

**ZONING ORDINANCE
Of The
CITY OF ALBANY & DOUGHERTY COUNTY, GEORGIA**

TITLE TWO

DISTRICT REGULATIONS AND REQUIREMENTS

ARTICLE 1: DEFINITIONS AND INTENT OF ZONING DISTRICTS	3
ARTICLE 2: GENERAL DISTRICT REGULATIONS	9
SECTION 2.01 PERMITTED USES	9
<i>Table II.2.01 Permitted Uses</i>	9
SECTION 2.02 LOT AREA AND YARD REQUIREMENTS	10
<i>Table II.2.02 Minimum Lot Area and Yard Requirements</i>	10
SECTION 2.03 OPEN SPACE REQUIREMENTS FOR RESIDENTIAL SUBDIVISIONS AND FOR ALL DEVELOPMENT IN C-R, C-1, C-2, C-3, C-5, C-6, C-7, AND C-8 DISTRICTS	11
SECTION 2.04 PARKING LOT LANDSCAPING IN ALL DISTRICTS	12
SECTION 2.05 FENCES, WALLS, UTILITIES AND SCREENING IN ALL DISTRICTS.....	13
SECTION 2.06 SIDEWALK AREA IN ALL C DISTRICTS AND M DISTRICTS WITHIN THE CITY.....	13
<i>Table II.2.06 General Sidewalk Area Requirements (See Title I Definitions, Sidewalk Area)</i>	14
SECTION 2.07 LANDSCAPING FOR NEW DEVELOPMENT IN ALL DISTRICTS (WITHIN THE CITY).....	15
SECTION 2.08 TRANSITIONAL BUFFERS BETWEEN DISTRICTS.....	15
SECTION 2.09 LIMITATIONS ON FACADE MATERIALS FOR RESIDENCES	16
ARTICLE 3: SPECIFIC REQUIREMENTS IN C-R, C-1, C-5, C-6 AND C-7 DISTRICTS	16
SECTION 3.01 SUPPLEMENTAL FRONT YARDS IN C-R, C-1, C-5, C-6, AND C-7 DISTRICTS	16
SECTION 3.02 DRIVEWAYS AND PARKING IN C-R, C-1, C-5, C-6, AND C-7 DISTRICTS.....	17
SECTION 3.03 NEW STREETS IN C-R, C-1, C-5, C-6, AND C-7 DISTRICTS.....	17
<i>Table II.3.03 a New Street Pavement Width Requirements in C-R, C-1, C-5, C-6 and C-7</i>	19
<i>Table II.3.03 b New Alley Requirements in C-R, C-1, C-5, C-6 and C-7</i>	19
<i>Table II.3.03 c Maximum Block Sizes for New Developments Greater Than Five Acres (IN C-R, C-1, C-5, C-6, AND C-7 DISTRICTS)</i>	20
<i>Table II.3.03 d Arterial and Collector Streets</i>	20
SECTION 3.04 BUILDING STREET FACADES IN C-R, C-1, C-5, C-6 AND C-7 DISTRICTS.....	21
<i>Table II.3.04 Building Facade and Material Requirements for C-R, C-1, C-5, C-6 and C-7</i>	23
SECTION 3.05 C-6 DISTRICT ADDITIONAL REQUIREMENTS	24
ARTICLE 4: INCENTIVES AND REQUIREMENTS FOR NEW SUBDIVISION DEVELOPMENT	24
SECTION 4.01 SIDEWALKS & STREET TREES IN SUBDIVISIONS	24
SECTION 4.02 AFFORDABLE HOUSING INCENTIVES	25
ARTICLE 5: SPECIAL APPROVAL BY THE CITY/COUNTY COMMISSION (CC)	26
SECTION 5.01 APPLICATION FOR SPECIAL APPROVAL OF THE CITY/COUNTY COMMISSION	26
SECTION 5.02 PUBLIC HEARING REQUIREMENTS	27
ARTICLE 6: SITE PLAN REVIEW REQUIREMENTS	27
SECTION 6.01 SITE PLAN INFORMATION REQUIREMENTS.....	27
SECTION 6.02 ADMINISTRATIVE REVIEW (AR) REQUIRES SITE PLAN INFORMATION	28
ARTICLE 7: FLOOD HAZARD DISTRICT	29
ARTICLE 8: FLINT RIVER AND KINCHAFOONEE CREEK CORRIDOR PROTECTION CRITERIA	29
ARTICLE 9: WETLAND AND STREAM CORRIDOR PROTECTION CRITERIA (DOUGHERTY COUNTY ONLY)	31

ARTICLE 1: DEFINITIONS AND INTENT OF ZONING DISTRICTS

This article defines the purpose and intent of the zoning districts established by this ordinance. The intent of all districts is to promote the most desirable use of land in accordance with the Comprehensive Development Plan. Arterial, local and other streets referenced in this section are defined by the local Transportation Plan. Uses referenced in this section are examples only; specific uses allowed in each district are defined in Title II, Article 2 Table of Permitted Uses.

- **R-E, ESTATE DISTRICT.**

The Estate District is a residential/agricultural district. In the City, use of land is primarily for single-family residences and related recreation, religious and educational facilities normally desired in an orderly and attractive residential area; while in the County agricultural uses are also permitted within the district. The R-E District is intended to be protected from encroachment by uses that are incompatible with the function, character, quality or livability of the district. Internal stability, safety, attractiveness, order and efficiency in the use of land are encouraged by providing for adequate light, air and open space for residences and related facilities and through consideration for the proper functional relations of the different land uses internal to and proximate to the R-E District.

- **R-G, R-1, R-2, SINGLE-FAMILY RESIDENTIAL DISTRICTS. (R-G allowed in County only).**

Single-Family Residential Districts are established as districts in which the principal use of land is for single-family dwellings. The specific intent of the R-G, R-1 and R-2 Districts is to (a) Encourage the construction of, and the continued use of the land for, single-family dwellings; b) Prohibit business, commercial, industrial and any other use that would substantially interfere with development or maintenance of single-family dwellings in the district; (c) Encourage the discontinuance of existing uses that would not be permitted as new uses under the provisions of these regulations; (d) Discourage any land use that would generate traffic on minor or local streets, other than normal traffic to serve the residences on those streets; and (e) Discourage any use which, because of its character or size, would create requirements and costs for public services, such as fire and police protection, water supply and sewerage, substantially in excess of such requirements and costs if the district were developed solely for single-family dwellings.

- **R-3, SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL DISTRICT.**

The Single-Family and Two-Family Residential District is established as a district in which the principal use of land is for single-family and two-family dwellings based upon a plan to make the most appropriate use of land. Two-family buildings are intended to have the appearance of single-family homes and be compatible with the scale and character of surrounding single-family homes and neighborhoods. The specific intent of this district is to insure that only such residential uses are permitted as can be properly designed and built so as not to overcrowd the land, cause parking or traffic congestion, or have injurious effects on adjacent single-family residential property.

- **R-MHS, MOBILE HOME SINGLE-FAMILY DISTRICT.**

The Mobile Home Single-Family District is established as a district in which the principal use of land is for single-family mobile homes. In promoting the general purpose of these regulations, the specific intent of this district is to: (a) Provide adequate space and facilities for healthful living conditions of occupants of such mobile homes; (b) Discourage any land use that would generate traffic on minor or local streets, other than normal traffic to serve the residences on those streets; (c) Insure suitable water and sewer facilities would be provided in accordance with health regulations and statutes of the State of Georgia and the

governing body; and (d) Encourage the development of mobile home districts for long-term residential use by encouraging the placement of mobile homes on individually owned lots in homogeneous environments and by clustering these lots into subdivisions to facilitate the provision of public services.

This district is further intended to discourage the scattering of mobile homes in rural territories, and piecemeal, ribbon development along City, county and other public roads. It also discourages the subdivision of rural land into small tracts and tracts visible from a road, which might have adverse effects on existing land uses or later encumber future large-scale development by blocking road frontages, creating small pockets of contrasting land uses, impairing scenic views or being incompatible with the character of rural scenic roads and highways.

- **R-MHP, MOBILE HOME PARK DISTRICT.**

The Mobile Home Park District is intended only for areas suitable for mobile home or trailer coach parks. The intent of this district is to: (a) Require adequate space and facilities for healthful living conditions for occupants of mobile home trailer and coaches; (b) Require that all MHP Districts have direct access to a major thoroughfare so that proper accessibility, traffic control, and protection of adjacent streets from related traffic is ensured; (c) Require that water and sewer facilities are provided according to health regulations and statutes of the State of Georgia and the City/County Commission; and (d) Require that mobile home and trailer coach parks are sufficiently separated from and have no adverse effects on residential and mixed-use districts

- **C-R, COMMUNITY RESIDENTIAL MULTIPLE-DWELLING DISTRICT.**

The Community Residential Multiple-Dwelling District is a pedestrian-oriented district, intended to permit residential use of land with various types of multiple dwellings and related uses, including townhouses, duplexes and apartment buildings; and at the intersection of an arterial and collector street, to permit limited sidewalk-oriented commercial uses of a type and size that will primarily serve walking patrons from nearby residences. Pedestrian access from adjacent areas and within the district is promoted through generous, safe, convenient and shaded pedestrian sidewalks along all streets, and primary entrances to dwelling units are primarily oriented to streets, rather than parking lots. It is intended that this district be located near major streets for good accessibility and traffic control, designed to complement adjacent single-family areas, built to meet the needs of the different age and family groups in the community by providing various types and sizes of residential accommodations for ownership and rental, and properly planned with adequate facilities and services so as not to not overtax existing community facilities, utilities or services.

It is also the intent of this district to provide sufficient size areas for multiple dwelling developments and to allow reasonable flexibility in design and orientation for a multifamily structure or group of structures on a given site. The maximum height and floor area requirements may be increased where such increases are determined by administrative variation of the Director of Planning and Development Services to have no adverse traffic, visual or other impacts on adjacent or nearby single-family or two-family residential districts. All Multiple-Dwelling District developments shall include common open space and recreation areas that are visible from development streets. The use of a gridded development pattern with multiple outlets to arterial and collector streets is encouraged to further enhance safe and efficient pedestrian and vehicular access.

