

## **CITY OF COVINGTON: ZONING ORDINANCE**

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## **TITLE 16 ZONING ORDINANCE**

### **CHAPTER 16.04 ADMINISTRATION**

#### **16.04.010 Short Title and Scope**

- A. This title shall be known as the “Covington zoning ordinance.”
- B. This zoning ordinance shall govern the use of all land and all development and redevelopment thereof within the incorporated areas of Covington, Georgia.
- C. No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved or altered, except in conformity with the regulations of this zoning ordinance.

#### **16.04.020 Authority**

This title is enacted pursuant to Covington’s authority to adopt plans and exercise the power of zoning granted by the Constitution of the State of Georgia, article 9, section 2, paragraph 4, and by article 9, section 2, paragraphs 2 and 3; pursuant to chapters 66 and 70 of title 36 of the Official Code of Georgia Annotated; by the Georgia Planning Act of 1989; by Covington’s authority to enact regulations and exercise zoning, planning, subdivision, and police powers granted by sections 9, 34, 68, and other provisions of its Charter; by other local laws; by the city’s general police powers; and by other powers and authority provided by federal, state, and local laws applicable hereto.

#### **16.04.030 Purpose**

This zoning ordinance is enacted by the City of Covington in order to promote the public health, safety, morals, and general welfare of the residents of Covington, Georgia and to implement the Covington Comprehensive Plan. To these ends, the zoning ordinance is intended to achieve the following purposes:

- A. To guide and regulate the orderly growth, development, redevelopment, and preservation of the City of Covington in accordance with the adopted comprehensive plan and with long-term objectives, principles, and standards deemed beneficial to the interest and welfare of the people.
- B. To protect the established character and the social and economic well being of both private and public property.
- C. To promote, in the public interest, the efficient utilization of land.
- D. To promote the preservation of open space.
- E. To provide for adequate light, air, convenience of access, and safety from fire, flood, and other dangers.
- F. To facilitate the creation of a convenient, attractive, and harmonious community.
- G. To encourage an aesthetically attractive environment, both built and natural, and to provide for regulations that protect and enhance these aesthetic considerations.
- H. To protect against the destruction of, or encroachment upon, historic areas.
- I. To protect against overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, and loss of life or health from fire, flood or other danger.

- J. To encourage economic development activities that provide desirable employment and enlarge the tax base.
- K. To ensure the perpetual conservation, preservation and enjoyment of the unique natural and physical resources of the county, including watersheds, streams, and the protection of water quality as the county grows.
- L. To achieve compliance with all applicable state and federal laws and regulations.
- M. To provide for and promote housing for all income groups and all citizens within the city.
- N. To establish high quality standards for buildings and land development for the protection of the environment and the security of buyers and users of developed property within the city.
- O. To provide a method of administration and procedure that ensures due process and equal protection for the citizens and property owners of the city.
- P. To establish a just balance between the rights of owners of property and the public interest of all the citizens of the city.
- Q. To provide for protection of the constitutional rights and obligations of all citizens within the city.
- R. To provide penalties for violations and remedies for enforcement hereof; and for other purposes.

#### **16.04.040 Official Zoning Map**

- A. The City of Covington is hereby divided into zoning districts, as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by this reference and hereby made a part of this zoning ordinance. The Official Zoning Map shall be identified by the signature of the mayor, attested by the planning and zoning director and city clerk, and bear the seal of the City under the following words: "Official Zoning Map of the City of Covington" and shall include the date of adoption of this zoning ordinance.
- B. Amendments.
  - 1. If, in accordance with the provisions of this zoning ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map within seven (7) days after the amendment has been approved by the mayor and council, with an entry in the minutes of such council meeting as follows: "On \_\_\_\_\_ (month) \_\_\_\_ (day), \_\_\_\_\_ (year) by official action of the mayor and council, the following change (changes) was (were) made to the Official Zoning Map: (brief description of nature of change or changes)", which entry shall be signed by the Mayor and attested by the planning and zoning director.
  - 2. No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this zoning ordinance.
  - 3. Regardless of the existence of copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the office of the planning and zoning director shall be the final authority as to the current zoning status of the city.
- C. Replacement of Official Zoning Map. In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the mayor and council may by zoning ordinance adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map, and shall be identified by the signature of the Mayor attested by the planning and zoning director and bearing the seal of the City

under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted the date of June 30, 2008, as amended, as part of the Covington zoning ordinance." Unless the previous Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant remaining parts thereof, shall be preserved, together with all available records pertaining to its adoption or amendment.

- D. Rules for Interpretation. Where the planning and zoning director determines that uncertainty exists with respect to the location of the boundaries of any zoning district as set forth on the Official Zoning Map, the following rules shall apply:
1. Where possible, a rezoning file, which includes a correct legal description and minutes of the mayor and council public hearing shall be used for delineating zoning boundaries.
  2. Where a zoning district boundary line is shown as approximately following a corporate limits line, a militia district line, a land lot line, a lot line or the center line of a street, a city road, a state highway, an interstate highway, or a railroad right-of-way or such lines extended, then such lines shall be construed to be the zoning district boundary lines.
  3. Where a zoning district boundary line is shown as being set back from a street, a city road, a state highway, an interstate highway, or a railroad right-of-way, and approximately parallel thereto, then such zoning district boundary line shall be construed as being at the scaled distance from the center line of the street, city road, state highway, interstate highway, or railroad right-of-way and as being parallel thereto.
  4. Where a zoning district boundary line divides a lot, the location of the line shall be the scaled distance from the lot lines. In this situation, the requirements of the zoning district in which the greater portion of the lot lies shall apply to the balance of the lot except that such extension shall not include any part of a lot that lies more than fifty (50) feet beyond the zoning district boundary line.
  5. In the case of a through lot fronting on two (2) approximately parallel streets that is divided by a zoning district boundary line paralleling the streets, the restrictions of the zoning district in which each frontage of the through lot lies shall apply to that portion of the through lot.
  6. Where zoning district boundaries are in doubt, the planning and zoning director shall make such interpretation using the appropriate scale from the Official Zoning Map.

#### **16.04.050 Relationship to Comprehensive Plan**

- A. Land use role of the comprehensive plan. The City of Covington Comprehensive Plan is hereby established as the official policy of the city concerning designated land uses, under which the incorporated areas of the city are divided into the following land use categories, as set forth in the Future Land Use Map:
1. Rural Residential
  2. Single-family Residential
  3. Multi-family Residential
  4. High density Residential
  5. Traditional Neighborhood Development
  6. Commercial
  7. Office Professional
  8. Mixed Use Neighborhood
  9. Mixed Use Corridor
  10. Mixed Use Downtown

- 11. Industrial
  - 12. Public Institutional
  - 13. Agricultural/Forestry
  - 14. Park/Recreation/Conservation
  - 15. Transportation/Communication/Utilities
- B. Relationship between land use categories and zoning districts.
- 1. The comprehensive plan does not change the existing zoning districts in the city, does not effectuate an amendment to the official zoning maps, and does not itself permit or prohibit any existing land uses. Instead, the comprehensive plan establishes broad planning policy for current and future land uses and provides, among other things, designated categories within which only certain zoning districts may be authorized.
  - 2. The zoning districts that are permitted within each land use category shall be restricted to those shown in the following table.

LAND USE CATEGORY	COMPATIBLE ZONING DISTRICTS
Rural Residential	NR1
Single-Family Residential	NR1, NR2, NR3
Multi-Family Residential	CR, TCR
High Density Residential	TCR
Traditional Neighborhood Development	NR1, NR2, NR3, NM
Commercial	CM
Office Professional	CM
Mixed Use Neighborhood	NM
Mixed Use Corridor	CM
Mixed Use Downtown	TCM
Industrial	M1, M2
Public Institutional	All Districts
Agricultural/Forestry	NR1
Park/Recreation/Conservation	All Districts
Transportation/Communication/Utilities	All Districts

- C. Conformity of the zoning maps with the comprehensive plan. Within the various land use categories described in this chapter and shown on the Future Land Use Map, no amendment to the official zoning maps shall permit a use except in accordance with the uses permitted in the comprehensive plan land use category applicable to the property to which the proposed zoning map amendment applies.
- D. Amendments to the comprehensive plan. See section 16.12.040.

**16.04.060 Administration of Zoning Ordinance**

- A. It shall be the duty of the planning and zoning director to interpret and enforce this zoning ordinance and to carry out the duties required herein. The planning and zoning director may be provided with the assistance of such other persons as the mayor and council may direct. It shall be the duty of the city fire marshal to enforce all state, city and fire codes related to zoning ordinances. The city fire marshal shall also enforce all adopted codes relating to handicap access.
- B. Nothing herein shall repeal the conditions of use or operation, or site development conditions, accompanying rezoning approval(s) or conditional uses(s), variances or permits issued prior to adoption of this title. Modification or repeal of such past conditions of approval may be accomplished as authorized and provided by this title. All variances and exceptions heretofore granted by the planning and zoning director, board of appeals and adjustments, planning commission or mayor and council shall remain in full force and effect, including all terms, conditions and obligations heretofore imposed.
- C. All applications, requests for permits, and other appeals and decisions made pursuant to this title shall be decided within thirty (30) days of receipt of completed materials requesting same unless another time limit is specified for the type of action under review.
- D. Fees for all required applications shall not be refunded once submitted.

**16.04.070 Zoning verification**

Upon request, the planning and zoning director shall have authority to issue written zoning verifications stating the existing zoning of a particular parcel of property. Requests to the director shall be in writing, accurately identify the property, and be accompanied by a fee established by the planning and zoning director.

**16.04.080 Acceptance of Alternative Forms of Documentation**

The planning and zoning director shall have the authority and sole discretion to accept digital or other forms of electronic documents required by this title, upon a determination that doing so will assist the planning and zoning director and the public in the administration of this title.

**16.04.090 Provisions of Zoning Ordinance to be Minimum Requirements**

In their interpretation and application, the provisions of this zoning ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, morals or general welfare. Whenever the provisions of any other statute, ordinance or resolution require more restrictive standards than those of this zoning ordinance, the provisions of such standards shall govern.

**16.04.100 Violations**

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or use any land in the city, or cause the same to be done, contrary to or in violation of any of the provisions of this title.

**16.04.0110 Penalties for Violation**

All uses of land, buildings or structures shall be completed in accordance with approved development plans and permits, including any conditions attached thereto. The building inspector shall make periodic field inspections as required. When a violation is found to exist, the building inspector shall

immediately advise the zoning enforcement officer of the violation, so that appropriate action may be taken to ensure compliance. No certificate of occupancy shall be issued unless all on-site improvements, landscaping, and exterior building facades are completed in accordance with the approved development plans and permits.

The planning and zoning director shall order discontinuance of illegal use of land, buildings or structures or of illegal additions, alterations or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this zoning ordinance to ensure compliance with or to prevent violation of its provisions. If it is found that any of the provisions of this zoning ordinance are being violated, the planning and zoning director shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Such written notice shall not be a necessary condition precedent to enforcement of the zoning ordinance.

Any person, firm or corporation violating any provision of this zoning ordinance shall be deemed guilty of an offense and, upon conviction in Recorder's court, shall be fined as prescribed in the city charter in an amount not to exceed one thousand dollars (\$1,000.00) for each offense. Each day such violation continues shall constitute a separate offense.

The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation, or to abate any nuisance.

#### **16.04.120 Remedies**

If any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or if any building, structure or land is used in violation of this zoning ordinance, the mayor and council, the planning and zoning director, or the city attorney, in addition to other remedies, may institute injunction, mandamus, or other appropriate action to stop, prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use.

#### **16.04.130 Severability Clause**

Should any section or provision of this zoning ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the zoning ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid. The mayor and council hereby declares that it would have adopted the remaining parts of the zoning ordinance if it had known that such part or parts thereof would be declared or adjudged invalid or unconstitutional.

## CHAPTER 16.08 INTERPRETATIONS AND DEFINITIONS

### 16.08.010 Definitions

- A. For the purpose of interpreting this zoning ordinance, certain words and terms used herein shall be defined as follows:
1. Words used in the present tense include the future tense. Words used in the singular include the plural; and words in the plural include the singular; words used in the masculine gender include the feminine and are intended to be gender-neutral.
  2. The word "shall" is always mandatory, and the word "may" is permissive.
  3. The word "building" includes the word "structure".
  4. The word "used" or "occupied," as applied to any land or building, shall be construed to include the words "intended," "arranged," or "designed to be used or occupied."
  5. The words "zone," "zoning district," and "district" have the same meaning.
  6. The word "erected" shall be deemed also to include "constructed," "reconstructed," "altered," "moved" or "placed."
  7. The word "land use" and "use of land" shall be deemed also to include "building use" and "use of building."
  8. The word "person" shall include the words "individual," "firm," "partnership," "corporation," "association," "organization," "trust," "company," or any other legal entity, as well as an individual.
  9. The phrase "used for" as applied to any land or building shall include the phrases "arranged for," "designed for," "intended for," "maintained for," or "occupied for."
  10. Unless indicated otherwise, reference to zoning districts refer to the "Official Zoning Map of City of Covington, Georgia."
- B. Rules of precedence. The following rules set forth the order of precedence that determines which definition applies in a specific instance within the provisions of the zoning ordinance:
1. When definitions are provided within an individual chapter, article or section of the zoning ordinance, those definitions are to be applied within said chapter, article, or section. If the same term or phrase is also defined in this section, the definition in subsection C of this section shall not apply in that instance.
  2. When no definitions are provided within an individual chapter, article, or section of the zoning ordinance, words and phrases used in the zoning ordinance shall have the meaning established by the definitions provided in this subsection C of this section.
  3. For words and phrases listed in the Table of Uses in Article I of Chapter 218 with a NAICS code, the NAICS definition shall be the legal definition. Said NAICS definitions, as amended, are hereby incorporated by this reference to the extent utilized in the zoning ordinance.
  4. All remaining words used in the zoning ordinance are intended to have the commonly accepted definitions contained in a recent edition of the Merriam-Webster Dictionary.
- C. Definitions. As used in the zoning ordinance, the following terms shall have the meaning set forth below, except where otherwise specifically set forth in subsection B above.

“Abutting” means touching at one point or along a common side, boundary or property line. Two pieces of property that are separated by a street or right-of-way are adjacent, but not abutting.

“Accessory building”. See “Building, accessory”.

“Accessory structure”. See “Structure, accessory”.

“Accessory use”. “See Use, accessory”.

“Acre” means a unit of area equal to 43,560 square feet.

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

“Adjacent property”. “See Property, adjacent”.

“Administrative official” means any member of the department of planning and zoning when exercising the duties authorized in the zoning ordinance.

“Adult entertainment establishment”. See title 5, chapter 5.08 of the City of Covington Municipal Code.

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

“Aggrieved party” means a person whose property will be specially damaged by a decision of a city official or board involved in the enforcement of the zoning ordinance.

“Airport” means a transportation terminal facility where aircraft take off and land, usually including hangars, facilities for refueling and repair, and various accommodations for passengers.

“Airstrip, private” means an area designated for the landing of private, non-commercial aircraft with no terminal facilities and no scheduled takeoffs and landings.

“Alley” means a required public thoroughfare which affords only a secondary means of access to the abutting property.

“Alteration” means any change, addition or modification in construction or type of occupancy; any change in the structural members of a building, such as walls, partitions, columns, beams, girders, doors, windows, means of ingress or egress, or any enlargement to, or diminution of a building or structure, whether horizontally or vertically, or the moving of a building from one location to another.

“Alternative tower structure” means manmade trees, clock towers, bell steeples, light and power poles, water storage tanks, outdoor advertising signs and similar alternative design mounting structures that effectively camouflage the presence of antennas or towers and are compatible with and resemble the scale of the surrounding natural setting and/or structures.

“Antenna” means any exterior apparatus designed for wireless telecommunication, radio, or television communications through the sending and/or receiving of electromagnetic waves.

“Antenna, amateur radio” means a freestanding or building-mounted device, intended for airway communication purposes by a person holding a valid amateur radio (HAM) or Citizens Band (CB) license issued by the Federal Communications Commission.

“Antenna, satellite” means a specific device, the surface of which is used to transmit and/or receive radio frequency signals, microwave signals, or other signals transmitted to or from other antennas.

“Apartment” means a multi-family dwelling held through a lease or rental agreement.

“Apartment, efficiency” means an apartment consisting of two or fewer rooms, not including a separate bedroom.

“Appeal” means a request for a review to hear and decide where it was alleged there was an error in any order, requirement, permit, decision, determination, or refusal made by any officer of the City of Covington in the enforcement of the zoning ordinance.

“Application” means a completed document and completed associated documentation, including fees, filed by any person seeking approval to undertake any activity regulated by the City of Covington.

“Aquifer” means any stratum or zone of rock beneath the surface of the earth capable of containing or producing water from a well.

“Authorized use” means a use authorized in a zoning district pursuant to the zoning ordinance.

“Automobile” means a motorized vehicle with two axles and not more than six wheels, designed for carrying ten passengers or less and used for the transportation of persons.

“Automobile impound lot” means a facility that provides temporary outdoor storage for automobiles that are to be claimed by title holders or their agents. No vehicle shall be stored at said facility for more than 30 days and must remain mechanically operable and licensed at all times.

“Automobile repair services, major” means general repair, rebuilding, or reconditioning of engines, motor vehicles or trailers, including body work, framework, welding, and major painting services.

“Automobile repair services, minor” means the replacement of any part or repair of any part of an automobile or light truck that does not require removal of the engine head or pan, engine transmission or differential; incidental body and fender work, minor painting and upholstery service.

“Awning” means a shelter projecting over a window or door that is attached to the exterior wall of the building over a window or door that extends from the exterior wall of a building and is supported by or attached to a frame.

“Basement” means that portion of a building that is partly or completely below grade and has at least 6 1/2 feet vertical interior clearance from floor or grade to ceiling or underside of structure.

“Bed and breakfast” means an owner-occupied, single-family dwelling where between one and ten rooms not containing kitchen facilities are rented to overnight guests on a daily basis for periods not to exceed two weeks.

“Berm” means an earthen mound designed to screen undesirable views, reduce noise, or fulfill other such purposes.

“Block” means a piece or parcel of land entirely surrounded by public highways or streets, other than alleys.

“Board of appeals and adjustments” means the board of zoning appeals and adjustments, as established in accordance with this title.

“Boarding house” means a building, other than a hotel or bed and breakfast, where, for compensation, meals, or lodging and meals, are provided for one or more persons who are not part of the operator's family.

“Buildable area” means the area of a lot remaining after the minimum front, side and rear yard setback requirements of the zoning district has been met.

“Building” means any structure with a roof and enclosed on all sides.

“Building, accessory” means a building detached from the principal building located on the same lot and customarily incidental and subordinate in area, extent, and purpose to the principal building or use.

“Building permit”. See “Permit, building”.

“Building principal” means a building in which is conducted the main or dominant use of the lot on which such building is situated.

“Building wall” means an exterior load-bearing or non-load-bearing vertical structure that encompasses the area between the final grade elevation and eaves of the building, and used to enclose the space within the building.

“Campground”. See “Recreational vehicle parks and campgrounds”.

- “Canopy” means a roof structure constructed of rigid materials, including but not limited to, metal, wood, concrete, plastic, or glass, which is attached to and supported by a building, or which is free-standing and supported by columns, poles or braces extended to the ground. Unlike an awning, a canopy is generally supported by vertical elements rising from the ground at two or more corners.
- “Caretaker dwelling or employee residence” means an accessory single-family dwelling unit placed on an occupied tract for use by an employee where the tract is owned by the employer as a part of the same operation or business. At least one of the occupants of the caretaker dwelling or employee residence must be employed on the premises or their presence must be necessary and essential for the orderly operation and security of the premises.
- “Cellar” means that portion of a building that is partly or completely below grade and has a height less than 6 1/2 feet.
- “Cemetery” means any plot of ground, churchyard, building, mausoleum, or other enclosure used for the burial of deceased persons.
- “Cemetery, pet” means property used for the interring of dead domestic animals.
- “Cemetery, private” means any plot of ground, building, mausoleum, or other enclosure used for the burial of deceased persons of one collateral line of descent.
- “Center line of street”. See “Street, centerline of”.
- “City” means the City of Covington, Georgia.
- “Clinic” means a medical or dental establishment where patients, who are not lodged overnight, are admitted for examination and treatment.
- “Club, private” means a non-commercial establishment organized for a common purpose to pursue common goals, interests, or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution or bylaws.
- “Collateral” means belonging to the same ancestral stock but not in a direct line of descent.
- “Colleges, universities and professional schools” means establishments primarily engaged in furnishing academic courses and granting degrees at baccalaureate or graduate levels.
- “Co-location” means the placement of the antennas of two or more service providers upon a single tower or alternative tower structure.
- “Columbarium” means a structure or building substantially exposed above ground intended to be used for the interment of the cremated remains of deceased persons.
- “Commercial use” means an occupation, place of employment, or enterprise that is carried on for profit by the owner, lessee, or licensee.
- “Composting facility, municipal solid waste” means an establishment converting municipal solid waste to humus through a controlled process of degrading organic matter by microorganisms.
- “Composting facility, yard trimmings” means an establishment converting yard trimmings to humus through a controlled process of degrading organic matter by microorganisms. This definition does not include composting conducted on a residential lot for home gardening purposes.
- “Comprehensive plan” means any part or element of the overall plan for development adopted by the mayor and council as provided by O.C.G.A. § 50-8-1 and DCA Regulations Chapter 110-3-2, Minimum Standards and Procedures for Local Comprehensive Planning, including the future land use map and all other maps, exhibits, and appendices.
- “Conditional approval” means the imposition of conditions in the grant of an application for approval of a rezoning, special use permit, variance, concept plan, preliminary plat, or permit that are in addition to or different from the regulations set forth in this zoning ordinance and which are related to

the promotion of the public health, safety, morals, or general welfare and designed to minimize the negative impact on surrounding property.

“Condominium” means a building, or group of buildings, in which dwelling units, offices, or floor areas are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

“Conservation easement” means a recorded agreement between a land owner and government agency or land trust that permanently protects open space or greenspace on the owner's land by limiting the amount and type of development that can take place, but continues to leave the remainder of the fee interest in private ownership.

“Construction/demolition waste” means waste building materials and rubble resulting from construction, remodeling, repair, and demolition operations on pavements, houses, commercial buildings and other structures. Such wastes include, but are not limited to asbestos containing waste, wood, bricks, metal, concrete, wall board, paper, cardboard, inert waste landfill material, and other non-putrescible wastes which have a low potential for groundwater contamination.

“Cremation” means as described in O.C.G.A. § 10-14-3 G, cremation includes any mechanical or thermal process whereby a deceased human being is reduced to ashes. Cremation also includes any other mechanical or thermal process whereby human remains are pulverized, burned, re-cremated, or otherwise further reduced in size or quantity.

“Cremation unit” means the equipment used for the mechanical or thermal process whereby a deceased human being is reduced to ashes. See cremation for complete definition.

“Crematory” means a location containing properly installed, certified apparatus intended for use in the act of cremation.

“Cul-de-sac” means a local street or road with one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

“Curb cut” means the opening along the curb line or edge of pavement of a public street at which point a driveway begins for vehicular ingress and egress from a parcel.

“Day care center, adult” means an establishment operated by any person with or without compensation for providing for the care, supervision, and oversight only during daytime hours of seven or more adults who are elderly, physically ill or infirm, physically handicapped or mentally handicapped.

“Day care facility, adult” means any place operated by any person with or without compensation for providing for the care, supervision, and oversight only during day-time hours of six or fewer adults who are elderly, physically ill or infirm, physically handicapped, or mentally handicapped.

“Day-care center, child” means an establishment operated by a person, society, agency, corporation or institution, or any group, wherein are received with or without pay, seven or more children under 18 years of age for group care for less than 24 hours per day, without transfer of legal custody.

“Day-care facility, child” means any place operated by any person with or without compensation providing for the care, supervision, and protection of six or fewer children who are under 18 years of age for group care for less than 24 hours per day, without transfer of legal custody. For the purpose of computing the number of children within the child day-care facility, all children who are related by blood, marriage, adoption or guardianship to the person or persons operating the facility shall be included.

“Deciduous” means landscaping that leaves annually.

“Density” means the total number of square feet of a building, or number of lots or dwelling units per acre of land unless specifically provided otherwise in the zoning ordinance.

“Density, gross” means the number of square feet of a building, or number of lots or dwelling units on a tract of land divided by the total acres of a parcel or tract of land prior to development or subdivision, including all streets or rights-of-way, open space, floodplain, and other un-subdivided or unused portions of the tract of land.

“Density, net” means the number of square feet, lots or dwelling units on a tract of land, less area for streets, rights-of-way, open space, floodplain, and other un-subdivided or unused portions of the tract of land.

“Developer” means a person who undertakes land development activities.

“Development” means any manmade change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, clearing, grubbing, grading, paving, any other installation of impervious cover, excavation or drilling operations or and storage equipment or materials.

“Director” means the planning and zoning director, or designee, unless otherwise stated.

“District, zoning” means a tract of land or contiguous parcels of the City of Covington, Georgia within which the zoning regulations are uniform.

“Driveway” means a vehicular access, or curb cut that is in private ownership, except for that portion lying within the public right-of-way, and provides access primarily to one property.

“Drug rehabilitation center” means structures and land used for treatment of drug abuse where neither meals nor lodging is provided.

“Dry cleaning and laundry services” means a business that provides for the cleaning of laundry and dry cleaning, excluding self-service, and contains on the premises, equipment necessary for the processing of laundry and dry cleaning.

“Dumpster” means a portable container used for temporary storage of garbage, trash, or other refuse or receptacle material that has a capacity of one cubic yard or more.

“Dwelling” means a building or portion thereof designed, arranged or used principally for residential occupancy (not including buildings designed for transient use such as hotels and motels), and which complies with the provisions of the zoning ordinance and the International Building Code.

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

“Dwelling, multi-family” means a building designed, constructed, altered or used for more than two adjoining dwelling units, with each dwelling unit having a separate entrance and a party wall and/or party floor or ceiling connecting it with at least one other dwelling unit.

“Dwelling, principal” means the building that is used as the primary residence on a lot.

“Dwelling, single-family” means a dwelling structure that is designed for the use of one family.

“Dwelling, single-family attached” means a building containing two or more one-family attached dwelling units joined at one or more points by one or more party walls or other common facilities (not including the walls of an enclosed courtyard or similar area) and with property lines separating each dwelling unit. This includes townhouses.

“Dwelling, single-family detached” means a free standing building designed for or containing one dwelling unit.

“Dwelling, two-family (duplex)” means a single building designed for and containing two dwelling units located on one lot or one parcel of land.

“Dwelling unit” means one or more rooms, designed, occupied or intended for occupancy as a separate living quarter, with cooking, sleeping and sanitary facilities provided within the dwelling unit

for the exclusive use of a single housekeeping unit. Does not include rooms in a hotel, motel, boarding house, bed and breakfast, or extended stay hotel.

“Dwelling, single-family zero lot line” means a single-family dwelling unit with no required side and/or front setback on one side so as to allow the dwelling unit to be built on the property line.

“Easement” means an acquired legal right for the specific use of land owned by others.

“Easement, access” means an easement created for the purpose of providing vehicular or pedestrian access to or across a property.

“Electric, petroleum or gas substation” means facilities devoted to the distribution of electricity, gas or petroleum.

“Equestrian training and sales facility” means establishments providing equestrian training and the sale of horses, mules, donkeys, and other equines and related tack or feed.

“Existing construction” means any structure for which the start of construction commenced before the effective date of the zoning ordinance.

“Existing manufactured home park or subdivision”. See “Manufactured home park, existing”.

“Expansion to an existing manufactured home park or subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

“Façade” means the exterior of a building extending the entire width of the building elevation.

“Family” means a group of individuals related by blood, marriage, adoption, or guardianship, or not more than six persons not so related, living together in a dwelling unit as a single housekeeping unit based on an intentionally structured relationship providing organization and stability.

“Farming, commercial” means any primary use of a tract or parcel of land for the purpose of raising for sale any types of agriculture products, nursery stock, including, but not limited to, soil crops, fish, fowl, silviculture or livestock.

“Fence” means any structure forming a physical barrier or enclosure which is so constructed that at least 50 percent of the vertical surface is open to permit the transmission of light, air and vision through said surface in a horizontal plane.

“Fenestration” means an opening in the surface of a structure or building, primarily achieved through the use of glass.

“Finished grade” means the final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

“Floodplain” means any land area susceptible to flooding, which would have at least a one percent probability of flooding occurrence in any calendar year based on: a) the basin being fully developed as shown on the current land use plan or b) the regulatory floodplain as defined by the National Flood Insurance Program (FEMA). The more restrictive (wider) of either a) or b) shall be used.

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

“Floor area, gross” means the sum of the gross horizontal areas of the total number of finished floors of a fully enclosed building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings; excluding cellar space, carports and garages, and any space where the floor-to-ceiling height is less than 6 1/2 feet.

“Floor area, heated” means the gross floor area of a dwelling or other building that is heated and intended for daily human activity, including hallways, stairs, and interior storage areas and closets.

“Floor area ratio” means the gross floor area of all buildings or structures on a lot divided by the total lot area.

“Floor, lowest” means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of the zoning ordinance.

“Floor, party” means a floor in a multi-story building that is designed to provide required fire separation between two adjoining dwelling units that are constructed one above the other.

“Flush toilet” means a sanitary flushable fixture in general use for the disposal of human excrement.

“Forestry” means establishments primarily engaged in the operation of timber tracts, tree farms, forest nurseries, the gathering of forest products, or in performing forest services.

“Frontage, building” means the width in linear feet of each exterior wall of a building that faces a street or public way.

“Frontage, road” means the distance on which a parcel of land adjoins a public street or street right-of-way, including proposed streets within a subdivision of land approved by the City of Covington.

“Future land use map” means a map prepared as part of the City of Covington Comprehensive Plan prepared pursuant to O.C.G.A. 50-8-1 and Chapter 110-3-2, Minimum Standards and Procedures for Local Comprehensive Planning that divides land into a series of land use categories listed in section 16.04.050 and serves as guidance for rezoning decisions made pursuant to Title 16.

“Garage, attached” means a garage that shares a common roof with a dwelling unit or that adjoins a dwelling unit with a common wall along a distance of at least ten feet.

“Garage, two-car” means a permanent enclosed structure having a paved floor area designed with adequate floor area, access and egress for two standard automobiles.

“Garbage”. See “Solid waste”.

“Gasoline station with convenience store” means a gasoline station that includes a retail store that sells a limited line of groceries and household items.

“Governing authority” means the mayor and council of the City of Covington, Georgia.

