

ARTICLE 14
SPECIFIC PROVISIONS FOR PRINCIPAL NONRESIDENTIAL
BUILDINGS AND USES

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Sec. 14.1. Aircraft Landing Area.

No person shall construct or use or authorize the construction or use of an aircraft landing area (including private use heliport) on any property owned, leased, or controlled by such person, unless and until the following requirements are met:

- (a) Liability Insurance. No person shall use or authorize the use of an aircraft landing area on any property owned, leased, or controlled by such person until such person has obtained liability insurance coverage on the operation and use of such area. Such coverage shall be obtained from an insurer authorized or licensed to transact insurance business in Georgia and shall provide a minimum liability coverage of at least \$500,000 per claim.
- (b) Size and Approval. The proposed aircraft landing area shall be of sufficient size to meet the Federal Aviation Administration requirements for the class of airport or aircraft landing proposed, and it must be approved by the Federal Aviation Administration or other agency of the federal government with jurisdiction. There shall be sufficient distance between the end of each landing strip and the property boundary to satisfy the requirements of the Federal Aviation Administration.
- (c) No Obstructions Permitted. There shall be no existing or proposed flight obstructions such as towers, chimneys or natural obstructions outside the proposed aircraft landing area which would be in the approach zone to any of the proposed runways, landing strips, or landing areas. In cases where air rights or easements have been acquired from the owners of abutting properties to protect approach zones, satisfactory evidence thereof shall be submitted with the application.
- (d) Safety Barrier. The owner of the aircraft landing area shall erect a safety barrier around the peripheral area surrounding the takeoff and landing area. The safety barrier shall be a fence, wall or hedge no less than six (6) feet in height and fully enclosed with a self-locking gate.

- (e) Environmental Impact Report. An environmental impact report shall be submitted, addressing whether the facility is consistent with the comprehensive plan; whether the use will have an adverse impact on the surrounding area; and whether the noise level will impact the surrounding area. Additionally, the applicant shall submit a plan with any mitigation techniques that may be required. The Zoning Administrator shall review, or arrange for review by an appropriate professional the environmental impact report, evaluate proposed mitigating techniques, and determine the sufficiency thereof, require any additional information relevant to the application, and make a recommendation to the Governing Body regarding approval or denial of the conditional use application.
- (f) Conditions of Approval. In approving an aircraft landing area, the Governing Body may provide that the approval is conditioned on measures or restrictions designed to mitigate any negative impacts of the use. The proposed location of an aircraft landing area within six-hundred (600) feet of a residential zoning district or existing residential use may form the basis for denial of the application.

Sec. 14.2. Automobile Sales Establishment.

- (a) Parking. Establishments that sell, rent, or lease automobiles must provide parking specifically identified and devoted to customers. It shall be a violation to park vehicles for sale, rent, or lease in customer parking areas, unloading zones, within landscape strips, or in any other grass or unpaved area.
- (b) Loading. Adequate space must be allocated, specifically identified, and reserved on the site for the unloading of vehicles brought to the site by car carriers.
- (c) Loudspeakers. Outside loudspeakers shall not be permitted when abutting residential zoning districts and uses.
- (d) Lighting Plan Approval. Automobile sales establishments require submittal and approval by the Zoning Administrator of a photometric plan for all outdoor lighting (see Article 23 of this zoning ordinance). Establishments that will not operate during darkness and that do not provide any outdoor lighting shall not be required to submit a photometric plan.

Sec. 14.3. Church, Temples, Synagogue, or Place of Worship.

- (a) Accessory Uses. Acceptable accessory uses include but are not limited to, a residence for the housing of the pastor, priest, minister, rabbi, etc., school buildings and temporary classrooms, gymnasiums and other indoor recreational facilities, community meeting rooms, and unlighted outdoor recreational facilities. In commercial districts, a community food or housing shelter may be operated as an accessory use to a church. (Ord. 348-11)
- (b) Conditional Uses in Residential Zoning Districts. When located within a R-1, R-2, R-3, TND, or PUD zoning district, a church shall not be permitted to establish a day care center, house more than one household or family on-site, or provide lighted outdoor recreation facilities, without a conditional use permit approved by the Governing Body. (Ord. 348-11)

Sec. 14.4. Club or Lodge, Nonprofit.

- (a) Setbacks and Buffers. When located on a lot within or abutting a R-1, R-2, R-3, TND, or PUD zoning district, nonprofit clubs or lodges shall be set back a minimum of fifty (50) feet from any property line, and within the fifty (50) foot setback, a minimum twenty-five (25) foot wide natural buffer shall be provided.
- (b) Special Uses in Residential Zoning Districts. When located within or abutting a R-1, R-2, R-3, TND, or PUD zoning district, no nonprofit club or lodge shall be permitted to establish lighted outdoor recreation facilities, without a conditional use permit approved by the Governing Body.