C-1, NEIGHBORHOOD MIXED-USE BUSINESS DISTRICT.

The Neighborhood Mixed-Use Business District is a pedestrian-oriented commercial district intended to provide, adjacent to residential areas, a mix of retail, restaurant, service and office uses that primarily serve nearby residents and that do not generate large traffic volumes or parking problems. Pedestrian access from adjacent areas and within the district is promoted through safe, convenient and tree-shaded pedestrian sidewalks along all streets. Buildings have primary pedestrian entrances adjacent to a public sidewalk, and off-street parking is located to the side or rear of buildings. Vehicular access, parking and service areas are arranged to promote a safe, smooth traffic flow and minimize pedestrian and vehicular conflicts.

The intent of this district is also to avoid the continuance of scattered and marginal retail, services and office commercial strips along major streets by clustering the smaller businesses in distinct areas near neighborhoods, where such businesses serve local residents, are mutually supportive to the advantage of both businesses and customers, and where on-street parking and shared parking areas may be promoted.

The C-1(N) District is identical to the C-1 District except no use with on-premise consumption of alcohol is allowed. No new C-1(N) Districts will be created.

- **C-2, GENERAL MIXED-USE BUSINESS DISTRICT.**

The General Business District is intended to provide a mixed-use district with a wider range of uses and greater height of buildings than permitted in the C-1, Neighborhood Business District, and to provide a compact, compatible and complementary mixture of residential, restaurant, retail, office, commercial, cultural, institutional and governmental uses that serve both nearby and regional residents. The volume of traffic and associated service areas and parking needs associated with such uses can be more efficiently addressed through a compact development pattern and shared access, parking and service areas. Pedestrian access from adjacent areas and within the district is promoted through generous, safe, convenient and tree-shaded pedestrian sidewalks along all streets. Vehicular access, parking and service areas are arranged to promote a safe, smooth traffic flow and minimize pedestrian and vehicular conflicts.

The intent of this district is also to avoid increasing unsustainable expansion of strip commercial developments along major arterials, by providing locations for the concentration of a mix of local and regional businesses and civic and institutional uses in locations and arrangements that are mutually supportive and more economically sustainable over time.

The C-2(N) District is identical to the C-2 District except no use with on-premise consumption of alcohol is allowed. No new C-2(N) Districts will be created.

- **C-3, COMMERCIAL DISTRICT.**

Commercial Districts are intended to permit, along major arterials, businesses that will attract regional customers and thereby need greater automobile accessibility; and which generally have one or more of the following characteristics: (a) Goods offered for sale are infrequently purchased by individual consumers; (b) Businesses are a size or type that typically need much larger service, loading and parking areas than are found in other commercial districts; (c) Businesses typically need larger buildings located on larger parcels than are found in other districts; (d) Goods offered for sale are typically purchased at drive-through window facilities; (e) Businesses are small, light manufacturing and processing establishments that have no adverse effects upon other uses in the district and are compatible with the character of the district. Usual requirements for trees in parking areas and for screening of parking areas are not required for vehicular display areas. Mixed-use developments are encouraged.

The intent of this district is also to improve vehicular access and safety and reduce congestion and vehicular conflicts by providing direct arterial road access, shared parking areas, shared driveways and intra-parcel vehicular access that connects all individual business and parking areas. Pedestrian access from adjacent commercial and residential areas and between individual businesses is promoted through safe, convenient and tree-shaded pedestrian sidewalks along streets and building frontages.

- **C-5, OFFICE-INSTITUTIONAL-RESIDENTIAL DISTRICT.**

The Office-Institutional-Residential District is a pedestrian-oriented, mixed-use district that is intended to permit, close to residential areas, office, institutional, residential and certain restricted business uses that provide local employment opportunities, thus reducing travel distance to and from work. Pedestrian access from adjacent areas and within the district is promoted through generous, safe, convenient and tree-shaded pedestrian sidewalks along all streets, and off-street parking is located to the side or rear of buildings. Buildings have primary pedestrian entrances that are located on a public sidewalk and face the street. Vehicular access, parking and service areas are arranged to promote a safe, smooth traffic flow and minimize pedestrian and vehicular conflicts. The C-5 District is also intended to provide opportunities for the clustering of office buildings that are compatible with adjacent residential areas; provide landscaping, sidewalks and multi-use trails for the convenience of workers and residents; and provide small, limited-use retail and services that serve the local office and residential uses and do not generate large volumes of traffic, traffic congestion and parking problems within adjacent neighborhoods.

- **C-6, TRANSITIONAL BUSINESS DISTRICT.**

The Transitional Business District provides an opportunity for older, declining residential parcels that are located along primarily commercial corridors to transition to a residential/office mixed-use district. Compatibility with residential uses and historic residential lot patterns is protected by maintaining certain residential lot characteristics such as landscaped front yards with traditional residential set-backs. Pedestrian access from adjacent areas and within the district is promoted through generous, safe, convenient and tree-shaded pedestrian sidewalks along all streets.

Office and related support services that are compatible with residential uses are encouraged. Business are prohibited that may potentially have adverse impacts on the quality of residential uses in the district and adjacent districts. Rear-yard inter-parcel access between businesses, through alleys and through shared private drives between businesses, is encouraged to promote a safe, smooth traffic flow, minimize conflicts with pedestrians, and reduce turning movements.

- **C-7, MIXED-USE PLANNED-DEVELOPMENT DISTRICT.**

The Mixed-Use Planned-Development District is established to provide for large developments that include a compact, compatible and complementary mixture of residential, office, commercial, cultural, institutional and governmental uses in a walkable, pedestrian-friendly environment. Pedestrian access from adjacent areas and within the district is promoted through generous, safe, convenient and tree-shaded pedestrian sidewalks along all streets. Buildings have primary pedestrian entrances on public sidewalks facing the street. Off-street parking is located to the side or rear of buildings. Vehicular access, parking and service areas are arranged to promote a safe, smooth traffic flow and minimize pedestrian and vehicular conflicts.

The purpose of this district is (1) To encourage flexible, creative and sustainable approaches to a range of development opportunities within a pedestrian-oriented mixed-use district; (2) To provide effective solutions to transportation and parking problems, including private, public, motorized bicycle and pedestrian; (3) To promote citizen interaction and a sense of community; (4) To provide economic, convenient and efficient provision of sufficient public services; (5) To preserve significant natural features of the land; and (6) To

develop in a manner compatible with other land in the vicinity.

- **C-8, COMMERCIAL RECREATION DISTRICT.**

The Commercial Recreation District is intended to provide areas for the development of parks and recreational facilities that will be privately operated. Publicly-owned parks and recreation facilities, however, are not specifically excluded from this zoning district. The C-8 District is designed primarily for recreational uses of an outdoor nature. Multi-use recreational paths that are located throughout the district, and that provide connections to adjacent residential areas and mixed-use areas, are encouraged.

- **M-1, RESTRICTED INDUSTRIAL DISTRICT.**

The Restricted Industrial District is intended only for those specific businesses that contain on-site any of the adverse effects of manufacturing, including noise, dust, smoke, vibrations and odors, and any other adverse effects, and which assemble or fabricate manufactured products that are ready for retail sale. Processing of certain types of agricultural products is allowed in the district provided that all other requirements are met. Firms that utilize substantial quantities of water in manufacturing are not permitted in the district. Industrial uses permitted in the M-1 zoning district do not necessarily require rail frontage.

In addition to the assembling and fabricating functions mentioned above, commercial establishments that provide business services oriented specifically to local industrial establishments or to their employees are also allowed. Certain commercial uses having an open storage or open operations characteristic, though not necessarily industrial in character, are also allowed in the M-1 District.

- **M-2, HEAVY INDUSTRIAL DISTRICT.**

The Heavy Industrial District is especially designed for the following types of industries: (a) firms that process raw materials, such as minerals, forest products, chemicals and unfinished metal, into manufactured products ready for retail sale, (b) firms that process raw materials into products that will be used in the production of other manufactured products, (c) firms that produce or store toxic substances for direct sale or for distribution to retailers or other manufacturers, (d) firms that use substantial quantities of water in manufacturing processes, and (e) firms engaged in the slaughtering of animals.

Access to the M-2 district is intended to be located directly on major arterial streets. The adverse effects of manufacturing, including noise, dust, smoke, vibrations and odors, and any other adverse effects, are required to be contained within the district. Adequate truck access, adequate buffer, and other measures must be provided as needed such that the M-2 District truck access does not adversely impact adjacent or nearby residential and business districts.

- **FH, FLOOD HAZARD DISTRICT.**

It is the intent of the Flood Hazard District to prohibit intensive commercial, residential, industrial, and institutional use of lands lying within the floodway of the Flint River, Muckafoonee Creek, and the Georgia Power Company Reservoir in order to reduce costs to the general public for flood control and disaster relief. The Flood Hazard District includes lands that are part of the floodplain of the Flint River, Kinchafoonee, Muckafoonee Creek, Muckalee Creek, the Georgia Power Company Reservoir, Piney Woods Creek, and Dry Creek.

The FH zone area depicted on the zoning map was established prior to mapping of the floodplains for flood insurance purposes, and is intended only as estimates given to identify areas subject to flooding. In all situations, the requirements of the Floodplain Management Ordinance of the City of Albany and Dougherty

County will take precedence when there are conflicts between those ordinances and the zoning ordinance.

- **AG, AGRICULTURAL DISTRICT.**

The Agricultural District is established as a district in which the principal use of land is for farming, dairying, forestry operations and other agricultural activities. To promote the general purpose of these regulations, the specific intent of the Agricultural District is to (a) protect land needed and used for agricultural pursuits from encroachment by untimely and unplanned residential, commercial or industrial development, and (b) allow the continuation of existing agricultural pursuits in areas where, in accordance with the recommendations of the Comprehensive Development Plan, future residential, commercial or industrial development is anticipated but where the present application of zoning controls for future more intensive land uses would be unreasonable and premature.