“Grade” means a reference plane representing the average of finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or between the building and a point six feet from the building, whichever is closer.

“Grade, percentage of” means the rise or fall of a slope in feet and tenths of a foot for each 100 feet of horizontal distance.

“Grading” means altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut and filled condition.

“Grasscrete or Grasspave” means a paving systems primarily used for parking that utilize porous elements which facilitate the drainage of stormwater runoff.

“Greenhouse” means a building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of plants for subsequent sale or personal enjoyment.

“Greenspace” means permanently protected areas of a site that are preserved in a natural or vegetated state.

“Ground elevation” means the original elevation of the ground surface prior to cutting, or filling or grading. “Guest house” means an attached or detached accessory building that provides living quarters for guests, may or may not contain a kitchen or cooking facility.

“Halfway house” means a licensed home for inmates on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society, enabling them to live independently.

“Hardscape” means the manmade surface of a sidewalk or plaza including elements such as bricks, stone pavers or concrete but excluding asphalt.

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

“Hazardous material” means any substance that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment.

“Hazardous waste” means any solid waste which has been defined as a hazardous waste in regulations, promulgated by the administrator of the United States Environmental Protection Agency pursuant to the federal act, which are in force and effect on February 1, 1988, codified as 40 C.F.R. Section 261.3.

“Height” means the vertical distance of a structure other than a building measured from the average elevation of the finished grade surrounding the structure to the highest point of the structure. When referring to a telecommunications antenna it shall mean the vertical distance from the base of the antenna to the highest point of the tower or any appurtenance attached to it.

“Height, building” means the vertical distance measured from the average elevation of the finished grade at the front of the building to the highest point of the roof if a flat roof; to the deck line of mansard roofs; and to the mean height level between eaves and ridge of gable, hip, and gambrel roofs. The term does not include steeples, cupolas, decorative towers, antennas and mechanical equipment attached to a building. For all single-family residential detached buildings and structures, building heights shall be measured from the highest point of the front threshold of the existing or previously existing house on the property. The newly built threshold shall be built at the equivalent elevation as the existing or previously existing threshold. If a previous house site either cannot be determined or did not exist on the lot, the height calculation shall be measured from the pre-construction elevation of the proposed front yard footing.

“Height, telecommunications facility” means the vertical distance from grade to the highest point of the tower and its appurtenances, grade being the average level of the pre-existing or finished surface of the ground adjacent to the exterior of the tower, whichever is lower. When referring to a telecommunications antenna it shall mean the vertical distance from the base of the antenna to its highest point.

“Home occupation” means an occupation customarily carried on by an occupant of a dwelling unit as a secondary use, which is clearly incidental to the use of the dwelling unit for residential purposes, and operated in accordance with all applicable provisions.

“Hospital” means an establishment providing physical or mental health services, in-patient or overnight accommodations, and mental or surgical care of the sick or injured. Includes health clinics and sanatoriums.

“Hotel” means a building in which short-term (less than 21 days) lodging or board and lodging is provided and offered to the public for compensation and in which ingress and egress to and from each sleeping room is generally made through the interior of the building.

“Hotel, extended stay” means any building containing six or more guest rooms rented or leased for sleeping purposes for periods of less than one month, but in excess of one week, and that contain kitchen facilities for food preparation including, but not limited to, refrigerators, stoves, and ovens.

“Impervious” means a material that water cannot pass through or be absorbed by.

“Impervious cover or surface” means areas which significantly prevent or impede the natural infiltration of stormwater into the soil. Common impervious surfaces include, but are not limited to, rooftops, buildings, streets, roads, sidewalks, walkways, patio areas, driveways, parking lots, concrete and asphalt surfaces, storage areas, compacted gravel and soil surfaces, awning, and other fabric or plastic coverings, and other surfaces which prevent or impede the natural infiltration of stormwater runoff which existed prior to development. Impervious surface also includes unpaved graded aggregate base (GAB) or crusher run.

“Industrial activity” means activities subject to NPDES industrial permits as defined in 40 CFR, Section 122.26 (b)(14).

“Industrial park” means a tract of land subdivided and developed according to a comprehensive development plan in a manner which provides a landscaped setting for two or more industrial establishments.

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

“Junked vehicle” means any wrecked or non-operable dismantled or abandoned automobile, truck, boat, motorcycle, or similar device.

“Junkyard”. See “Open yard storage business”.

“Kennel, hobby” means an accessory use for the keeping of up to seven dogs or cats or other small animals or any combination thereof (except litters of animals of not more than six months of age) is carried on for the purpose of showing, training, or breeding. Such use specifically excludes any operation for which a fee or other compensation is charged and also excluded any commercial use.

“Kennel, pet boarding” means any use where up to 21 dogs or cats or other small animals or any combination thereof (except litters of animals of not more than six months of age) are maintained for boarding, grooming, sitting, training, breeding, or similar purpose for a fee or other compensation is carried on.

“Kindergarten” means a school for pre-elementary school children ranging in age from four through six years.

“Kiosk” means a freestanding structure upon which temporary information and/or posters, notices, and announcements are posted or displayed electronically.

“Kitchen facilities” means a room used to prepare food containing, at a minimum, a sink and a stove, oven or microwave oven.

“Landscape strip” means a land area located within the boundary of a lot and required to be set aside and used for landscaping upon which only limited encroachments are authorized.

“Landfill” (See solid waste handling facility) means construction and demolition debris landfill, hazardous waste landfill, industrial waste landfill, inert waste landfill, monofill, sanitary landfill and private landfill. The term "landfill" shall not include approved on-site disposal of inert waste at a building, land disturbing, or development site.

“Landfill, construction and demolition waste” means a landfill in which construction/demolition waste is disposed. Construction/demolition waste means waste building materials and rubble resulting from construction, remodeling, repair and demolition operations on pavements, houses, commercial waste, wood, bricks, metal, concrete, wallboard, paper, cardboard, inert waste landfill material and other non-putrescible wastes which have a low potential for groundwater contamination.

“Landfill, inert waste” means a disposal facility regulated by department of natural resources accepting only wastes that will not cause production of leachate (a liquid that has passed through or emerged from solid waste and contains soluble, suspended, or miscible materials removed from such wastes) of environmental concern. Only the following waste may be deposited in the inert landfill: earth and earth-like products, concrete, cured asphalt, rock, bricks, yard trimmings, stumps, limbs, and leaves. This definition specifically excludes any transfer stations, recycling stations, household materials or the storage of these items to be taken to another location.

“Landfill, private” means a privately owned and operated landfill for the purpose of profit. This may be each or all of the above types of landfills.

“Landfill, sanitary (municipal)” means disposal sites, approved by the mayor and council, and owned by a municipality or by a political subdivision of the state, where putrescible solid wastes are disposed of in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume, and applying earth cover thereon.

“Landing area” means the area of an airport or private airstrip used for landing, taking-off or taxiing of aircraft.

“Laundromat” means a business that provides self-service, coin-operated washing, drying and/or ironing machines for clothing and similar laundry.

“Library” means a public facility for the use, but not sale, of literary, musical, artistic or reference material.

“Liquified petroleum gases” means as defined in O.C.G.A. § 10-1-262, any material that is composed predominantly of any of the following hydrocarbons, or mixtures of the same: propane, propylene, butane (normal butane or isobutane), and butylenes.

“Livestock” means any animal raised for food, raw materials or pleasure, and customarily kept on a farm including, but not limited to, beef and dairy cattle, sheep, swine, poultry, horses, mules, donkeys, goats, turkeys, bison, llama, emus and pot-bellied pigs.

“Litter” means sand, gravel, slag, brickbats, rubbish, waste material, tin cans, refuse, garbage, trash, debris, dead animals, discarded materials of every kind and description or paper products of every kind and description including, but not limited to, advertising materials, newspapers, promotional papers, letters, bills, publications or other writings.

“Loading space” means a space within the principal building or on the same lot, providing for the standing, loading or unloading of trucks, and other carriers.

“Lot” means a portion, plot, or parcel of land separated from other portions, plots, or parcels by a graphic description as on a subdivision plat of record or survey map and intended for transfer of ownership or for building development.

“Lot area” means the total area within the boundaries of a lot.

“Lot, conforming” means a lot that meets all requirements of the zoning ordinance and is not a nonconforming lot.

“Lot coverage” means the percentage of the total area of a lot that is occupied by buildings.

“Lot, corner” means a lot abutting upon two or more streets at their intersection.

“Lot, double frontage” means a lot other than a corner lot abutting two streets.

“Lot, flag (or panhandle lot)” means a prohibited lot not meeting minimum frontage requirements and where access to the lot from a public road is achieved by a narrow strip of land.

“Lot, interior” means a lot with a single street frontage.

“Lot of record” means a lot, the plat for which has been lawfully recorded in the office of the clerk of the Superior Court of Newton County, or a lot, the deed of which has been lawfully recorded in the office of the clerk of the Superior Court of Newton County.

“Lot remnant” means any portion or portions of a lot not suitable for building upon because of size or topography and remaining after the transfer of other portions of said lot to adjoining lots or rights-of-way.

“Lot width” means the width of a lot at the required front setback line measured parallel to the street right-of-way or in the case of a curvilinear street, parallel to the chord of the arc between the intersection of the side lot lines and the street right-of-way line.

“Lowest floor”. See “Floor, lowest”.

“Manufactured home” means a structure, transportable in one (1) or more sections, which, in the traveling mode, is eight body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred and twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary and complies with the standards established under this title. Manufactured homes shall be constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 as amended, 42 U.S.C. 5401, et seq.

"Manufactured home, other" means any manufactured home not meeting the definition of dwelling, single-family.

“Materials recovery facility (MRF)” means a solid waste handling facility that provides for the extraction from solid waste of recoverable materials, materials suitable for use as a fuel or soil amendment, or any combination of such materials.

“Mean sea level” means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. This term is synonymous with National Geodetic Vertical Datum (NGVD) or the North American Vertical Datum (NAVD) of 1988.

“Mineral extraction”. See “Mining”.

“Mining” means the extraction of minerals, including solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gases. The term mining includes quarrying; ground-water diversion; soil removal; milling, such as crushing, screening, washing, and flotation; and other preparation customarily done at the mine site as part of a mining activity.

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

“Mobile home” means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty (40) body feet or more in length or, when erected on site, is three hundred and twenty (320) or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the

required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein and manufactured prior to June 15, 1976. Mobile homes are not allowable as permanent residences in the city.

“Motel” means a building or a group of buildings containing sleeping accommodations for short-term (less than 21 days) rental primarily to the motoring public and in which ingress and egress to and from each sleeping room is generally on the outside of the building.

“Motor vehicle sales, used” means an open area, other than a right-of-way or public parking area, used for display, sale, or rental of new or used motor vehicles in operable condition.

“Museum” means a building having public significance by reason of its architecture or former use or occupancy or a building serving as a repository for a collection of objects of interest, intended to be used by the public for viewing and which may include as an accessory use the sale of goods to the public.

“New development” means a land development activity on a site.

“Nonconforming characteristic(s) of building or structure” means a building or structure, legally existing on the effective date of the zoning ordinance, but which fails to comply with one or more of the regulations adopted under the terms of the zoning ordinance which are applicable to said building or structure, including, but not limited to, setbacks, lot frontage, lot area, building height, off street parking or loading, buffers, landscaping or any other applicable development regulation.

“Nonconforming, legal” means a lot of record, structure or use that does not comply with the current requirements of the zoning ordinance, but was lawfully established and authorized in accordance with former regulations of the City of Covington prior to the adoption, revision, or amendment of the requirements in the zoning ordinance making the lot of record, structure, or use noncompliant.

“Nonconforming lot” means a lot of record that meets the definition of "Nonconforming, legal" or a lot of record lawfully created and recorded in the office of the clerk of the Superior Court of Newton County prior to adoption of this zoning ordinance.

“Nonconforming use of land, or nonconforming use of land and building(s), or Nonconforming use of land and structure(s)” means a use of land and building(s) or a use of land and structure(s), in combination, legally existing on the effective date of the zoning ordinance, but that is not an authorized use of land and building(s) or land and structure(s), in combination, under the terms of this zoning ordinance in the district in which such use is located.

“Nonconforming use requiring special use permit” means a use of land, or land and building(s) or structure(s) in combination, legally existing on the effective date of the zoning ordinance, but which is not an authorized use as of right under the terms of the district in which such use is located but rather is authorized only upon approval of a special use permit by the mayor and council.

“Nursery” means establishments primarily engaged in retailing nursery and garden products, such as trees, shrubs, plants, seeds, bulbs, and sod, which are predominantly grown elsewhere. These establishments may sell a limited amount of a product they grow themselves.

“Nursing home” means an institution or a distinct part of an institution that is licensed or approved to provide health care under medical supervision for 24 or more consecutive hours to two or more patients who are not related to the institution's management or its members by marriage, blood, or adoption.

“Occupied structure”. See “Structure, occupied”.

“Office, professional” means a land use that includes one or more buildings that are primarily used for services rendered by occupations with specialized knowledge or expertise such as architects,

engineers, lawyers, doctors, bankers, realtors, financial and insurance services, and similar services, as opposed to buildings used for manufacturing, storage or sale of goods.

“Office-warehouse” means a structure which may include space for an office for administration or sales and related space for temporary storage or assembly or repair of goods, equipment or products.

“Opaque” means the complete obstruction of fenestration primarily utilized for screening and buffering for the purposes of completely eliminating the view of any element of structure that is intended to be unseen.

“Open space” means areas that are primarily undeveloped and reserved to provide separation, resource protection, scenic enjoyment, recreation, or amenity to abutting developed property.

“Open yard storage business” means any commercial or non-commercial activity except a materials recovery facility or recycling center, which involves the sale, storage, wrecking, dismantling, processing or sorting of waste, discarded or salvaged paper, rags, machinery, equipment or other junk, including automobiles, trucks and similar motor vehicles; where those materials are commonly stored in an open area outside any building as defined in this section; provided, however, that businesses engaged predominantly in the repair or sale of new or used motor vehicles and other machines shall not be included in the term “open yard storage business” if those vehicles and machines are in operating condition and ready for sale or, if non-operational, those vehicles or machines are stored in a building as defined in this section.

“Outdoor recreation facilities” means facilities including greenways, trails, bikeways, paths, tennis courts, ball fields, playfields, courts, golf courses, swimming pools, clubhouses, lockers, bicycle facilities, equestrian facilities, beaches, docks, seating areas, amphitheaters, stages, band shells, community buildings, fountains, plazas, patios, decks, lawns, picnic shelters and picnic areas, landscaping and land containing outdoor recreation structures and facilities.

“Outdoor recreation, commercial” means any establishment whose main purpose is to provide the general public with facilities for active, outdoor recreational activities and entertainment where tickets are sold or fees are collected for participation in the activity. Outdoor commercial recreation facilities include, but are not limited to: outdoor fairs and amusement parks, water slides and parks, golf driving ranges and miniature golf courses, baseball batting cages, paintball facilities, tracks for motor sports, and other similar activities.

“Outdoor storage” means the keeping, in an unenclosed area, of any goods, material, merchandise, or vehicles in the same place for more than twenty-four hours whether for storage, display, processing or sale.

“Overlay district” means a zoning district that encompasses one or more underlying zones and that may vary the requirements, uses, and standards of the underlying zone.

“Owner” means the legal or beneficial owner of a site, including but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, or other person, firm or corporation, in control of the site.

“Owners of record” means the owner(s) of property as specified on the deed to the lot of record.

“Parcel” means any tract of land that has a deed and is shown as a unit on the latest county tax assessment records.

“Parks and playgrounds” means public or community land, open spaces, or recreation areas including such areas represented on a plat of a subdivision as dedicated, reserved or to be reserved, for recreational purposes.

“Parking lot:” any area designed for temporary (less than 48 hours) storage of motor vehicles of the motoring public in normal operating condition.

“Parking, off-street” means a temporary (less than 48 hours) storage area for a motor vehicle that is directly accessible to an access aisle and that is not located on a dedicated street right-of-way.

“Parking, on-street” means areas along curbs of a street that are authorized for temporary (less than 48 hours) storage of automobiles belonging to owners, tenants, customers, or visitors of adjacent or nearby properties.

“Parking structure” means a covered or sheltered structure of two or more stories designed, constructed and used for the parking of automobiles.

“Paved” means an area which is covered by asphalt, concrete, brick, or pavers meeting the specifications of the department of public service and engineering. Pervious paving materials are subject to approval by the director.

“Pawn shop” means a business that loans money on deposit of personal property, or deals in the purchase or possession of personal property, including titles, on condition of selling the same back again to the pledger or depositor, or loans or advances money with the personal property taken as security for the payment of the debt.

“Pedestrian way” means a crosswalk or other areas designed and marked exclusively for pedestrian traffic.

“Permit” The authorization necessary to conduct a land-disturbing activity, land development activity, building construction, or other activity regulated by the City of Covington that requires an official authorization as provided in the zoning ordinance.

“Permit, building” a permit issued by the planning and zoning department to the owner that is required for undertaking any construction, alteration, addition or repair of a structure.

“Permitted use”. See “Authorized use”.

“Permittee” means any entity that has submitted a notice of intent.

“Person” means any individual, partnership, firm, company, agency, association, joint venture, public or private corporation, organization, society, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of this state, any interstate body or any other legal entity.

“Personal care home” means building(s) in which is provided housing, meals, and 24-hour continuous watchful oversight for one or more ambulatory adults and which is licensed as a personal care home by the Office of Regulatory Services of the State of Georgia Department of Human Resources, including:

1. Personal care home, congregate: A personal care home which offers care to 16 or more persons.
2. Personal care home, family: A personal care home which offers care to at least four, but not more than six persons.
3. Personal care home, group: A personal care home which offers care to at least seven but not more than 15 persons.

“Personal services” means establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel. Personal services include, but are not limited to, laundry, including cleaning and pressing service, beauty shops, barbershops, manicure, shoe repair, tanning salons and health clubs, clothing rental, tailor shops, and domestic services, but specifically excluding adult entertainment.

“Pet, household” means a domestic animal, not including fish or livestock, which is cared for by members of a household for companionship up to a total of 3 such animals.

“Place of worship” means a lot or building wherein persons assemble for religious worship.

“Plan, concept” means written and graphic documents submitted to the director for review that document the intent of a developer in a conceptual form, indicating the types, general arrangement and density of uses, extent and pattern of subdivision, and the relationship of the intended uses to surrounding tracts.

“Planned center” means one or more commercial land uses or establishments developed under unified control, to be planned, developed, operated, and maintained as a whole, having one or more structures with appurtenant common areas.

“Planning commission” means the City of Covington Planning Commission.

“Playschool” means a school for pre-kindergarten children ranging in age from three to four years.

“Premises” means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

“Principal use” means the principal purpose for which a lot or the principal building thereon is designed, arranged or intended, and for which it is or may be used, occupied or maintained.

“Private road”. See “Road, private”.

“Private street. See “Street, private”.

“Privy” means a structure (and necessary appurtenances) used for the sanitary disposal or storage of human wastes without the aid of water carriage; the term does not include chemical, composting, portable or incinerator toilets.

“Professional” means when used in connection with "use" and "occupancy" of a use or occupancy by persons generally engaged in rendering personal, executive, sales, or administrative services or activities, including accountants, architects, professional engineers and land surveyors, doctors, lawyers, insurance offices, real estate offices, religious organizations, stock brokers and administrative agencies considered professional in character. The term, however, does not include repairs or sales of tangible personal property stored or located within the structure nor any use that would create any loud noise or noxious odors within the City of Covington.

“Project” means the entire proposed development, regardless of the size of the area of land to be disturbed.

“Property, adjacent” means property that is either abutting or on the opposite side of a common street, right-of-way, or easement that separates it from the subject property. In order for the parcels on opposite sides of an easement or right-of-way to be adjacent, it must be possible for a projected property line of one parcel to cross the street and intersect the property line of the adjacent parcel. Properties separated by a railroad track or freeway are not abutting or adjacent.

“Property interest” means the ownership of property, including any percentage of ownership less than total ownership.

“Protective covenants” means recorded restrictions imposed by private parties running with the title to the land and specifying the manner in which land may be used, developed, or improved with the intent of protecting and preserving the physical and economic integrity of any given area. Protective covenants are not enforced by the City of Covington.

“Public entity” means a federal, state, county or municipal government, or any agency, authority or public utility of such government that is legally established to provide public services to the citizens of Covington.

“Public facilities” means a use conducted by, or a facility or structure owned or managed by a unit of government, and intended to provide for needs of the public.

“Public hearing” means an official session of any elected or appointed board advertised according to law.

“Public improvement” means any street, park, water line, sanitary drainage system or similar improvement installed to serve abutting or nearby private or public property constructed by either a private entity or a public agency and ultimately owned and maintained by a public entity.

“Public street” means right-of-way dedicated to or owned by a public government agency for the purpose of providing principal access to abutting property.

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

“Public utility” means any publicly, privately, or cooperatively owned line, facility or system for producing, collecting, transmitting or distributing communications, power, electricity, light, heat, gas, oil products, water, steam, waste, stormwater not connected with highway drainage, and other similar services and commodities, including publicly owned fire and police and traffic signals and lighting systems, which directly or indirectly serve the public or any part thereof.

“Quarry” means a mine where rock, ore, stone, sand, and similar materials are excavated for sale or for off-site use. Quarry includes rock crushing, asphalt plants, the production of dimension stone, and similar activities.

“Real property” means any tract or parcel of land and, if developed, any buildings or structures located on the land.

“Recreation, center” means a building or portion of a building designed and equipped for the conduct of sports, exercise, leisure time activities or other recreational activities, operated for profit or not-for-profit and which can be open only to bona fide members and guests of the organization or open to the public for a fee.

“Recreational vehicle” means a vehicle that is:

1. Built on a single chassis.
2. 450 square feet or less when measured at the largest horizontal projection.
3. Designed to be self-propelled or permanently tow-able by a truck or car.
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

“Recreational vehicle parks and campgrounds” means any area that is occupied or intended for occupancy by transients using recreational vehicles, mobile trailers or tents as temporary living quarters for recreation, education or vacation purposes and is open to the public.

“Recycling center” means any facility utilized for the purpose of collecting, sorting, processing, and shipping materials to be recycled including, but not limited to, plastics, glass, paper and aluminum whenever such use is principal to the site.

“Rehabilitation center” means a facility operated for the purpose of assisting in the rehabilitation of disabled persons which provides one or more of the following types of services:

1. Testing, fitting, or training in the use of prosthetic devices.
2. Prevocational or conditioning therapy.
3. Physical, corrective, or occupational therapy.
4. Adjustment training or evaluation or control of special disabilities; or a facility in which a coordinated approach is made to the physical, mental, and vocational evaluation of disabled persons and an integrated program of physical restoration and prevocational training is provided under competent professional supervision and direction.

“Required yard”. See “Yard, required”.

“Research and development” means a business that engages in research, or research and development, of innovative ideas in technology-intensive fields. Development and construction of prototypes may be associated with this use.

“Reservoir” means a governmentally owned impoundment of water for the primary purpose of providing water to one or more governmentally owned public drinking water systems. This excludes the multipurpose reservoirs owned by the U.S. Army Corps of Engineers.

“Reservoir boundary” means the edge of a water supply reservoir defined by its normal pool level.

“Restaurant” means an establishment in which the primary purpose is preparing, serving, and consuming food and beverages.

“Restaurant, fast-food” means an establishment that offers quick food service, which is accomplished through a limited menu of items, and in which orders are not generally taken at the customer's table, and food is generally served in disposable wrapping or containers.

“Retaining wall”. See “Wall, retaining”.

“Rezoning action” means legislative action by the mayor and council pursuant to this title adopting an amendment to the official zoning map that has the effect of rezoning real property from one zoning classification to another.

“Right-of-way” means a strip of land dedicated to, designated, reserved, or purchased by the City of Covington for the purpose of pedestrian or vehicular access or utility line installation.

“Right-of-way line” means the dividing line between a lot, tract or parcel of land and a contiguous right-of-way.

“Road, private” means any privately owned and maintained access way serving two or more parcels of land that is intended to provide access for motorized vehicles, including safety and emergency equipment and that is not dedicated to the city or maintained by the city.

“Road, public” means any right-of-way set aside for public travel as defined in O.C.G.A. § 32-1-3(24).

“Sand pit” means a surface mine or excavation used for the removal of sand, gravel, or fill dirt for sale or for use off-site.

“Sanitary sewer or sewer” means a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of groundwater, storm waters and surface waters that are not admitted intentionally.

“Sawmill” means a facility where logs or partially processed boards are sawn, split, shaved, stripped, chipped, or otherwise processed to produce wood products, not including the processing of timber for use on the same lot by the owner or resident of that lot.

“School” means a public or private facility that provides a curriculum of elementary or secondary academic instruction.

“Screening” means a method of shielding, obscuring or buffering one use or building from another use or building by fencing, walls, densely planted vegetation, natural vegetation, including a transitional buffer or other means; a visual and acoustical barrier which is of such nature and density that provides year-round maximum capacity from the ground to a height of at least six feet.

“Septic tank” means an approved watertight tank designed or used to receive sewage from a building sewer and to affect separation and organic decomposition of sewage solids, and discharging sewage effluent to an absorption field or other management system.

“Setback” means with respect to a stream, river, lake, or impoundment, the area extending beyond any riparian buffer applicable to the stream, river, lake, or impoundment in which certain structures, including buildings, septic tanks and septic tank drainfields, are prohibited.

“Setback” means the shortest distance between an adjacent street curb line, property line or lot line and the nearest wall of the building or structure on a lot as prescribed in the zoning ordinance.

“Sewage”. See “Wastewater”.

“Sewage treatment system” means a system that provides primary treatment and disposal, including absorption field components, devices and appurtenances intended to be used for disposal of sewage by soil absorption, but does not include a conventional or chamber septic tank system.

“Sewer” means a pipe or conduit that carries wastewater or stormwater.

“Shopping center” means a group of commercial establishments, planned, and developed as a unit, with common off-street parking provided on the property.

“Sidewalk-level” means any floor of a building with a finished-floor elevation less than or equal to five feet above the adjacent sidewalk or less than or equal to five feet below the adjacent sidewalk.

“Sign, nonconforming” means a sign that was existing legally on the effective date of the enactment or amendment of the zoning ordinance but that does not meet all the requirements of the zoning ordinance or amendments thereto.

“Solid waste” means any garbage or refuse; sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material including solid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and community activities, but does not include recovered materials; solid or dissolved materials in domestic sewage; solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under 33 U.S.C. Section 1342; or source, special nuclear, or byproduct material as defined by the federal Atomic Energy Act of 1954, as amended.

“Solid waste handling” means the storage, collection, transportation, treatment, utilization, processing, or disposal of solid waste or any combination of such activities.

“Solid waste handling facility” means any facility the primary purpose of which is the storage, collection, transportation, treatment, utilization, processing, or disposal, or any combination thereof, of solid waste as approved by department of natural resources.

“Solid waste transfer station/materials recovery facilities” means any facility the primary purpose of which is the collection, temporary storage, or transportation, or any combination thereof, of municipal solid waste (defined as solid waste derived from households, including garbage, trash, and sanitary waste in septic tanks, and includes solid waste from single-family and multifamily residences, hotels and motels, bunkhouses, campgrounds, picnic grounds, day use recreation areas, and commercial establishments, but does not include solid waste from mining, agricultural or silvicultural operations, or industrial processes or operations, per the Georgia Comprehensive Solid Waste Management Act, O.C.G.A. § 12-8-20 et seq.) and that may provide for the extraction of recoverable materials, materials suitable for use as a fuel or soil amendment, or any combination of such materials.

“Special events” means amusement, recreational, entertainment or community interest activities such as but not limited to carnivals, rodeos, horse shows, shooting and athletic events, art shows and community fairs.

“Start of construction”. See “Construction, start of”.

“State” means the State of Georgia.

“Storage tank, bulk” means an above ground container used for the storage of large volumes of liquids, solids or gases, which may or may not include such flammable materials as petroleum.

“Storm shelter” means a structure or portion of a structure intended to provide protection to human life during periods of danger from storms or other emergencies.

“Story” means that portion of a building having a height greater than six feet between the surface of the floor occupied and the ceiling above it, not including cellars, basements, mechanical rooms and parking floors that do not extend more than three feet above finished grade or mechanical rooms, tanks or structures not designed for occupancy that are placed on the roof of a building and occupying less than ten percent of the area of the floor below.

“Street” means a way for vehicular traffic, whether designated as an avenue, boulevard, road, highway, expressway, lane, alley or other way.

“Street Categories” means the following definitions intended to distinguish between different categories of streets:

1. “Freeways” are high-capacity streets from which access to abutting property is prohibited, and which are intersected at specific locations by major and collector streets.
2. “Major thoroughfares” are those which are used primarily for fast or heavy traffic. The term shall include all street designations shown on the major thoroughfare plan for the city.
3. “Arterial and collector streets” are those which carry traffic from minor streets to the system of major streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development.
4. “Arterial streets” are intended generally, but not exclusively, to provide service through industrial, commercial, and high density multiple-family complexes.
5. “Collector streets” are intended generally, but not exclusively, to provide service through residential areas, including low density multiple-family complexes.
6. “Minor streets,” including loop streets and cul-de-sacs, are those which are used primarily for access to the abutting properties, and for streets within a NR3 or NM district.
7. “Subdivision streets” are generally intended to provide service to the abutting properties and to provide access to collector streets. Street, dead end: A street that must be exited at the same point as is entered but not a cul-de-sac.
8. “Downtown streets” are those streets bounded on the North by Central of Georgia Railroad, South by Conyers Street, East by Elm Street and West by Emory Street.

“Street, centerline of” means a line that is halfway between the right-of-way lines of a street,

“Street curb” means the edge of street or a line of concrete or asphalt that forms part of the gutter at the edge of a street.

“Street fronting” means any building, sidewalk or landscaping element that is directly facing and adjacent to any public street and not facing the interior rear or side lot line adjacent to a neighboring property.

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

“Street jog” means the incidence where two streets or two portions of a single street are separated by a relatively short distance, usually at their intersection with another street.

“Street, private” means any privately owned and maintained access way serving two or more lots or parcels that is intended to provide access for motorized vehicles, including safety and emergency equipment, that is not dedicated to the city or maintained by the city.

“Street, public”. See “Road, public”.

“Street, stub” means an extension of the right-of-way of a street in a subdivision extending to the property boundary of the tract being developed and intended to provide continuity of the street pattern between subdivisions or between the individual phases of the same subdivision.

“Structure” means any fixed object that is constructed or erected on the ground or attached to something on the ground, including, but not limited to, towers, fences, posts, walls and walled or roofed buildings, but not including tents, flags, balloons, or vehicles.