Sec. 14.5. Commercial Recreation Facility, Outdoor.

- (a) Lot Area. Such uses require a minimum lot area of two acres.
- (b) Access. Vehicular access shall be derived only from a collector or arterial street.
- (c) Setback and Buffer. A minimum building setback of one hundred (100) feet, and a natural undisturbed buffer replanted where sparsely vegetated of at least fifty (50) feet adjacent to side and rear property lines, shall be required.
- (d) Exterior Lighting. Uses that propose night lighting shall be required to submit a photometric plan to Zoning Administrator to enable the evaluation of impacts from illumination, and approval of said photometric plan by the Zoning Administrator shall be required. See Article 23 of this zoning ordinance.
- (e) Evaluation. A written evaluation of noise and other off-site impacts is required at the time the following conditional uses are proposed to be established: stadiums, amphitheaters, outdoor firearms shooting ranges, and race tracks for animals and motor driven vehicles; such projects may be required to construct noise attenuation walls or otherwise address off-site noise impacts. A traffic impact analysis shall be required for amphitheaters, stadiums, racetracks for animals or motor-driven vehicles, and recreational vehicle parks.

Sec. 14.6. Day Care Center.

In districts where permitted, day care centers shall have at least one hundred (100) square feet of outdoor play area and at least thirty-five (35) square feet of indoor space provided for each child or other person served. The outdoor play area shall be enclosed by a solid wooden fence or masonry wall, with a minimum height of five (5) feet, or by a building or combination wall or fence and building. Adequate and safe areas for the drop-off and pick-up of patrons shall be provided.

Sec. 14.7. Institutional Residential Living and Care Facilities.

In districts where permitted, institutional residential living and care facilities shall meet the requirements of the State Board of Health and applicable rules of the State Department of Human Resources. Proof of compliance with such requirements shall be required to be on file with the Director prior to business registration approval.

Sec. 14.8. Landfill.

- (a) **Access.** Access from a paved collector or arterial street shall be required. Access shall not be allowed through any residential subdivision or residential development.
- (b) **Screening and Buffers.** The entire landfill shall be screened from view from all property lines. To accomplish this, a minimum one-hundred (100) foot wide undisturbed buffer is required adjacent to all property lines. Areas within the one-hundred (100) foot undisturbed buffer that do not provide an opaque screen throughout the year shall be planted with additional vegetation.
- (c) **Fencing.** A minimum six (6) foot high solid fence/wall shall be required inside buffers adjacent to any property line containing a residential use or abutting any residential zoning district.
- (d) **State Permit.** The owner shall provide the Zoning Administrator with a current copy of a Georgia solid waste handling permit, or pending application thereof, prior to applying for a development or land disturbance permit.
- (e) **Covering of Loads.** Vehicles shall be allowed into a landfill site only if waste is covered, to prevent blowing of material from the vehicle.
- (f) **Conditions of Approval.** In approving a landfill, the Governing Body may provide that the approval is conditioned on measures or restrictions designed to mitigate any negative impacts of the use. The proposed location of a landfill within six-hundred (600) feet of a residential zoning district or existing residential use may form the basis for denial of the application.

Sec. 14.9. Mining, Quarrying, or Extraction.

Any facility engaged in the extraction of earth products, such as sand, soil, gravel, rock, stone, clay, or other mining operations, etc. shall comply with the following:

- (a) **State Permits.** The property owner shall submit to the Zoning Administrator a full and complete copy of all approved state permits required for operation of the mine or quarry. Whenever a revision or renewal of any such state permit is required or sought, the property owner shall submit to the Zoning Administrator a full and complete copy of all such applications pending along with relevant correspondence from governing state agencies regarding the disposition of the application for permit revision or renewal.
- (b) **Noise Studies and Sound Level Monitoring.** The property owner may be required to submit to the Zoning Administrator a noise study meeting specifications and content details specified by the Zoning Administrator and providing specific measurements at multiple locations along the perimeter of the property ownership boundary. Said noise study if required shall evaluate observed sound levels with noise standards of the City of Flowery Branch as contained in its comprehensive plan and/or zoning ordinance. At any points where sound levels from such noise studies reveal that the acceptable noise threshold of the City of Flowery Branch of operational sounds (as distinguished from off-site, ambient noise) is exceeded, the professional preparing

the noise study shall recommend and the property owner shall propose noise mitigation measures and a time frame for their implementation acceptable to the City of Flowery Branch. Mitigation measures may include but shall not be limited to berms and noise attenuation barriers.