ARTICLE 2: GENERAL DISTRICT REGULATIONS

Within each of the Zoning Districts established there are certain uses permitted, development controls and limitations imposed, and special requirements set forth.

Section 2.01 PERMITTED USES

Uses permitted in each zoning district are indicated in the Permitted Principal Uses Table 2.01, subject to the following:

1. Certain uses shall be permitted only after Special Approval by the Board of City/County Commissioners, as indicated on Permitted Principal Uses Table 2.01.
2. Certain uses in certain districts shall be permitted only after a thorough administrative review by the Director of Planning and Development Services or designee is completed, to determine that all regulations set forth by the Albany & Dougherty County Zoning Ordinance are met and that delivery of public services is not impaired, as indicated on Permitted Principal Uses Table 2.01
3. All uses in the Flood hazard district are regulated by Title 11, Article 7.
4. **Permitted uses in all districts: In all districts, all public utilities, uses, facilities, buildings and structures are permitted by right.**
5. Requirements for religious institutions: Religious institutions such as churches and auxiliary ministries, including new or expansion or addition, **are a conditional use permitted in all districts only after special approval by the city/county commission** and provided that the proposed site meets the following criteria:
 - a. The site is not less than one (1) acre, and
 - b. The site has vehicular access to all required parking directly from an arterial or collector street without an intervening street, and
 - c. The site has no parking in the front yard area.

Table II.2.01 Permitted Uses

Section 2.02 LOT AREA AND YARD REQUIREMENTS

Within the Zoning Districts, lot area and yard requirements are established, as indicated on the Lot, Yard, and Building Area Requirements, Table 2.02, subject to the following. (For accessory dwelling requirements, see **Title III. Section 1.33. Single-Family As Accessory Structures.**)

1. Existing commercial or multifamily residential developments with existing deficiencies of no more than 25 (twenty five) percent of one (1) or more lot standards in this section, may apply for an administrative variation by planning staff, to incorporate additional landscaping and/or other site improvements into a proposed project. Where the applicant finds staff's recommendations unacceptable, the applicant may appeal to the Albany Dougherty Planning Commission.
2. All regulation in the flood hazards zone district shall be as in indicated in Title 11, Article 7.
3. All streets shall be considered minor streets, unless identified as an arterial or collector street in Section 3, Table of Arterial and Collector Streets.
4. The International Standard Building code shall apply to yard and area requirements, where such code requirements exceed the requirements set forth herein.
5. Where nonconforming front yards, with lesser front yard setbacks than specified herein, exist on more than sixty (60) percent of lots of record on one (1) side of the street in any one (1) block in a R-1, R-2 or R-3 District, hereafter the front yard setbacks for that side of the street need not be greater than the average depth of existing front yards.
6. Every residential lot, including single-family lots, duplex lots, townhouse lots and multifamily lots, shall have required frontage on a public street, with the exception of the C-R District, where such lots may be located on approved private streets that have four (4) or more of such residential lots.
7. In districts where commercial or industrial uses are permitted, every principal building shall have direct vehicular access to a public or approved private street, without crossing an R District or CR District.

Table II.2.02 Minimum Lot Area and Yard Requirements

Section 2.03 OPEN SPACE REQUIREMENTS for RESIDENTIAL SUBDIVISIONS AND For ALL DEVELOPMENT IN C-R, C-1, C-2, C-3, C-5, C-6, C-7, and C-8 DISTRICTS

The minimum square-foot area requirement, for OPEN SPACE dedication in all C-Districts and for residential subdivision developments with twelve (12) or more residential units or residential lots, is equal to twenty (20) percent of the total development parcel area, not including areas used for existing streets to remain, detention ponds and required stream buffer areas. Location of such OPEN SPACE shall be approved by the City either within the confines of the development or at a proximate location that is easily accessible and usable by pedestrians and is approved by the City. All OPEN SPACE requirements shall be subject to an administrative review by the Director of Planning and Development Services or designee. Residential development shall provide either PUBLIC OPEN SPACE or PRIVATE OPEN SPACE. See OPEN SPACE definitions in Title 1, Article 5.

In addition to the definition requirements, OPEN SPACE shall be dedicated, designed and constructed pursuant to the following regulations:

1. The following shall be counted towards OPEN SPACE area requirements. All open space shall be considered PRIVATE OPEN SPACE, unless such open space is open to the general public during normal public City/County park hours.
 - a. Required public sidewalk areas, when constructed on private property.
 - b. Balconies, terraces, rooftop gardens and similar space improved for passive or active use and enjoyment, which is not covered and is walled on no more than one (1) side.
 - c. New public streets that connect at least two (2) other public streets, and which are constructed on private property as approved by the Director of Planning and I Services.
 - d. Any parks, squares or other areas that meet the definition of OPEN SPACE and are constructed on private property.
 - e. Public hard surface trails shall be permitted to count twice the area of the trail toward OPEN SPACE requirements subject to each of the following as approved by the Director of Planning and Development Services.
 - i. The minimum trail width, including a two (2) foot wide landscaped shoulder on each side, is sixteen (16) feet, or as otherwise required by the Riverfront District Plan or other applicable adopted plan.
 - ii. The trail is planted with required trees, outside of the two (2) foot wide landscaped shoulder.
 - iii. The entire trail is permanently protected through dedicated easements or other type of permanent protection approved by the Director of Planning and Development Services.
 - iv. Trail connections are provided to any adjacent trail, any planned trail alignment, and to any existing or planned, adjacent or on-site public sidewalks.
2. Detention ponds and required stream buffers shall not be counted towards OPEN SPACE requirements.
3. OPEN SPACE requirements shall be constructed or dedicated as part of the first phase of construction, at a minimum in an amount equivalent to the first phase portion of the total development.
4. OPEN SPACE dedication shall be guaranteed through a method approved by the City/County Commission, including but not limited to bonds, conservation easements, land donation to the City, permanent deed restriction; or in lieu of OPEN SPACE dedication, a cash value contribution provided to the City's Open Space Bank, which contribution shall be equivalent to the appraised square footage value of subject land development, multiplied by the square footage of such OPEN SPACE requirement.

5. The owner shall submit a maintenance agreement establishing a mechanism for maintaining OPEN SPACE dedication located within the subject development.
6. Whenever group or common PRIVATE OPEN SPACE is provided for a subdivision or multi-use development, the Commission, as appropriate, may require that an association of owners or tenants be created for the purpose of maintaining such open space. Such association shall be created in such a manner that the owners of the property shall automatically be members and shall be subject to assessments levied to maintain said open space for the purposes intended. The period of existence of such association shall be not less than twenty (20) years, and it shall continue thereafter and until a majority vote of the members shall terminate it.
7. All non-residential development shall be required to provide PUBLIC OPEN SPACE, which shall be open to the public during daylight hours and other hours as determined by the City.

Section 2.04 PARKING LOT LANDSCAPING IN ALL DISTRICTS

All parking lots, with the exception of a parking area for a single-family home and vehicle sales display areas, shall meet the following minimum requirements. Existing parking lots that add additional spaces shall provide a minimum of one (1) new tree and shall meet all minimum tree and landscaping requirements for the additional spaces. When approved by the Director of Planning and Development Services, by administrative site plan review, additional tree and landscaping requirements may be permitted to be located anywhere within the parking lot at where such trees and landscaping will provide the greatest benefits such as shade, screening and trees' health and longevity.

1. The number of shade trees planted in parking lots shall equal a minimum of one (1) tree for every eight (8) parking spaces. Trees counted towards this requirement shall include trees planted inside the perimeter of the paved parking area, and shall include trees planted in a continuous landscaped area around and within twelve (12) feet of the paved parking area. Where gravel or other lot surface is used, the parking lot surface area shall be considered the paved area for these purposes.
2. Existing, healthy, mature trees that are greater than four (4) inches in caliper at twelve (12) inches above the ground may be counted as one (1) tree for every one thousand six hundred (1,600) square feet of area directly beneath the shade crown, also known as the drip-line, of such trees.
3. Newly planted trees shall be a minimum of three and one-half (3.5) inches in caliper measured at twelve inches above the ground or sidewalk area, be a minimum of sixteen (16) feet in height, and have a minimum mature height of forty (40) feet. All trees shall be limbed up to be free of branches to a minimum height of seven (7) feet, or eight feet when in front of retail stores.
4. Trees shall be planted in-line with the side stripes of adjacent parking spaces, to avoid injury to the tree from vehicles over-hanging the planting area. Any pole lighting that is adjacent to parking areas shall also be located in-line with the side stripes of parking spaces, and not be located adjacent to trees.
5. Any landscape zone or area shall be a minimum width of seven (7) feet not including curbs, wheel stops or other planting area edging, and shall have a minimum planting area of forty nine (49) square feet.
6. A continuous landscaped buffer is required between any sidewalk and any parking area with three (3) or more parking spaces that is not screened from the street by a building, which buffer shall be a minimum width of seven (7) feet, shall have a minimum of one (1) shade tree and a total of one (1) shade tree per forty (40) linear feet, and shall be planted with grass or groundcover.
7. Where the end of parking spaces have a permanent concrete or masonry curb and abut a landscaped area

that is a minimum width of seven (7) feet, and where trees adjacent to such parking spaces are planted in-line with the sides stripes of the parking spaces, the required minimum depth of the parking spaces shall be reduced by two (2) feet. (See Title 1, Illustrations of Definitions, Illustration 5. Street Wall.)

Section 2.05 FENCES, WALLS, UTILITIES AND SCREENING IN ALL DISTRICTS

Should any other screening or buffering requirements of the zoning code, whether found in Title I, Title II., or Title III, are in conflict with the following regulations, the regulations that provide the greatest degree of buffering and screening shall apply.