“Structure, accessory” means a structure detached from the principal building located on the same lot and customarily incidental and subordinate in area, extent, and purpose to the principal building or use. Where a structure is attached to the main building in a substantial manner, as by a wall, such structure shall be considered part of the main building.

“Structure, occupied” means a building with one or more rooms intended for use by humans for dwelling, commerce, industry, or public services, and including buildings intended for the installation, storage, or use of equipment, merchandise, or machinery related to such use, subject to regulations and permitting procedures of the zoning ordinance.

“Subdivider” means any person, firm, corporation or duly authorized agent or other legal entity who undertakes the subdivision of land as defined in this chapter.

“Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. Market value may be determined from tax appraisal or other estimate provided by a certified professional appraiser.

“Swimming pool” means a facility designed and intended for water contact activities that serves the public, a club or other membership-based organization.

“Swimming pool, home” means a facility designed and intended for water contact activities that serves a single-family dwelling.

“Telecommunications tower” means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers and monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular communications towers, and other similar structures.

“Temporary structure” means a structure without any foundation or footings that is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

“Temporary use” means land uses established for a limited duration with the intent to discontinue such use within a designated time period.

“Temporary use, accessory” means a use meeting the definition of an accessory use, building or structure that is established for a limited duration with the intent to discontinue such use within a designated time period.

“Temporary use, commercial retail” means commercial uses established for a limited duration with the intent to discontinue such use within a designated time period.

“Tower or telecommunications tower” means any structure that is designed or constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structure, but not including amateur radio antennas.

“Townhouse” means a single-family dwelling unit that is erected in a row as part of a single building consisting of three or more dwellings on adjoining lots, each being separated from the adjoining unit or units by an approved fire resistant party wall or walls extending from the basement or cellar floor to the roof along the dividing lot line.

“Transitional housing facility” means a building or buildings in which is provided long-term but not permanent living accommodations for one or more persons who have no permanent residence and are

in need of short-term housing assistance, and in which may also be provided meals and social services including counseling and substance abuse recovery assistance.

“Truck, heavy” means trucks, including truck tractors, and similar vehicles with two or more rear axles.

“Truck, light” means trucks and similar vehicles with single rear axles.

“Truck stop” means a prohibited use that includes any building, premises, or land in which or upon which a business, service, or industry involving the maintenance, servicing, storage, or repair of heavy trucks and similar commercial vehicles is conducted or rendered, including the dispensing of motor fuel or other petroleum products primarily for such heavy trucks and similar commercial vehicles and the sale of accessories or equipment for heavy trucks and similar commercial vehicles, as well as overnight accommodations, showers, overnight customer parking, or restaurant facilities for the use of crews of heavy trucks and similar commercial vehicles.

“Use” means the purpose or activity for which land or buildings are designed, arranged, or intended or for which land or buildings are occupied or maintained.

“Use, accessory” means a use of land or a building, or portion thereof, customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use.

“Use, civic” means a use of land or a building for the primary purpose of a governmental service or a community-wide service.

“Variance” means a grant of relief of the terms of the zoning ordinance pursuant to chapter 16.12 that will not be contrary to the public interest and where, owing to conditions peculiar to the property (and not the applicant), a literal enforcement of the regulations would result in unnecessary and undue hardship.

“Variance, administrative” means the grant of relief of the terms of the zoning ordinance that is subject to review and action by the department pursuant to chapter 16.12.

“Vehicle” means a mechanical device with wheels or treads for transporting people and/or loads. Vehicles include automobiles, motorcycles, trucks, cranes, earth moving equipment, trailers, and other similar conveyances.

“Vehicle, commercial” means a vehicle greater than 30 feet in length with six or more wheels, including the cab portion of a tractor-trailer with or without the trailer, but not including light duty delivery trucks, motor homes, travel trailers, or school buses.

“Veterinary services” means establishments where animals or pets are given medical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use.

“Wall” means any structure forming a physical barrier or enclosure which is so constructed that 50 percent or more of the gross vertical surface is closed and prevents the passage of light, air and vision through said surface in a horizontal plane.

“Wall, foundation” means a wall constructed on footings or piers and designed to bear the load of a building or major structure.

“Wall, retaining” means a structure constructed and erected between lands of different elevations to protect structures and/or to prevent erosion, and not used as a foundation.

“Well” means an excavation or opening into the ground by which groundwater is sought or obtained.

“Wetlands” means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of

vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and, similar areas.

“Window, drive-through” means an opening in the wall of a building or structure designed and intended to be used to provide for sales to and/or service to patrons who remain in their vehicles.

“Yard” means an open space between the property line and the wall of the principal building, on the same lot, such space being open, unoccupied and unobstructed by buildings or structures from ground to sky except for authorized landscaping, driveways, parking, sidewalks, signs, lighting standards, encroachments and accessory buildings that are expressly permitted.

“Yard, front” means a yard extending the full width of the lot or parcel and situated between the street curb line of the abutting street and the front yard line of the principal building or structure.

“Yard, rear” means a yard extending the full width of the lot or parcel and extending from the rear line of the lot to the rear yard line of the principal building or structure.

“Yard, required” means a yard situated between a lot line or property line and the setback line established by the zoning district for the principal building or structure.

“Yard, side” means a yard extending the full depth of a lot or parcel and situated between the side yard line and side property line of the lot or parcel and the side of the building facing such property line.

“Zoning district” means one or more sections of the city as set forth in the zoning ordinance and delineated and designated on the zoning maps, within which the zoning regulations are uniform.

“Zoning maps” means one or a series of numbered maps of the city, depicting the locations of zoning classifications set forth in the zoning ordinance and other expository material, each of which is entitled "Official Zoning Map of the Covington, Georgia," and referenced to an index map.

“Zoning ordinance” means the adopted set of zoning regulations in title 16 of this Covington Code of Ordinances.

## CHAPTER 16.12 PROCEDURES

### 16.12.010 Procedures

The procedures and standards set forth in this chapter shall apply to all amendments, variances and special use permits, except as otherwise provided.

### 16.12.020 Planning Commission

- A. Creation. There is created a planning commission for the City of Covington. The official name of this commission shall be the “Covington Planning Commission”.
- B. Intent and purpose. The intent and purpose of the planning commission shall include conducting public hearings, requesting and receiving studies and reports from staff, and reviewing and making recommendations to the mayor and council concerning matters brought before them. Carrying out this purpose shall include the following duties:
  1. To review and make recommendations regarding proposed amendments to the comprehensive plan, zoning ordinance, official zoning map, and applications for special use permits according to the standards for review set forth in this chapter;
  2. To advise the city government regarding environmental policy, comprehensive planning, community development, housing, transportation, land use issues and capital improvements;
  3. To work with the city departments, boards and authorities and mayor and council when appropriate to the purposes of the planning commission, in carrying out their various functions by making recommendations to achieve the desired benefits on behalf of present and future Covington residents, businesses and property owners.
- C. Finances. The expenditures of the planning commission shall be within the amounts appropriated for that purpose by the governing authority of the city.
- D. Appointment and terms.
  1. Composition. The planning commission shall be composed of at least five (5) members and no more than nine (9) members, all of whom shall be appointed by the mayor and council.
  2. Terms. Members of the commission shall be appointed for overlapping terms of three (3) years and shall serve until their successors are appointed. Original appointments may be made for a lesser number of years, so that the terms of said members shall be staggered.
  3. Qualifications. Members shall be residents of the city, none of whom shall hold any other public office or position with the City of Covington. When possible, the chair and at least two (2) other members of the planning commission shall be professionally qualified in the fields of planning, architecture, landscape architecture, civil engineering, real estate, building construction or related fields.
  4. Compensation. All members of the planning commission shall serve without compensation but may be reimbursed for expenses as set forth in a resolution adopted by the city incurred in connection with their official duties.
  5. Vacancies. All appointees shall continue to serve until a successor is appointed. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. If the member takes action that results in them not being a resident or business owner in the city, such member shall be deemed to have resigned from the planning commission.

6. Other offices. Members of the planning commission shall hold no other elected or appointed office or other city-compensated position.
  7. Expiration of term. Appointments shall expire on July 1 in the last year of the term.
  8. Removal from office. A member of the planning commission may be removed from office prior to the expiration of his/her appointed term by a majority vote of the mayor and council.
- E. Planning commission officers.
1. Chair. In July of each year the planning commission shall elect its chairperson from among its members. The chair's term shall be one year with eligibility for re-election.
  2. Duties of chair. The chair shall preside at all meetings and hearings of the planning commission and decide all points of order and procedure. The chair may appoint committees necessary to assist and advise the planning commission in its work.
  3. Vice-chair. The planning commission shall elect a vice-chair in July of each year. The vice-chair's term shall be one year with eligibility for re-election.
  4. Duties of the vice-chair. The vice-chair shall serve as acting chair in the absence of the chair and, when acting in such capacity, shall have the same powers and duties as the chair.
  5. Secretary. A designated person from the planning and zoning department shall serve as the secretary of the planning commission. The secretary shall have responsibility for assisting the chair with scheduling and preparing an agenda for meetings; providing copies of staff reports to members of the planning commission; preparing public notice of hearings and other meetings; and making, publishing and preserving public records of the attendance, proceedings, reports and actions of the planning commission; attendance to the correspondence of the planning commission; and other duties assigned by the chair, subject to the budgetary limitations of the planning and zoning department.
- F. Committees. The chair may appoint, with the concurrence of the planning commission, various standing and temporary committees to further the purposes of the planning commission. Such committees may include ex-officio members of the staff of various city departments (excluding the mayor and council), residents and business owners of the city and other individuals whose background and knowledge may be of benefit to the planning commission in its deliberations.
- G. Meetings of the planning commission.
1. Regular meetings. Unless there is no business to be conducted, the planning commission shall hold regularly scheduled meetings each month. The planning commission shall establish and make available to the public the time, place, and dates of its regular meetings. Except as otherwise authorized by the Georgia Open Meetings Act, O.C.G.A. § 50-14-1 et seq., all meetings shall be open to the public. Public notice of all meetings shall be as required by said Georgia Open Meetings Act, in addition to any additional public notice for zoning hearings otherwise required in this chapter. Each member shall be notified of each regular meeting at least five (5) days preceding the meeting through a written agenda prepared and distributed by the secretary.
  2. Special called meetings. The chair, secretary, or a majority of the planning commission may call a special meeting at any time provided that written notice is posted for at least 24 hours at the place of regular meetings and written or oral notice is given at least 24 hours in advance of the meeting to the official legal organ of the city. The secretary shall prepare and cause to be delivered a written notice stating the specific purpose of the special called meeting to each planning commission member at least 24 hours in advance of the meeting. No business other than the specific stated purpose shall occur at the special called meeting.

3. Cancellation of meetings. In the event there is a lack of business to be discussed and/or voted upon at a future meeting, the meeting may be cancelled. In such a case, the secretary shall notify each member at least 24 hours prior to such scheduled meeting and shall place an appropriate public notice at the city courthouse or annex building stating the date of the canceled meeting at least 24 hours in advance of the scheduled meeting.
  4. Agenda and minutes.
    - a. The chair and secretary shall determine the meeting agenda. All matters to be considered and/or acted upon by the planning commission shall appear on the agenda. The agenda shall be available prior to each meeting and posted at the meeting site for the public.
    - b. Not more than two (2) business days following the adjournment of a meeting of the planning commission, the secretary shall ensure that a written summary of the subjects acted on by the planning commission and a list of those members present is available for public inspection in the offices of the planning and zoning department.
    - c. Meeting minutes shall include and indicate all important facts, a report of all actions taken, a listing of those members present and those absent, a record of the vote of each member on each action taken on each matter and a brief summary of any explanation or commentary that is relevant to the decisions made on matters before the planning commission.
    - d. Copies of the approved minutes for each meeting of the planning commission shall be available to the public immediately following the next regularly scheduled meeting of the planning commission.
  5. Procedures. The planning commission shall make its own rules of procedure and determine its time of meeting. Such rules shall be subject to approval of the mayor and council. Robert's Rules of Order shall govern any procedural question not otherwise covered by this chapter or said rules of procedure.
  6. Order of business at meetings. The order of business at meetings shall be as follows:
    - a. Roll call and determination of a quorum.
    - b. Approval of minutes of previous meetings.
    - c. Approval of the agenda.
    - d. Old or unfinished business.
    - e. New business.
    - f. Reports.
    - g. Public comment.
    - h. Adjournment.
  7. Agenda changes. The chair may change the order of the agenda on matters appearing on the agenda during the meeting if, in his or her judgment, time and purpose may be served.
- H. Quorum and voting.
1. Quorum. A quorum shall consist of three members of the planning commission. A majority vote of those present constituting a quorum shall be sufficient to decide all matters that come before the planning commission except where a greater number is required by Roberts Rules of Order.
  2. Voting.
    - a. The planning commission chair shall not cast a vote except when necessary for breaking tie votes of the commission.

- b. A planning commission member, who is part of a quorum of the planning commission during the consideration of any matter but not participating in the discussion or vote on a specific matter because of a conflict of interest, shall be considered present for quorum purposes but abstaining from voting on that specific matter. No planning commission member who is present, may abstain from voting except in the case of having a conflict of interest with respect to the matter under consideration as provided in O.C.G.A. § 36-67A-1 et seq.
- c. A majority vote of those members present of the planning commission is required for approval of all motions. A motion that fails by a majority vote shall not be deemed as approval of the opposite position.
- d. The planning commission may add conditions to any proposed amendment to the comprehensive plan, amendment to the official zoning map or any special event permit or special use permit it deems necessary so as to mitigate impacts of the proposal upon surrounding properties consistent with the purposes of the city's resolutions, ordinances, regulations, policies and procedures.

#### **16.12.030 Pre-Application Meeting**

- A. Applications to amend the official zoning map or the future land use map, and applications for a building permit in the NR3, CR, TCR, NM, CM, TCM and M districts, shall not be submitted or accepted by the city until a pre-application meeting is held with the planning and zoning director. At this meeting the applicant shall present preliminary plans to the planning and zoning director that demonstrate how the pending application adheres to the requirements of this zoning ordinance. The purpose of the pre-application meeting is to assist in the applicant's understanding of this zoning ordinance and its requirements; to educate the applicant on community design policies and standards; and to inform the applicant of all necessary application materials required by the zoning ordinance. No preliminary decision on the application or assurances that a particular proposal will be approved shall be made by any city personnel or officials.
- B. When the applications listed in subsection A of this section are for uses with a combined total floor area greater than two hundred and fifty thousand (250,000) square feet, the planning and zoning director shall:
  - 1. Notify the department directors or their designees of other applicable city departments of the pre-application meeting and invite their attendance to same; and
  - 2. Require the applicant to include a traffic study describing the extent, nature and location of traffic impacts for all property for which the application is being sought as well as all contiguous property owned by the applicant. The study area shall include the entire site being developed, future phases of multi-phase development, and the surrounding roadways likely to be impacted. The scope of required traffic studies shall be promulgated by the planning and zoning director.

#### **16.12.040 Amendments**

Whenever the public necessity, public convenience, general welfare or good zoning practice justify such action, this zoning ordinance including the official zoning map, and the future land use map, may be amended by the mayor and council. The procedures for such amendments shall be as provided in this chapter.

- A. Initiation of amendments. Amendments to the official zoning map or to the future land use map may be initiated by application of the owner(s) of the subject property or the authorized agent(s) of the owner(s) of the property, or by the mayor and council. Amendments to the text of title 16 may be initiated only by the mayor and council.
- B. Application schedule.
1. Applications to amend to the official zoning map or the future land use map must be filed in accordance with a submission schedule established by the planning and zoning director. No application shall be deemed filed until all required forms have been completed and all required materials have been submitted, including all fees. The date the application is complete and hence filed shall be noted on the application form by the planning and zoning director and all subsequent deadlines tied to the date of application shall begin to run as of said date of filing.
  2. If the final decision of the mayor and council of the city pursuant to the provisions of section 16.12.090 is the denial of an amendment to the zoning ordinance that was for the purpose of rezoning property, then the same property may not again be considered for rezoning until the expiration of at least six (6) months immediately following the action taken by the mayor and council in denying such rezoning.
  3. No amendment to the future land use map that is denied by mayor and council may be resubmitted for approval for six (6) months following the action of denial by the mayor and council.
  4. An application may not be withdrawn or amended, unless authorized by a majority vote of the mayor and council, after the legal advertising required by this chapter has been submitted for publication. The mayor and council may allow an application to be so withdrawn without prejudice which shall not be considered a denial for purposes of sections 16.12.090.
  5. Applications to amend the official zoning map may also include variance requests. In such cases, the mayor and council shall assume all powers and duties otherwise exercised by the board of appeals and adjustments pursuant to section 16.12.170.
- C. Content of applications. Applications to amend the official zoning map or the future land use map shall be filed with the planning and zoning director on a form available from the director and shall, at a minimum, include the following:
1. An application fee established by the mayor and council.
  2. The name, address, telephone number, fax number, and email address of the owner, and the same information from the applicant, if different. Whenever the applicant is not the property owner, the owner shall certify by notarized signature that the applicant has authority to file the application. When properties have more than one (1) owner, the notarized signature of all property owners shall be required.
  3. The street address and a legal description of the property.
  4. Two (2) copies of a property survey, drawn to scale, showing north arrow, land lot and district, location of the tract, dimensions along all property lines, acreage of the tract and the street names and right-of-way dimensions of abutting streets. The plat shall be prepared by an architect, engineer, landscape architect or land surveyor whose state registration is current and valid. The preparer's signature and seal shall be affixed to the plat.
  5. A narrative description of the intent of the proposed amendment and the intended timing and phasing of development.

6. The current and proposed zoning and land use classification, existing and proposed uses of the property proposed to be reclassified and all zoning and land uses of properties abutting the subject property.
7. If the application requests a change in the official zoning map, the applicant shall provide a written analysis of the impact of the proposed amendment with respect to each of the standards governing the exercise of zoning set forth in section 16.12.110. If the application requests a change in the future land use map, the applicant shall provide a written analysis of the impact of the proposed amendment with respect to each of the standards for review of the future land use map set forth in section 16.12.120.
8. If the application requests a change in the official zoning map, the applicant shall submit all development plans required by section 16.12.050.
9. If the application requests a change in the official zoning map, the applicant shall submit all disclosures of campaign contributions required by O.C.G.A. section 36-67A-3, as amended.
10. If the application requests one (1) or more variances, the applicant shall provide written analysis of the standards for application and approval of variances in section 16.12.170 for each variance request.
11. Any other information or documentation the department may reasonably deem necessary or appropriate to a full and proper consideration and disposition of the particular application consistent with required review standards.

#### **16.12.050 Additional Application Requirements**

Applications to amend the official zoning map shall include development plans that shall meet the following criteria. These development plans shall be prepared upon a base drawing stamped and sealed by a Georgia registered professional architect, surveyor, civil engineer, landscape architect or land planner. Applications shall contain five (5) sets of copies of each of the following elements, unless determined inapplicable to a specific development by the planning and zoning director:

- A. Site analysis. A sight analysis and topographic map at a minimum 1"=20' scale. The site analysis shall include information on all existing man-made and natural features, utilities, all streams and easements, and features to be retained, moved, or altered. The existing shape and dimensions of the existing lot to be built upon including the size, measurement and location of any existing buildings or structures on the lot shall be included.
- B. Site plan. A site plan at a minimum 1"=20' scale showing compliance with all regulations and calculations required by the zoning ordinance and subdivision ordinance which shall include but not be limited to information on all proposed improvements including proposed building footprints, doors, densities, parking ratios, open space, height, sidewalks, yards, under- and overhead utilities, internal circulation and parking, landscaping, grading, lighting, drainage, amenities, and similar details including their respective measurements.
- C. Landscape plan. A landscape plan at a minimum 1"=20' scale showing compliance with all regulations and calculations required by the zoning ordinance and development ordinances which shall include but not be limited to information on landscaping, tree species and the number of all plantings and open space including the landscaping that is being preserved, removed and that which is replacing the landscaping that is removed.
- D. Architectural design. The architectural design elements showing compliance with all regulations and calculations required by the zoning ordinance which shall include but not be limited to scaled elevation drawings of proposed structures and information on building materials, features, exterior

finish legend, windows, doors, colors, and items affecting exterior appearance, such as signs, air conditioning, grills, compressors, and similar details including their respective measurements.

- E. Multiple buildings. Groups of buildings on the same parcel of land may be reviewed and permitted as a single project rather than individual buildings. Grouping of similar buildings is encouraged to minimize the number of reviews required and to allow for originality and design flexibility.
- F. LEED analysis. Applications for developments containing greater than fifty thousand (50,000) square feet of gross floor area shall submit a LEED (Leadership in Energy and Environmental Design) check-list at the time of application. The check list shall be completed by a LEED Accredited Professional and shall utilize the most recent version of the LEED program as governed by the U.S. Green Building Council. The LEED review shall document the specific elements of LEED certification that can and cannot be met and shall include a cost estimate for each element whether it is being met or not. The LEED review process shall not be a factor in the approval or denial of any development. The LEED check list shall be reviewed by the planning and zoning director but shall not be a part of the application as it moves forward through the remainder of the approval process. LEED analysis is for informational purposes only and is intended to aid the city in facilitating the awareness of better-building practices within the city.

#### **16.12.060 Staff Review**

- A. All completed applications for official zoning map amendments and future land use map amendments, and proposed amendments to the zoning text, official zoning map or future land use map initiated by the mayor and council, shall be distributed by the planning and zoning director to appropriate city officials and departments for review and comment. Such applications and amendments may be referred to herein as “zoning proposals” and shall be reviewed by the planning and zoning director as set forth in this section and scheduled for public hearing before the planning commission and mayor and council, in accordance with this chapter’s procedures.
- B. The planning and zoning director shall submit a report on each zoning proposal. The director shall investigate and include in the report a recommendation applying the standards enumerated in this chapter applicable to the type of zoning proposal under review. The director’s report shall be a public record.

#### **16.12.070 Public Hearing and Notice**

- A. Public hearings. The mayor and council shall make all final zoning decisions on zoning proposals authorized by this chapter. The planning commission shall make recommendations on such zoning proposals to the mayor and council. The planning commission and the mayor and council shall each hold a public hearing prior to said action following the public notice requirements herein.
- B. Notice.
  - 1. At least fifteen (15) but not more than forty-five (45) days prior to the date of the hearings required in 16.12.070.A., the planning and zoning director or city clerk shall cause to be published within a newspaper of general circulation within the territorial boundaries of the city a notice of the hearings before the planning commission and the mayor and council. The notice shall state the time, place, and purpose of each hearing.
  - 2. If a zoning proposal is for the rezoning of property and the rezoning is initiated by a party other than the mayor and council, then:

- a. The notice, in addition to the requirements of subsection B.1. above, shall include the location of the property, the present zoning classification of the property, and the proposed zoning classification of the property; and
  - b. The applicant shall post one (1) or more signs in a conspicuous location on the property, not less than fifteen (15) days prior to the date of each public hearing. At least one (1) sign shall be posted along each street on which the subject property has frontage. One (1) additional sign shall be posted for each additional five-hundred (500) feet of frontage or fraction thereof in excess of five-hundred (500) feet of frontage on each street on which the subject property has frontage. The planning and zoning director shall provide the signs to the applicant for timely posting by the applicant. Each sign shall contain the time, place and purpose of the public hearings before the planning commission and the mayor and council; and
  - c. Written notice shall be mailed by first class mail by the planning and zoning director to all property owners adjacent to the boundaries of the subject property, as such property owners are listed on the city's tax records, at least fifteen (15) days prior to the date of each public hearing. The written notice shall state the time, place and purpose of the public hearings before the planning commission and the mayor and council.
3. When a zoning proposal relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency, a public hearing shall be held by the mayor and council on the proposed action. Such public hearing shall be held at least six (6) months but not more than nine (9) months prior to the date of final action on such zoning decision by the mayor and council. The hearing required by this section shall be in addition to the hearings required under subsection A above.
    - a. Notice of this hearing shall be published in a newspaper of general circulation in the manner required by subsection B.1 above and sign(s) shall be posted on the property in the manner required under subsection B.2.b above.
    - b. Notice as required under this subsection B.3, both posted and published, shall include a prominent statement that the proposed zoning decision relates to or will allow the location or relocation of a halfway house, drug rehabilitation center, or other facility for treatment of drug dependency. The published notice shall be at least six column inches in size and shall not be located in the classified advertising section of the newspaper.

#### **16.12.080 Policies and Procedures**

The following policies and procedures shall govern the calling and conduct of the public hearings held by the planning commission and the mayor and council pursuant to this chapter. Printed copies of these policies and procedures shall be available for distribution to the general public.

##### **A. For planning commission.**

1. The hearing shall be presided over by the chair. After calling the hearing to order, the chair shall request that the parcels of property and/or references to the code sections which are subject of the zoning proposal be identified and read. Following such identification and reading, the recommendation of the planning and zoning director shall be presented. The planning commission shall cause the written recommendation of the planning and zoning director to be made a part of the record.
2. Proponents of each zoning proposal shall then be allowed a total of ten (10) minutes for presentation of data, evidence and opinion concerning the zoning proposal. If all ten (10)

minutes are not used, the proponent's remaining time may be reserved for rebuttal. Opponents of each zoning proposal shall then be allowed a total of ten (10) minutes for presentation of data, evidence and opinion concerning each zoning proposal. The presentation times may not be reduced but may be extended by majority vote, provided they are expanded equally for proponents and opponents.

3. All speakers shall identify themselves and state their current address. Remarks should be limited to data, evidence and opinions relevant to the proposal under consideration. Speakers shall address all remarks to the chair.
  4. Following public comment, the chair shall close the public comment portion of the hearing with respect to the proposal under consideration and seek discussion and/or a motion to act upon the proposal as provided in code section 16.12.090.
- B. For mayor and council.
1. The hearing shall be presided over by the mayor. After calling the hearing to order, the mayor shall request that the parcels of property and/or references to the code sections which are subject of the zoning proposal be identified and read. Following such identification and reading, the recommendation of the planning and zoning director and the planning commission shall be presented. The mayor and council shall cause the written recommendation of the planning and zoning director and the recommendation and all documentation of the planning commission to be made a part of the record.
  2. Proponents of each zoning proposal shall then be allowed a total of ten (10) minutes for presentation of data, evidence and opinion concerning the zoning proposal. If all ten (10) minutes are not used, the proponent's remaining time may be reserved for rebuttal. Opponents of each zoning proposal shall then be allowed a total of ten (10) minutes for presentation of data, evidence and opinion concerning each zoning proposal. The presentation times may not be reduced but may be extended by majority vote, provided they are expanded equally for proponents and opponents.
  3. All speakers shall identify themselves and state their current address. Remarks should be limited to data, evidence and opinions relevant to the proposal under consideration. Speakers shall address all remarks to the mayor.
  4. Following public comment, the mayor shall close the public comment portion of the hearing with respect to the proposal under consideration and seek discussion and/or a motion to act upon the proposal as provided in code section 16.12.090.

### **16.12.090 Zoning Decisions**

#### **A. Action by planning commission.**

1. In making a recommendation on zoning proposals under this chapter, the planning commission shall review and consider the application or amendment and materials of record, the data, evidence, and opinions submitted during public comment, the recommendation of the planning and zoning director, and the standards applicable to the type of proposal under review.
2. Upon the conclusion of deliberations, the planning commission shall make one of the following recommendations to the mayor and council:
  - a. Approve the proposal as requested.
  - b. Approve the proposal with changes and/or conditions.
  - c. Deny the proposal.

- d. Recommend the applicant be allowed to withdraw and further recommend as to with or without prejudice.
- e. Recommend deferral of the proposal for additional information at a future public hearing.
3. If the planning commission fails to make one of the above recommendations at the conclusion of the public hearing, it shall be deemed to have given a recommendation of “no comment” on the proposal.
- B. Final action by mayor and council. A meeting of the mayor and council for the purposes of reviewing and making final decisions on zoning proposals under this chapter shall be held immediately upon the conclusion of the public hearing or at the next regular or specially called meeting of the mayor and council. At said meeting, the mayor and council shall review the analysis and materials submitted by the initiating party, the recommendations of the planning and zoning director and the planning commission, other matters of record, materials, data, evidence and opinion submitted during public comments, and the review standards and criteria set forth herein that are applicable to the type of proposal under review in making a final decision on each zoning proposal. Upon the conclusion of deliberations, the mayor and council may approve, deny, or defer the proposal, make changes to or add or delete conditions to the proposal, or allow the proposal to be withdrawn with or without prejudice. An application allowed to be withdrawn with prejudice may not be resubmitted except in compliance with section 16.12.040.B An action by the mayor and council to defer a final decision on the zoning proposal shall include a statement of the date and time of the next meeting at which the proposal will be considered by the mayor and council. If the proposal is referred to the planning commission for another public hearing, all of the notice procedures in section 16.12.070 shall again be followed. Actions by the mayor and council that result in a rezoning or other amendment to title 16, shall be adopted by an ordinance implementing such action in accordance with section 5 of the charter of the City of Covington.

#### **16.12.100 Procedures for Annexation**

If a zoning is for property to be annexed into the City of Covington, then:

- A. The mayor and council shall complete the procedures required by this chapter for rezonings, except for the final vote of the mayor and council, prior to the adoption of the annexation, ordinance or resolution or the effective date of any local Act but no sooner than the date the notice of the proposed annexation is provided to the governing authority of the county as required under the Official Code of Georgia Annotated Section 36-36-6.
- B. The public hearings required by section 16.12.070 of this chapter shall be conducted prior to the annexation of the subject property into the City of Covington.
- C. In addition to any other notice requirements, the City of Covington shall cause to be published within a newspaper of general circulation within the territorial boundaries of the county wherein the property to be annexed is located a notice of the hearing as required under the provisions section 16.12.070, as applicable, of this chapter and shall place a sign on the property when required by section 16.12.070.B of this chapter; and
- D. The zoning classification approved by the mayor and council following the hearing required by this section 16.12.100 shall become effective on the later of:
  1. The date the zoning is approved by the mayor and council;
  2. The date that the annexation becomes effective pursuant to O.C.G.A. § 36-36-2; or
  3. Where a county has interposed an objection pursuant to O.C.G.A. § 36-36-11, the date provided for in paragraph (8) of subsection (b) of said Code section.

**16.12.110 Zoning Proposal Review Standards**

The planning and zoning director, the planning commission and the mayor and council shall consider the following standards governing the exercise of the zoning power whenever deliberating over any zoning proposal pursuant to this chapter. The review standards for special use permits are set forth in section 16.12.140.I. The review standards for the future land use plan amendments are set forth in section 16.12.120. Printed copies of these standards shall be available for distribution to the general public.

