individuals who so desire shall be permitted to speak in favor of the zoning decision.
- d. After all individuals have had an opportunity to speak in accordance with paragraph c above, those individuals present at the public hearing who wish to speak in opposition to the requested zoning decision shall have an opportunity to speak.
- e. When any person wishes to speak at a public hearing, he shall raise his hand and, after being recognized by the presiding officer, shall stand and give his name, address, and make any comment appropriate to the proposed zoning decision.
- f. A maximum of ten (10) minutes will be provided per side to speak at a public hearing, all speakers are urged to make their comments brief and avoid repeating other comments.
- g. In case of an application for a proposed amendment to the zoning ordinance text or maps, the applicant shall have an opportunity, after all comments in opposition have been made, to make summary remarks concerning the proposed zoning decision.
- h. Thereafter, the presiding officer shall announce that the public hearing for the requested zoning decision is closed. The planning commission shall then convene in business session to consider the proposed amendment and shall, at that time, take action on its recommendation to the town council. At the close of the public hearing before the town council, the council shall immediately convene its business session and consider the recommendation for the zoning decision and take action on the proposed amendment.

SECTION 1 (e). PLANNING COMMISSION PUBLIC HEARING AND ACTION

- a. All applications for proposed amendments shall be reviewed by the planning commission in a public hearing in accordance with the procedures set forth in this Article, section 1(d).
- b. The planning commission shall review and consider a recommendation to the town council with respect to the application for a proposed amendment. The planning commission may decide not to make a recommendation, or it may make any of the following recommendations with respect to an application for a proposed amendment: approval, denial, deferral, withdrawal, reduction of the land area for which the application is made, change of the zoning district requested, or imposition of zoning conditions. If no recommendation is decided by the planning commission, then it shall report to the town council that it makes no recommendation on the application.
- c. The planning commission shall submit its recommendation or report of no recommendation on an application for a proposed amendment to the Town Council prior to the scheduled public hearing in which the town council will consider the application for a zoning decision. If the planning commission fails to submit a recommendation or report prior to the public hearing, the planning commission's recommendation shall be deemed to be one of approval.

SECTION 1 (f). TOWN COUNCIL PUBLIC HEARING AND ACTION

- a. Before taking action on a proposed amendment and after receipt of the planning commission recommendations or reports thereon, the town council shall hold a public hearing on the proposed amendment.
- b. So that the purpose of this zoning ordinance will be served and so that health, public safety and general welfare will be secured, the town council in its decision on the application for a proposed amendment may, in its legislative discretion, approve or deny the application for proposed amendment as submitted, defer a decision until a specific meeting date, require applicant to file a site plan or other plans regarding the project development and defer action to a later meeting date, or allow a withdrawal of the application by the applicant, if requested. The town council shall determine whether the withdrawal shall be subject to the 24-month interval before refiling. The town council may also require that the land area for such application for proposed amendment is made be reduced, that the zoning district be change(d) to one other than that requested, or that zoning conditions be added or deleted, as the Town Council deems appropriate.

SECTION 1(g). ZONING STANDARDS

Whenever the town shall exercise its zoning power, the following standards are considered relevant in balancing the town's interest in promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of property:

- a. Whether the zoning decision will permit a use that is suitable in view of the use and development of adjacent or nearby property;
- b. Whether the zoning decision will adversely affect the existing use of adjacent or nearby property;
- c. Whether the property affected by the zoning decision has a reasonable economic use as currently zoned;
- d. Whether the zoning decision will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;
- e. Whether the zoning decision conforms with the policy and intent of an adopted land use plan; and
- f. Whether other conditions exist that affect the use and development of the property in question and support either approval or denial of the zoning decision.

SECTION 2. ALTERATION OF ZONING CONDITIONS SECTION

2(a). MINOR ALTERATIONS APPROVAL:

The Harris County Community Development Department shall have the authority to approve the following minor alterations of zoning conditions provided such alterations would not change the purpose intended for such zoning condition and would not adversely affect town services or other property.

- a. Building relocation, curb cut relocation and traffic circulation changes due to topographic, environmental or other design factors;
- b. Parking design; and
- c. Utility relocation.

2(b). AMENDMENTS OF ZONING CONDITIONS

An owner of property or his authorized agent may file an application to amend any zoning conditions which have been made a part of a zoning decision by the Pine Mountain Town

Council if such changes requested cannot be affected under the provisions of this Article, section 2(a). Such application shall be processed in accordance with the same procedures as those required for applications for proposed amendments to the zoning maps as provided in section I (1) of this article.

SECTION 3. FEES

Fees for appeals and applications for amendments to the (this) Ordinance shall be in accordance with the current schedule approved by the Pine Mountain Town Council for use by the Harris County Building and Zoning Department and shall be payable by an individual prior to action by the Community Development Director to initiate the proceeding request.

SECTION 4. LEGAL STATUS

4.1 INTERPRETATION

In the interpretation and application of the zoning ordinance of Pine Mountain, Georgia, the provisions shall be considered minimum requirements adopted for the promotion of the public health, safety, morals, and general welfare of the citizens of Pine Mountain. Where the provisions of this ordinance require or impose more restrictive standards than are required by any other ordinance or law, the provisions of this ordinance shall control. Where the provisions of any other ordinance or law require more restrictive standards than are required by this ordinance, the provisions of such other ordinance or law shall control.

4.2 SAVING CLAUSE

If any section, clause, provision, or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance which is not in and of itself invalid or unconstitutional.

4.3 REPEAL OF CONFLICTING ORDINANCES

All ordinances or parts of any ordinance in conflict with any of the provisions of the Zoning Ordinance of Pine Mountain, Georgia are hereby repealed.

4.4 EFFECTIVE DATE

This ordinance shall take effect and shall be in force from and after the 13th day of May, 2019.

Adopted 13th day of May, 2019, by the Town of Pine Mountain Town Council.

Attest:

BEGIN PROCESS

ZONING AMENDMENT

- ① Applications are available at the Harris County Community Development Department (125 Barnes Mill Road, Hamilton).
- ② Return application **50 days** prior the meeting of the Pine Mountain Town Council at which it is to be considered.
- ③ Property owner attends the monthly meeting of the Harris County Planning Commission (2nd Monday of each month).
- ④ Property owner attends the meeting of the Pine Mountain Town Council at which the application will be considered.