1. All fencing used for required screening, where permitted, shall be a minimum of eighty (80) percent opaque and have openings no larger than two and one-half inches in width.
2. Chain-link fencing is not permitted in front yards or yards adjacent to a street, except when located in M Districts.
3. Walls and fences are not permitted to include barbed wire when such walls and fences are located in the front yard, or in a side yard adjacent to a street, or adjacent to a public street, park or alley.
4. Wall and fences are not permitted to include razor wire; except the M Districts and the C-3 District may include razor wire on walls and on fences only when such walls and fences are not located in the front yard or in a side yard adjacent to a street, and are not adjacent to a public street, park or alley.
5. The height of fences and walls shall not exceed forty-two (42) inches when located within any required front yard or between the BUILDING STREET FACADE of any principal structure and a street, and in other areas shall not exceed six (6) feet.
6. Loading docks and dumpsters shall be entirely screened from view of any street, PUBLIC OPEN SPACE or SIDEWALK AREA, with vertically enclosed opaque walls.
7. Utilities shall be placed underground or in alleys wherever feasible.
8. Screening building mechanical and accessory features:
 - a. Shall be located to the side or rear of the principal structure or on rooftops and shall not be visible from any PUBLIC OPEN SPACE or SIDEWALK AREA.
 - b. When located on rooftops shall be incorporated in the design of the building and screened with materials similar to the building.

Section 2.06 SIDEWALK AREA IN ALL C DISTRICTS AND M DISTRICTS WITHIN THE CITY

1. A SIDEWALK AREA shall be located along all streets and shall consist of a SIDEWALK LANDSCAPE ZONE with street trees, an unobstructed SIDEWALK CLEAR ZONE, with width requirements as indicated on the General Sidewalk Area Requirements Table 2.06. See Title I Definitions, Sidewalk Area.
2. The SIDEWALK CLEAR ZONE shall be located between the SIDEWALK LANDSCAPE ZONE and the required front yard or the required SUPPLEMENTAL FRONT YARD, and shall be used only for clear passage of pedestrians and shall at all times remain free of any obstruction of any kind.

3. Within the SIDEWALK LANDSCAPE ZONE:

- a. Street trees are required as indicated in the Street Type Table – SIDEWALK AREA and HARD SURFACE TRAIL Requirements. Street trees shall be planted a maximum of fifty (50) feet on center and spaced equal distance between streetlights and in-line with stripes of parallel parking spaces. All street trees shall be limbed up to be free of branches to a height of eight (8) feet.
- b. Street trees shall be a minimum size of three and one-half (3.5) inches in caliper measured at twelve inches above the ground or sidewalk area, be a minimum of sixteen (16) feet in height, and have a minimum mature height of forty (40) feet. Tree size and placement requirements may be subject to a variation, by administrative review by the Director of Planning and Development Services, only when overhead or underground pre-existing fixed features, such as overhead or underground utilities, prevent strict conformance with these requirements.
- c. Ground cover is required except where the City requires tree grates. In C-R, C-1, C-5, C-6, C-7 and Downtown Riverfront District, evergreen ground cover such as Liriope Spicata, Mondo Grass, or other type of evergreen ground cover as approved by the City is required. In all other districts, either evergreen ground cover or grass as approved by the City is required.
- d. All street furniture and pavers, where installed, shall have a location and type subject to approval by the Director of Planning and Development Services, or designee, including but not limited to the following: benches, waste receptacles, bicycle racks, newspaper stands, tree grates, and pedestrian lights. Tree grates, where approved by the City in lieu of ground cover, shall be a minimum of eight (8) feet by five (5) feet. Decorative pedestrian lights shall be placed a maximum of fifty (50) feet on center and shall be spaced equal distance between required street trees.
- e. All types of paving in the sidewalk area, including concrete, special or decorative paving, within the SIDEWALK CLEAR ZONE or SIDEWALK LANDSCAPE ZONE shall continue across any intervening driveway at the same width as the sidewalk clear zone. Additional markings or decorative paving is permitted in commercial driveways on either side of the sidewalk crossing area, which clearly indicate that the pedestrian has the right-of-way wherever vehicles cross pedestrian sidewalks.

Table II.2.06 General Sidewalk Area Requirements (See Title I Definitions, Sidewalk Area)				
	SIDEWALK LANDSCAPE ZONE Minimum Width**	SIDEWALK CLEAR ZONE Minimum Width	Street Trees in SIDEWALK LANDSCAPE ZONE	Total Width
All Arterial/Collector	18-10 ft	10 ft	- Max. 50 ft on-center. - - Min 3 ½” caliper -Limbed up to 8 ft. above ground level or sidewalk level. district. - Min. 49 SF planting area per tree - Min. 50 ft mature height	12-28 ft
Minor or Local Street in R-Districts	7 ft	5 ft single-family 6 ft multifamily		
Minor or Local Street in C Districts, including CR District	7-10 ft +	Min 10 ft (See specific regulations for RM, and C Districts)		
Minor or Local Street in C-8, M-1, M-2	7	5		

Table II.2.06 General Sidewalk Area Requirements (See Title I Definitions, Sidewalk Area)				
HARD SURFACE TRAIL (where required)	5 ft both sides Grassed or ground cover area	10-12 ft hard surface trail	In addition to above, min 3 ft from hard surface trail	20-22 ft
Note: Specific individual street requirements shall be approved by the Director of Planning and Development Services.				

Section 2.07 LANDSCAPING FOR NEW DEVELOPMENT IN ALL DISTRICTS (Within the City)

1. Street Trees: All new development within all districts, including all residential subdivision development, within the City shall have shade trees planted as street trees along all existing and new streets. Such street trees shall be a minimum caliper of three and one-half (3.5) inches measured at twelve inches above the ground or sidewalk area, be a minimum of sixteen (16) feet in height, and have a minimum mature height of forty (40) feet. All street trees shall be limbed up to be free of branches to a minimum height of eight (8) feet, shall have a minimum planting area of forty nine (49) square feet, and shall be planted a maximum spacing of fifty (50) feet on-center. Trees shall be located between, but not adjacent to, any street lights.
2. Landscaping: New commercial, industrial and multiple-family residential developments shall include landscaping throughout the site, which shall be in addition to the landscaping that is required for particular uses, such as parking areas, drive-through facilities, tower and antennas, buffers and other uses as set forth in the zoning ordinance. All types of residential development area that is not otherwise landscaped shall be grassed, including adjacent rights-of-way.
3. Expansion of existing structures: Sites with an existing structure shall also comply with these requirements when such structure’s floor area is expanded by more than twenty five (25) percent.

Section 2.08 TRANSITIONAL BUFFERS BETWEEN DISTRICTS

1. Wherever any non-R district abuts an R District or C-R District, the following requirements shall be met.
 - a. A buffer shall be provided within all C-districts and M-districts, including between adjacent C-R district developments, wherever an area for parking, loading, service, drive, or an area for outdoor storage, work or sales is adjacent to an R-district or C-R district, or within 150 feet of such districts without an intervening structure, which shall consist of the following.
 - i. A solid wall of masonry or wood, with a minimum height of six (6) feet.
 - ii. A landscaped strip with a minimum width of ten (10) feet, which shall be completely covered with grass or evergreen ground cover, and shall have evergreen shrubs and shade trees. Such shade trees shall be a minimum mature height of forty (40) feet, planted minimum of forty (40) feet on-center, and shall have a minimum caliper of three and one-half (3.5) inches measured twelve (12) inches above the ground and minimum height when planted of sixteen (16) feet.
 - iii. No structures shall be permitted within the landscape strip, except the required wall, plants, and pedestrian amenities such as benches and sidewalks.
 - b. The height of buildings within all districts shall not exceed the maximum allowable height of buildings within the R-District for a distance of one hundred (100) feet from

the District line.

2. Whenever a proposed development includes both an R District or C-R District and a non-R District and is under one ownership, such development may be subject to an administrative special permit from these and other buffer and set-back requirements between district properties, conditioned upon a unified development site plan that provides equal or greater protection from any potential adverse impacts to residents.

Section 2.09 LIMITATIONS ON FACADE MATERIALS FOR RESIDENCES

Prohibited building facade materials, not including roofing material, for residences in all R-districts and CR districts include any metal siding that covers more than thirty (30) percent of any building facade, and includes any standard metal siding, concrete blocks and non-cementitious composite board.

ARTICLE 3: SPECIFIC REQUIREMENTS IN C-R, C-1, C-5, C-6 AND C-7 DISTRICTS

This article provides sidewalk and site requirements for C-R, C-1, C-5, C-6 and C-7 districts, also referred to, as a group, as the Traditional Mixed Use Districts. These requirements are in addition to the General Requirements for all Districts and shall take precedent over any conflicting code requirements.

The purpose of these requirements is to a) provide safe, attractive and convenient pedestrian-oriented environment, b) support a sustainable mix of uses that can respond to market changes and c) foster superior quality of life where residents can live, work and recreate.

Graphic illustrations of some of the requirements in this article are found in Title I. Article 6: Illustrations of Definitions. Unless otherwise indicated, each illustration is intended to specifically illustrate only the indicated requirement; all other suggestions of design, such as architectural style, streetscape, and aesthetics, do not constitute a requirement of this section. Words in SMALL CAPS are words that are defined in Title I, Definitions.

Section 3.01 SUPPLEMENTAL FRONT YARDS IN C-R, C-1, C-5, C-6, AND C-7 DISTRICTS

SUPPLEMENTAL FRONT YARD requirements replace Front Yard, and Side Yard setback requirements adjacent to the street in C-R, C-1, C-5, C-6 and C-7 Districts. (See Title I Definitions, Sidewalk Area.) Supplemental Front Yards have a maximum setback from the sidewalk clear zone. (See Title II Section 2 Table of Minimum Lot Area and Yard Requirements.). The following requirements shall apply to SUPPLEMENTAL FRONT YARDS.