- A. The existing uses and zoning of nearby property;
- B. The extent to which property values are diminished by their particular zoning restrictions;
- C. The extent to which the possible reduction of property values of the subject property promotes the health, safety, morals or general welfare of the public;
- D. The relative harm to the public as compared to the hardship imposed upon the individual property owner;
- E. The suitability of the subject property for the zoning proposed;
- F. The length of time the property has been vacant as zoned, considered in the context of land development in the area in the vicinity of the property;
- G. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;
- H. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
- I. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;
- J. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;
- K. Whether the zoning proposal is in conformity with the policy and intent of the Future Land Use Map; and
- L. Whether there are other existing or changing conditions affecting the use and development of the property which gives supporting grounds for either approval or disapproval of the zoning proposal.

**16.12.120 Future Land Use Map Standards**

The planning and zoning director, the planning commission and the mayor and council shall consider the following standards governing future land use map amendments. Printed copies of these standards shall be available for distribution to the general public.

- A. Whether the land use amendment proposal is compatible with the surrounding future land uses as identified in the Future Development Map;
- B. Whether the land use amendment proposal can be adequately served by existing transportation facilities and other infrastructure, such as schools, water and sewer;
- C. Whether the land use amendment proposal negatively impacts natural and historic resources identified by the city;
- D. Whether the land use amendment proposal is in the best interest of the city and the public good and whether the proposal protects the health and welfare of its citizens;
- E. Whether the property to be affected by the land use amendment proposal has a reasonable economic use as currently designated on the Future Development Map; and

- F. Whether the land use amendment proposal meets the policies and intent established in the Future Development Map.

#### **16.12.130 Conditional Zoning**

Each zoning classification shall have a subheading thereunder to be known as "conditional."

- A. Whenever an application for amending the official zoning map, amending the future land use map, or for a special use permit or other special permit is accompanied or supported by specific plans and designs or other written requirements for a particular use and its development, the mayor and council may approve the amendment as "conditional". In addition, the planning commission and the planning and zoning director may recommend, and the mayor and council may adopt, conditions to any such actions when deemed necessary to mitigate impacts of the proposal upon surrounding properties consistent with the purpose of this chapter and the comprehensive plan. It shall be the duty of the planning and zoning director to ensure that the development, and use of the property is in strict compliance with the plans, designs and other written requirements adopted and approved as conditions by the mayor and council.
- B. Upon approval by the mayor and council, said conditional plans shall bear a certificate by the city clerk indicating said approval. One (1) copy of said plan shall be maintained by the city clerk as a part of the record, one (1) copy filed with the planning and zoning director and one (1) copy returned to the applicant.
- C. If for any reason, development and use of the property approved in accordance with the procedure outlined in subsection A and B above cannot be accomplished, such conditions shall not be altered, changed or varied, except after approval by the mayor and council, in accordance with the procedures for amendments set forth in this chapter, except minor modifications authorized in subsection D below.
- D. Minor modification of final conditions. The planning and zoning director shall have sole authority to approve minor changes to final conditions that were approved by the mayor and council. For the purposes of this section, a minor change in the final conditions means a slight alteration to a final conditional plan or change in layout or wording of a written condition that does not result in the visible intrusion of any building, structure, driveway, walkway, parking lot, plaza, wall or similar built element into any open space, yard, landscaped buffer, undeveloped space, or any similar space, when any such space is shown on the final conditional plans as being next to and visible from a property line or street; and that is made necessary due to development constraints unknown at the time of adoption of the conditions; and is a minor alteration that will not disturb the primary purpose and intent of the original condition(s) and is consistent with the underlying zoning action, this title, and the comprehensive plan.

#### **16.12.140 Special Use Permits**

- A. Purpose. The purpose of this section is to provide for uses that are potentially compatible with the use characteristics of a zoning district but that require individual review of their location, design, intensity, configuration and public facility impact to determine the appropriateness of the use in any particular site in the district and compatibility with adjacent uses. A special use permit shall not be approved in any zoning district unless it is listed as a special use for the subject district in the use table in chapter 16.16.

- B. Application procedures.
1. Special use permit applications may be initiated upon application by the owner(s) of the subject property or the authorized agent of the owner(s).
  2. Applications for special use permits shall be filed with the planning and zoning director on a form available from the director and shall, at a minimum, include the application requirements of section 6.12.040.C.
  3. Application fees. Application fees shall be established by the mayor and council and shall not be refunded once submitted.
- C. Staff analysis, findings of fact, and recommendations.
1. The planning and zoning department shall conduct a site inspection and shall prepare an analysis of each application for special use permit and shall present its findings and recommendations in written form to the planning commission.
  2. Staff recommendations on each application for special use permit shall be based on the criteria contained in subsection I of this chapter and in addition, as applicable to the use proposed, to the applicable regulations contained in chapters 16.16 and 16.24.
  3. Initiation of ordinance. Prior to action by the mayor and council, the planning and zoning department shall prepare a proposed ordinance to effect the proposed special use permit.
- D. Public hearings required. Before deciding on any special use permit pursuant to the requirements set forth in this section, the planning commission and the mayor and council shall provide for public notice and a public hearing thereon pursuant to the requirements of this section and section 16.12.070.A.
- E. Notice. Notice of any proposed application for a special use permit shall be provided as is required in sections 16.12.070.B.1, 16.12.070.B.2 and 16.12.070.B.3 of this chapter and shall, in addition to the information required in section 16.12.070.B.2, indicate the type of special use requested for the subject property.
- F. Action by the planning commission.
1. The secretary shall provide the members of the planning commission complete information on each proposed application for special use permit which the planning commission considers including a copy of the application and all supporting materials, all communications and other writings either in support of or in opposition to the application, and the written report and recommendation of the planning and zoning department, applying the required criteria in section 16.12.140.I as well as the regulations of chapters 16.16 and 16.24, where applicable, to each application.
  2. After public notice as required in 16.12.140.E., the planning commission shall conduct a public hearing in a manner consistent with section 16.12.080 of this chapter. Prior to initiating a motion regarding its recommendation to the mayor and council, the planning commission shall review and consider each of the criteria contained in section 16.12.140.I, and the regulations contained in chapters 16.16 and 16.24, as applicable to the proposed use.
  3. The planning commission recommendation on each application shall be based on a determination as to whether or not the applicant has met the criteria contained in section 16.12.140.I, the regulations contained in chapters 16.16 and 16.24, as applicable to the use proposed use, and the requirements of the comprehensive plan and zoning district in which such use is proposed to be located.
  4. The planning commission may recommend the imposition of conditions based upon the facts in a particular case in accordance with section 16.12.130.

5. The planning commission may recommend approval of the application, approval of the application with conditions, approval of the application for a lesser area, extent or intensity, or denial of the application. Failure of a motion to achieve a majority vote on such decision shall result in no recommendation to the mayor and council on the matter.
- G. Action by the mayor and council.
1. The planning and zoning director shall provide the mayor and council complete information on each proposed application for special use permit including a copy of the application and all supporting materials, all communications and other writings either in support of or in opposition to the application, the written report and recommendation of the planning and zoning department, and the recommendation of the planning commission.
  2. After public notice as required in 16.12.140.E, the mayor and council shall conduct a public hearing in a manner consistent with section 16.12.080 of this chapter. Prior to initiating a motion, the mayor and council shall review and consider each of the criteria contained in section 16.12.140.I, and the regulations contained in chapters 16.16 and 16.24, as applicable to the proposed use.
  3. The mayor and council, after conducting the public hearing with public notice required by this section, shall take one of the following actions:
    - a. Vote to approve the application.
    - b. Vote to approve the application with conditions.
    - c. Vote to approve the application for a lesser area, extent or intensity.
    - d. Vote to deny the application.
    - e. Vote to defer the application to its next regular meeting or special called meeting.
    - f. Vote to refer the matter back to the planning commission for another public hearing. Such hearings following referrals shall be re-advertised in accordance with section 16.12.070.
  4. The decision of the mayor and council on each application for special use permit shall be based on a discretionary determination as to whether or not the applicant has met the criteria contained in section 16.12.140.I, the use standards contained in chapters 16.16 and 16.24, where applicable to the use proposed, the consistency of the application with the comprehensive plan, and the requirements of the zoning district in which such use is proposed to be located.
- H. Time limits of special use permits.
1. The mayor and council shall specify limits, if any, of the duration of each such special use permit which is approved.
  2. Subject to any limit in duration, the special use permit shall become an integral part of the zoning applied to the subject property and shall be extended to all subsequent owners and interpreted and continually enforced by the planning and zoning department in the same manner as any other provision of the zoning ordinance, subject to the limitations provided in subsections K, L and M of this section.
- I. Special use permit criteria. The following criteria shall be applied by the planning and zoning director, the planning commission, and the mayor and council in evaluating and deciding any application for a special use permit. These criteria shall be in addition to any applicable use standards set forth in chapters 16.16 and 16.24. Printed copies of these standards shall be available for distribution to the general public. No application for a special use permit shall be granted by the mayor and council unless satisfactory provisions and arrangements have been made concerning each of the following criteria, all of which are applicable to each application:

1. Whether or not the proposed plan is consistent with all of the requirements of the zoning district in which the use is proposed to be located, including required parking, loading, setbacks and transitional buffers;
  2. Compatibility of the proposed use with land uses on surrounding properties and other properties within the same zoning district, including the compatibility of the size, scale and massing of proposed buildings in relation to the size, scale and massing of adjacent and nearby lots and buildings;
  3. Adequacy of the ingress and egress to the subject property, and to all proposed buildings, structures, and uses thereon, including the traffic impact of the proposed use on the capacity and safety of public streets providing access to the subject site;
  4. Consistency with the county's wastewater treatment system, including the feasibility and impacts of serving the property with public wastewater treatment service and, if an alternative wastewater treatment method is proposed, whether such wastewater treatment method will have a detrimental impact on the environment;
  5. Adequacy of other public facilities and services, including stormwater management, schools, parks, sidewalks, and utilities, to serve the proposed use;
  6. Whether or not the proposed use will create adverse impacts upon any surrounding properties by reason of noise, smoke, odor, dust, or vibration, or by the character and volume of traffic generated by the proposed use;
  7. Whether or not the proposed use will create adverse impacts upon any surrounding land use by reason of the manner of operation or the hours of operation of the proposed use; and
  8. Whether or not the proposed use will create adverse impacts upon any environmentally sensitive areas or natural resources.
- J. Development of an approved special use. The issuance of a special use permit shall only constitute approval of the proposed use, and development of the use shall not be carried out until the applicant has secured all other permits and approvals required.
- K. Expiration of a special use permit. Unless a building permit or other required approvals is secured within twelve (12) months, and construction subsequently undertaken pursuant to such building permit, the special use permit shall expire automatically unless the permit is extended upon application to the mayor and council in accordance with subsection L of this section.
- L. Time extension of a special use permit. The time limitations imposed on special use permits by subsection K and expiration date established pursuant to subsection M of this section may be extended by the mayor and council not more than once, and not for more than twelve (12) months, upon written request by the applicant and approval of the mayor and council.
- M. Limitations on approvals for special use permits. A special use permit shall expire automatically and cease to be of any force or effect if such use shall, for any reason, be discontinued for a period of twelve (12) months.
- N. Modifications to a special use permit. Changes to an approved special use permit, other than time extensions provided under subsection L of this section and minor modifications of final conditions under section 16.12.130.D, shall be subject to the same application, review and approval process as a new application, including the payment of relevant fees.

#### **16.12.150 Administrative Variances**

- A. The planning and zoning director shall have the authority to grant limited minor administrative variances from certain provisions of this zoning ordinance, where the planning and zoning director determines that:
1. The strict application of the requirements of this zoning ordinance would cause undue and unnecessary hardship to the property owner; and
  2. The intent and continued integrity of the zoning ordinance can be achieved with equal performance and protection of public interests through grant of the administrative variance.
- B. All applications for administrative variances shall be submitted to the planning and zoning director on forms approved by the director. The authority to grant such administrative variances shall be limited to variance from the following requirements:
1. Front yard or yard adjacent to public street – Variance not to exceed ten (10%) percent of the footage deducted from the required setback.
  2. Side yard – Variance not to exceed three (3) feet deducted from the required setback.
  3. Rear yard – Variance not to exceed five (5) feet deducted from the required setback. In the NR1, a variance not to exceed one hundred and twenty (120) square feet rear addition to the principal building; provided, however, that no addition shall be located within thirty (30) feet of the rear property line.
  4. Front yards – Variance not to exceed five (5) feet from the required setback.
  5. Height of building – Variance not to exceed five (5) feet of the minimum or maximum allowable height.
  6. Discontinuous building massing – Variance not to exceed twenty (20%) percent.
  7. Variation in building silhouettes – Variance not to exceed five (5) feet.
  8. Building step backs – Variance not to exceed ten (10%) percent.
  9. Storefront requirements – Variance not to exceed twenty (20%) percent.
  10. Landscape zone – Variance not to exceed two (2) feet deducted from the required minimum width.
  11. Street tree spacing – Variance not to exceed five (5) feet.
  12. Sidewalks clear zone – Variance not to exceed two (2) feet.
  13. Outdoor dining encroachment – Variance not to exceed two (2) feet.
  14. Open space calculations – Variance not to exceed ten (10%) percent.
  15. Block dimensions – Variance not to exceed ten (10%) percent.
- C. The planning and zoning director shall make an “administrative variance decision” for the application. For purposes of this chapter the term "administrative variance decision" means final action by the planning and zoning director which results in an administrative variance approval or an administrative variance denial.
- D. The decision of the planning and zoning director regarding an administrative variance decision shall be considered the “final decision”. Said final decision shall be made no later than forty-five (45) days following filing of a complete application, unless extended by agreement of the applicant.
- E. Appeals from a final decision on an administrative variance by an aggrieved party shall follow the appeals procedure of section 16.12.180.A.

**16.12.160 Board of Appeals and Adjustments**

- A. Creation and membership. There is created a board of appeals and adjustments for the city, the official name of this board to be the “Covington board of appeals and adjustments.” The board of appeals and adjustments shall be composed of no fewer than five nor more than nine members, all of whom shall be residents of the city and appointed by the mayor and council. The members shall serve three-year staggered terms without compensation. Original appointments may be made for a lesser number of years, so that the terms of said members may be staggered. Any vacancy in the membership shall be filled for the unexpired term by the mayor and council. None of the members shall hold any other public office in the city, except that one member may be also a member of the planning commission. Any member of the board may be removed by the mayor and council for cause, upon written notice of such charge and after public hearing. The members of the board shall serve without compensation.
- B. Organization, rules, officers. The board of appeals and adjustments shall elect one of its members as chairman, who shall serve for one year or until he is reelected or his successor is elected. The board of appeals and adjustments shall appoint a secretary who may be an officer or employee of the city or of the planning commission. The board shall adopt rules, consistent with the provisions of this chapter, for the transaction of its business. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses by subpoena. The board shall keep accurate and complete minutes of its proceedings, showing the vote of each member upon each question, or if any member should be absent or fail to vote on any question, the minutes shall record such fact; and the board shall also keep records of its examinations and findings and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.
- C. Powers. The board of appeals and adjustments shall have the powers to hear and decide variances pursuant to section 16.12.170 and to hear and decide appeals pursuant to section 16.12.180.A.

**16.12.170 Variances**

The board of appeals and adjustments may authorize, upon proper application in specific cases, variance from the terms of this zoning ordinance. Request for variance applications shall be filed with the planning and zoning director. All filed applications shall be reviewed by the planning and zoning director and shall provide a written recommendation to the board of appeals and adjustments prior to a final decision.

- A. General standards for application and approval.
1. Prohibited variances. No variance shall be granted to allow a building, structure or use not authorized in the applicable zoning district, a density of development not authorized within such district, reinstatement of any nonconforming situation, or a special use permit.
  2. Application methods. Applications for variances shall include the materials set forth in subsections 1 through 6 of section 16.12.040.C. In addition, a statement showing compliance with each of the standards set forth in 16.12.170.A.3 below shall be provided.
  3. Criteria. The board of appeals and adjustments may authorize variances from the terms of this zoning ordinance only upon making all of the following findings:
    - a. There are extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape or topography;

- b. The application of this zoning ordinance to the particular piece of property would create an unnecessary hardship;
  - c. Such conditions are peculiar to the particular piece of property involved;
  - d. Such conditions are not the result of any actions of the property owner; and
  - e. Relief, if granted, would not cause substantial detriment to the public good nor impair the purposes or intent of this zoning ordinance.
- B. Board of appeals and adjustments hearings.
1. Before deciding a variance application in accordance with this zoning ordinance, the board of appeals and adjustments shall provide for a hearing on the proposed action in accordance with the procedures set forth in section 16.12.080.A, except that the board of appeals and adjustments shall act upon the variance in accordance with this section 16.12.170.B.
  2. The provisions regarding public notice set forth in section 16.12.070.B.1 and B.2 regarding publication, sign postings, and written notice shall apply to variance applications.
  3. The board of appeals and adjustments shall make a “variance decision” for each application based upon a determination of the facts and application of the criteria in section A.3 above. For purposes of this chapter the term "variance decision" means final action by the board of appeals and adjustments which results in a variance approval or a variance denial.
  4. Variance decisions shall be made no later than forty-five (45) days following filing of a complete application, unless extended by agreement of the applicant.
  5. The board of appeals and adjustments may impose conditions as it deems necessary in a particular case to protect the public interest and mitigate impacts of the variance upon surrounding properties as part of a variance decision, thereby approving the variance as conditional.
  6. An application may be withdrawn by the applicant prior to the variance decision. Fees shall not be refunded.
  7. Appeals of a variance decision of the board of appeals and adjustments by an aggrieved party to the superior court shall be authorized and shall follow the appeal provisions in section 16.12.180.B.

#### **16.12.180 Appeal Procedures**

- A. Appeal to the board of appeals and adjustments.
1. Where it is alleged by any aggrieved person, firm or corporation that there is an error in any order, requirement, decision or determination made by the planning and zoning director, or other authorized city official in the performance of duties under this zoning ordinance, such person, firm or corporation may seek a review of such order, requirement, decision or determination by the board of appeals and adjustments. Said appeals shall be filed with the planning and zoning director in writing on forms provided by such director within fifteen (15) days following the date of such order, requirement, decision or determination.
  2. An appeal stays all legal proceedings in furtherance of the action appealed from unless the official from whom the appeal is taken certifies to the board of appeals and adjustments, after notice of appeal has been filed, that by reasons of facts stated in the certificate, a stay would, in that official’s opinion, cause imminent peril to life and property. In such case, proceedings shall be stayed only by a restraining order granted by the Superior Court of Newton County on notice to the officer from whom the appeal is taken and on due cause shown.

3. The board of appeals and adjustments shall fix a reasonable time for the hearing of the appeal and provide fifteen (15) days notice thereof as well as written notice to the parties in interest. Any party may appear at the hearing in person, by an agent or by an attorney. The chair of the board of appeals and adjustments shall request that the appeal be identified and read. Following such identification and reading, the chair shall cause the action being appealed to be identified and read. The aggrieved party shall then be allowed a total of ten (10) minutes for presentation of data, evidence and opinion concerning the appeal. If all ten (10) minutes are not used, the aggrieved party's remaining time may be reserved for rebuttal. The acting party and those in opposition to the appeal shall then be allowed a total of ten (10) minutes for presentation of data, evidence and opinion concerning the order, requirement, decision or determination. The presentation times may not be reduced but may be extended by majority vote of the board of appeals and adjustments, provided they are expanded equally for the aggrieved party and the acting party.
  4. Following the consideration of all testimony, documentary evidence, and matters of record, the board of appeals and adjustments shall make a determination on each appeal. The board of appeals and adjustments shall decide the appeal within a reasonable time but in no event more than forty-five (45) days from the date of the filing of the appeal unless an extension of time is agreed to by the aggrieved party. The board of appeals and adjustments shall reverse, defer, affirm, or modify any order, requirement, decision or determination made by the planning and zoning director or other authorized city official and to that end shall have all the powers of the administrative official from whom the appeal was taken. An appeal shall be sustained or the decision below modified only upon an expressed finding by the board of appeals and adjustments that the authorized city official's action was based on an erroneous finding of a material fact, or that said official's action was arbitrary. The action of the board of appeals and adjustments on an administrative appeal shall be final.
- B. Appealing a final decision of the board of appeals and adjustments. Any person aggrieved by a final decision of the board of appeals and adjustments, or any officer or department of the city, affected by such decision, may appeal from such decision pursuant to Georgia State law.

#### **16.12.190 Special Event Permits**

Special event and temporary permits shall meet the following regulations:

- A. All applications for special permits shall be made to the planning and zoning director on forms provided by the planning and zoning department and shall be filed with the planning and zoning department. Special permits shall include all special events and temporary events including art shows, carnival rides and special events of community interest.
- B. The planning and zoning director shall have the authority to grant special permits upon a determination that the special events, if granted, would not cause substantial detriment to the public good, would not negatively affect the safety and welfare of pedestrian and vehicular traffic, nor impair the purposes or intent of this zoning ordinance. The planning and zoning director shall have up to seven (7) days make a decision on the issuance of the permit from the submission of a completed application.
- C. Appeals from a decision of the planning and zoning director on a special event permit shall be as provided in section 16.12.180.A.

## **CHAPTER 16.16 STANDARD ZONING DISTRICTS**

### **16.16.010 Establishments of Zoning Districts**

For the purposes of this zoning ordinance, the city is divided into Zoning Districts designated as follows:

#### **NR-1, Neighborhood Residential 1 District**

This zoning district is intended primarily for lower density one-family residences and related uses. This district is designed to stabilize and protect the residential characteristics of the district and to encourage a suitable family life on larger lots.

#### **NR-2, Neighborhood Residential 2 District**

This zoning district is intended primarily for medium density one-family residences and related uses. This district is designed to stabilize and protect the residential characteristics of the district and to encourage a suitable family life on smaller lots.

#### **NR-3, Neighborhood Residential 3 District**

This zoning district is intended primarily for higher density one-family residences and related uses. This district is designed to stabilize and protect the residential characteristics of the district and to encourage a suitable family life on smaller lots.

#### **CR, Corridor Residential District**

This zoning district is intended primarily for two-family and multifamily housing and related uses. This district is designed to provide a multi-family residential characteristic with lower densities.

#### **TCR, Town Center Residential District**

This zoning district is intended primarily for two-family and multifamily housing and related uses. This district is designed to provide a multi-family residential characteristic with higher densities.

#### **NM, Neighborhood Mixed Use District**

This zoning district is intended primarily for mixed-use development and related uses at a lower density. This district provides a location for residences and convenient goods and services directly adjacent to single-family neighborhoods that will satisfy the common and frequent needs of the residents of nearby residential neighborhoods with design standards and design parameters to encourage a pedestrian-friendly traditional urban form, oriented to pedestrians, which will limit the conflicts between vehicles and pedestrians.

**CM, Corridor Mixed Use District**

This zoning district is intended primarily for mixed-use development and related uses at a medium density. This district provides a location for residences, retail, goods and services and offices to satisfy the common and frequent needs of the city's businesses and residents with design standards and design parameters to encourage a pedestrian-friendly traditional urban form, oriented to pedestrians, which will limit the conflicts between vehicles and pedestrians.

**TCM, Town Center Mixed Use District**

This zoning district is intended primarily for mixed-use development and related uses at a higher density. This district provides a location for residences, retail, goods and services and offices to satisfy the common and frequent needs of the city's commercial core and greater Covington area with design standards and design parameters to encourage a pedestrian-friendly traditional urban form, oriented to pedestrians, which will limit the conflicts between vehicles and pedestrians.

**M1, Light Industrial District**

This zoning district is intended for properties that are located on or have ready access to a major street or state highway and are well adapted to light industrial development but whose proximity to residential or commercial districts makes it desirable to limit industrial operation and processes to those that are not objectionable in terms of the emission of noise, vibration, smoke, dust, gas, fumes, odors and do not create fire or explosion hazards, or other obnoxious conditions.

**M2, Heavy Industrial District**

This zoning district is intended for properties that are located on or have ready access to a major street or state highway and are well adapted to heavy industrial development but whose proximity to residential or commercial districts makes it desirable to limit industrial operation and processes to those that are not objectionable in terms of the emission of noise, vibration, smoke, dust, gas, fumes, odors and do not create fire or explosion hazards, or other obnoxious conditions.

**16.16.020 Permitted Uses**

- A. The uses set forth in the table below shall be permitted only as listed within each zoning district and only in the manner so listed. Any use not listed in said table is prohibited in all districts. No use shall be permitted and no structure associated with such use shall be erected, structurally altered or enlarged unless the use is permitted as one of the following:
1. P: A permitted use.
  2. S: A use requiring a special use permit subject to approval following the application procedures and requirements in chapter 16.12 and the additional criteria of chapter 16.24.
  3. A: An accessory use subject to the requirements specified herein and in chapter 16.24 and those regulations and definitions generally applicable to accessory uses.
- B. Any use not listed with the letter P, S, or A in a particular zoning district shall be prohibited in that zoning district, unless it is a nonconforming use lawfully established prior to the effective date of the regulation that rendered it legally nonconforming. See chapter 16.36.

- C. Any use listed with a "Yes" in the column headed by the words "Suppl. Regs" in the table below shall satisfy the applicable supplemental use standards established in chapter 16.24 of this chapter.
- D. Restrictions on the location of telecommunication facilities in certain zoning districts are provided in chapter 16.56.
- E. Permitted uses for Overlay Zoning Districts are listed in chapter 16.20.
- F. The majority of uses listed in the table below are based on the North American Industry Classification System (NAICS). Where the use is not defined in chapter 16.08 and where the use has a NAICS code indicated in the table below, the NAICS definition shall apply. For uses that fall within more than one use category, the more detailed definition shall apply: the definition of a six-digit NAICS class usurps the definition of a five-digit NAICS class, the definition of a five-digit NAICS class usurps the definition of a four-digit NAICS class and so on. All remaining uses identified in the zoning ordinance are intended to have the commonly accepted definitions contained in the most recent edition of the Merriam-Webster Dictionary.