- (c) Hours of Operation. Hours of operation of a mine or quarry and any on-site tenants shall be limited to 6:00 a.m. to 10:00 p.m., Monday through Saturday, with the exception that: Hours of operation (but not including blasting) may be extended to 24 hour a day and Sunday operations as reasonably necessary for the applicant or any tenant to supply materials to a governmental project. In all such cases the applicant for tenant shall submit a copy of the executed governmental contract for which such extended hours are reasonably necessary to the Zoning Administrator within five days of receipt of the contract. Applicant or tenant shall also supply an anticipated schedule of extended operating hours pertaining to the contract to show that such extended hours are authorized by this condition. This exception shall only be permitted for the duration of government contracts only.
- (d) Fencing. The property owner shall submit to the Zoning Administrator a detailed site plan showing the location and nature of fencing of the mine or quarry operations and/or the mine or quarry property ownership boundary. In submitting the fencing site plan, the property owner shall indicate where new fencing (and the type of fencing) is proposed. Where no fencing is proposed by the property owner, reasons for not proposing fencing shall be given. The fencing site plan shall be subject to the approval of the Zoning Administrator, and for good cause shown, the Zoning Administrator may disapprove of any site plan that does not provide adequate security of the area of mining or quarry operations and/or the entire ownership site.
- (e) Road Surfacing. Permanent roads, defined as those to be used in excess of one year, within the excavation site shall be surfaced with a dust-free material. Roads other than permanent roads shall be treated with dust inhibitors which will reduce the generation of dust from the road surfaces as a result of wind or vehicular action.
- (f) Activity Setback. The proposed extraction shall not take place within one-hundred (100) feet of a property line.
- (g) Stockpiles. Product piles, spoil piles, and other accumulations of by-products shall not be created to a height more than thirty-five (35) feet above the original contour.
- (h) Blasting. The property owner shall be continuously responsible for assuring that blasting meets the Georgia Blasting Standards Act and the safe blasting limit of 2.0 inches per second, peak particle velocity. The property owner shall achieve compliance with this regulation by monitoring blast operations. Upon request, the property owner shall submit to the Zoning Administrator a copy of all such monitoring results from a qualified professional. In addition, any correspondence between the property owner and the State Fire Marshall relative to compliance with the Georgia Blasting Standards Act shall be submitted to the Zoning Administrator. Blasting shall only be done between the hours of 10:00 a.m. and 5:00 p.m. on weekdays (except on holidays, when no blasting shall be allowed). Blasting shall not be done at other times, except when necessary to detonate a loaded shot that could not be detonated because of adverse weather or other conditions that could not be reasonably foreseen, to maintain blasting safety, or as required to comply with applicable

governmental requirements. The mine or quarry operator shall notify the Zoning Administrator of any blast that occurs outside the prescribed times of day and state why such blast occurred outside of such time within 24 hours of such blast.

Sec. 14.10. Rooming House.

- (a) Purpose and Intent. This section is intended to address concerns about dormitory-style housing in existing single-family residential neighborhoods. It is adopted in response to concerns that when a large number of people rent rooms in one home, there are sometimes negative impacts such as overcrowding, unsanitary conditions, illicit activities, cars parked in the yard, frequent parties, and other disturbances and threats to public safety. This section is designed to help protect the character and stability of the city's neighborhoods while also respecting individual property rights.
- (b) Applicability. No person shall establish or operate a rooming house, or let a person occupy any rooming unit in any rooming house, except in compliance with the provisions of this Section.
- (c) Business Registration of Existing Rooming Houses. No person shall operate a rooming house unless he holds a valid business registration issued in the name of the operator and for the specific dwelling. Property owners operating a rooming house shall register the rooming house as an existing business within 120 days from the effective date of this Section. It shall be unlawful to continue to use or operate a rooming house in the city after 120 days from the effective date of this section, unless the rooming house has been registered with the city. The city shall compile and maintain a list of registered rooming houses.
- (d) Appointment of Agent and Agent Responsibilities. As part of the registration process, property owners of existing and new rooming houses shall appoint an agent, who lives in Hall County, as the person responsible for the property. The designated agent shall be available to be contacted 24 hours a day, 7 days a week. The agent is the party designated to receive all notices from the city concerning the use of the property. The name and telephone number of the agent responsible for the rooming house will be provided by the city to any neighbors who contact the city with complaints about the rooming house. The designated agent for the property shall be responsible for responding expeditiously to any complaints received by the city and problems if they occur.
- (e) Registration Application Requirements. The application for registration shall include the agent of the property and the resident manager. The applicant for a registration required by this Section shall file with the application the following:
 - (1) A copy of the recorded plat for the property;
 - (2) A site plan, if no current as-built survey exists;
 - (3) A floor plan of each floor of the building. Said floor plan shall be drawn to an acceptable architectural scale and shall show all stairs, halls, the location and size of all windows, the location and size of habitable rooms and the exits of each floor to be occupied. The intended use of every room in the building must be indicated on the floor plans submitted; and
 - (4) A written statement indicating the number of persons proposed to be accommodated or allowed on each floor, and services to be provided, if any.