1. Terraces, porches and stoops, not including stairs, shall encroach a maximum depth of sixty (60) percent of the total SUPPLEMENTAL FRONT YARD depth. Terraces, porches and stoops that are not a required "accessible route into and through the dwelling unit," as established by Sec. 804. [42 U.S.C. 3604] (3) (C) (iii) (I) of the Fair Housing Act shall have a minimum finished floor height of twenty-four (24) inches above the grade of the SIDEWALK AREA. Such terraces, porches, and stoops shall not be considered BUILDING STREET FACADE.
2. No parking or loading area is permitted between a primary structure and the edge of the street, including any public or private property and any street right-of way, with the exception of hotels that are not located on a retail street, which may have a customer drop-off and loading drive. On-street parking is allowed as permitted by the City.

3. C-R and C-5 Districts shall provide landscaping for a minimum of forty (40) percent of the SUPPLEMENTAL FRONT YARD square foot area adjacent to sidewalk level RESIDENTIAL TREATMENTS, except on designated retail streets. C-R and C-5 districts also have a minimum BUILDING STREET FACADE setback of five (5) feet, from the property line, in addition to other SUPPLEMENTAL FRONT YARD requirements.
4. C-6 Districts shall provide landscaping for a minimum of seventy five (75) percent of the SUPPLEMENTAL FRONT YARD square-foot horizontal area. C-6 districts also have a minimum BUILDING STREET FACADE setback of forty (40) feet from the LOT LINE.
5. Adjacent to STOREFRONT TREATMENTS, Hardscaping shall be provided for a minimum of eighty (80) percent of the SUPPLEMENTAL FRONT YARD square-foot horizontal area.
6. Buildings that have no adjacent SUPPLEMENTAL FRONT YARD and that existed before October 9, 2008, may have outdoor dining areas encroach a maximum of two (2) feet into the SIDEWALK CLEAR ZONE, measured from the BUILDING STREET FACADE.
7. SUPPLEMENTAL FRONT YARD width requirements may be reduced by an administrative review, by the Director of Planning and Development Services, where the SIDEWALK LANDSCAPE ZONE is increased to a minimum width of ten (10) feet for purposes of locating outdoor dining.
8. A pedestrian walkway is required through the SUPPLEMENTAL YARD, connecting the required public sidewalk to a primary pedestrian entrance on the BUILDING STREET FACADE.

Section 3.02 DRIVEWAYS AND PARKING IN C-R, C-1, C-5, C-6, AND C-7 DISTRICTS

1. Driveways shall be limited in width to a maximum of ten (10) feet per drive lane to parking and access areas and twelve (12) feet per drive lane for truck service and loading access.
2. Pedestrian sidewalk delineation across driveways: Any type of paving in the SIDEWALK CLEAR ZONE or SIDEWALK LANDSCAPE ZONE, including concrete and special or decorative paving, shall continue across any intervening driveway, at the same width as such SIDEWALK CLEAR ZONE or SIDEWALK LANDSCAPE ZONE. Additional striped markings are permitted outside of the sidewalk crossing area, on private property in commercial driveways, to clearly indicate that the pedestrian has the right-of-way wherever vehicles cross pedestrian sidewalks.
3. Parking and service areas are permitted only to the side and rear of primary structures, with the exception of on-street parallel parking where permitted.
4. Parking lots shall meet the minimum requirements for parking lot landscaping in all districts.

Section 3.03 NEW STREETS IN C-R, C-1, C-5, C-6, AND C-7 DISTRICTS

1. All new streets shall be local streets unless otherwise required by the City/County Commission. See Street Type Table 3.03.a.
2. Alleys shall be required wherever feasible. See Alley Type Table 3.03b
3. Whenever a development five (5) acres or greater is to be developed or redeveloped, maximum block sizes requirements shall apply in each district as indicated on the Downtown Site Limits Table. SIDEWALK AREA, including SIDEWALK LANDSCAPED AREA and SIDEWALK CLEAR ZONE may

be counted towards the overall OPEN SPACE requirements. Building floor area that would have otherwise been allowed within the new such dedicated street right-of-way pavement area shall be allowed to be developed elsewhere on the site, through increased height limits or an increase in lot sizes and **width**, subject to a site plan with conditions approved by the City/County Commission.

4. The right-of-way for such portion of said street shall be platted according to specified street requirements as indicated and on the Street Type Tables 3.03c. The owner is responsible for the dedication of the right-of-way in accordance with the provisions of the Subdivision Ordinance. The entire dedicated right-of-way shall be shown as such on a final survey plat that is submitted to and approved by the City. Measurements involving minimum lot standards shall be made at the edge of the full right-of-way. Prior to the issuance of a Certificate of Occupancy (CO) for any new development on such lot, the street shall be either constructed or guaranteed through bonds to the standards established herein.

Table II.3.03 a New Street Pavement Width Requirements in C-R, C-1, C-5, C-6 and C-7					
Required new streets shall be subject to the following maximum requirements subject to City approval					
	Total Travel Lanes	Lane Width in feet	On-Street Parking Width in feet	Median (optional – subject to approval)	Total Street Pavement Width (not including median, see Notes)
Arterial/Collector with STOREFRONT TREATMENT	2 - 4	10 - 12	7 – 8.5	7 – 18+	34 - 65
Arterial/Collector with RESIDENTIAL TREATMENT	2 - 4	10 - 12	7 – 8	7 – 18+	34 - 64
Local Street with STOREFRONT TREATMENT	2	10 -11	7 -7.5		34 - 36
Local Street with RESIDENTIAL TREATMENT	2	9-10	7 -7.5 (may be on one side)		26- 34
Notes: 1. Dimensions do not include required curbs or center turn lanes. 2. Local single-family streets shall have a total maximum width of 26 feet					

Table II.3.03 b New Alley Requirements in C-R, C-1, C-5, C-6 and C-7					
New alleys shall be subject to the following requirements subject to City approval					
Alley Type (Defined by use)	Alley Pavement Width	Alley Shoulder Minimum width	Total Alley R.O.W. Width (pavement and shoulder)	Setback from Alley ROW for Tree, Fence or structure from Alley	Right-of-Way Line Requirements
Mixed-Use / Commercial	18 to 20 ft 14' 1-way	5 ft paved sidewalk	26 to 28 ft 24' 1-way	None	None
Residential Multifamily	10 to 11 ft	5 ft. grass or crushed stone	20 to 24 ft	None	Garage, or other fence or wall along ROW line
Residential Single-Family	8 to 10 ft	5 ft grass or crushed stone	16 to 20 ft	Either 5 feet to tree, fence and structure, Or 18 to 20 ft to garage or carport	Fence, gate or wall along ROW line
Residential Alley Notes: 1. Total Alley right-of-way (R.O.W.) (Pavement width plus shoulder width) must be a minimum of 18 feet to allow room for cars to pass if necessary. Additional width over 20 feet creates problems by encouraging unwanted parking in the alley. 2. Structural definition of alley edge is needed to control access					

**Table II.3.03 c Maximum Block Sizes for New Developments Greater Than Five Acres
(IN C-R, C-1, C-5, C-6, AND C-7 DISTRICTS)**

	C-R and C-6	C-1, C-5, and C-7
Block size(maximum feet) perimeter /block face	1,600/600	1,800/600

Table II.3.03 d Arterial and Collector Streets

ARTERIAL STREETS	COLLECTOR STREETS	
Blaylock Street	3 rd Avenue	Lullwater Road
Broad Avenue	5 th Avenue (Palmyra to Washington)	Magnolia Street
Byron Road	8 th Avenue (Coolidge to Palmyra)	Maple Street
Cordele Road (SR 300)	11 th Avenue (Slapppy to Jefferson)	Martin Luther King, Jr. Drive
Dawson Road	14 th Avenue (Slapppy to Palmyra)	Mitchell Avenue
Front Street (and proposed extension)	Antioch Road	Mobile Avenue
Gillionville Road	Beattie Road	Nelms Road
Gordon Avenue	Blaylock Street	Nottingham Way
Jefferies Avenue	Blue Springs Road	Oakhaven Drive
Jefferson Street	Branch Road	Pinson Road
Leary Road (SR 62)	Byron Plantation Road	Rosebrier Avenue
Liberty Expwy. (US 19)	Clark Avenue	Society Avenue
Lockett Station Road	County Line Road	Spring Flats Road
Madison Street	E. Doublegate Drive	Stagecoach Road
Martin Luther King, Jr. Drive	Eight Mile Road	Stuart Avenue
Mock Road	Fleming Road	Tallahassee Road
Monroe Street	Flint Avenue	Tarva Road
Moultrie Road (SR 133)	Gaissert Road	Turner Field Road
Newton Road (SR 91)	Gravel Hill Road	Vanderbilt Drive
Oakridge Drive	Greenwood Drive	Washington Street
Oglethorpe Blvd.	Hardup Road	Westgate Drive
Old Dawson Road	Harris Road	Westtown Road
Old Pretoria Road	Highland Avenue	Whispering Pines Road (Slapppy to Dawson)
Palmyra Road	Hill Road	Willie Pitts Road
Pine Avenue	Holly Drive	
Radium Springs Road	Honeysuckle Drive	
Seventh Avenue	Jackson Street	
Slapppy Blvd.	Johnson Road	
Sylvester Hwy. (US 82 / SR 50)	Lily Pond Road	
Westover Blvd.	Lippett Drive	
	Lovers Lane	

Source: U.S. Dept. of Transportation FHA. Functional Classification Map: Dougherty County, GA 2005

Section 3.04 BUILDING STREET FACADES IN C-R, C-1, C-5, C-6 and C-7 DISTRICTS

Along the BUILDING STREET FACADE of all new and renovated buildings and structures the following shall apply:

1. Front pedestrian entrance: All sidewalk level uses, including but not limited to dwelling units, MULTIFAMILY lobbies and individual business establishments, shall have a primary pedestrian entrance, which shall face and be visible from and directly adjoin the required SUPPLEMENTAL FRONT YARD or adjoining OPEN SPACE. Where an individual use has a BUILDING STREET FACADE on more than one (1) street, such entrance requirement shall apply along a storefront street or when on other streets, such requirement shall apply along the higher order of streets in the order of arterial, collector or local street. Where both streets are the same order, entrance orientation may be to either street. Where a historic structure is being renovated, such entrance locations may reflect those of such historic structure.
2. Individual entrances to residential units: All buildings with more than four (4) SIDEWALK AREA level residential units along a single street shall have individual entrances to such units directly accessible from the required SUPPLEMENTAL FRONT YARD or adjoining OPEN SPACE. All walkways providing such access shall be shared between no more than two (2) adjacent units.
3. First story materials: The first story of a building's street facade, including foundations, shall be brick, cast stone, concrete siding such as Hardiplank, natural wood or stone, with the exception of pedestrian entrances and windows. Buildings with only one (1) single-family unit or one (1) duplex residence are excluded from this requirement.
4. Awnings shall be of fabric, canvas, fixed metal or similar material. Internally lit awnings and canopies that emit light through the awning or canopy material are prohibited.
5. Blank, windowless walls are prohibited. All building stories with the exception of STOREFRONT TREATMENT shall have windows and doors that equal a minimum of thirty (30) percent and maximum of sixty (60) percent of the total facade area, with each story being calculated independently.
6. Glass panels in street facade windows and storefronts shall be clear and unpainted, and shall not be tinted such that views into the building are obstructed, with the exception of transoms, which may be prism glass.
7. Entry facade window trim shall not be flush with the exterior wall and shall have a minimum relief of one-quarter (1/4) inch from the exterior wall.
8. Doors and windows that operate as horizontal sliders are prohibited except where renovating a historic building with this window type.
9. Window frames shall be recessed a minimum of two (2) inches from the exterior facade.
10. Stoops and entry porches shall not be enclosed with screen wire or glass, or otherwise enclosed.
11. Porch and arcade columns shall be a minimum width of eight (8) inches.
12. Residential porches shall be covered and have a minimum depth of five (5) feet, a minimum length

of six (6) feet and a minimum area of forty (40) feet.

13. Exterior front street facade entry steps shall have enclosed risers.
14. Parking structures shall conceal automobiles from visibility; shall have the appearance of a horizontal storied building on all levels; and shall be faced in brick, stone, cast stone, poured-in-place rubbed concrete, or pre-cast concrete faced in or having the appearance of brick or stone.
15. All buildings shall have BUILDING STREET FACADES with continuous STOREFRONT TREATMENT or RESIDENTIAL TREATMENT requirements as indicated in the Table of Building Facade and Material Requirements for C-R, C-1, C-5, C-6 and C-7.
16. All buildings shall have minimum and first floor (sidewalk level entrance) ceiling heights and minimum ceiling height for all other floors, as indicated in the Building Facade and Materials Requirements Table.
17. Where BUILDING STREET FACADE REQUIREMENTS, as indicated in the Building Facade and Materials Requirements Table, are satisfied by existing principal buildings, additional principal buildings shall be exempt from these requirements.
18. Any balconies, awnings, stoops, and bay windows may encroach into any SUPPLEMENTAL FRONT YARD or required setback a maximum depth of five (5) feet.
19. Walkways with a minimum width of four (4) feet shall be provided from the closest public SIDEWALK CLEAR ZONE to the primary entrance of all buildings and structures not built to the SIDEWALK AREA, including parking structures.
20. Pedestrian entrances to all sidewalk level retail and bars/eating premises establishments shall remain unlocked during business hours, when such entrances are along the BUILDING STREET FACADE.
21. BUILDING STREET FACADE pedestrian entrances to all sidewalk level retail and bars/eating premises establishments shall be adjacent to the required SIDEWALK AREA or OPEN SPACE.
22. The height of fences and walls located between the BUILDING STREET FACADE of principal structures and a street shall not exceed forty two (42) inches.
23. All buildings shall have a minimum and maximum BUILDING STREET FACADE height as indicated on the Table of Building Facade and Material Requirements for C-R, C-1, C-5, C-6 and C-7.

Table II.3.04 Building Facade and Material Requirements for C-R, C-1, C-5, C-6 and C-7					
REQUIREMENTS	DISTRICTS				
	C-R	C-1 & C-6	C-5	C-7	RF (SEE RIVERFRONT DISTRICT) *
SIDEWALK LEVEL STREET FACADE TREATMENT					
100% STOREFRONT TREATMENT		Y			Y*
100% RESIDENTIAL TREATMENT	Y				Y*
STOREFRONT TREATMENT or RESIDENTIAL TREATMENT at BUILDING STREET FACADE			Y	Y	Y*
Building Height					
Maximum	35 ft	5 stories/ 66 ft	6 stories/ 77ft	5 stories/ 66 ft	None*
Minimum	16 ft	24 ft	24 ft	24 ft	24 ft*
Minimum Ceiling Height (Floor to finished ceiling)					
STOREFRONT TREATMENT	NA	18 ft	*18 ft	*18 ft	20 ft*
RESIDENTIAL TREATMENT on sidewalk level	10 ft	16 ft	12 ft	12ft	20ft*
Above first floor	10 ft	10 ft	10ft	10 ft	10ft*
MATERIALS (SINGLE-FAMILY EXCULDED)					
Foundation of masonry, stone, or hard coat stucco	Y	Y	Y	Y	Y*
First floor of masonry, stone, or hard coat stucco	Y	Y	Y	Y	Y*
Second floor above sidewalk area of masonry, stone, hard coat stucco or wood			Y		Y
Served by alley to parking	Y	Y	Y	Y	Y
Other Requirements					
Block size(maximum feet) perimeter /block face	1,600 /600	1,800/ 600	1,800/ 600	1,600/ 600	1,600/ 600
Minimum BUILDING STREET FACADE REQUIREMENTS	75%	100%	60%	100%	100%

Section 3.05 C-6 DISTRICT ADDITIONAL REQUIREMENTS

The following requirements apply to C-6 Districts.

1. The following uses are prohibited: retail and restaurant uses that are greater than ten thousand (10,000) square feet or that are open after seven (7) pm.
2. Where lots with business uses are adjacent to lots with only residential uses, a solid six (6) foot high screening wall is required to be located behind the front-yard set-back, along the side and rear lot lines.
3. Rear-yard inter-parcel access between businesses, through alleys and through shared private drives between businesses, is encouraged to promote a safe, smooth traffic flow, minimize conflicts with pedestrians, and reduce turning movements.
4. Vehicular access from local residential streets to businesses is not permitted, except where corner parcels are located on local streets that intersect with arterial and collector streets.

ARTICLE 4: INCENTIVES AND REQUIREMENTS FOR NEW SUBDIVISION DEVELOPMENT

Section 4.01 SIDEWALKS & STREET TREES IN SUBDIVISIONS

1. City of Albany, reduction of lot size incentives: In the City of Albany: New residential subdivisions developed in, R-1, R-2, R-3 and R-MHS in the City of Albany are eligible for reduction in the minimum lot sizes, lot width and front setback requirements, when such residential subdivisions include all of the following:
 - a. Sidewalks. Sidewalks shall be along at least one side of all new streets in R-1 and both sides of new streets in R-2, R-3, and R-MHS, and shall have a minimum width of five (5) feet, and shall connect with the intersection of adjacent streets and with all adjacent sidewalks.
 - b. Paved walking and bicycle trails and paths within common or public space: Paved walking/bicycle paths or sidewalks shall connect each new residential lots to any common sidewalks and recreational sites, and to any public or semi-public facilities that exist within or adjacent to the development, and connect with any adjacent area sidewalks and trails.
 - c. Sidewalk landscaped zone: A sidewalk landscape zone between the street and the sidewalk, which shall be along all new streets, with a minimum width of ten (10) feet, and planted with grass or evergreen ground cover and with street trees;
 - d. Street trees: Street trees shall be shade trees approved by the City, and shall be a minimum of three and one-half (3.5) inches in caliper measured at twelve inches above the ground or sidewalk area, be a minimum of sixteen (16) feet in height, and have a minimum mature height of fifty (50) feet. Street trees shall be limbed up to be free of branches to a minimum height of eight (8) feet, and planted a maximum spacing of fifty (50) feet on-center.
 - e. Side or rear loading garages: Garages whose entrances do not face the front yard street, and that are no closer to the front yard street than the front facade of the residence, not including porches and stoops.
 - f. Maximum street widths of twenty-six (26) feet.
 - g. Limitations: For such developments in R-1 and R-2, the minimum lot sizes and front

setbacks may be reduced up to thirty (30) percent and minimum lot widths may be reduced up to twenty five (25) percent. In R-3 and MHS, the minimum lot sizes and front setbacks may be reduced up to twenty (20) percent.

2. City of Albany, additional incentives: New residential subdivisions R-1, R-2, and R-3 in the City of Albany are also eligible for an additional reduction in the minimum lot area when the lot's driveway and garage is served solely by a private rear alley that also serves other lots and has a maximum width, including shoulders, of twenty (20) feet. Such lot area reduction shall be equal to the minimum required lot frontage width, multiplied times ten (10).
3. **Front porch incentive:** Front Porches that are covered, unenclosed and unscreened shall be allowed to encroach into the required front yard up to the lesser of ten (10) feet or fifty (50) percent of the required front yard depth, not including the sidewalk.
4. Street tree requirements: All new residential subdivision development in the City and County shall have street trees, which shall be shade trees and shall be a minimum of three and one-half (3.5) inches in caliper measured at twelve inches above the ground or sidewalk area, be a minimum of sixteen (16) feet in height, and have a minimum mature height of forty (40) feet. All street trees shall be limbed up to be free of branches to a minimum height of eight (8) feet, shall be planted a maximum spacing of fifty (50) feet on-center; and shall be staggered between but not adjacent to, any street lights.
5. Connecting with adjacent sidewalks: When any new residential unit in the City or County, whether a single home, duplex, townhouse or other residential type, is located on a lot or lots that are adjoining an area that has existing sidewalks; whether the adjoining area is a residential property, a recreational area, a public property, or commercial area; a sidewalk shall be required to connect with such existing sidewalks, and extend along the street frontages of such lot or lots, and connect with such new residential unit.
6. Sidewalks are required within all new single-family residential subdivisions with twenty (20) or more homes, and all new multifamily residential development, in the City or County. Such sidewalks shall connect all residential lots and buildings, shall be provided along any adjacent local, arterial or collector street right-of way, and shall connect with any pedestrian crossings. Such requirements shall also apply to single-family residential subdivisions of less than twenty (20) homes when, within a period of two (2) years, the number of homes is increased to twenty (20) or more.