NAICS Code	Uses	Suppl. Regs.	NR1	NR2	NR3	CR	TCR	NM	CM	TCM	M1	M2
<b>NAICS Code</b>	<b>AGRICULTURE, FORESTRY, FISHING AND HUNTING</b>	<b>Suppl. Regs.</b>	<b>NR1</b>	<b>NR2</b>	<b>NR3</b>	<b>CR</b>	<b>TCR</b>	<b>NM</b>	<b>CM</b>	<b>TCM</b>	<b>M1</b>	<b>M2</b>
	Animal Hospitals and Veterinary Clinics	Yes							S		P	
	Farming, General	Yes	P									
113	Forestry and Logging (Timber Harvesting)	Yes	P									
1114	Greenhouse, Nursery & Floriculture Production		P								P	P
	Keeping and Raising of Farm Animals	Yes	P									
	Kennel, hobby & pet boarding	Yes	A									
	Livestock Quarters and Enclosures	Yes	P									
	Horse Stables, Riding & Boarding	Yes	P								P	P
<b>NAICS Code</b>	<b>RESIDENTIAL</b>	<b>Suppl. Regs.</b>	<b>NR1</b>	<b>NR2</b>	<b>NR3</b>	<b>CR</b>	<b>TCR</b>	<b>NM</b>	<b>CM</b>	<b>TCM</b>	<b>M1</b>	<b>M2</b>
	Day Care Center, Adult; Day Care Center, Child	Yes	S	S	S	S	S	S	P	P		
624410	Day Care Facility, Adult; Day Care Facility, Child	Yes	S	S	S	S	S	S	P	P		
	Drug Rehabilitation Center, or Other Facility for Treatment of Drug Dependency	Yes				S	S		S	S	S	S
	Dwelling, Caretaker/Employee	Yes	P	P	P	P	P	P	P	P		
	Dwelling, Multifamily					P	P	P	P	P		
	Dwelling, Single-Family Detached		P	P	P	P	P	P	P	P		

NAICS Code	Uses	Suppl. Regs.	NR1	NR2	NR3	CR	TCR	NM	CM	TCM	M1	M2
	Dwelling, Two-Family (Duplex)					P	P	P	P	P		
	Dwellings, Single-Family Zero Lot Line	Yes			P	P	P	P	P	P		
623312	Homes for the Elderly		S	S	S	S	S	S	P	P		
	Home Occupation	Yes	A	A	A	A	A	A	A	A		
	Industrialized Home	Yes	P	P	P	P	P	P	P	P		
623110	Nursing Care Facilities		S	S	S	S	S	S	P	P		
	Parking In NR1, NR2 or NR3 Districts	Yes	A	A	A	A						
	Personal Care Home, Congregate (16+)	Yes				S	S	P	P	P		
	Personal Care Home, Family (4-6)	Yes	S	S	S	P	P	P	P	P		
	Personal Care Home, Group (7-15)	Yes				S	S	P	P	P		
	Halfway House	Yes				S	S	P	P	P		
623220	Residential Mental Health Facility					S	S	P	P	P		
	Storm Shelter	Yes	S	S	S	S	S	P	P	P		
	Subdivision, Residential		P	P	P	P	P	P	P	P		
	Transitional Housing Facility	Yes				S	S	S	S	S		
	Yard Sales	Yes	A	A	A	A	A	A	A	A		
NAICS Code	MINING	Suppl. Regs.	NR1	NR2	NR3	CR	TCR	NM	CM	TCM	M1	M2
211, 212, 213	Mining, Oil and Gas Extraction, Quarry	Yes										S
	Mineral Extraction - Rock for Production and Processing of Crushed Stone	Yes										S
NAICS Code	UTILITIES	Suppl. Regs.	NR1	NR2	NR3	CR	TCR	NM	CM	TCM	M1	M2
	Electric, Petroleum or Gas Substation	Yes				S	S	S	S	S	P	P
22111	Electric Power Generation	Yes				S	S	S	S	S	P	P
22133	Steam and Air-Conditioning Supply											P
	Utility Structures and Buildings	Yes				S	S	S	S	S	P	P
NAICS Code	CONSTRUCTION	Suppl. Regs.	NR1	NR2	NR3	CR	TCR	NM	CM	TCM	M1	M2
	Temporary Structure	Yes	P	P	P	P	P	P	P	P	P	P

NAICS Code	Uses	Suppl. Regs.	NR1	NR2	NR3	CR	TCR	NM	CM	TCM	M1	M2
<b>NAICS Code</b>	<b>MANUFACTURING</b>	<b>Suppl. Regs.</b>	<b>NR1</b>	<b>NR2</b>	<b>NR3</b>	<b>CR</b>	<b>TCR</b>	<b>NM</b>	<b>CM</b>	<b>TCM</b>	<b>M1</b>	<b>M2</b>
315	Apparel Manufacturing										P	P
312	Beverage and Tobacco Product Manufacturing										P	P
	Compost Facility	Yes									P	P
334	Computer and Electronic Product Manufacturing										P	P
335	Elect. Equip., Appliance, and Component Manufacturing										P	P
332	Fabricated Metal Product Manufacturing										P	P
311	Food Manufacturing										P	P
337	Furniture and Related Product Manufacturing										P	P
316	Leather and Allied Product Manufacturing										P	P
333	Manufacturing Plants, Machinery Manufacturing	Yes									P	P
339	Miscellaneous Manufacturing ( incl. jewelry, toys and musical instruments )										P	P
327	Nonmetallic Mineral Product Manufacturing										S	P
	Outdoor Storage	Yes						S	S	S	S	P
323	Printing and Related Support Activities										P	P
	Recycling Center	Yes									S	S
313	Textile Mills										P	P
336	Transportation Equipment Manufacturing										S	P
<b>NAICS Code</b>	<b>WHOLESALE TRADE</b>	<b>Suppl. Regs.</b>	<b>NR1</b>	<b>NR2</b>	<b>NR3</b>	<b>CR</b>	<b>TCR</b>	<b>NM</b>	<b>CM</b>	<b>TCM</b>	<b>M1</b>	<b>M2</b>
	Open Yard Storage Business	Yes										P
424	Merchant Wholesalers, Nondurable Goods										P	P
423610	Other Motor Vehicle Electrical and Electronic Equipment Manufacturing											P
423930	Recyclable Material Merchant Wholesalers											P
421, 422	Wholesale Trade											P

NAICS Code	Uses	Suppl. Regs.	NR1	NR2	NR3	CR	TCR	NM	CM	TCM	M1	M2
NAICS Code	RETAIL TRADE	Suppl. Regs.	NR1	NR2	NR3	CR	TCR	NM	CM	TCM	M1	M2
452990	All Other General Merchandise Stores							P	P	P		
453998	All Other Miscellaneous Store Retailers (except Tobacco Stores)								P	P		
445299	All Other Specialty Food Stores							P	P	P		
441310	Automotive Parts & Accessories Stores								P		P	P
445310	Beer, Wine, & Liquor Stores							P	P	P		
441222	Boat Dealers										P	
451211	Book Stores							P	P	P		
444	Building Material and Garden Equipment and Supplies Dealers	Yes						S	P	P	P	P
443130	Camera & Photographic Supplies Stores							P	P	P		
448150	Clothing Accessories Stores							P	P	P		
	Convenience Store							S	P	S	P	P
446120	Cosmetics, Beauty Supplies, and Perfume Stores							P	P	P		
452110	Department Store								P	P		
454110	Electronic Shopping & Mail-Order Houses							P	P	P		
443	Electronics and Appliance Stores							P	P	P		
442210	Floor Covering Stores							P	P	P	P	
453110	Florists							P	P	P		
445	Food and Beverage Stores							P	P	P		
445230	Fruit and Vegetable Markets					S	P	P	P	P	P	P
442	Furniture and Home Furnishings Stores							P	P	P		
447110	Gasoline Station with Convenience Store	Yes						P	P	P	P	
447	Gasoline Stations	Yes						P	P	P	P	
452	General Merchandise Stores					P	P	P	P	P		
453220	Gift, Novelty, & Souvenir Stores					P	P	P	P	P		
444130	Hardware Stores					P	P	P	P	P		
446	Health and Personal Care Stores					P	P	P	P	P		
444110	Home Centers							P	P	P		
443111	Household Appliance Stores							P	P	P		
448310	Jewelry Stores					P	P	P	P	P		

NAICS Code	Uses	Suppl. Regs.	NR1	NR2	NR3	CR	TCR	NM	CM	TCM	M1	M2
454312	Liquefied Petroleum Gas (Bottled Gas) Dealers										S	P
448320	Luggage & Leather Goods Stores					P	P	P	P	P		
453	Miscellaneous Store Retailers					P	P	P	P	P		
441	Motor Vehicle Sales	Yes							P	P	P	
451212	News Dealers & Newsstands					P	P	P	P	P	P	P
444220	Nursery and Garden Centers							P	P	P		
453210	Office Supplies and Stationery Stores					P	P	P	P	P		
446130	Optical Goods Stores					P	P	P	P	P		
444190	Other Building Material Dealers							P	P	P		
444120	Paint and Wallpaper Stores							P	P	P	P	
52229	Pawn Shops	Yes						S	S	S	P	
453910	Pet and Pet Supplies Stores							P	P	P		
446110	Pharmacies & Drug Stores					P	P	P	P	P		
443112	Radio, Television, and Other Electronics Stores							P	P	P		
441210	Recreational Vehicle Dealers										P	
451130	Sewing, Needlework, and Piece Goods Stores					P	P	P	P	P		
451120	Shopping Center							P	P	P		
451110	Sporting Goods Stores							P	P	P		
	Temporary Use, Commercial Retail	Yes						P	P	P		
453991	Tobacco Stores							P	P	P		
453310	Used Merchandise Store (except pawn shops)							P	P	P		
<b>NAICS Code</b>	<b>TRANSPORTATION AND WAREHOUSING</b>	<b>Suppl. Regs.</b>	<b>NR1</b>	<b>NR2</b>	<b>NR3</b>	<b>CR</b>	<b>TCR</b>	<b>NM</b>	<b>CM</b>	<b>TCM</b>	<b>M1</b>	<b>M2</b>
481	Air Transportation; Airport, Private											P
492110	Couriers										P	P
488510	Freight Transportation Arrangement											P
484210	General Freight Trucking, Local											P
493110	General Warehousing and Storage										P	P
	Intermodal Terminal Facility											P
485210	Interurban and Rural Bus Transportation										P	P
493110	Mini-warehouses and Self-Storage Units	Yes									P	P

NAICS Code	Uses	Suppl. Regs.	NR1	NR2	NR3	CR	TCR	NM	CM	TCM	M1	M2
488490	Other Support Activities for Road Transportation											P
488991	Packing and Crating											P
	Parking and Storage of Large Vehicles	Yes										P
	Storage Tank, Bulk, Flammable Liquids	Yes										P
4881	Support Activities for Air Transportation (incl. airports)										P	P
485310	Taxi Service										P	
485	Transit and Ground Passenger Transportation								P		P	
NAICS Code	COMMUNICATIONS	Suppl. Regs.	NR1	NR2	NR3	CR	TCR	NM	CM	TCM	M1	M2
	Antenna, Amateur Radio	Yes	P	P	P	P	P	P	P	P	P	P
	Antenna, Satellite	Yes	P	P	P	P	P	P	P	P	P	P
515, 517	Broadcasting and Telecommunications Buildings								P	P	P	P
515	Cable & Other Program Distribution								P	S	P	P
518	Data Processing Services							P	P	P	P	
512	Motion Picture and Sounds Recording Industries										P	
512131	Motion Picture Theaters (except Drive-Ins)								P	P		
519	Other Information Services (archives, internet publishing, broadcasting)										P	
511	Publishing Industries								P	P	P	P
51511	Radio Stations								P	P	P	P
51512	Television Broadcasting Stations								P	P	P	P
517110	Wired Telecommunications Carrier Buildings										P	P
NAICS Code	FINANCE AND INSURANCE	Suppl. Regs.	NR1	NR2	NR3	CR	TCR	NM	CM	TCM	M1	M2
522110	Commercial Banking							P	P	S		
522291	Consumer Lending							S	P	S		
522130	Credit Unions							S	P	S		
524210	Insurance Agencies & Brokerages							P	P	P		
522120	Savings Institutions							P	P	S		

NAICS Code	Uses	Suppl. Regs.	NR1	NR2	NR3	CR	TCR	NM	CM	TCM	M1	M2
523120	Securities Brokerage							S	P	S		
<b>NAICS Code</b>	<b>REAL ESTATE AND RENTAL AND LEASING</b>	<b>Suppl. Regs.</b>	<b>NR1</b>	<b>NR2</b>	<b>NR3</b>	<b>CR</b>	<b>TCR</b>	<b>NM</b>	<b>CM</b>	<b>TCM</b>	<b>M1</b>	<b>M2</b>
532411	Commercial Air, Rail, and Water Transportation Equipment Rental and Leasing								P		P	P
532310	General Rental Centers								P		P	
5312	Offices of Real Estate Agents & Brokerages							P	P	P		
532111	Passenger Car Rental	Yes									P	P
532230	Video Tape and Disc Rental							P	P	P		
<b>NAICS Code</b>	<b>PROFESSIONAL, SCIENTIFIC &amp; TECHNICAL SERVICES</b>	<b>Suppl. Regs.</b>	<b>NR1</b>	<b>NR2</b>	<b>NR3</b>	<b>CR</b>	<b>TCR</b>	<b>NM</b>	<b>CM</b>	<b>TCM</b>	<b>M1</b>	<b>M2</b>
54181	Advertising Agencies							P	P	P	P	
541870	Advertising Material Distribution Services										P	
<b>NAICS Code</b>		<b>Suppl. Regs.</b>	<b>NR1</b>	<b>NR2</b>	<b>NR3</b>	<b>CR</b>	<b>TCR</b>	<b>NM</b>	<b>CM</b>	<b>TCM</b>	<b>M1</b>	<b>M2</b>
541922	Commercial Photography							S	P	P	P	
541512	Computer Systems Design Services							P	P	P	P	P
541511	Custom Computer Programming Services							P	P	P	P	
541860	Direct Mail Advertising								P	P	P	
541330	Engineering Services							P	P	P	P	
541430	Graphic Design Services							P	P	P	P	
541320	Landscape Architecture Services							P	P	P	P	
541211	Offices of Certified Public Accountants							P	P	P	P	
	Office, Professional							P	P	P	P	
541890	Other Services Related to Advertising								P	P	P	
541614	Process, Physical Distribution and Logistics Consulting Services										P	
54	Professional Services							P	P	P	P	
541820	Public Relations Agencies							P	P	P	P	
541710	Research and Development							P	P	P	P	
541711	Biotechnology							P	P	P	P	
541370	Surveying /Mapping Services							P	P	P	P	P
541213	Tax Preparation Services							P	P	P	P	
541380	Testing Laboratories								P	S	P	P
541940	Veterinary Services	Yes						S	P	P	P	P

NAICS Code	Uses	Suppl. Regs.	NR1	NR2	NR3	CR	TCR	NM	CM	TCM	M1	M2
<b>NAICS Code</b>	<b>MANAGEMENT OF COMPANIES AND ENTERPRISES</b>	<b>Suppl. Regs.</b>	<b>NR1</b>	<b>NR2</b>	<b>NR3</b>	<b>CR</b>	<b>TCR</b>	<b>NM</b>	<b>CM</b>	<b>TCM</b>	<b>M1</b>	<b>M2</b>
551	Management of Companies and Enterprises								P	P	P	
<b>NAICS Code</b>	<b>ADMINISTRATIVE AND WASTE MANAGEMENT AND REMEDIATION SERVICES</b>	<b>Suppl. Regs.</b>	<b>NR1</b>	<b>NR2</b>	<b>NR3</b>	<b>CR</b>	<b>TCR</b>	<b>NM</b>	<b>CM</b>	<b>TCM</b>	<b>M1</b>	<b>M2</b>
561740	Carpet & Upholstery Cleaning Services								P		P	
561440	Collection Agencies								P		P	
561710	Exterminating & Pest Control Services								P		P	P
	Landfill, Sanitary (Municipal)	Yes										S
561730	Landscaping Services								P		P	
561622	Locksmiths								P	P	P	
561439	Other Business Service Centers (including Copy Shops)							S	P	P	P	
561510	Travel Agencies					P	P	P	P	P	P	P
<b>NAICS Code</b>	<b>EDUCATIONAL SERVICES</b>	<b>Suppl. Regs.</b>	<b>NR1</b>	<b>NR2</b>	<b>NR3</b>	<b>CR</b>	<b>TCR</b>	<b>NM</b>	<b>CM</b>	<b>TCM</b>	<b>M1</b>	<b>M2</b>
6113	Colleges, Universities, and Professional Schools	Yes						S	P	S	P	
611710	Educational Support Services	Yes						S	P	P	P	
51912	Libraries and Archives	Yes	S	S	S	P	P	P	P	P		
6116	Other Schools & Institutions		S	S	S	P	P	P	S		P	P
611110	Schools, K-12	Yes	S	S	S	P	S	P	S			
61151	Technical and Trade Schools					P	S	P	S	S	P	P
<b>NAICS Code</b>	<b>HEALTH CARE AND SOCIAL ASSISTANCE</b>	<b>Suppl. Regs.</b>	<b>NR1</b>	<b>NR2</b>	<b>NR3</b>	<b>CR</b>	<b>TCR</b>	<b>NM</b>	<b>CM</b>	<b>TCM</b>	<b>M1</b>	<b>M2</b>
621	Ambulatory Health Care Services							S	P		P	
532411	Commercial Air, Rail and Water Transportation Equipment Rental and Leasing								P	P	P	
624120	Day Care Center, Adult	Yes				S	S	S	P	P		
624410	Day Care Center, Child	Yes				S	S	S	P	P		
525	Funds, Trusts and Other Financial Vehicles (health and welfare included)								P	P	P	
622110	General Medical & Surgical Hospitals	Yes						S	P	P		

NAICS Code	Uses	Suppl. Regs.	NR1	NR2	NR3	CR	TCR	NM	CM	TCM	M1	M2
532291	Home Health Equipment Rental								P	P	P	
524	Insurance Carriers and Related Activities								P	P	P	
	Medical, Dental Clinic							S	P	P		
339116	Medical, Dental Laboratories								P	P	P	P
621511	Medical Laboratories								P	P	P	P
623	Nursing and Residential Care Facilities							S	P	P		
621111	Offices of Physicians								P	P	P	
NAICS Code	ARTS, ENTERTAINMENT & RECREATION	Suppl. Regs.	NR1	NR2	NR3	CR	TCR	NM	CM	TCM	M1	M2
	Adult Entertainment Establishments	Yes									P	P
713110	Amusement & Theme Parks	Yes							P	S		
713120	Amusement Arcades	Yes							P			
713950	Bowling Centers								P			
713940	Fitness and Recreational Sports Centers (includes public swimming pool)	Yes	P	P	P	P	P	P	P			
713910	Golf Courses and Country Clubs		P	P	P	P	P	P	P			
713990	Indoor Shooting Range											P
712	Museums, Historical Sites, and Similar Institutions		S	S	S	S	S	P	P	P		
712190	Nature Parks & Other Similar Institutions	Yes	P	P	P	P	P	P	P	P	P	
NAICS Code		Suppl. Regs.	NR1	NR2	NR3	CR	TCR	NM	CM	TCM	M1	M2
711	Performing Arts, Spectator Sports, and Related Activities (Incl. amphitheater, stadiums and concert halls)								P	P		
	Recreation Center and Club, Private								P	S		
711211	Sports Teams and Clubs	Yes	S	S	S	S	S	S	P	P	P	
	Swimming Pool, Home	Yes	A	A	A	A	A	A	A	A		
712130	Zoos and Botanical Gardens	Yes							P			
NAICS Code	ACCOMMODATION & FOOD SERVICES	Suppl. Regs.	NR1	NR2	NR3	CR	TCR	NM	CM	TCM	M1	M2
721191	Bed & Breakfast Inn	Yes	S	S	S	P	P	P	P	P		
722320	Caterers							S	P	P		
72211	Full-Service Restaurants					P	P	P	P	P		
	Hotels and Motels	Yes						S	P	P	P	

NAICS Code	Uses	Suppl. Regs.	NR1	NR2	NR3	CR	TCR	NM	CM	TCM	M1	M2
72111	Hotels and Motels / Extended Stay	Yes									P	
722211	Limited-Service Restaurants (incl. fast food)					P	P	P	P	P	P	
722213	Ice Cream Parlors					P	P	P	P	P		
721214	Recreational and Vacation Camps (except Campgrounds)	Yes								S	P	
721310	Rooming & Boarding Houses	Yes				S	S	S	P			
721211	Recreational Vehicle (RV) Parks & Campgrounds	Yes									P	
NAICS Code	OTHER SERVICES (EXCEPT PUBLIC ADMINISTRATION)	Suppl. Regs.	NR1	NR2	NR3	CR	TCR	NM	CM	TCM	M1	M2
92312	Administration of Public Health Programs								P	P	P	
811412	Appliance Repair and Maintenance	Yes						S	S		P	
	Automobile Impound Lot	Yes									S	S
811192	Automobile Wash Services	Yes							P		P	P
8111	Automotive, Repair and Maintenance	Yes							S		S	P
812111, 812112	Barber Shops and Beauty Salons					S	P	P	P	P		
812910	Boarding and Breeding Kennels	Yes							S		P	
812220	Cemeteries, Mausoleums and Colabariums	Yes	S	S	S	S	S	S	S	S	S	S
812220	Crematory	Yes							S		P	P
8134	Civic and Social Organizations		S	S	S	S	S	P	P	P		
NAICS Code		Suppl. Regs.	NR1	NR2	NR3	CR	TCR	NM	CM	TCM	M1	M2
811310	Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance										P	P
811212	Computer and Office Machine Repair and Maintenance								P	P	P	
811211	Consumer Electronics Repair & Maintenance								P	P	P	
812320	Dry Cleaning & Laundry Services (except Coin-Operated)	Yes							P	S	P	
	Equestrian Training and Sales Facility							S	P		P	

NAICS Code	Uses	Suppl. Regs.	NR1	NR2	NR3	CR	TCR	NM	CM	TCM	M1	M2
811430	Footwear and Leather Goods Repair					P	P	P	P	P		
812210	Funeral Homes & Funeral Services							P	P	S	P	
	Funeral Homes & Funeral Services with Crematory							S	S	S	S	
811411	Home and Garden Equipment Repair and Maintenance								P		P	
812332	Industrial Launderers										P	P
812320	Laundromat (coin operated)					P	P	P	P	P	P	
812331	Linen Supply									P	P	P
812930	Parking Lot & Garages		A	A	A	P	P	P	P	P	P	P
	Place of Worship (less than 10 acres)		P	P	P	P	P	P	P	P	S	S
	Place of Worship (10 acres and more)	Yes	S	S	S	S	S	S	P	P	S	S
813920	Professional Organizations (including health professional's associations)								P	P	P	
926150	Regulation, Licensing and Inspection of Miscellaneous Commercial Sectors								P	P	P	
811420	Reupholstery & Furniture Repair								P		P	
813212	Voluntary Health Organizations								P	P	P	

### 16.16.030 Space Dimensions

The following table set forth the space dimensions required for each zoning district.

- A. For all landscape zone, sidewalk, minimum building height and front yard dimensions, reference chapter 16.28. In the case of a corner lot which abuts any two (2) intersecting streets, the minimum side yard setback for the side of the building or structure facing a street shall be two-thirds of the front yard setback for that street in the district as listed in the Street Type Dimensions Table in chapter 16.28.30.
- B. Non-residential uses in Multi-family districts. Corridor Residential (CR) and Town Center Residential (TCR) districts shall be permitted to have non-residential uses provided said non-residential uses shall be limited to a total of ten percent (10%) of the total residential FAR and no single individual non-residential use shall be permitted to exceed one thousand five hundred (1,500) square feet of floor area.
- C. Neighborhood Mix districts. In Neighborhood Mix (NM) districts, permitted individual non-residential uses shall be prohibited from exceeding one thousand five hundred (1,500) square feet of floor area.
- D. All mixed districts (NM, CM and TCM) shall permit a bonus total density greater than the base density permitted as specified in the Space Dimensions Table when all built square footage in excess of the base FAR is built at a 1:1 ratio of residential to non-residential uses.
- E. Where a rear yard abuts upon a street, no structure shall be closer to the rear lot line than the required front yard setbacks found in the Street Type Dimensions Table in chapter 16.28.30.

- F. The gross floor area for permitted dwellings shall not be less than six hundred and fifty (650) square feet. For size limitations on accessory uses and structures see section 16.20.020.

<b>SPACE DIMENSIONS TABLE</b>	<b>Neighborhood Residential 1</b>	<b>Neighborhood Residential 2</b>	<b>Neighborhood Residential 3</b>	<b>Corridor Residential</b>	<b>Town Center Residential</b>	<b>Neighborhood Mix</b>	<b>Corridor Mix</b>	<b>Town Center Mix</b>	<b>Industrial 1</b>	<b>Industrial 2</b>
<b>Residential Base FAR (Max)</b>	N/A	N/A	N/A	1.0	2.0	.75	1.0	1.5	N/A	N/A
<b>Non-Residential Base FAR (Max)</b>	N/A	N/A	N/A	10%	10%	.75	1.0	1.5	N/A	N/A
<b>Total FAR with Bonuses (Max)</b>	N/A	N/A	N/A	N/A	N/A	2.0	3.0	4.0	N/A	N/A
<b>Building Coverage (Max, % of lot area)</b>	35%	70%	80%	70%	100%	80%	80%	100%	60%	60%
<b>Open Space (Min, a % of lot area)</b>	N/A	N/A	N/A	20%	10%	10%	20%	10%	10%	10%
<b>Impervious Surface (Max, % of lot area)</b>	45%	80%	90%	70%	100%	90%	90%	100%	80%	80%
<b>Max Building Height (Max, in feet &amp; floors)</b>	35'	35'	35'	60' & 4 floors	70' & 5 floors	50' & 3 floors	60' & 4 floors	70' & 5 floors	N/A	N/A
<b>Dwelling Gross Floor Area (Min, in square feet) (* Average square footage)</b>	1,500	1,200	900	1,000*	1,000*	1,000*	1,000*	1,000*	N/A	N/A
<b>Lot Area (Min, in square feet)</b>	12,000	5,000	1,800	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>Lot Width (Min, in feet)</b>	75'	50'	20'	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>Side Yard (Min, in feet)</b>	10'	7'	N/A	10' or 0'	N/A	10' or 0'	10' or 0'	N/A	20'	20'
<b>Rear Yard (Min, in feet)</b>	20'	20'	N/A	20'	N/A	10'	20'	N/A	20'	20'

## **CHAPTER 16.20**

### **SUPPLEMENTAL USE PROVISIONS**

#### **16.20.010 Supplemental Use Regulations**

The regulations set forth in this zoning ordinance within each district are the minimum regulations that apply uniformly to each class or kind of structure or land. The following regulations also shall apply to each type of use listed, whether such use is authorized as of right or by special use permit. When applied to special use permits these regulations shall be in addition to all additional criteria and procedures set forth in section 16.12.140.

#### **16.20.020 Accessory Uses**

Accessory uses shall be permitted as follows.

- A. Accessory uses for commercial development shall include those normally appurtenant to such development, as provided for in other sections of this zoning ordinance.
- B. Any accessory use normally appurtenant to a permitted use shall be allowed provided such use shall conform with all performance standards set forth for that district as well as any conditions of zoning.
- C. Accessory structures and uses shall be located on the same lot as the principal structure to which they are accessory.
- D. Accessory structures and uses shall not be permitted in a required front or side yard.
- E. Accessory uses and structures such as garages, greenhouses or workshops, shall not be rented or occupied for gain.
- F. No accessory building shall be constructed upon a lot until construction of the principal structure has commenced.
- G. Where a corner lot adjoins in the rear a lot in a NR1 and NR2 district, no accessory structure shall be located closer to the side street right-of-way line than the principal structure or closer than twenty-five (25) feet from the rear property line.
- H. No garage or other accessory structure shall be located closer than three (3) feet from a side or rear lot line.
- I. When an accessory structure is attached to the principal structure by breezeway, passageway or similar means, it shall comply with the yard requirements of the principal structure to which it is accessory.
- J. Residential sheds, workshops, greenhouses or other such accessory structures shall be located in a rear yard, are limited to one (1) story and shall not exceed four hundred (400) square feet in size.
- K. In all zoning districts, no accessory use or structure shall be permitted in public rights-of-way except mailboxes, sidewalks, driveways, light posts, and decorative landscaping, subject to city approval.
- L. Accessory use swimming pools having a depth of two (2) feet or more at any point:
  1. Shall be permitted only upon written approval of the city health department to indicate compliance with applicable health department swimming pool regulations;
  2. Shall be located a minimum of ten (10) feet from any property line; and
  3. Shall be completely enclosed with an adequate protective fence of not less than six (6) feet in height with appropriate closure.

- M. Swimming pools, fitness or recreation centers and other recreational facilities shall be permitted as accessory uses or structures for hotels, motels and extended-stay hotels/motels.
- N. Accessory uses for NR1, NR2 and NR3 districts. Accessory uses, structures and yards are permitted as follows:
1. Structures.
    - a. Every structure shall be located on a lot as herein defined. In no case shall there be more than one main residential building and its accessory building on one lot. Zero-lot-line dwellings may be considered as one main residential structure.
    - b. No accessory structure shall have a square footage of twenty-five (25%) percent of the total conditioned square footage of the primary structure, or six hundred (600) feet, whichever is less.
    - c. No accessory living quarters, whether attached or detached and including garage apartments, shall be located in an NR1 zone, except that a bona fide guest house where no rent is paid or servant's quarters shall be permitted upon a lot with an area of fifteen thousand (15,000) square feet or more. Such accessory structure may be detached from the primary structure and shall not be closer than ten (10) feet to any lot line.
  2. Uses.
    - a. Accessory uses may generally be considered include as private garages, stables, storehouses, greenhouses, children's playhouses, summerhouses, home work-shops and swimming pools.
    - b. Animals. Private stables will be permitted upon a lot with an area of fifteen thousand (15,000) square feet or more only in an NR1 district. Dogs, mules, cows, chickens and other domestic animals may be kept for noncommercial purposes.

#### **16.20.030 Adult Entertainment Establishments**

Adult entertainment establishments shall be as defined by title 5, chapter 5.08 of the City of Covington Municipal Code. Adult entertainment establishments shall be governed and regulated as defined by said title and chapter.

#### **16.20.040 Amusement, Arcade, Amusement Theme Park**

- A. Outdoor recreation facilities consisting of amusement rides, games, water slides, amusement vehicles, golf driving ranges, miniature golf, batting cages, water slides or any similar commercial outdoor recreation shall be limited as follows:
1. Minimum lot size: Five (5) acres.
  2. Maximum lot size: Twenty (20) acres.
  3. All commercial outdoor recreation facilities and equipment must be enclosed within an eight (8) feet high fence with gates that are to be locked except when the facility is open to the public.
  4. Outdoor recreation activities are limited to the hours of 10:00 a.m. to 10:00 p.m.
  5. A site plan shall be prepared at a scale of one inch = 50 feet to indicate access and egress, type, location and height of recreation facilities, buildings and other structures and lights, parking areas, landscaping, buffers and drainage. A site location plan at a scale of one inch = 200 feet shall illustrate surrounding property uses and the location of the nearest residence.
  6. The site shall have at least one (1) approved entrance to a street classified as an arterial.

7. All outdoor equipment, rides, vehicles and structures taller than thirty-five (35) feet shall be setback at least two hundred (200) feet from property lines, and shall meet all other district height requirements.
8. Lighting must be designed to direct light downward and away from adjacent properties.
9. An environmental-acoustical study shall be submitted to the planning and zoning director for review and approval. The study shall be prepared by an acoustical engineer indicating compliance with all Covington noise ordinances. It shall identify and analyze all sources of noise emanating from the site including outdoor speakers, sound effects or sound systems as well as rides, vehicles, and mechanical equipment. Noise levels shall not exceed 65 decibels, dbA measured at property lines.
10. A one hundred (100) foot buffer shall be maintained adjacent to all abutting NR1, NR2 and NR3 zoned property.

**16.20.050 Animal Hospitals and Veterinary Clinics; Horse Stables, Riding & Boarding**

Animal hospitals, veterinary clinics, horse stables and riding and boarding shall be located at least five hundred (500) feet from any NR1, NR2 and NR3 zoned property.

**16.20.060 Antennae, Amateur Radio**

- A. No such antenna structure, including any support upon which it may be constructed, shall exceed a combined height of fifty (50) feet.
- B. Amateur radio service antenna structures exceeding 50 feet in height shall be permitted only by the board of zoning appeals subject to all of the requirements of the zoning ordinance.
- C. Amateur radio service antennae shall be located a distance of at least one-half the height of the tower from all property lines.

**16.20.070 Antennae, Satellite**

- A. Satellite antennae shall be located as follows:
  1. In any CR, TCR, NM, CM, TCM, M1 and M2 district, satellite antennae may be located anywhere in the buildable area of the lot or on a building thereon, subject to applicable zoning district setback regulations.
  2. In NR1, NR2 and NR3 districts, satellite antennae shall be located only to the rear of any principal structure. If usable communication signals cannot be obtained from the rear location, the satellite antenna may be located in the side yard. Both locations shall be subject to applicable zoning district setbacks or regulations.
  3. In the event that usable satellite communication signals cannot be received by locating the antennae in the rear or to the side of the principal structure, such antennae may be placed in the front yard or on the roof of the dwelling, provided that approval of the planning and zoning director shall be obtained prior to such installation. The planning and zoning director shall issue such a permit only upon a showing by the applicant that usable communication signals are not receivable from any location on the property other than the location selected by the applicant.
- B. Satellite antennae shall comply with the following regulations for height, screening and grounds:
  1. In any NR1, NR2 and NR3 district a satellite antenna shall not exceed 36 inches in diameter.

2. A ground-mounted satellite antenna shall not exceed 20 feet in height including any platform or structure upon which said antenna is mounted or affixed. All non-ground-mounted satellite antennae shall not exceed 35 feet in height.
3. If usable satellite signals cannot be obtained from an antenna installed in compliance with the height limitation imposed by subsection (2) above, such satellite antenna may be installed at a greater height, provided the greater height is approved by the planning and zoning director. Such approval shall be granted only upon a showing by the applicant that installation at a greater height is necessary for the reception of usable communication signals. Under no circumstances shall said antennae exceed 50 feet in height.
4. Except in CR, TCR, NM, CM, TCM, M1 and M2 districts, satellite antennae shall be located and designed to screen and reduce visual impact from surrounding properties at street level and from public streets.
5. All satellite antennae shall meet all manufacturers' specifications, be located on non-combustible and corrosion-resistant material and be erected in a secure, wind-resistant manner.
6. All satellite antennae shall be adequately grounded for protection against a direct strike of lightning.