- (f) Resident Management and Occupancy Registry. A resident manager shall reside on the licensed premises. A telephone shall be located in the resident manager's living quarters. The manager of every rooming house shall keep in the office, or other place therein, a register in which shall be entered the name and residence of every person who becomes a lodger, boarder or guest therein. Such register shall also show the number or location of the room or bed occupied by such person, the date of his arrival, and the period for which he will stay. The register shall also be accessible, without charge, to the Zoning Administrator, any police officer, or other duly authorized agent of the city. An up-to-date floor plan and current list of occupants shall be maintained by the resident manager and posted in a conspicuous location.
- (g) Occupancy Limitations. No basement, attic, or accessory building shall be used for rooming house purposes. No registration required by this Section shall be issued to any person proposing to use a basement, attic, or accessory building or any part thereof as habitable rooms for rooming house purposes.
- (h) Air Space. No room in any rooming house shall be occupied as a sleeping room by any person unless there are at least six hundred (600) cubic feet of air space, exclusive of wardrobe and closet space, for each and every person occupying any such room. All sleeping quarters shall be served by working heating and cooling facilities and a bed with a mattress for each registered occupant.
- (i) Minimum Basic Facilities. At least one (1) flush water closet, lavatory basin, and bathtub or shower, connected to a water and sewerage system and in good working condition, shall be supplied for each eight (8) persons or fraction thereof residing within a rooming house. All such facilities shall be located within the dwelling so as to be accessible from a common hall or passageway to all persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times.
- (j) Food Preparation and Meals. Any rooming house where food is served shall comply with all requirements of the Hall County Environmental Health Department.
- (k) Responsibility for Maintenance. The property owner, property agent, and resident manager of each rooming house shall be individually responsible for the maintenance of safe and sanitary conditions in every part of the rooming house.

Sec. 14.11. Self-Service Storage Facilities (Mini-Warehouse).

- (a) Access. Vehicular access shall be derived only from an arterial or collector road.
- (b) Minimum and maximum development size. The minimum lot size for a mini-warehouse development shall be two (2) acres, and the maximum developed area for a mini-warehouse shall be four (4) acres.
- (c) Size and use of storage units. Individual storage units shall not exceed eight hundred (800) square feet in area and shall not be used for the storage of hazardous materials or toxic substances. The use of individual storage units for living, sales, or hobbies is prohibited.

- (d) Maximum building length. No individual mini-warehouse building shall be more than two hundred (200) feet long.
- (e) Fencing. Fencing adjacent to a public right-of-way shall be required in the form of an architecturally finished wall or solid, opaque wooden fence. Fences placed on the remainder of the site may be black, vinyl-coated chain-link.
- (f) Hours of operation. Mini-warehouse developments shall not be accessible to the general public (excluding on-site managers) between the hours of midnight and 5:00 a.m.

Sec. 14.12. Truck Stop.

In zoning districts where permitted, establishments that provide refueling of trucks and cater to the needs of truck drivers are subject to the following requirements: All uses other than the dispensing of fuel or other accessory vehicle services must be contained within a single principal building. Such building may contain convenience shopping space, a restaurant, television viewing and recreation lounges, restroom facilities, and showers.

Sec. 14.13. Application Requirements for Uses Specified in this Article.

In addition to the requirements for conditional use applications as specified in this Zoning Ordinance, if applicable, all applicants for any use specified by this Article shall submit to the Zoning Administrator the following information for review and approval:

- (a) Plat. A copy of the recorded plat for the subject property.
- (b) Site Plan. The site plan required by this Zoning Ordinance, which must show areas proposed for the handling and storage of overburden, by-products, and/or excavated materials including the estimated type and volume of extraction.
- (c) Operations Plan. An operations plan, which shall include: the date of commencement of operation and its expected duration and the proposed hours of operation.
- (d) State or Federal Permit Documents. A copy of all documents submitted or prepared for submission to the Georgia Department of Natural Resources or any other state or federal regulatory agency, as may be required, for the purpose of obtaining a state permit or federal authorization.
- (e) Review by Georgia Department of Transportation. A statement from the Georgia Department of Transportation which shall identify any state-maintained road within or adjacent to the subject property, and which shall identify any repaving, repairs, alterations, turning lanes, or other additions necessary to accommodate the potential increase in traffic volume or weight occasioned by the proposed operations.
- (f) Review by City Engineer. A statement from the City Engineer or other qualified professional which identifies all city roads within or adjacent to the property and which shall identify any repaving, repairs, alterations, turning lanes, or other additions necessary to accommodate the potential increase in traffic volume or weight occasioned by the proposed operations.