Section 4.02 AFFORDABLE HOUSING INCENTIVES

1. Residential developments that provide affordable housing units may utilize one of the following two incentive methods for reducing single family lot sizes, provided that all other district requirements are met, and as approved by the Director of Planning and Development Services.
 - a. Residential developments that provide affordable housing units may reduce the minimum required area of single-family lot sizes by 20 percent by meeting at least one of the incentive requirements listed below
 - i. A maximum of 80 percent of MSA mean income in 60 percent of total units
 - ii. A maximum of 60 percent of MSA mean income in 25 percent of total units
 - iii. A maximum of 40 percent of MSA mean income in 10 percent of total units

- b. Alternately, residential developments that provide affordable housing units may reduce the minimum required area of single-family lots sizes by twenty (20) percent by providing an equal number of units that meet each of the above income criteria, in a total number of units selected by the applicant. The number of lots that may reduce the minimum required area shall not exceed the number of affordable housing units provided, plus 20 percent of that number.
2. Lots with affected units shall carry deed restrictions that require such approved affordable housing criteria for a minimum of thirty (30) years, and copies of such deeds shall be provided to the Director of Planning and Development Services prior to any application for building permits on lots reduced in size

ARTICLE 5: SPECIAL APPROVAL BY THE CITY/COUNTY COMMISSION (CC)

Section 5.01 APPLICATION FOR SPECIAL APPROVAL OF THE CITY/COUNTY COMMISSION.

An application for special approval of the City/County Commission, for a use that is permitted under this Ordinance only after such special approval of the City/County Commission, shall include a letter of intent addressing all criteria listed below in this section, a site plan that includes all site plan review requirements found **in following section 6.01**, and basic project information from the applicant. The City/County Commission shall not take final action on the application until it has received a recommendation from the Planning Commission. An application may be approved, denied, or approved with conditions. In reviewing the application, the City/County Commission shall consider the following Special Approval Review Criteria: (See Section 6.01 for Site Plan requirements).

Special Approval Review Criteria

1. The effect of the proposed activity on traffic flow along adjoining streets. Will it adversely impact flow on adjoining streets?
2. The location of off-street parking facilities. Are parking facilities adequate and properly located to serve the use and not impact surrounding properties?
3. The number, size and type of signs proposed for the site.
4. The amount and location of open space. Is open space adequate to preserve the character of the area and to reduce environment impacts?
5. Protective screening. Is screening adequate to protect the adjacent uses from any negative impacts of this use?
6. Hours and manner of operation of the proposed use. Are they compatible with surrounding uses?
7. Outdoor lighting.
8. Ingress and egress to the property. Does it reduce negative impacts and/or does it enhance safety?

9. Compatibility with surrounding land use. Is the use compatible with adjacent uses; does it have any negative impacts
10. Is it consistent with the Comprehensive Plan?

Section 5.02 PUBLIC HEARING REQUIREMENTS

The City/County Commission shall hold a public hearing on the application. Notice of the hearing shall appear on the property in question and in a newspaper of general circulation within the City at least fifteen (15) days prior to the public hearing. Notice shall be mailed by first class to the applicant or its representative at least 15 days before the hearing. All other notices of the hearing shall be in accordance with the Zoning Procedures Law, O.C.G.A. Chapter 36-66.

ARTICLE 6: SITE PLAN REVIEW REQUIREMENTS

Section 6.01 SITE PLAN INFORMATION REQUIREMENTS

The following information is required to be provided by the applicant for any approvals that require site plan review, including a special approval by the City/County Commission (CC) and Administrative Review (AR) by the Director of Planning and Development Services.

1. The legal description of the parcel(s) for which the approval is sought.
2. A map(s) of the subject property shall provide the following data and information. All plans shall include a north arrow and adjacent street names, and all plans and drawings shall be at a measured scale, which shall be indicated on each plan and drawing:
 - a. All property certifications and dedications appropriately indicated;
 - b. Boundaries of property;
 - c. Municipal boundary lines, section lines, parks, public open spaces or permanent easements which are related to this property and are able to indicate the location of this property;
 - d. The location, width and names of existing or previously platted streets, railroads and utilities rights-of-way, and easements;
 - e. Total acreage or square footage of property and buildings;
 - f. The location, grades and sizes of utilities (water, manholes, sanitary sewer, storm drainage, and power), and the dimension and location of easements;
 - g. Existing and proposed topographic map and section profile of site;
 - h. Trees greater than six (6) inches in diameter at four (4) feet above grade.
 - i. Flood hazard area information.
3. A proposed site plan map that includes, but is not limited, to the following:
 - a. The size, arrangement and orientation of all buildings proposed to be used for dwelling purposes or any other purpose as indicated.
 - b. The location, height, configuration, and material of all walls, fences, or other structures proposed.
 - c. The location and dimensions of required public sidewalks.
 - d. The location, size and dimensions of all existing or proposed driveway entrances, exits, traffic-circulation patterns, acceleration and deceleration lanes; and the relationship to the site on which the property is located.

- e. The location, dimension of all parking and drop-off areas, including number of parking spaces.
 - f. The location of all building entrances.
 - g. Landscape plan showing all existing and proposed plantings, including required street trees.
4. Any applicable covenants or restrictions.
 5. Plans, elevations and materials of proposed new or expanded buildings and structures.
 6. Other information required by the Director of Planning and Development Services for adequate site plan review.

Section 6.02 ADMINISTRATIVE REVIEW (AR) REQUIRES SITE PLAN INFORMATION

The Director of Planning and Development Services may administratively approve certain limited uses and authorize certain actions such as site plan review and variances through an Administrative Review (AR). Applications for Administrative Review shall include a Letter of Intent and all information required under Site Plan Review Requirements. The Director shall utilize the Standards for Uses, set forth In Title III Article 5. Section 5.05 C, when reviewing cases involving uses. An Administrative Review application may be approved, denied, or approved with conditions, which shall be attached to the approval.

1. Site plan review required for certain uses: Certain permitted uses require an Administrative Review (AR) of the site plan by the Director of Planning and Development Services, as indicated in Table II.2.01 Permitted Uses Table. The Director of Planning and Development Services shall review site plans for such uses to ensure that all site requirements are met, and such uses shall not be permitted unless and until the Administrative Review is approved. The Special Approval Review Criteria shall be considered when reviewing the application. (See Section 5.01.) All decisions shall be based on site information only. Any changes to a site plan for such a use, which are made without an administrative review approval, shall automatically revoke such use.
2. Within the Downtown River Front District: an Administrative Review is required, in accordance with River Front District Requirements, for any change of use, new construction, or exterior alteration requiring a building permit for any building or structure.
3. Variances: Variations in lot area, building setback, parking, screening and landscaping requirements may be approved through administrative review, by the Director of Planning and Development Services, when other criteria for granting such variance is met and when such variance is equal to or less than a ten (10) per cent variance in requirements, or when saving a healthy tree with a twelve (12) inch or greater caliper at four (4) feet above grade, or when reducing parking requirements, **except that parking spaces shall not be reduced to zero (0).**
4. Expansion of the footprint of non-conforming uses: Approval of an increase in the size of nonconforming uses, up to ten (10) percent additional area, may be sought through an administrative review, by the Director of Planning and Development Services, provided that only one (1) such approval shall be permitted for the lifetime of such use, and provided that all other site requirements, including parking, landscaping, screening and sidewalk requirements, are met.

ARTICLE 7: FLOOD HAZARD DISTRICT

Those areas shown as FH on the zoning map shall be regulated in the following manner, in addition to complying with the Floodplain Management Regulations of the City of Albany or Dougherty County, are:

1. Where the property is bounded on all sides, excluding one street frontage by one other zoning district, uses are as permitted by that abutting district.
2. Where the property is abutted by more than one other zoning district, uses may be as permitted in the less intensive abutting zoning district and more restrictive, that is, the district first listed in the following list of zoning districts, Title II, Article 1 Definition and Intent of Zoning Districts.
3. Where the property is abutted by other FH zoning, uses may be as permitted in the least intensive adjacent district within five hundred (500) feet, or as permitted in the R-1 District.
4. Where the property is abutted by an M-1, or M-2 District, any use other than continued non-conforming uses or agricultural shall require the Special Approval of the City/County Commission.

ARTICLE 8: FLINT RIVER AND KINCHAFOONEE CREEK CORRIDOR PROTECTION CRITERIA

1. Purpose and Applicability

In 1991, the General Assembly passed the Mountain and River Corridor Protection Act, which called for the Department of Natural Resources (DNR) to develop criteria for the protection of important river corridors within the State of Georgia. These criteria apply to all perennial rivers or streams with an average annual flow of at least 400 cubic feet per second (as defined by the United States Geologic Survey). In December 1991, the Board of Natural Resources adopted these river corridor protection criteria. A subsequent amendment of the Minimum Planning Standards and Procedures for Local Comprehensive Planning (approved by the Board of Community Affairs in April 1992), requires all local governments to address these River Corridor Protection criteria within their comprehensive plans as they apply to rivers and streams in their municipal boundaries. Within Dougherty County, the Flint River and Kinchafoonee Creek are subject to the River Corridor Protection criteria. Kinchafoonee Creek joins the Flint River just south of Lake Chehaw. From this point, the Flint River flows southward through the eastern part of Dougherty County, effectively dividing Dougherty County into two parts, and also dividing the City of Albany.