#### **16.20.080 Appliance Repair and Maintenance**

Any structure used for appliance repair and maintenance shall be located and its activities conducted at least fifty (50) feet from any property zoned NR1, NR2 or NR3, measured along a straight line connecting the nearest points of the subject properties.

#### **16.20.090 Automobile Impound Lot**

Any structure used for an automobile impound lot shall be located and its activities conducted at least fifty (50) feet from any property zoned NR1, NR2 or NR3, measured along a straight line connecting the nearest points of the subject properties.

#### **16.20.100 Automotive Repair and Maintenance**

- A. Outdoor storage shall be limited to 25 percent of parcel area and shall meet the requirements of section 16.24.510.
- B. A property that includes outdoor storage and repair shall be no closer than 200 feet from a property zoned NR1, NR2 and NR3.
- C. Junkyards are prohibited. See separate requirements for salvage yards in section 16.24.650.

#### **16.20.110 Automobile Wash Services**

Automobile wash services shall provide a paved area located on the same lot for the storage of vehicles awaiting service. Said space shall be adequate in size to accommodate the number of vehicles equal to one-third (1/3) of the practical hourly capacity of the washing facilities. The preceding space requirements do not apply to automobile service stations which provide automobile wash services as an accessory use.

#### **16.20.120 Bed and Breakfast Inn**

- A. The operator of the establishment shall reside on the site.
- B. The use shall have a lot area of not less than 20,000 square feet and a floor area within the dwelling unit of no less than 2,500 square feet.

- C. No guest shall reside in a bed and breakfast inn for a period in excess of 14 consecutive days.
- D. One parking space shall be provided for each guest bedroom, and one space shall be provided for the operator's or owner's unit in the building.
- E. Increased automobile traffic in the neighborhood caused by the use shall not negatively impact the residential character of the neighborhood.
- F. The proposed use shall not exceed customary residential noise levels.
- G. No restaurant use shall be permitted. Breakfast only may be served on the premises and only for guests and employees of the bed and breakfast inn.
- H. Rooms shall not be equipped with cooking facilities.

#### **16.20.130 Boarding and Breeding Kennels**

Boarding and breeding kennels shall locate all structures and elements used for housing animals, at least two hundred (200) feet from any property zoned NR1, NR2 or NR3.

#### **16.20.140 Building Material and Garden Equipment and Supplies Dealers**

- A. All outside storage shall be completely screened from view from all streets and adjacent NR1, NR2 or NR3 zoned property.
- B. Security fencing, a minimum of six (6) feet in height, shall be provided around the outside of all storage areas.
- C. All storage areas shall be maintained in a manner so as to limit dust from drifting onto adjoining properties.

#### **16.20.150 Cemeteries**

- A. Private and public cemeteries shall comply with all provisions of state law. In addition:
  - 1. A plat of the cemetery shall be recorded in the office of the Clerk of Superior Court.
  - 2. Any new private cemetery shall be located on a site containing not less than 20 acres.
  - 3. The site proposed for a cemetery shall not interfere with the development of a system of collector or larger streets in the vicinity of such site. In addition, such site shall have direct access to a thoroughfare by way of an access way not less than 20 feet wide.
  - 4. Any new cemetery shall be enclosed by a fence or wall not less than four feet in height.
  - 5. All structures shall be set back no less than 25 feet from any property line or street right-of-way line.
  - 6. All graves or burial lots shall be set back not less than 25 feet from any property line or minor street right-of-way lines and not less than 50 feet from any collector, arterial, expressway or freeway right-of-way line.
  - 7. The entire cemetery property shall be landscaped and maintained.
  - 8. Prior to approval of the request for the location of a new cemetery, a site plan and perpetual care plan must be submitted to the department.

#### **16.20.160 Crematories**

Crematories shall comply with all provisions of state law. In addition:

- A. The crematory shall have no more than one (1) cremation unit per location
- B. The crematory will be owned and operated by a licensed funeral home. The crematory will be used solely by the funeral home for customers having services at the location of the licensed funeral

home and operate as an off-site accessory type use to the funeral home and not as a customer-based independent business.

- C. The crematory shall not front on a major thoroughfare or arterial street.

#### **16.20.170 Child and Personal Care Uses**

Day nurseries, kindergartens; and nursing, convalescent, or rest homes not used primarily for the treatment of contagious diseases, alcoholism, drug addiction, or mental illness shall meet all applicable state requirements and shall receive all necessary board of health and state and local fire marshal approvals prior to issuance of a permit for construction and operation. Day nurseries and kindergartens shall have the following additional criteria:

- A. The lot on which such uses are established shall have access on a major or minor thoroughfare;
- B. There shall be not less than thirty (30) square feet of indoor play area for each child at maximum enrollment, and not less than one hundred (100) square feet per child of outdoor play area at maximum enrollment;
- C. The outdoor play area shall be enclosed by a fence not less than four (4) feet in height; and
- D. A circular drive shall be provided for off-street loading and unloading of children.

#### **16.20.180 Colleges and Universities**

Any structure used for colleges and universities shall have a minimum assemblage size of three (3) acres.

#### **16.20.190 Compost Facility**

- A. Composting materials shall be limited to tree stumps, branches, leaves, grass clippings or similar putrescent vegetative materials. They shall not include manure, animal products or inorganic materials such as bottles, cans, plastics, metals or similar materials.
- B. Along the entire road frontage (except for approved access crossings), provide a three-foot high landscaped earthen berm with a maximum slope of three to one and/or a minimum six-foot high, 100 percent opaque, solid wooden fence or masonry wall. The fence/wall or berm must be located outside of any public right-of-way and interior to any landscaped strip. The finished side of a fence/wall shall face the exterior property lines.
- C. Minimum acreage required – three (3) acres.

#### **16.20.200 Day Care Center, Adult; Day Care Center, Child**

- A. The use shall comply with all applicable state day care requirements for standards, licensing and inspections.
- B. The use must provide at least 100 square feet of outdoor recreation area per child.
- C. The outdoor play area must be enclosed with a six-foot high fence.
- D. The use shall provide paved driveways with drop-off areas and turnarounds to be reviewed by the department so that traffic associated with the use does not impede the flow of traffic on adjacent streets.

**16.20.210 Day Care Facility, Adult; Day Care Facility, Child**

- A. The use shall comply with all applicable state day care requirements for standards, licensing and inspections.
- B. The use shall maintain a residential appearance compatible with the neighborhood and not be detrimental to adjacent properties as a result of traffic, noise, light, refuse, parking or other activities.
- C. No sign for use shall be maintained on the site.

**16.20.220 Dry Cleaning Plants**

- A. Dry cleaning plants shall meet the following requirements:
  1. Dry cleaning plants using systems which make use of solvents rated at above forty (40) according to the Underwriters' Laboratories, Inc. Standard of Classification known as class I systems shall be prohibited.
  2. Dry cleaning plants which make use of solvents rated at more than five (5) but less than forty (40) according to the Underwriters' Laboratories, Inc. Standard of Classification, known as class II and III systems, shall not be established in buildings with other occupancy and shall only be established in buildings which shall be setback not less than twenty (20) feet from any side or rear property line and another building.
  3. The applicant for such a plant shall certify in writing at the time of application that all the above conditions shall be met.
  4. Such plant shall comply with all of the requirements of the city, county and state fire prevention codes.
  5. Such plant shall be designed to operate in a manner that will not emit smoke, odor, or objectionable waste materials and which will not produce noise that will carry beyond the walls of the building occupied by such plant.

**16.20.230 Drug Rehabilitation Center**

- A. If abutting NR1, NR2, NR3, CR or TCR districts the following standards shall apply.
  1. No meals or overnight accommodation shall be provided.
  2. The outer appearance of the building shall be compatible in height, style, front yard, roof type, fenestration and floor area with buildings on the same block.
  3. Services shall only be provided on a temporary, "out-patient basis" during daylight hours, and consistent with subsection (1) above.
  4. At least 1,000 feet shall separate a drug rehabilitation center from another drug rehabilitation center, transitional housing facility, rooming and boarding house, or personal care home.
  5. The operator must be licensed to provide treatment and rehabilitation services for persons with drug and alcohol dependency by the State of Georgia.
  6. If a rezoning or special use permit application is made for location or relocation of a halfway house, drug rehabilitation center or other facility for treatment of any dependency, public hearing requirements shall conform to O.C.G.A. § 36-66-4(f).

**16.20.240 Dwelling, Caretaker/Employee**

The use must maintain a residential appearance and shall produce no impacts in appearance, noise, light and traffic that are detrimental to surrounding properties.

**16.20.250 Dwelling, Single-Family Zero Lot Line**

- A. Adjacent interior lots on the block face shall be developed as zero lot line dwellings.
- B. The side yard requirement may be eliminated on one side of each lot. The remaining side yard shall maintain the minimum side yard dimension of the zoning district.
- C. Each lot shall meet the minimum area requirements of the zoning district.
- D. Easement agreements shall be recorded which allow maintenance and access for that side of the dwelling adjacent to the property line.
- E. When the minimum side yard is used, a privacy fence at least six feet high is required between buildings.

**16.20.260 Educational Support Services**

Any structure used for educational support services when located in a M1 district shall have a minimum assemblage size of three (3) acres.

**16.20.270 Electric Power Generation**

- A. Structures shall be placed not less than 50 feet from any property line.
- B. Structures shall be enclosed by a chain link fence at least eight feet high.
- C. The lot shall be suitably landscaped, including a buffer strip at least ten feet wide along the front, side and rear property lines; planted with evergreen trees and shrubs that grow at least eight feet tall and provide an effective visual screen.

**16.20.280 Electric, Petroleum or Gas Substation**

- A. Structures shall be placed not less than 50 feet from any property line.
- B. Structures shall be enclosed by a chain link fence at least eight feet high.
- C. The lot shall be suitably landscaped, including a buffer strip at least ten feet wide along the front, side and rear property lines; planted with evergreen trees and shrubs that grow at least eight feet tall and provide an effective visual screen.

**16.20.290 Extended-Stay Motels/Hotels**

- A. Regulations.
  - 1. Hotels, motels and extended-stay motels/hotels are limited to no more than twenty-five (25) guest rooms per acre;
  - 2. Each guest unit must contain a minimum square footage per unit of three hundred (300) square feet;
  - 3. Hotels, motels and extended-stay hotels/motels must be constructed on a tract of land containing at least two (2) acres;
  - 4. Hotels, motels and extended-stay hotels/motels must contain an enclosed, heated and air conditioned laundry space containing a minimum of three (3) clothes washers and three (3) clothes dryers for the use of guests;
  - 5. Hotels, motels and extended-stay hotels/motels must provide a minimum of one thousand (1,000) square feet for recreational use by guests. In computing the one thousand (1,000) square feet requirement, swimming pools, fitness or recreation centers and other recreational facilities may be used in determining the square footage required by this subparagraph;
  - 6. Management must be on the property twenty-four (24) hours a day, seven (7) days a week;
  - 7. Daily maid service must be included in the standard room rate; and

8. Parking areas must have security fencing and lighting with a minimum luminescence of one (1) footcandle at pavement level.
- B. Location. Extended-stay motels/hotels shall be located only within CC, Corridor Commercial District.
- C. Change of location or name.
  1. No applicant shall operate, conduct, manage, engage in, or carry on an extended-stay motel/hotel under any name other than his name and the name of the business as specified on the occupation tax certificate.
  2. Any application for an extension or expansion of a building or other place of business where an extended-stay motel/hotel is located shall require inspection and shall comply with the provisions and regulations of this chapter.

#### **16.20.300 Farming, General**

- A. All structures, buildings or enclosed areas used for the operation shall be a minimum of 100 feet from all property lines.
- B. Equipment-producing noise or sound in excess of 70 decibels shall be located no closer than 100 feet to the nearest residential dwelling.
- C. All unpaved storage areas shall be maintained in a manner which prevents dust from adversely impacting adjacent properties.

#### **16.20.310 Fitness and Recreational Sports Centers**

- A. This regulation shall apply to tennis courts, neighborhood recreation centers, basketball courts, ice rink, hockey rink, soccer, field hockey and football fields, baseball and softball fields, gymnasiums, spas, group exercise and fitness centers, yoga, karate and similar facilities.
- B. If abutting NR1, NR2, NR3, CR or TCR districts, the following standards shall apply:
  1. Hours of operation shall be limited to the hours of 6:00 a.m. to 11:00 p.m.
  2. Outdoor recreation activities shall be limited to the hours of 8:30 a.m. to 10:00 p.m.
  3. No outdoor loudspeakers or sound amplification systems shall be permitted.
  4. No outdoor storage shall be permitted.
  5. No building, swimming pool, tennis court, ball field or other form of outdoor recreation shall be closer than fifty (50) feet from these abutting districts. Outdoor lights shall be no more than ten (10) feet in height nor closer than fifty (50) feet from a property line. Outdoor lighting fixtures shall be cut-off luminaries designed to cast light downward and away from adjacent property.
  6. Property lines abutting these districts shall provide a minimum fifty (50) feet buffer continuous except where penetrated from driveways or utility lines that shall be located perpendicular to property lines.
  7. Swimming pools shall meet applicable regulations contained elsewhere in this chapter.
  8. Any commercial recreation or entertainment facility that includes amusement rides, water slides, amusement vehicles, golf driving ranges, miniature golf, batting cages, fully enclosed buildings shall meet requirements of amusement arcades.

**16.20.320 Forestry and Logging**

- A. Such activities shall be conducted consistent with "Georgia's Best Management Practices for Forestry."
- B. Forestry and logging activities taking place on commercially zoned property shall preserve undisturbed buffers as required in chapter 16-40.
- C. Forestry and logging activities taking place on property that is adjacent to occupied residential property shall preserve a fifty (50) feet undisturbed buffer from the property line of the adjacent occupied residential property.

**16.20.330 Gasoline Station and Gasoline Station with Convenience Store**

- A. The use shall not be established on any lot that is within one hundred (100) feet of any NR1, NR2 or NR3 district.
- B. All repair and maintenance activities shall be carried on entirely within an enclosed building.
- C. Outdoor storage is prohibited.
- D. Only minor automotive repair and maintenance is allowed and shall be confined within the principal structure, out of public view.
- E. The use shall have a minimum frontage on the primary street of one hundred and fifty (150) feet and a minimum lot area of 12,000 square feet.
- F. Gas pumps, canopies, air hoses and other accessories, appurtenances and equipment shall be set back at least fifty (50) feet from the right-of-way line.
- G. Provide eight (8) feet high visual buffer adjacent to any existing adjacent residential uses.
- H. All drives, parking, storage and service areas shall be paved and curbed.
- I. Outside above-ground tanks for the storage of gasoline, liquefied petroleum gas, oil, and other flammable liquids or gases shall be prohibited at any gasoline service station.
- J. Overnight accommodations, showers, and overnight customer parking is prohibited.
- K. The use shall not be combined with any other use(s) or facility so as to create a truck stop. See chapter 16.08.

**16.20.340 Halfway House**

- A. No more than fifteen (15) residents shall be permitted, not including attendants and employees of the operator.
- B. Operator must be licensed for treatment of drug and alcohol dependency.
- C. Parking must be provided in an enclosed garage or in the rear or side yard.
- D. The outer appearance of the building shall be compatible in height, style, front yard, roof type, fenestration and floor area with buildings on the same block.
- E. Services shall not be provided on an "out-patient basis" to persons who are not regular residents of the facility, as described in subsection (A) above.
- F. At least one thousand (1,000) feet shall separate the halfway house from another halfway house, transitional housing facility, rooming and boarding house, or personal care home.
- G. If a rezoning or special use permit application is made for location or relocation of a halfway house, drug rehabilitation center or other facility for treatment of any dependency, public hearing requirements shall conform to O.C.G.A. § 36-66-4(f).

**16.20.350 Home Occupations**

- A. It is the intent and purpose of this section to provide for certain types of restricted occupational uses within NR1, NR2, NR3, CR and TCR zoning districts. Such uses are restricted to those which:
1. Are incidental to the use of the premises as a residence;
  2. Are compatible with residential uses; and
  3. Do not detract from the residential character of the neighborhood.
- B. In all NR1, NR2, NR3, CR and TCR zoning districts, any building used for residential occupancy may conduct a home occupation use provided that:
1. The primary use of the unit is a dwelling;
  2. The following standards are complied with in full at all times:
    - a. Such use shall be conducted entirely within the dwelling unit and only persons living in the dwelling unit shall be engaged and employed in such occupation, and the number of residents employed shall not exceed two (2);
    - b. No mechanical or electrical equipment is to be utilized except that which is necessarily, customarily, or ordinarily used for household or leisure purposes;
    - c. No equipment that interferes with radio and/or television reception shall be allowed.
    - d. No toxic, explosive, flammable, combustible, corrosive, radioactive, or other restricted materials shall be used or stored on the premises;
    - e. There shall be no outside operations, storage, or display of materials or products;
    - f. No accessory buildings shall be used in connection with the home occupation;
    - g. No alteration of the residential appearance of the premises occurs, including the creation of a separate entrance to the dwelling or utilization of an existing entrance exclusively for the business;
    - h. There shall be no exterior evidence of the home occupation;
    - i. No commodity shall be stocked or sold on the premises to the general public;
    - j. No process shall be used which is hazardous to public health, safety, or welfare;
    - k. Visitors, customers, or deliveries shall not exceed that normally and reasonably occurring for a residence and shall, under no circumstance, exceed more than two (2) business visitors an hour and eight (8) a day and not more than two (2) manufacturer or wholesaler direct deliveries of products or materials per week;
    - l. No on-street parking associated with the business shall be permitted;
    - m. Only vehicles used primarily as passenger vehicles shall be permitted in connection with the conduct of the home occupation;
    - n. The home occupation shall be restricted to twenty-five (25%) percent of the dwelling and shall not exceed one hundred and fifty (150) square feet of floor area. Said home occupation use shall be clearly secondary to the use of the dwelling for dwelling purposes; and
    - o. There shall be no group instruction, assembly or activity;

**16.20.360 Hospital**

- A. The lot shall have access to a major thoroughfare.
- B. Side and rear setbacks shall be at least 25 feet or the minimum required by the zoning district, whichever is greater.
- C. Front building setback shall be at least 50 feet.

**16.20.370 Hotel/Motel**

- A. All guest rooms shall be accessed internally to the building with no direct room access to the outside. The lobby shall be a minimum of seven hundred (700) square feet in size.
- B. Each hotel/motel site shall be a minimum of two (2) acres.
- C. Each hotel/motel must provide management on duty twenty four (24) hours a day.
- D. Each guest room shall have a minimum of three hundred (300) square feet and shall be accessed with a magnetic keycard entry/locking device.
- E. For buildings three (3) stories or less or containing no more than one hundred and thirty (130) rooms, each hotel/motel building shall have a minimum roof pitch of 2:1.
- F. Outside storage of commercial equipment is prohibited.
- G. No business license shall be issued for any business operating from any guest room of the facility.
- H. Provide a seventy five (75) feet natural buffer, enhanced with an additional twenty five (25) feet landscaped buffer (total one hundred (100) feet) adjacent to NR1, NR2, NR3, CR and TCR zoned property.
- I. Any outdoor recreational areas provided shall be located to the rear of the site.

**16.20.380 Industrialized Homes**

- A. Industrialized homes shall be used only for residential purposes. Nothing in this section is intended to prohibit industrialized buildings designed and used as nonresidential structures in mixed use or industrial districts.
- B. All industrialized homes shall comply with the following regulations:
  - 1. At the time an application for installation of any industrialized home is presented for review, the applicant must present evidence of the following:
    - a. The serial number for the home as provided by the manufacturer.
    - b. Proof of the identity of the manufacturer.
    - c. Proof of inspection of the home at the date of manufacture, including Department of Community Affairs (DCA) insignias.
  - 2. No industrialized home shall be in a state of disrepair at the time of its installation at the intended location within the unincorporated areas of the city. Proof of an approved **DCA** insignia may be accepted as evidence of a new industrialized home's compliance with this subsection.
  - 3. It shall be the responsibility of the building inspector to inspect industrialized homes being placed or relocated within the city. The building inspector shall conduct such inspections necessary to ensure the following:
    - a. External connections to gas, plumbing, electric and any other utility systems shall be constructed and installed in a manner that meets all city building codes.
    - b. Each industrialized home site shall include an approved potable water source and an approved sewage disposal system meeting the requirements of the state division of environmental protection and all city and county requirements.
    - c. Steps and landings of the requisite size and composition under the Standard Building Code of the Southern Building Code Congress International (SBCCI), shall, at a minimum, be required of all industrialized homes, with such provisions being expressly incorporated by reference herein as part of this requirement.

4. All industrialized home sites shall conform to all regulations for the zoning district in which the home is located.
5. No industrialized home may be attached to another industrialized home by means of a breezeway, corridor or hallway. Industrialized homes designed to be part of a multi-unit residential structure are prohibited.
6. Industrialized homes shall not be used as accessory structures.
7. No industrialized home shall be located within the boundary of any designated historic district unless and until a certificate of appropriateness has been obtained from the Historic Preservation Commission pursuant to the applicable provisions and criteria of chapter 16.52.

#### **16.20.390 Keeping and Raising of Farm Animals**

The keeping and raising of all farm animals and fowl and use of private stables shall be limited to property having a minimum lot area of three (3) acres which is not part of a platted subdivision. Any structure, pen, corral or other building appurtenant to the keeping and raising of farm animals must be located a minimum of two hundred (200) feet from any property line. The keeping and raising of farm animals and fowl shall be subject to all regulations promulgated by the Newton County Health Department.

#### **16.20.400 Kennel, Hobby and Pet Boarding**

- A. The lot size shall be a minimum of two (2) acres.
- B. All structures housing animals shall be located at least one hundred (100) feet from property lines or street right-of-way.
- C. All areas maintaining animals outside shall be located no closer than two hundred (200) feet from property lines or street right-of-way.

#### **16.20.410 Landfill, Inert Waste**

- A. Standards.
  1. Minimum acreage of site: twenty five (25) acres.
  2. No facility shall be permitted within five hundred (500) feet of a residential dwelling, private well, or school.
  3. A minimum one hundred (100) foot-wide buffer, meeting the requirements of this chapter, shall be maintained on all property lines including property lines abutting a public street.
  4. All facilities shall be enclosed with a security fence at least six feet in height with openings therein not more than those in two-inch mesh wire or some other similar fencing materials and placed inside the buffer. A minimum six-foot-high solid fence or wall is required inside buffers adjacent to any zoning district other than M1 or M2. A sight line study shall be submitted to city staff for approval.
  5. Access to inert waste landfills shall be limited to authorized entrances that shall be closed when the site is not in operation. Access shall not be derived through any residential subdivision or development. Routes and entrances shall be approved by the Public Works Director to ensure that access is derived from paved streets and that such streets will withstand maximum load limits established by the city.
  6. Materials placed in inert waste landfills shall be spread in layers and compacted to the least practical volume.

7. A uniform compacted layer of clean earth no less than one foot in depth shall be placed overall exposed inert waste material at least monthly.
8. The inert waste landfill site shall be graded and drained to minimize runoff onto the landfill surface, to prevent erosion and to drain water from the surface of the landfill.
9. The property owner shall obtain a land disturbing permit for any inert waste landfill.
10. No hazardous wastes, industrial wastes, demolition wastes, biomedical wastes, asbestos, or liquid waste shall be allowed in an inert waste landfill.
11. This section shall not prohibit the burial of dry waste building materials on the same property of a structure currently under construction. However, hazardous materials may not be included in this disposal.
12. Suitable means, such as stockpiled soil, shall be provided to prevent and control fires.
13. A uniform compacted layer of final cover not less than two feet in depth and a vegetative cover shall be placed over the final lift not less than one month following final placement of inert waste within the lift.
14. Notice of final closure must be provided to the inspections department within 30 days of receiving the final load of waste. Any site not receiving waste in excess of 180 days shall be deemed abandoned and in violation of this section unless properly closed. Notice of closure must include the date of final waste receipt and an accurate legal description of the boundaries of the landfill.

#### **16.20.420 Landfills, Sanitary (Municipal)**

##### **A. Standards.**

1. Minimum acreage of site: 100 acres.
2. No facility shall be permitted within 500 feet of a residential dwelling, private well, or school.
3. A minimum 200-foot-wide buffer, meeting the requirements of this chapter, shall be maintained against all property lines including property lines abutting a public street.
4. All facilities shall be enclosed with a security fence at least six feet high with openings therein not more than those in two-inch mesh wire or some other similar fencing materials and placed inside the buffer. A minimum six-foot-high solid fence or wall is required inside the buffers adjacent to any zoning district other than M1 or M2.
5. Limited access. A gate or other barrier shall be maintained at potential vehicular access points to block unauthorized access to the site when an attendant is not on duty. Access shall not be derived through any residential subdivision or development. Routes and entrances shall be approved by the Public Works Director to ensure that access is derived from paved streets and that such streets will withstand maximum load limits established by the city.
6. The property owner shall obtain a land disturbing permit for any sanitary landfill.
7. Groundwater protection. The site must be designed with adequate soil buffers or artificial lines and leachate collection and treatment systems to preclude, to the maximum extent possible, the contamination of drinking water supplies.
8. Erosion and sedimentation control. All surface runoff from disturbed areas must be controlled by the use of appropriate erosion and sedimentation control measures or devices. Sediment basins must be designed to handle both the hydraulic loading for the 25-year, 24-hour storm and the sediment loading from the drainage basin for the life of the site.

9. Revegetation. The plan must call for the revegetation of any disturbed area that will remain exposed for more than three months. Revegetation of final cover must take place within two weeks after final cover placement.
  10. Sequence of filling. The plan must define a sequence of filling the entire site that minimizes any problems with drainage or provides for all-weather access roads to the working area.
  11. Daily cover. The composition of daily cover shall meet the following standards:
    - a. Must be capable of preventing disease vectors, odors, blowing litter, and other nuisances.
    - b. Must be capable of covering solid waste after it is placed without change in its properties and without regard to weather.
    - c. Must be capable of allowing loaded vehicles to successfully maneuver over it after placement.
    - d. Must be noncombustible.
    - e. Forty percent by weight of the fragments in the daily cover shall pass through a two millimeter, No. 10 sieve.
    - f. Must not include rock fragments that are greater than six inches in diameter.
  12. Intermediate or monthly cover. The composition of intermediate or monthly cover shall meet the same criteria for daily cover and be capable of supporting the germination and propagation of vegetative cover.
  13. Final cover. The composition of final cover shall meet the same criteria as for monthly cover and must compact well and preclude the excessive infiltration of surface water.
  14. Final grading. The grade of final slopes shall be designed, installed and maintained to:
    - a. Ensure permanent slope stability.
    - b. Control erosion due to rapid water velocity and other factors.
    - c. Allow compaction, seeding and revegetation of cover material placed on slopes.
    - d. Ensure minimal percolation of precipitation into and surface runoff onto the disposal area.
    - e. The grade of the final surface of the facility may not be less than three percent nor greater than 33 percent.
  15. Fire protection, groundwater monitoring, methane gas control, liners and leachate collection, closure, post-closure care and financial responsibility shall be in conformance with chapter 391-3-4, Solid Waste Management Rules of the Environmental Protection Division of the State Department of Natural Resources.
- B. Any operator of any sanitary landfill shall comply with the performance requirements of chapter 391-3-4, Solid Waste Management Rules of the Environmental Protection Division of the State Department of Natural Resources.
  - C. No regulated quantities of hazardous waste may be accepted. The operation must have a plan for excluding regulated quantities of hazardous waste.
  - D. No person in responsible charge of a sanitary landfill which has a leachate collection system shall perform the duties of a sanitary landfill operator without being duly certified by the state.
  - E. No sanitary landfill which has a leachate collection system shall be operated in the state unless the person in responsible charge is duly certified by the state.

**16.20.430 Libraries and Archives**

- A. When located in NR1, NR2 or NR3 districts, such uses shall:
1. Be located on a collector or arterial street.
  2. Provide a fifty (50) feet buffer adjacent to NR1, NR2 or NR3 zoning districts.
  3. Set back driveways and parking areas a minimum of twenty five (25) feet from side and rear property lines.

**16.20.440 Livestock, Quarters and Enclosures (Includes Poultry)**

- A. The keeping and raising of all farm animals and fowl and use of private stables shall be limited to property located within the NR1 zoning district on lots having a minimum lot area of three (3) acres.
- B. Any structure, pens, corral or other building appurtenant to the keeping and raising of livestock or poultry must be located a minimum of thirty (30) feet from any property line.

**16.20.450 Manufacturing Plants; Machinery Manufacturing**

Manufacturing Plants shall maintain noise level factors that meet minimum state of the industry standards for:

- A. Building Equipment: Sound pressure or sound power level data for refrigeration machines, boilers, fans, cooling towers, condensers, roof-top units, pumps, motors, diesel and gas reciprocating engines, gas turbine engines, steam turbines, gears, transformers and similar equipment; sample calculations of sound levels in mechanical equipment room; sample noise specification for equipment.
- B. Industrial Equipment: Sound level data for representative transportation, construction, manufacturing and power plant equipment.

**16.20.460 Mineral Extraction/Rock for Production and Processing of Crushed Stone**

- A. Standards.
1. All improved and maintained entrances shall be fenced and locked during non-business hours. The property shall be adequately posted and such notice filed with the proper city authority.
  2. Operators shall comply with state department of natural resources, surface mining land reclamation program rules and regulations, and the mining permit number filed with the Director of Public Works.
  3. A blasting limit of two inches per second peak particle velocity as measured from any of three mutually perpendicular directions in the ground adjacent to off-site buildings shall not be exceeded.
  4. An air blast limit of 90 decibels (linear-peak) measured at the property line of adjacent NR1, NR2, NR3, CR, TCR, NM, CM or TCM district properties shall not be exceeded.
  5. Seismographic and noise instrumentation shall be required for a minimum of one blast per three-month period. The records of such instrumentation and records of all blasts (including total charge weight, charge weight per delay, charge depth, date and time, location and meteorological conditions) shall be retained by the operator for a period of not less than two years. Copies of all blast records shall be forwarded to the Director of Public Works within five days following each blast. All non-instrumental blasts shall be in compliance with the recommended scaled distance, as defined by the United States Department of Interior, Bureau of Mines Bulletin 656 entitled, "Blasting Vibrations and Their Effects on Structures."

6. Millisecond-delay blasting shall be used to decrease the vibration level from blasting.
7. Blasting shall coincide with the period between 8:00 a.m. and 5:30 p.m. except when on-site hazards to safety dictate otherwise.
8. The blasting and extraction shall not be established within 500 feet of any property line.
9. These uses shall only be established on a site of not less than 200 acres.