The primary purposes of the River Corridor Protection criteria are to protect water quality, reduce erosion, encourage the protection of wildlife habitats, and reduce the risk of flood damage to properties near major rivers. Therefore, the protection criteria require the establishment and maintenance of a 100-foot natural vegetative buffer, containing flora and fauna native to the area. The 100-foot wide buffer, consisting of the area between the top of the bank and the edge of the river's low water line shall be treated by local governments in the same manner as the river corridor and shall be included within the River Corridor Protection Plan.

Because stream channels move due to natural processes such as meandering, riverbank erosion, and jumping of channels, the river corridor may shift with time. For the purposes of these criteria, the river corridor shall be considered to be fixed at its position at the beginning of each review period of local comprehensive plans. Any shift in the location of the protected river after the start

of the review period will require a revision of the boundaries of the river corridor at the time of the next review by the Department of Community Affairs.

2. Permissible Uses

- a. Land use existing prior to the promulgation of a River Corridor Protection Plan
- b. Single family dwellings, including the usual appurtenances, are permitted within the buffer area, subject to the following conditions:
 - i. The dwelling shall be in compliance with all local zoning regulations.
 - ii. No more than one (1) dwelling shall be located on a tract of land containing at least two acres, not including any area that lies within the river corridor.
 - iii. A septic tank serving such a dwelling may be located within the buffer area.
 - iv. Septic tank drainfields shall not be located within the buffer area.
 - v. Construction of road crossings and utility crossings provided that construction of such road and utility crossings shall meet all requirements of the Erosion and Sedimentation Control Act of 1975, and of any applicable local ordinances on Soil Erosion and Sedimentation Control.
- c. Timber production and harvesting are subject to the following conditions:
 - i. Forestry activity shall be consistent with best management practices established by the Georgia Forestry Commission; and
 - ii. Forestry activity shall not impair the drinking quality of the river water as defined by the federal Clean Water Act, as amended.
- d. Wildlife and fisheries management activities.
- e. Recreational usage consistent either with the maintenance of a natural vegetative buffer or with river dependent recreation. For example, a boat ramp would be consistent with this criterion, but a hard-surface tennis court would not. Parking lots are not consistent with this criterion. Paths and walkways within the river corridor are consistent with this criterion.
- f. Natural water quality treatment or purification.
- g. Agricultural production and management, subject to the following conditions:
 - i. Agricultural activity shall be consistent with the Best Management practices established by the Georgia Soil and Water Conservation Commission;
 - ii. Agricultural activity shall not impair the drinking quality of the river water as defined by the Federal Clean Water Act, as amended; and
 - iii. Agricultural activity shall be consistent with all state and federal laws, and all regulations promulgated by the Georgia Department of Agriculture.
- h. Mining activities, if permitted by the Department of Natural Resources pursuant to the Georgia Surface Mining Act of 1968, as amended.
- i. Utilities, if such utilities cannot feasibly be located outside the buffer area, and provided that:
 - i. The utilities shall be located as far from the river bank as reasonably possible;
 - ii. Installation and maintenance of the utilities shall be such as to protect the integrity of the buffer area as well as is reasonably possible; and
 - iii. Utilities shall not impair the drinking quality of the river water.

- j. Other uses permitted by the Department of Natural Resources or under Section 404 of the Clean Water Act.

For all of the above uses, the natural vegetative buffer shall be restored as quickly as possible following any land disturbing activity within the river corridor. These uses are permissible upon compliance with all local, state, and federal laws currently in effect.

3. Prohibited Uses

The following uses are prohibited.

- a. Except as provided in connection with permitted single family dwellings, septic tanks, and septic tank drainfields are prohibited.
- b. Handling areas for the receiving and storage of hazardous waste are prohibited. Port facilities are exempt from this criterion provided that:
 - i. Port facilities shall meet all federal and state laws and regulations for the handling and transport of hazardous waste, and
 - ii. Port facilities handling hazardous waste shall perform their operations on impermeable surfaces having spill and leak protection systems as prescribed by the Department of Natural Resources
- c. Hazardous Waste or Solid Waste Landfills are prohibited.
- d. Other uses unapproved by the City/County shall not be acceptable within the river corridors.

1 “**River bank**” shall mean the rising ground, bordering a river, which serves to confine the water to the natural channel during the normal course of flow.

2 “**River corridor**” shall mean all land, inclusive of islands, not regulated under the Metropolitan River Protection Act (O.C.G.A. 12-5-440 through 12-5-457), or the Coastal Marshland Protection Act (O.C.G.A. 12-5-280 through 12-5-293), in areas of a protected river and being within 100 feet horizontally on both sides of the river as measured from the river banks.

ARTICLE 9: WETLAND AND STREAM CORRIDOR PROTECTION CRITERIA (Dougherty County only)

A. Purpose and Applicability

The quality of urban and rural streams reflects the quality of land management and land development activities within the watershed. Reducing the amount of disturbance and impervious surfaces adjacent to watercourses is one of the best methods to reduce the quantity of non-point source pollutants in these watercourses and wetlands; this is done by allowing stormwater pollutants to infiltrate the soil before they reach the water resource. Conventional zoning ordinances generally do not mitigate these problems to a sufficient degree, and therefore, are not considerate enough of the impacts on environmental resources, and, in turn, the quality of life and health of the community’s residents.

Zoning of the built environment generally requires setbacks for buildings and rights of way for streets

and roads. However, wetlands and streams do not enjoy the same protection. These resources not only serve natural systems, but directly affect the quality of life of the human environment by providing clean water, a critical element of human health, economy, and general well-being.

These streams and wetlands do not exist apart from their surrounding upland areas. They are intertwined in a dynamic link to create balance in a natural system. Therefore, as part of an overall watershed protection strategy, it is not enough to protect the “wet” areas of wetlands and streams. Protection must also be extended to the contiguous upland areas of those hydric systems as well.

Protection should be provided all natural streams and wetlands in Dougherty County. Streams to be buffered will be identified as the first solid blue line on a 7.5 minute, U.S.G.S. Quadrangle map. Freshets and intermittent streams will not be included in the ordinance. All jurisdictional wetlands will be buffered, and will be identified by at least one of the following:

1. The “Central Dougherty Plain Advance Identification of Wetlands” (U.S. EPA) Draft Technical Summary Document;
2. Those wetlands identified by U.S. Army Corps of Engineers’ documents, or by private contractor, certified in wetland delineation by the U.S. Army Corps of Engineers;
3. The National Wetlands Inventory published by the U.S. Fish & Wildlife Service.

B. Buffers and Permitted Uses

A lateral, three-tier system will establish buffer width, and will permit increasing levels of activities within the entire stream or wetland buffer zone. These zones are outlined as follows:

1. The Streamside Zone protects the physical and ecological integrity of the stream ecosystem. The vegetative target is mature riparian forest that can provide shade, leaf liner, woody debris and erosion protection to the stream. The width is 25 feet (100 feet on rivers with a mean annual flow of 400 cfs or more, per the requirements of the *Mountain and River Corridor Protection Act, 1997*), measured from each stream bank (“bank” being defined as that adjacent, uppermost part of the land adjacent to the watercourse that serves to contain it). This distance equals about one or two mature tree’s growth from the streambank.

Land use in this zone will be highly restricted, limited to stormwater channels, footpaths, and a few utility or roadway crossings. In this zone, those areas previously developed or improved will be hereafter undisturbed; vegetation in this zone will be left to develop, eventually creating a mature forest typical of this region and soil conditions.

2. The Middle Zone extends from the outward boundary of the streamside zone, and is also 25 feet wide. Its key functions are to protect key components of the stream and provide further distance between upland development and the stream. The vegetative target for this zone is also mature forest, but some clearing may be allowed for stormwater management, access, and recreational uses.

A wider range of activities and uses are allowed within this zone, e.g., recreation, bike paths, and

stormwater BMPs.

3. The Outer Zone can practically be considered the “buffer’s buffer”, and is an additional 25-foot setback from the outer edge of the middle zone to the nearest permanent structure. In most instances, this will be a residential backyard. The vegetative target for the outer zone is usually turf or lawn. However, the property owner is encouraged to plant trees and shrubs in this area, thereby increasing the total width of the buffer.

Very few uses are restricted in this zone. Gardening, lawns, etc are promoted in this zone, but septic systems and permanent structures are prohibited.

In the event that a landowner disputes a determination by the permitting agency concerning buffer width and/or identification of the stream “bank”, the property owner has the option of retaining a wetland scientist and/or a certified land surveyor to delineate the buffer widths and distances.

C. Hardships

Property owners may make use of three mitigation options if they feel they have been unduly impacted by the provisions above. They are as follows:

1. Buffer Averaging - This approach allows some flexibility in the width of the buffer, as long as the streamside zone is not impacted. Where the width of the buffer must be compromised on one part of the property, the width will be made up in another part, that is, the buffer will be wider at the mitigation point, and narrower at the variance point.
2. Density Compensation - This method grants a developer a credit for additional density elsewhere on the site, in compensation for developable land that has been lost due to the buffer requirement. Developable land is defined as the portion of buffer area remaining after the wetland, streamside, or steep slope areas has been subtracted. Credits will be granted when more than 5% of developable land is consumed. The density credit is accommodated at the development site by allowing greater flexibility in setbacks, frontage distances, or minimum lot sizes to squeeze in “lost lots”. Cluster development provisions would also allow the developer to recover lots that are taken out of production due to buffers and other requirements.
3. Conservation Easements- Landowners should be afforded the option of protecting lands within the buffer by means of a perpetual conservation easement. The easement conditions the use of the buffer, and can be donated to a land trust as a charitable contribution that can reduce an owner’s tax burden. Alternatively, the conservation easement can be donated to the County, in exchange for a reduction or elimination of property tax on the parcel. In order for this provision to become a bona fide option, the County or some other appropriate agency or body must organize a land trust.

D. Appeals

Property owners may request a variance from these provisions through the process outlined in Title III, Article 5, Section 5.00 of the Zoning Ordinance. Applicants must demonstrate severe economic hardship, or unique circumstances making it impossible to meet some or all of the buffer requirements.