#### **16.20.470 Mini-warehouses and Self-storage Units**

- A. A seventy five (75) foot wide buffer shall be required when abutting NR1, NR2 or NR3 property.
- B. Buildings shall have a pitched roof with pitch of at least 1:3.
- C. No sale of merchandise or flea markets shall be conducted on the property.
- D. Access shall be only to streets classified as arterials by the city of Covington.
- E. No outdoor storage is permitted.
- F. No outdoor speakers or amplification shall be permitted.
- G. Outdoor lighting shall be directed downward and away from adjacent property.

#### **16.20.480 Motor Vehicle Sales**

The following regulations shall apply to used motor vehicle sales for those establishments that are without a franchised dealership.

- A. All vehicles shall be parked on paved surfaces or approved pervious paving materials.
- B. All outdoor vehicle display areas shall be at least fifty (50) feet from the right-of-way line and no closer than one hundred (100) feet from the nearest residence.
- C. No more than fifty (50) vehicles may be displayed outside in areas that are visible from a public street.
- D. Other vehicle display shall be located within a building or outside storage that is screened from public view.
- E. Vehicle maintenance, repair, painting and body work must take place within a building.

#### **16.20.490 Open Yard Storage Business**

- A. Intent. The intent of this supplemental regulation is to protect residential property values and to ensure that the community's children will not be visually attracted to or have easy access to potentially dangerous accumulations of materials stored out of doors by businesses regulated under this article.
- B. Site development standards. No person shall engage in or operate an open yard storage business in the unincorporated areas of the city unless that business is in compliance with the following:
  1. Each business shall establish and maintain a transitional buffer around the property upon which the storage area is located, measured from the right-of-way of the nearest public road to the fence, or the property line of any other real property adjoining the property upon which the business is located, whichever is closest. Said transitional buffer shall be at least:
    - a. 30 feet in depth for all storage areas under three acres in size.
    - b. 50 feet in depth for all storage areas from three acres to ten acres in size; or for any portion of the open yard storage business adjacent to a stream or lake.
    - c. 100 feet in depth for all storage areas over ten acres in size.
- C. No storage or vehicle parking shall be allowed in any transitional buffer, provided entrance roadways shall be allowed in any transitional buffer.

- D. Each such business shall establish and maintain a fence on the inner boundary line of the transitional buffer for that business.
- E. Any fence required in this article shall be a substantial and solid wooden, rock, brick or masonry fence or wall of at least six feet in height approved by the planning and zoning director. Said fence shall have openings only for gates at entrance roadways. Each such gate shall be designed and constructed of materials compatible with the fence to which it is attached and shall be capable of being securely locked. All gates shall be approved by the planning and zoning director for those purposes.
- F. The transitional buffer shall be undisturbed except for entrance roadways, which roadways shall run generally perpendicular to the buffer zone boundaries. No road shall be built in the transitional buffer to provide access to the perimeter of the property.

#### **16.20.500 Outdoor Storage**

- A. Outdoor storage or sales displays shall be prohibited from front yards and shall be screened from view from public streets and adjacent property by a permanent opaque enclosure consisting of a minimum eight (8) feet high solid fence or wall, except as follows:
  - 1. The sale of seasonal goods may be permitted on NM, CM, TCM, M1 or M2 zoned property, including outdoor display of such goods, if such sales are authorized by the planning commission. Such sales shall be limited to sites that:
    - a. Provide adequate off-street parking on approved surfaces;
    - b. Provide safe and adequate vehicular access;
    - c. Do not limit safe pedestrian access and movement;
    - d. Are not adjacent to NR1, NR2 or NR3 zoned property;
    - e. Limit the area for the sale and display of goods to a depth not greater than twelve (12) feet from the primary building facade and not within a public or private road, street or drive; and
    - f. Prevent storage displays, sales displays or any form of merchandise and associated devices or structures from being permanently secured to the ground.
  - 2. Outdoor sales and service areas shall provide an adequate number of parking spaces, as required in chapter 16.44 of this ordinance, in addition to the minimum number of parking spaces required for indoor sales or service areas located on the same lot. Parking spaces obstructed by outdoor sales or service may not be used to meet the minimum parking requirements of chapter 16.44.

#### **16.20.510 Parks and Playgrounds**

Parks and playgrounds shall have the following additional criteria:

- A. When located within any NR1 and NR zoning district, all buildings and structures shall be located not less than fifty (50) feet from any property line.
- B. Outdoor activity shall be limited to the hours of 8:00 a.m. to 11:00 p.m.

**16.20.520 Parking and Storage of Large Vehicles**

In all NR1, NR and NR3 zoning districts the parking or storage of any vehicle in excess of two thousand (2,000) pounds load capacity as identified or defined by the manufacturer (other than recreational vehicles) is prohibited except when the following provisions apply:

- A. Such vehicle may park within a fully enclosed structure that meets all other criteria of the zoning district.
- B. Such vehicle may park on the side or to the rear of the primary residential structure on the lot provided that the lot is three (3) acres or larger, but in no case may be closer than one hundred (100) feet from any property line.

This section shall not apply to vehicles that park or stand in NR1, NR and NR3 zoning districts for less than eight (8) hours unless engaged in the loading or unloading of the vehicle.

**16.20.530 Parking in NR1, NR2 or NR3 Zoning Districts**

Parking any vehicle weighing two thousand (2,000) pounds load capacity or less, shall not be allowed in the front yard, side yard or rear yard of a residence unless said automobile, motorcycle, motor vehicle or trailer is parked on a concrete, asphalt or gravel driveway or parking area. It shall be unlawful to park any automobile, motorcycle, motor vehicle or trailer on the grass, lawn or dirt areas in the yard of any residence located within the corporate boundaries of the City of Covington.

**16.20.540 Pawn Shops**

- A. At least two thousand (2,000) feet shall separate a pawn shop from another pawn shop.
- B. If the pawn shop involves title pawn then associated vehicles shall be stored at another location which allows for the long-term storage of such vehicles.

**16.20.550 Personal Care Homes; Family, Group or Congregate**

- A. The home shall maintain a residential appearance compatible with the surrounding neighborhood.
- B. The home shall meet all requirements of, and be licensed, permitted, or registered with, the Department of Human Resources, Office of Regulatory Services.
- C. No personal care home shall be occupied prior to issuance of a business license. A certificate of occupancy certifying compliance with all building, electrical, fire safety and other local and state codes applicable to such uses shall be required prior to issuance of a business license.
- D. To prevent a negative institutional atmosphere created by the concentration or clustering of community residences of this type, personal care homes shall have the following distance requirements:
  1. Personal care homes, family; when located in NR1, NR2 and NR3 districts. Personal care homes shall be located a minimum distance of fifteen hundred (1,500) linear feet apart measured from the closest point of the lot.
  2. Personal care home, group; when located in CR, TCR, NM, CM and TCM districts. No more than one (1) personal care home shall be located on each block, including opposing sides of the same block.
  3. Personal care home, congregate. This subsection D shall not apply to congregate personal care homes.

**16.20.560 Passenger Car Rental**

- A. All vehicles shall be parked in marked spaces that are separate and over and above in number the required parking spaces for rental business establishments
- B. All vehicles shall be parked on paved surfaces or approved pervious paving materials.
- C. All outdoor vehicle display areas shall be at least fifty (50) feet from the right of way line and no closer than one hundred (100) feet from the nearest residence.
- D. Vehicle storage, cleaning and maintenance must take place within a building or outside storage area that is screened from public view.
- E. Vehicle repair, painting and body work may not be conducted on the premises.

#### **16.20.570 Places of Worship and Religious Institutions Larger Than Ten Acres**

Religious institutions and other places of worship that are ten (10) acres or greater in size shall meet the following additional criteria:

- A. Said uses shall be located on a four (4) lane or wider street with at least one hundred (100) feet of public street frontage;
- B. The buildings shall not be set back less than seventy-five (75) feet from any property line, except where the adjoining property is zoned NM, CM, TCM, M1 or M2, in which case the setback shall be established within the applicable zoning district;
- C. No parking area shall be established within twenty (20) feet of a residence; and
- D. There shall be a planted buffer strip of at least ten (10) feet in width along the side and rear property lines;

#### **16.20.580 Quarry**

- A. Quarry areas being excavated shall be entirely enclosed within a fence located at least ten feet from the edge of any excavation and of such construction and height as to be demonstrably able to exclude children and animals from the quarry area.
- B. The operators and owners of the quarry shall present to the planning commission as part of their special use permit application an acceptable comprehensive plan for the reuse of the property at the cessation of operations.
- C. In the case of an existing quarry, an extension of quarry operations beyond the areas being quarried or approved for quarrying at the effective date of the zoning ordinance shall be permitted and shall not be considered a new operation, provided that the extension does not extend to within 1,000 feet of a NR1, NR2, NR3, CR, TCCR, NM, CM or TCM zoning district boundary line, measured along a straight line connecting the nearest points of the subject district boundaries.

#### **16.20.590 Recreational and Vacation Camps, RV Parks and Campgrounds**

- A. Only accessory services and parking related exclusively to the recreational operations shall be allowed.
- B. Total floor area of all buildings shall be a minimum of two thousand (2,000) square feet. The building(s) shall be located at least one hundred (100) feet from all NR1, NR2 or NR3 zoned property.
- C. The site shall be at least twenty (20) acres in size.
- D. All outdoor activities shall take place at least one hundred (100) feet from any property line adjacent to a NR1, NR2 or NR3 district.
- E. Outdoor activity areas shall be sufficiently screened and insulated so as to protect adjacent property from noise and other disturbances.

- F. No outdoor storage shall be allowed.
- G. No outdoor public address system shall be allowed
- H. Outdoor recreation activity adjacent to NR1, NR2 or NR3 zoned property shall cease before 8:00 p.m.

#### **16.20.600 Rooming and Boarding House**

- A. No more than six (6) occupants, not including owner and owner's family if residing on the premises.
- B. Parking must be provided in an enclosed garage or in the rear or side yard.
- C. The outer appearance of the building shall be compatible in height, style, front yard, roof type, fenestration and floor area with buildings on the same block.
- D. If meals are served on the premises, meals may only be served to residents and owner's family members if present.
- E. At least one thousand (1,000) feet shall separate a rooming and boarding house from another rooming and boarding house, transitional housing facility or personal care home.

#### **16.20.610 School K-12**

- A. Minimum lot size.
  - 1. Elementary school: Five acres, plus one additional acre for each 100 students based on the design capacity of the school.
  - 2. Middle school: 12 acres plus one additional acre for each 100 students based on the design capacity of the school.
  - 3. High school: 20 acres, plus one additional acre for each 100 students based on the design capacity of the school.
- B. Private school in a NR1 or NR2 zoning district. When located in a NR1 or NR2 zoning district, the following additional standards shall apply:
  - 1. A 50-foot buffer adjacent to the NR1 or NR2 zoning district is required.
  - 2. Driveways and parking areas must set back 25 feet from side property lines.
  - 3. The scale, intensity, and operation of the use shall not generate unreasonable noise, traffic congestion, or other potential nuisances or hazards to contiguous NR1 or NR2 properties.
  - 4. Accessory uses and facilities. In addition to the accessory uses and facilities that are permitted in chapter 16.16 for the zoning district in which the private school is located, additional accessory uses and facilities are permitted that are customarily associated with schools and intended primarily for the use of students, such as an auditorium, library, administrative offices, cafeteria and related kitchen and dining area, or outdoor recreational facilities occupying less than 10,000 square feet. No signage shall be allowed for accessory uses.
- C. The following additional uses may be permitted as accessory to the private school only upon approval of a special use permit in accordance with section 16.12.220, and provided that they meet all regulations specific to the proposed use or facility contained in this chapter 16.24, and that they meet each of the additional standards provided in subsection D:
  - 1. Outdoor recreation facilities 10,000 square feet or larger.
  - 2. Indoor recreation facilities such as gymnasiums, health, and fitness facilities.
  - 3. Recreation center and club.
  - 4. Health and social services; including counseling, outpatient clinics, and the like.
  - 5. One dwelling for an employee of the private school.

- D. Standards for approval of special use permits for additional uses listed in subsection C:
  - 1. Outdoor activity shall be limited to the hours of 10:00 a.m. to 10:00 p.m., unless otherwise granted by the planning and zoning director.
  - 2. The scale, intensity, and operation of the accessory use or facility shall not generate unreasonable noise, traffic congestion, or other potential nuisances or hazards to contiguous NR1, NR2 or NR3 properties.
  - 3. No signage shall be allowed for any accessory or special use.
- E. Retail and commercial sales uses shall be prohibited in a NR1, NR2 or NR3 zoning district.

#### **16.20.620 Solid Waste Transfer Station/Materials Recovery Facilities**

- A. A survey, demonstrating compliance with all standards in this section and sealed by registered surveyor, and site plan are required.
- B. Minimum acreage of site: Five acres.
- C. Maximum acreage of site: Ten acres.
- D. The property shall be located at least 500 feet, measured from nearest property line to nearest property line, from NR1, NR2, NR3, CR or TCR zoning districts, nonconforming residential dwellings in NM, CM or TCM zoning districts, private or public wells, lakes, medical facilities, childcare facilities, schools or churches.
- E. A minimum 100-foot-wide landscaped buffer, to include evergreen species and meeting all other requirements of this chapter, with access only allowed in the buffer, shall be maintained along all property lines including property lines abutting a public street.
- F. All facilities shall be enclosed with a solid security fence at least eight feet in height parallel to all property lines and placed on the interior side of the required landscape buffer. A sight line study shall be submitted to city staff for approval.
- G. Processing, equipment, materials and waste shall be strictly confined to the interior of the transfer station building.
- H. Solid waste shall not be allowed to be stored on the tipping floor in the transfer station building overnight. Vehicles containing waste materials shall not be allowed to remain on-site overnight.
- I. All runoff from wash water and stormwater shall be discharged to an on-site wastewater treatment system approved by the city. All paved areas shall drain into the on-site wastewater treatment system.
- J. Solid residues from sewerage or other materials treatment processes shall be excluded from transfer station facilities.
- K. Dust, odors and similar conditions, rodents, insects, and other such pests shall be controlled in accordance with federal, state and city health codes. All necessary action shall be taken to mitigate such conditions at transfer station facilities. These conditions shall not be detectable at the boundary of the property without the aid of instruments.
- L. All parking and queuing of vehicles shall be paved and provided on-site. In addition to the parking requirements of this chapter, a minimum of five spaces for queuing of vehicles containing waste materials shall be provided. No parking or queuing shall be allowed in any buffer area or on a public street.
- M. Vehicular access shall not be through any residential subdivision or development. Routes and entrances shall be approved by the Public Works Director to ensure that access is derived from paved streets, that such streets will withstand anticipated maximum load limits, and that all safety issues are satisfactorily addressed.

- N. All vehicles containing waste materials shall enter and leave the facility in a covered condition as required in subsection m above.
- O. Establish operating hours of 5:00 a.m. to 4:00 p.m., Monday through Friday, and 7:00 a.m. to 12:00 noon on Saturday, to reduce the nuisance produced by the operation.
- P. The operation of transfer station facilities will comply with any and all current and updated applicable federal, state and local laws regarding the processing and disposal of solid waste.
- Q. All permits are required to be in force and active from the state environmental protection division prior to permitting of the facility. Permit or certificate of approval from the state environmental protection division is to be provided to the department of public services and engineering on an annual basis at the time of business licensing renewal.

#### **16.20.630 Sports Teams and Clubs**

- A. All athletic fields shall have access to collector or arterial street.
- B. No amplified outdoor sound system speaker may be located closer than 200 feet from the nearest residence, measured along a straight line connecting the source with the nearest point of the nearest residential structure.

#### **16.20.640 Storage Tank, Bulk, Flammable Liquids**

- A. No above-ground storage facilities may be located on the same lot as an automobile service station or closer than 500 feet from any NR1, NR2, NR3, CR or TCR zoned property or school.
- B. No tank or other structure used for storage of flammable or toxic liquids shall be closer than 100 feet from a property line.
- C. A fire prevention, evacuation and safety plan must be approved by the Covington Fire Department.
- D. A spill containment and noise and air pollution abatement plan must be approved by the department.

#### **16.20.650 Storm Shelter**

- A. Storm shelters are permissible as accessory uses and structures, where permitted, subject to the following conditions:
  - 1. If any portion of the structure extends above the ground, that portion above the ground must comply with the minimum setback and lot coverage regulations of the district in which it is located, and the site plan for such shelter must be approved by the planning and zoning director.
  - 2. If the structure is completely underground, it shall comply with yard requirements of an accessory use, and impervious surface limits or building coverage limits shall not apply to an underground storm shelter which has no impervious surface extending closer than two feet below natural grade.
  - 3. A storm shelter, underground or above ground, shall be confined to a side or rear yard and shall not be located in the front yard between the main building and the street on which it fronts.
  - 4. Storm shelters may be contained in other structures or may be constructed separately.

**16.20.660 Swimming Pool, Home**

Swimming pools accessory to residences shall be enclosed by a security fence of a minimum height of five feet with a gate containing a self-closing positive latch device to insure that the pool is enclosed at all times. Health department approval shall be required prior to issuance of a building permit. The fence and gate shall be installed prior to filling the pool with water.

**16.20.670 Swimming Pool, Nonresidential**

Any constructed or prefabricated pool used other than in conjunction with a private residence requires health department approval. Public pools shall be enclosed by a fence of a minimum height of five feet with all gates containing a self-closing positive latch device to insure the pool is enclosed at all times.

**16.20.680 Temporary Structure**

- A. A temporary structure shall be any small structure, not to exceed the size of a large house trailer (20 feet by 50 feet), or any portable, movable or mobile building or trailer, which is placed on a construction site within the unincorporated areas of the city; or any building as used for a sales office for real estate brokers and agents properly authorized to do business within the city; or any building as used as an office for the contractor who is properly authorized to do business within the city; or any other properly licensed agents within the city.
- B. A temporary structure may be located on a particular site during the construction of houses, factories, stores and the like as provided in this section:
  - 1. A permit for the construction or location of a temporary structure to be used as a real estate sales office or construction office may be issued only after verification of proper zoning and approval of the construction site plans.
  - 2. The permit, when issued, shall expire one year from the date of issuance or immediately upon the completion of the construction concerned or if a subdivision, when the last house is sold, if before the one-year limit.
  - 3. An extension may be granted upon request, and may be granted for any length of time so approved, not to exceed a period of six (6) months; and the fee may be prorated on a per-month basis if so deemed by the mayor and council.
  - 4. Cost of the permit shall be as established by the mayor and council.
  - 5. Any violation of this section shall constitute grounds for the refusal of the city to issue any building permit requested by the violator.

**16.20.690 Temporary Use, Commercial Retail**

Commercial structures of a seasonal or temporary nature including, but not limited to food stands, vendors or similar uses are permitted only in those commercial districts allowing similar uses on a permanent basis. Such structures shall meet appropriate city building codes, and if connected to utility systems, shall obtain necessary permits. A commercial retail temporary use shall require a permit issued by the department based on compliance with these provisions and other Covington code provisions for a duration not to exceed 90 days. A single thirty (30) day extension may be authorized if approved in writing by the planning and zoning director.

**16.20.700 Transitional Housing Facility**

- A. No more than six (6) residents, not including owner and owner's family if residing on the premises.
- B. Parking must be provided in an enclosed garage or in the rear or side yard.

- C. The outer appearance of the building shall be compatible in height, style, front setback, roof type, fenestration and floor area with buildings on the same block.
- D. If meals are served on the premises, meals may only be served to residents and owner's family members, if present.
- E. Services shall not be provided on an "out-patient basis" to persons who are not regular residents of the facility, as described in subsection B of this subsection.
- F. At least one thousand (1,000) feet shall separate a transitional housing facility from another transitional housing facility, rooming and boarding house or personal care home.

#### **16.20.710 Utility Structures and Buildings**

Utility structures and buildings, including electric power generating units and natural gas substations, telephone exchanges, and similar structures must be fenced and properly screened with a six-foot high planted buffer as approved by the department.

#### **16.20.720 Veterinary Services**

- A. Any structure used as an animal hospital or veterinary clinic shall be located and its activities conducted at least fifty (50) feet from any property zoned NR1, NR2 or NR3, measured along a straight line connecting the nearest points of the subject properties.
- B. Medical treatment or care shall be practiced only within an enclosed building or structure.
- C. Kennel or boarding operations incidental to the principal use shall be permitted only within an enclosed building or structure located at least 100 feet from any property zoned NR1, NR2 or NR3, measured along a straight line connecting the nearest points of the subject properties.
- D. The building or structure shall be designed to prevent the adverse impact of noise and/or odor from the animals on adjoining properties.

#### **16.20.730 Yard Sale Regulations**

- A. Purpose.  
These rules and regulations are intended to serve the following purposes, among others: To protect and promote the health, safety, morals and general welfare of the residents of the city of Covington; to protect the number of yard sales within any one area of the city; to establish time limits; to certify by property owners the type of merchandise to be sold; to establish parking requirements and zoning districts; and to provide for the issuance of permits and sign regulations.
- B. Administration. These rules and regulations shall be administered by the planning and zoning office.
- C. Approval Before Sale. No property owner shall sell or negotiate to sell merchandise at a yard sale before the issuance of the permit from the planning and zoning office of the city.
- D. Zoning Districts. A yard sale can be conducted in any zoning district within the city.
- E. Limits on Sales. Only one permit can be issued per property owner within any ninety (90) day period.
- F. Time Limit. A single permit is good for a period not to exceed two consecutive days at any one time. All sales shall be between one hour after sunrise to one hour before sunset.
- G. Certifying of Merchandise. The individual holding the sale shall be responsible for certifying that there shall be no retail business conducted in said sale.
- H. Parking. Parking shall not be in conflict with the normal traffic flow of said street in front of property.

- I. Signs. One temporary on-premise sign is allowed containing not over six square feet in area and only for the time period of the authorized yard sale. No off-premise signs will be allowed.
- J. Form of Application. The planning and zoning office shall revise the forms for permit application.
- K. Penalty. Whenever any of these provisions are violated, the penalty will be as set out in section 16.04.110 of this code.

**16.20.740 Zoo and Botanical Gardens**

Any structure used as a zoo and botanical garden shall be located and its activities conducted at least fifty (50) feet from any property zoned NR1, NR2 or NR3, measured along a straight line connecting the nearest points of the subject properties.

## **CHAPTER 16.24 OVERLAY ZONING DISTRICTS**

### **16.24.010 Procedures Governing Overlay Zoning Districts**

#### **Application.**

- A. Overlay districts are supplemental to the underlying zoning district classifications established in the zoning ordinance that govern all properties within Covington. Within areas mapped as overlay zoning districts in this chapter, these overlay district regulations shall be overlaid upon and shall be imposed in addition to said underlying zoning regulations.
- B. The provisions of each overlay zoning district apply to all applications for rezoning, land disturbance permits, driveway permits, plan review, plat approval, building permits, utility permits and licenses for all property and rights-of-way within the boundaries of the overlay district.
- C. All plan reviews, plat approvals, permits and licenses for parcels located within each overlay district shall meet all of the requirements of the base zoning district in which it is located and, in addition, shall meet the requirements of the overlay zoning district applicable to the parcel. All road and utility projects shall adhere to all requirements of the overlay zoning district.
- D. Any parcel of land that is wholly or partly within the boundary shall be included in the overlay district.
- E. Relationship to underlying zoning district standards. In any case where the standards and requirements of an overlay zoning district vary from those of the base zoning district, the standards and requirements of the overlay district shall govern.
- F. Map amendments. No change in the boundary of an overlay zoning district shall be authorized, except by the mayor and council pursuant to procedures in chapter 16.12.
- G. Overlay zoning district boundary maps. Overlay zoning district boundaries shall be as established on the official zoning map.

### **16.24.020 Airport Hazard Overlay Zoning District**

#### **A. Findings of fact.**

The mayor and council of the city find that airport hazards endanger the lives and property of users of the Covington municipal airport and the property and occupants of land in its vicinity. Such hazards may also reduce the area available for utilization by aircraft, thus impairing the utility of the airport and the public investment therein. It is, therefore, appropriate for the city to provide by ordinance for the prevention and control of airport hazards in the interest of the public health, safety and general welfare.

#### **B. Airport zone.**

In order to carry out the provisions of this section, there is created and established an overlay zone incorporating all of the land lying within the approach zones, transitional zones, horizontal zones, and conical zones of the airport. Such zones are shown on the airport hazard zoning map, including the approach and profile plan maps, on file at City Hall and the planning and zoning office, which map is by this reference incorporated herein and made a part hereof. Any area located in more than one zone shall be considered to be in the zone with the more restrictive height limitation. The airport zones are described as follows:

##### **1. Non-precision Instrument Approach Zone.**

The inner edge of this zone coincides with the width of the primary surface and is five hundred

(500) feet wide. The approach zone expands outward uniformly to a width of three thousand five hundred (3,500) feet at a horizontal distance of ten thousand (10,000) feet from either end of the primary surface. Its center-line is the center line of the runway as extended in either direction from the ends of the airport runway.

2. Transitional Zone.

The area beneath a plane extending outward and upward at ninety (90) degree angles to the runway centerline and the extended runway centerline with a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical planes, and extending a distance of five thousand (5,000) feet measured horizontally from the edge of the approach zones and at ninety (90) degree angles to the extended runway centerline.

3. Horizontal Zone.

A zone delineated by arcs of five thousand (5,000) feet in radius for all runways designated as utility or visual and ten thousand (10,000) feet in radius for all others, measured from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs.

4. Conical zone.

An area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of four thousand (4,000) feet. The conical zone does not include the precision instrument approach zones or the transitional zones.

C. Airport height limitations.

Except as otherwise provided in this section, no structure or tree shall be erected, altered, allowed to grow, or maintained in the space within an airport zone or otherwise to a height in excess of the applicable height limit herein established for such zone. When more than one height limitation is applicable to a single space, the more restrictive limitation shall apply.

1. Runway Larger than a Utility Runway With a Visibility Greater Than Three-Fourths Mile Nonprecision Instrument Approach Zone.

Slopes upward thirty-four (34) feet horizontally for each foot vertically beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand (10,000) feet along the extended runway center line.

2. Transitional zone.

One hundred fifty (150) feet above the airport elevation.

3. Horizontal Zone.

One hundred fifty (150) feet above the airport elevation.

4. Conical Zone.

Slopes upward and outward twenty (20) feet horizontally for each foot vertically beginning at the periphery of the horizontal zone and at one hundred fifty (150) feet above the airport elevation and extending to a height of three hundred fifty (350) feet above the airport elevation.

5. Military Conical Zones.

Slopes upward and outward twenty (20) feet horizontally for each foot vertically beginning at the periphery of the horizontal zone for a distance of four thousand (4,000) feet.

D. Use restrictions.

Notwithstanding any other provisions of this section, no use may be made of land or water within any zone in such a manner as to create electrical interference with navigational signals or radio

communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and other lights, result in glare in the eyes of a pilot using the airport, impair visibility in the vicinity of the airport or otherwise in any way create a hazard or endanger the landing, takeoff, or maneuvering of aircraft intending to use the airport. Additionally, the following specific uses shall be prohibited:

1. Places of worship;
  2. Schools;
  3. Lodges;
  4. Clubs;
  5. Theaters;
  6. Hospitals;
  7. Dwellings;
  8. Trailer parks;
  9. Other places of group assembly.
- E. Land uses within airport hazard zones.
1. Criteria for Evaluating Land Use.  
The potential for designating a particular type of land use in proximity to the airport shall be evaluated on the basis of at least three essential criteria for future uses:
    - a. The effect of the land use on the continued and efficient operation of the airport, including anticipated airport expansion needs;
    - b. The ultimate effect of airport operations on the land use; and
    - c. The compatibility of the land use with the yearly day-night average sound levels in noise encroachment zones delineated in the comprehensive land use plan of the city.
  2. Permitted Land Uses. Natural Corridors.
    - a. Rivers;
    - b. Lakes;
    - c. Streams;
    - d. Bays;
    - e. Canals;
    - f. Swamps;
    - g. Drainage basins;
    - h. Floodplain areas;
    - i. Natural buffer acres, forest reserves, land reserves, and vacant land.
  3. Permitted Land Uses. Open Space Areas.
    - a. Memorial parks and pet cemeteries;
    - b. Water and sewage treatment plants;
    - c. Water conservation areas;
    - d. Marinas and tennis courts;
    - e. Golf courses;
    - f. Parks and picnic areas;
    - g. Botanical gardens;
    - h. Bowling alleys;
    - i. Landscape nurseries;
    - j. Archery ranges;
    - k. Golf driving ranges;

- l. Go-cart tracks;
  - m. Skating rinks;
  - n. Recreation conservation areas;
  - o. Tree and crop farming.
4. Permitted Land Uses. Industrial and Transportation Facilities.
- a. Textile and garment industries;
  - b. Fabricated metal industrial products;
  - c. Brick processing industries;
  - d. Clay, glass and stone industries;
  - e. Chemical industries;
  - f. Tire processing companies;
  - g. Food processing plants;
  - h. Paper printing and publishing industries;
  - i. Public workshops;
  - j. Research labs;
  - k. Wholesale distributors;
  - l. Foundries;
  - m. Saw mills;
  - n. Machine shops;
  - o. Office parks;
  - p. Public buildings;
  - q. Auto storage;
  - r. Parking lots, gas stations;
  - s. Railroad yards;
  - t. Warehouse and storage buildings;
  - u. Freight terminals;
  - v. Bus, taxi and trucking terminals.
5. Permitted Land Uses. Airports and Aviation Oriented Facilities.
- a. Airports;
  - b. Aerial survey labs;
  - c. Aerospace industries;
  - d. Banks;
  - e. Hotels;
  - f. Motels;
  - g. Restaurants;
  - h. Aircraft repair shops;
  - i. Aviation schools;
  - j. Employee parking lots;
  - k. Air freight terminals;
  - l. Aviation research and testing lab;
  - m. Aircraft and aircraft parts manufacture.
6. Permitted Land Uses. Commercial Facilities.
- a. Retail businesses;
  - b. Shopping centers;
  - c. Parking garages;

- d. Finance and insurance companies;
  - e. Professional services;
  - f. Gas stations;
  - g. Real estate firms;
  - h. Wholesale firms.
- F. Nonconforming uses.
1. The provisions of this section shall not be construed to require the removal, lowering, or other changes or alteration of any structure or tree not conforming to the said provisions as of the date of enactment of this section, or otherwise interfere with the continuance of such nonconforming use. Neither shall anything contained herein require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the said enactment date, and is diligently prosecuted.
  2. Notwithstanding subsection 1 of this section, the owner of any existing nonconforming structure or tree shall be required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary or desirable by the airport manager in order to indicate the presence of such airport hazards to the operators of aircraft in the vicinity of the airport. Such markers and lights shall be installed, operated, and maintained at the expense of the city.
- G. Permits.
1. Permit Required; Application.  
No material change shall be made in the use of land and no structure or tree shall be erected, altered, planted or otherwise established in any zone created unless a permit has been applied for and approved by the city planning and zoning official; provided, however, that a permit for a tree or structure of less than seventy-five (75) feet in vertical height above the ground shall not be required in the area within a horizontal distance of four thousand two hundred (4,200) feet from each end of the runway except when such tree or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for the applicable zone. Each application for a permit shall be made in the form prescribed by the city planning and zoning official and shall indicate the purpose for which the permit is desired, with sufficient particulars for the city planning and zoning official to determine whether the resulting use, structure, or tree would conform to the provisions of this section.
  2. Variances.  
Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use his property in a manner other than in accordance with the provisions of this section may apply to the board of appeals and adjustments for a variance from such provisions as more particularly provided in chapter 16.12.160 of this code.
- H. Administration and enforcement.  
The city planning and zoning department shall have primary responsibility for administration and enforcement of the provisions of this section and shall have all requisite power and authority necessary to carry out such responsibility, including without limitation entry onto private property for inspections, issuance of administrative orders, and civil or criminal prosecution of violations of said provisions.
- I. Penalties.  
Violations of the provisions of this section shall be punished as provided in section 16.04.100 of this code. Each violation shall be a separate offense.



## CHAPTER 16.28 CIVIC DESIGN

### 16.28.010 Civic Design Provisions

The regulations set forth in this chapter shall govern the urban and civic design aesthetics and building form in all zoning district.

### 16.28.20 Building Design

The following regulations shall apply to buildings in any CR, TCR, NM, CM or TCM district.

#### A. Building Materials and Design.

1. No exterior wall or facade of any metal building visible from any public street shall have the appearance of a metal building. Such exterior walls and facades shall brick, glass, wood, stucco, stone or cement-based siding.
2. Building materials for facades of buildings oriented to public streets shall be constructed of brick, stone, or textured concrete masonry units, stucco, or glass. Up to fifty (50) percent of facades of residential buildings also may be constructed with wood siding or similar material approved by the planning and zoning director.

#### B. Relationship of Building to Street.

1. Delineation of building floors at the third story above sidewalk level and lower shall be executed through windows, belt courses, cornice lines or similar architectural detailing.
2. All buildings shall have their primary façade directly fronting and facing a public or private street.
3. The primary pedestrian access to all sidewalk level uses and business establishments with public or private street frontage shall be directly accessible and visible from the sidewalk adjacent to such street.
4. No barbed wire, razor wire, chain link fence or similar elements shall be visible from any public plaza, ground level or sidewalk level outdoor dining area or public right-of-way.
5. Drive-through service windows, drive-in facilities, drives and surface parking facilities shall not be located between a building and the street.

#### C. Building Scale.

1. Discontinuous building massing: Every building shall reduce its perceived height and bulk by dividing the building mass into smaller scale components. Building walls exceeding one hundred (100) continuous horizontal linear feet shall utilize offsets, such as projections, recesses, and changes in floor level, to add architectural interest and variety, and to relieve the negative visual effect of a simple long wall.
2. Variation in building silhouettes: Variation in the roofline of buildings and offsets in pitched roofs and gables shall be required. Parapets in building masses exceeding one hundred (100) continuous linear feet shall be varied in height and projection and shall use decorative elements such as crown moldings, dental, brick soldier courses, or similar detail.
3. Building step backs: Buildings in excess of fifty (50) feet in height shall be required to step back that portion of the building greater than fifty (50) feet in height a minimum linear distance of ten (10) feet away from the building façade located below the fifty (50) foot height plane.

#### D. Storefront Requirements.

1. Ground-floor non-residential uses shall provide said uses for a minimum depth of twenty (20) feet from any building façade along the public sidewalk.
2. The length of façade without intervening fenestration, architectural detailing or entryway shall not exceed twenty (20) feet.
3. Fenestration treatment shall be provided for a minimum of sixty-five (65%) percent of the length of all street frontages. A maximum of fifteen (15%) percent of said fenestration treatment shall be permitted to utilize architectural detailing in place of glass materials to meet the fenestration treatment requirements. All fenestration treatments shall be visually and architecturally consistent and compatible with each other.
4. Fenestration shall not utilize painted glass, reflective glass or other similarly treated or opaque windows. Entrances may be counted towards fenestration requirements.

#### **16.28.030 Streetscape Dimensions**

- A. Private lanes, drives or streets used to meet any of the street requirements of this title 16 shall meet the dimensional requirements set forth in the Street Type Dimensions Table.
- B. Streets designated as Freeways shall not be regulated by the Street Type Dimensions Table.
- C. All public streets within the city shall be officially designated on the City of Covington Street Plan Map by street type. All streets, and development and landscaping thereon, shall meet dimensional requirements set forth in the following Street Type Dimensions Table.
- D. See the Space Dimensions Table in section 16.16.030 for dimension requirements for densities, maximum heights, side and rear yards and other lot calculations as regulated by zoning districts.

<b>STREET TYPE DIMENSIONS TABLE</b>	<b>Minor Streets</b>	<b>Subdivision Streets, Loop Streets &amp; Cul-de-Sacs</b>	<b>Arterials &amp; Collectors</b>	<b>Major Thoroughfares &amp; Downtown Streets</b>
Landscape Zone (minimum, in ft)	3'	5'	5'	5'
Sidewalk Clear Zone (minimum, in ft)	5'	5'	6'	10'
Building Façade Height (minimum, in ft)	15'	15'	20'	25'
Front Yard (minimum, in ft)	10'	25'	20'	20'

#### **16.28.040 Blocks**

- A. The lengths, widths, and shapes of blocks shall be determined with due regard to:
  1. Provision of adequate building sites suitable to the special needs of the types of use contemplated.
  2. Zoning requirements as to lot sizes and dimensions.
  3. Needs for convenient access, circulation, control, and safety of street traffic.
  4. Limitations and opportunities of topography.
- B. Blocks in NR1, NR2 or NR3 districts shall not be greater than one thousand eight hundred (1,800) feet in length, or less than six hundred (600) feet in length. In blocks over one thousand (1,000)

- feet long, the planning and zoning director may, when existing or proposed public gathering places so justify, require public crosswalks across the block.
- C. Blocks in NR1, NR2 or NR3 districts shall be wide enough to provide two tiers of lots, except where fronting on arterials, collectors or major thoroughfares or prevented by topographical conditions or size of the property, in which case the planning commission may require and/or approve a single tier of lots of minimum depth.
  - D. Development in NR1, NR2 or NR3 districts that abuts undeveloped NR1, NR2 or NR3 property shall provide one local street connection to the adjacent property for each eight hundred (800) feet of shared property line.
  - E. Development in CR, TCR, NM, CM or TCM districts, with more than six hundred (600) feet of frontage along a single street shall be divided by streets into blocks having a maximum length of six hundred (600) feet, as measured from street curb to street curb.
  - F. Streets used to divide properties into blocks shall meet all of the street and sidewalk designations of this zoning ordinance.
  - G. Opportunities for inter-parcel vehicle access points between all contiguous tracts in any CR, TCR, NM, CM, TCM, M1 or M2 district shall be provided.
  - H. A cul-de-sac street that ends within one hundred (100) feet of an adjacent collector, arterial or major thoroughfare street shall provide a five-foot wide sidewalk in a ten (10) feet wide easement connecting the sidewalk on the cul-de-sac to the sidewalk on the adjacent collector, arterial or major thoroughfare street.
  - I. Gates and security arms shall be prohibited from crossing any public street or sidewalk.

#### **16.28.050 Sidewalks**

##### **A. Sidewalks.**

1. Public sidewalks shall be located along both sides of all streets and shall have minimum widths as specified in the Street Type Dimensions Table. Sidewalks shall consist of two (2) zones: a landscape zone and a sidewalk clear zone.
2. Landscape zones shall be located immediately adjacent to the curb and shall be continuous. This zone may be used for street trees, street lights, benches, planters, trash receptacles, bicycle parking racks and other street furniture, pedestrian lights, landscaping, or sod. Additional pavement or other similar elements shall be permitted only as approved by the planning and zoning director.
3. Sidewalk clear zones shall be located immediately contiguous to the landscape zone and shall be continuous. Said zone shall be hardscape, and shall be unobstructed for a minimum height of eight (8) feet. Special paving within the sidewalk clear zone shall be permitted only as approved by the planning and zoning director.
4. For specific street tree planting requirements, see title 14: chapter 14.28 Tree Preservation.
5. Required tree plantings may be planted in the adjacent front yard when extreme conditions prevent the planting of street trees within the landscape zone and only as approved by the planning and zoning director.
6. Outdoor dining. Outdoor dining may encroach into the sidewalk clear zone when the following criteria are met:
  - a. Shall provide a minimum of six (6) feet wide of unobstructed sidewalk clear zone area;
  - b. No permanent structure or ornamentation shall be located within the area where encroachment is permitted and no element shall be attached to the sidewalk in any way;

- c. At such time as the outdoor dining use is discontinued, sidewalks shall comply with all requirements of this chapter; and
- d. Outdoor dining may be separated from the sidewalk only with movable planters, fencing or similar non-fixed barriers provided they do not exceed a height of thirty-six (36) inches including any plant material.

**16.28.060 Front Yards**

- A. Front yards shall have the minimum dimensions specified in the 16.28.030 Streetscape Dimensions Table.
- B. The square footage contained within the front yard which meets open space criteria may be counted towards the open space requirements.
- C. Landscape zones and sidewalk clear zones shall be permitted within the front yard.
- D. Front yards for buildings in which the predominant use is nonresidential shall ensure pedestrian access from the adjacent sidewalk clear zone to the required primary pedestrian entrance of the building and may also include fountains, pedestrian furniture, public art, plazas and similar elements.
- E. Front yards for buildings in which the predominant use is residential shall be landscaped with the exception of terraces, porches, stoops and walkways, which may occupy a maximum of one-half (1/2) of the front yard area. Said elements may be required to be setback from the edge of the adjacent sidewalk for the safe and convenient location of public utilities.
- F. Lots less than five thousand (5,000) square feet in total lot area in NM, CM or TCM districts shall be permitted to have automobile parking located in parking lots within the front provided such parking lots are limited in area to a maximum of thirty (30%) percent of the total lot.

**CHAPTER 16.32**  
**STANDARDS APPLYING TO ALL DISTRICTS**

**16.32.010 General Provisions**

The regulations set forth in this zoning ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as otherwise provided.

**16.32.020 ADA Compliance**

In addition to the regulations of this zoning ordinance, the Americans with Disabilities Act (ADA) Accessibility Guidelines for buildings and facilities shall also apply.

**16.32.030 Applicability to Land, Buildings and Open Space**

No building, structure, land, or open space shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.

**16.32.040 Buildings Under Construction**

Nothing in this zoning ordinance shall require any change in the construction or intended use of a building which is legally under construction or for which a building permit has been lawfully issued as of the effective date of this zoning ordinance and the construction of which is diligently pursued under the terms of the permit(s) issued until completion.

**16.32.050 Business License Requirements**

All uses requiring an occupation tax and business license pursuant to title 5 shall comply with all such licensing requirements and shall not be considered lawful uses under title 16 if in violation of such licensing requirements.

**16.32.060 Classification of Streets**

For purposes of this zoning ordinance, all of the streets, roads and highways in the City of Covington except where otherwise noted, are classified as Minor Streets, Cul-de-Sacs, Subdivision Streets, Arterial Streets, Collector Streets, Loop Streets, Major Thoroughfares and Downtown Streets as shown on the City of Covington Street Plan Map.

**16.32.070 Fence and Hedges**

A. Corner Visibility. On corner lots within all zoning districts, no fence, shrubbery, or other obstruction to traffic line of sight vision shall exceed a height of two and one-half (2½) feet within the triangular area formed by the intersection of right-of-way lines at two (2)

points measured twenty (20) feet along the property line from the intersection. Within said triangle there shall be no sight obscuring wall, fence or foliage higher than thirty (30) inches above grade or in the case of trees, foliage lower than eight (8) feet. Vertical measurement shall be made at the top of the curb on the street or alley adjacent to the nearest side of the triangle or if no curb exists, from the edge of the nearest traveled way.

- B. Measurement Rule. Heights of fences, hedges, and other continuous foliage shall be measured from the adjacent top of the street curb, surface of an alley, or the official established grade thereof, whichever is higher. Along interior lot lines, the measurement shall be from the average grade of the lot line of the parcel on which the fence is located.
- C. Exceptions. The mayor and council may approve, or may direct as a condition for granting approval, that fences or plantings of a height in excess of these regulations be placed as shielding between different uses, or between like uses upon agreement between the parties affected thereby, provided that no such approval shall have the effect of reducing corner visibility as provided for herein.

#### **16.32.080 Front Yard Setbacks for Dwellings**

The front yard setback requirements for dwellings shall not apply to any lot where the average existing building setback line on lots located wholly or in part within one hundred (100) feet on each side of such lot, within the same block, and fronting on the same side of the same street as such lot, is less than the minimum front yard setback required. In such cases the front yard setback on such lot may be no less than the average of the existing setbacks on the aforementioned lots, or within ten (10) feet of the street right-of-way, whichever is greater.

#### **16.32.090 Height and Density**

No building or other structure shall hereafter be erected or altered to exceed the height or bulk limits of this zoning ordinance; to accommodate or house a greater number of families; to occupy a greater percentage of lot area; to have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any other manner contrary to the provisions of this zoning ordinance.

The height limitations of this zoning ordinance shall not apply to religious institution spires, belfries, cupolas, domes, transmission towers, chimneys, smokestacks, derricks, conveyors, flag poles, radio or television towers, or aerials within all CR, TCR, NM, CM, TCM, M1 and M2 districts. The maximum height allowed for these elements shall be the maximum height allowed in the designated zoning district plus an additional fifteen (15%) percent of the maximum height allowed in the designated zoning district. See also Airport Related Provisions.

**16.32.100 Inoperative Vehicles**

Any automobile, truck, vehicle or trailer of any kind or type, without a valid license plate attached thereto, shall not be parked or stand on any private property or public roads and is hereby found to create a condition tending to reduce the value of private property, to promote blight and deterioration, and invite plundering and vandalism, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects, and to be injurious to the health, safety and general welfare and, when on city streets, to create a traffic hazard and endanger public safety.

This section shall not be the exclusive regulation of abandoned, wrecked, dismantled, or inoperative vehicles or contrivances within the incorporated limits of the City of Covington, but shall be supplemental and in addition to the other regulations and regulatory codes, zoning ordinances, statutes, or provisions of law heretofore and hereinafter enacted by city, county, state, or other legal entity or agency having jurisdiction.

- B. An inoperative or junk condition shall include, but not be limited to any automobile, vehicle, trailer of any kind or type, or contrivance or part thereof, the condition of which is one (1) or more of the following:
  - 1. Wrecked.
  - 2. Dismantled.
  - 3. Partially dismantled.
  - 4. Inoperative.
  - 5. Abandoned.
  - 6. Discarded.
  - 7. One which does not have a valid license plate attached thereto.
- C. The following conditions allow the parking or standing of an inoperative vehicle on any property within the incorporated limits of the city of Covington:
  - 1. A maximum of two (2) junked vehicle(s) enclosed within a building on NR1, NR2 or NR3 zoned property provided the occupant of the home is in the process of reconditioning the vehicle(s) for his (her) personal use.
  - 2. Such vehicles shall not be stored for the purpose of salvage or parts but shall be in the process of repair or reconditioning.

**16.32.110 Lot Reduction Prohibited**

No lot, even though it may consist of one (1) or more adjacent lots of record, shall be reduced in size so that the lot width or depth, front, side or rear yards, lot area per dwelling unit or other requirements of this zoning ordinance are not maintained. Yards or lots created after the effective date of this zoning ordinance shall meet at least the minimum requirements established by this zoning ordinance. This section shall not apply when a portion of a lot is acquired for a public purpose.

**16.32.120 Measurement of Distance**

All distance measurements of title 16 that do not specify the method of measurement shall be measured in a straight line from the nearest property line to the nearest property line.

**16.32.130 One Principal Residential Building on a Lot**

Only one (1) permitted principal use, and its authorized accessing uses(s), shall be authorized per lot, unless multiple or mixed uses are specifically authorized on the same lot elsewhere in this zoning ordinance.

**16.32.140 Permitted Encroachments Upon Required Setbacks**

The following setback encroachments are permitted:

- A. Cornices, eaves, chimneys, porches, bay windows, or other similar architectural features may extend into the required front, side and rear yard provided such extensions do not exceed three (3) feet. Decks and patios may extend into the side or rear yard no closer than ten (10) feet from any property line. Steps and landings may extend into the required setbacks provided such extensions do not exceed ten (10) feet for the front yard, three (3) feet for the side yard and no closer than ten (10) feet from the property line in the rear yard.
- B. When a canopy is utilized in connection with a commercial or industrial use in districts where such uses are permitted, such canopy may occupy a portion of the required yard setback adjacent to streets, subject to the following provisions:
  1. No portion of a canopy shall be closer than ten (10) feet from any street right-of-way line when measured vertically, nor closer than ten (10) feet from the face of the curb of the street.
  2. No canopy shall occupy more than fifty (50%) percent of a required yard over which it extends.

**16.32.150 Permit Issuance**

All applications and permits shall be reviewed by the appropriate city authority within the applicable time limits set forth herein. If no time limit is specified, such application or permit shall be reviewed and decided upon within thirty (30) days unless the applicant agrees to an extension of time in writing. Applications and permits not decided upon within time limits specified shall be deemed approved.

**16.32.160 Sight Obscuring Container Enclosures**

Trash and recycling dumpsters must be enclosed on three (3) sides by a decorative wall or opaque fence. The height shall be equal to or higher than the trash or recycling dumpster. Temporary construction trash and recycling dumpsters which are not enclosed shall be permitted up until such time as the Certificate of Occupancy is granted.

**16.32.170 Street Frontage Requirement**

Every building hereafter erected or moved shall be on a lot adjacent to a public street and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

In the event a land locked lot exists, as of the effective date of this zoning ordinance, the property owner shall be entitled to only one (1) building permit, provided;

- A. No other principal building exists or is being constructed on said property;
- B. No other valid building permit has been issued prior to the effective date of this zoning ordinance and is currently valid;
- C. The property was and continues to be under single ownership since the effective date of this zoning ordinance;
- D. The property owner has acquired a twenty (20) foot access easement to a publicly maintained street, and said easement has been duly recorded and made part of the property deed; and
- E. In the event said property is divided, no additional permits will be issued.

#### **16.32.180 Substandard Lots of Record**

Any lot of record existing at the time of adoption or amendment of this zoning ordinance, which has an area or width which is less than required by this zoning ordinance, shall be subject to the following exceptions and modifications.

- A. **Adjoining Lots.** When two (2) or more adjoining and vacant lots within a non-approved development with continuous frontage are in a single ownership at the time of application, and such lots have a frontage or lot area less than is required by the district in which they are located, such lots shall be re-platted so as to create one (1) or more lots which conform to the minimum frontage requirements of the district.
- B. **Lots Not Meeting Minimum Lot Size Requirements.** When a lot has an area or frontage which does not conform to the requirements of the district in which it is located, but was a lot of record at the effective date of this zoning ordinance, such lot may be used for any use allowed in the zoning district in which it is located provided that all other requirements of this zoning ordinance are met.

#### **16.32.190 Truck Stops Prohibited**

Truck stops are prohibited. Furthermore, no adjoining or adjacent uses shall be physically connected or used so as to effectively create a truck stop.

#### **16.32.200 Unsafe Buildings**

Nothing in this zoning ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority.

#### **16.32.210 Uses Requiring Occupation Tax and Business License**

All uses requiring an occupation tax and business license pursuant to title 5 shall be located in a zoning district that permits such business activity in accordance with the Permitted Uses Table of section 16.16.020.

**16.32.220 Walls and Fences**

The setback requirements of this zoning ordinance shall not prohibit any necessary retaining wall or fence except that in a NR1, NR2 or NR3 zoning district:

- A. Front yard fences and walls shall not exceed forty-two (42) inches in height and shall not extend into the public right-of-way.
- B. Front yard fences shall be within six (6) inches of the property line and shall not be made of wire, woven metal, or chain link unless located on property of an agricultural or undeveloped use or of a lot size larger than three (3) acres.
- C. Ornamental or decorative fences constructed of brick, stone, stucco, split rail, wood or wrought iron and not constructed of exposed block, tires, junk or other discarded material shall be permitted within the front yard setback.
- D. No fence or wall shall exceed eight (8) feet in height within a rear or side yard.
- E. Retaining walls located adjacent to a sidewalk along a public street shall not exceed a height of two (2) feet and the combined height of a fence where otherwise authorized and retaining wall shall not exceed a height of five (5) feet, unless existing topography prohibits retaining walls of a lesser height. Retaining walls shall be from finished poured concrete or shall be faced with stone, brick or smooth stucco.

## **CHAPTER 16.36 NONCONFORMING SITUATIONS**

### **16.36.010 General Provision**

Within the zoning districts established by title 16, or in other provisions or amendments, there exist lots, uses of land, uses of land and buildings, uses of land and structures, and characteristics of buildings and structures that were lawful before title 16 was adopted, but that would be prohibited under the terms of the adopted title 16 or future amendment. Such nonconforming situations are hereby declared to be incompatible with authorized and permitted uses and regulations within the district(s) involved. It is the intent of the city to require the cessation of certain of these nonconformities, and to allow others to continue, on a limited basis, until they are otherwise removed or cease. It is further the city's intent that nonconformities not be used as grounds for adding other buildings, structures, or uses of land prohibited by title 16, and that no such building, structure, or use of land shall be enlarged, expanded, moved, or otherwise altered in any manner that increases the degree of non-conformity.

### **16.36.020 Nonconforming Use of Land**

The legal nonconforming use of land may be continued, but no such nonconforming use of land which has been discontinued for a continuous period of six months shall be reestablished unless such cessation is a direct result of governmental action impeding access to the property. Such nonconforming use of land shall not be enlarged, expanded, moved, or otherwise altered in any manner that increases the degree of nonconformity.

### **16.36.030 Reversions and Changes**

- A. A legal nonconforming lot of record in a NR1, NR2 or NR3 district may be used for one single-family residence.
- B. Any nonconforming use, use of land or building in combination, use of land and structure in combination, nonconforming lot of record, or nonconforming characteristic ("nonconforming situations") that is changed to a conforming state shall not be permitted to revert to a nonconforming situation.
- C. No nonconforming situation shall be changed to another nonconforming situation.

### **16.36.040 Nonconforming Use of Land and Buildings in Combination and Nonconforming Use of Land and Structures in Combination**

The following regulations apply to the nonconforming use of land and building(s) in combination and the nonconforming use of land and structure(s) in combination:

- A. Such uses of land and buildings or land and structures may be continued, but no such use which has been discontinued for a continuous period of six months shall be reestablished unless such cessation is a direct result of governmental action impeding access to the property.

- B. Such uses of land and buildings or land and structures, or any such building or structure, shall not be enlarged, expanded, moved, or otherwise altered in any manner that increases the degree of nonconformity
- C. A nonconforming use of a building may be extended into those interior parts of a building which were manifestly designed for such use prior to the enactment of this chapter.

**16.36.050 Nonconforming Characteristics of Buildings and Structures**

No building or structure with nonconforming characteristics which is occupied by a conforming use shall be enlarged, expanded, moved, or otherwise altered in any manner that increases the degree of nonconformity.

**16.36.060 Nonconforming Uses Requiring Special Use Permit**

No nonconforming use, building or structure requiring a special use permit, including any use, building or structure that was authorized as of right prior to the adoption of this chapter but would require a special use permit upon the adoption of title 16, shall be enlarged, expanded, moved, or otherwise altered in any manner except after application for and approval of the now-required special use permit. Normal repair and maintenance of buildings and structures is authorized without the need for a special use permit. No such use, building, or structure that has been discontinued for a continuous period of six months shall be reestablished unless such cessation is a direct result of governmental action impeding access to the property.

**16.36.070 Reconstruction**

Any building or structure constituting a nonconforming use of land and building(s), nonconforming use of land and structure(s), or building or structure with nonconforming characteristics that has been damaged by fire or other cause, may be reconstructed to its previous nonconforming characteristics and used as it was prior to damage if said reconstruction is completed within one year of the date of the damage, except that if said building or structure has been declared by the director to have been damaged to an extent exceeding sixty (60%) percent of its fair market value at the time of destruction, then any repair, reconstruction or new construction shall conform to all of the requirements of the district in which said building or structure is located.

**16.36.080 Buildings and Structures**

Nothing in this chapter shall prevent the strengthening or restoration to a safe condition of any part of any building or structure declared unsafe by the director.

**16.36.090 Buildings and Structures Where Construction Has Begun**

To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction, or designated use of any building or structure for which a development or building permit was lawfully applied for or issued, prior to the effective date of title 16 or amendment thereto, provided:

- B. Such permit or approval has not by its own terms expired prior to such effective date.
- C. Actual building construction is commenced prior to the expiration of such permit or approval.
- D. Actual building construction is carried on pursuant to said permit or approval and limited to and in strict accordance with said permit or approval.
- E. No renewals or extensions of said permit or approval shall be authorized.

**16.36.100 Area Extensions Prohibited**

A nonconforming use, or building or structure in combination with a use, or building or structure with nonconforming characteristics, shall not be extended or enlarged beyond the area of use or beyond the conforming size, height, or other dimensions or characteristics of the building or structure as it existed on the date of adoption of title 16 or amendments applicable thereto.

**16.36.110 Sign Provisions**

Nonconforming situations relating to signs shall be governed by chapter 16.48.

## **CHAPTER 16.40**

### **OPEN SPACE, BUFFERS AND SCREENING**

#### **16.40.010 Open Space**

##### **A. Open Space General Requirements.**

1. Open Space shall be required as established in the Space Dimension Table (chapter 16.16).
2. Required yards and requirements for sidewalk zones and landscape zones which are constructed on private property may be counted towards open space requirements. No more than thirty-five (35%) percent of a combination of the side and rear yards may consist of a concrete, asphalt or gravel driveway or parking area and the remaining percentage shall be grass or landscaped areas.
3. Open space may also include balconies, roof-top terraces, front yards, planted areas, fountains, parks, plazas, trails and paths, hardscape elements related to sidewalks and plazas, and similar features which are located on private property. Open space shall not include areas devoted to public or private vehicular access.

##### **B. Open Space Implementation and Maintenance.**

1. Implementation. All open space including buffers, setbacks, sidewalk clear zones, sidewalk zones and public spaces shall be fully implemented prior to occupancy and if not completed, the occupancy permit shall not be issued.
2. Maintenance. The owner shall provide adequate maintenance of the open space improvements for a minimum of one (1) year from the date of issuance of the Certificate of Occupancy. The city shall inspect landscape improvements at least once during this period to ensure that the approved plan has been fully implemented and maintained. When a private property owner provides landscaping within the public right-of-way and the landscaping dies within a one-year period, such landscaping shall be replaced within a reasonable time for planting by the owner at the owner's sole expense.

##### **C. Relocation of minimum open space requirements. At the option of the property owner, up to fifty (50%) percent of a development's required open space may be relocated to an offsite parcel within the city provided the following criteria are met:**

1. The receiving parcel is in accordance with the Comprehensive Plan as being a designated recipient parcel; and
2. The receiving parcel contains the required amount of open space and said open space in the receiving parcel is located adjacent to and visible from a public street and accessible to the public during normal city park hours;

#### **16.40.020 Buffer Required**

- ##### **A. Buffers shall be as provided in the Buffer Specification Table below. Screening required within buffers shall be set forth in the said schedule of required buffers and is intended to provide separation of spaces without necessarily eliminating visual contact between the**

spaces, and may consist of existing vegetation, planted vegetation, a landscaped earth berm, a decorative wall, a wood fence, or a combination of the above.

<b>BUFFER SPECIFICATION TABLE</b>	<b>NR1</b>	<b>NR2</b>	<b>NR3</b>	<b>CR</b>	<b>TCR</b>	<b>NM</b>	<b>CM</b>	<b>TCM</b>	<b>M1</b>	<b>M2</b>
Contiguous with a NR1 or NR2 district (Max, in feet)	N/A	N/A	N/A	20'	20'	20'	20'	N/A	30'	40'
Contiguous with a NR3 district (Max, in feet)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	30'	40'
Contiguous with a CR or TCR district (Max, in feet)	N/A	N/A	N/A	N/A	N/A	20'	20'	N/A	30'	40'

- B. Location of Buffers. Required buffers shall be located along the interior or street lot lines nearest the adjacent streets, land uses, or zoning designations except where such lot lines are intersected by crossing accessways or utility easements, or by a joint parking area. Buffers shall not be located on any portion of an existing or proposed street right-of-way or easement.
- C. Use of Buffer. Provided the required buffer width and screening is maintained, a buffer may contain utilities, pedestrian and bicycle paths, and other minor or passive uses compatible with the general separation of land uses. Buffers shall not be used for temporary or permanent parking or loading.
- D. Responsibility for Buffer. Where vacant lots located in different zoning districts are adjacent, the first such lot to be developed shall provide the buffer required next to the adjacent vacant land. At the time it is developed, the second such lot shall provide all additional screening and/or land necessary to provide the total buffer required between the developed land uses.
- E. Where a buffer meeting the requirements of this section is provided on an adjacent lot, the screening and/or land within that buffer may be counted as contributing to the total buffer required between the adjacent existing land use and the proposed land use.
- F. Other Required Screening. In addition to the buffer screening required above, a fence may be installed to substitute for planting in conformity with regulations which shall be promulgated by the planning and zoning director when land area is limited. Such screening devices may include solid decorative brick walls, wood fences, berms, or tight evergreen hedges which shall reach the necessary height appropriate to its screening function within two years of planting, or a combination of the said devices. Regulations governing such substitutions shall be maintained permanently as a public record in the planning and zoning office of the city, and copies of same shall be made available to the public without charge at said address during office hours.
- G. Dumpster Screening.
  - 1. All dumpsters shall be enclosed with a wall of equal or greater height on three (3) sides by a masonry wall enclosure that is a minimum of eight feet in height, accessed by an

- opaque steel gate the material of which shall be similar to the material on the outside of the main building.
2. Dumpsters shall be placed in the rear yard and may be located five (5) feet from the property line if the adjoining property is zoned NM, CM, TCM, M1 or M2 and five (5) feet from all applicable buffers if the adjoining property is zoned NR1, NR2, NR3, CR or TCR.
  3. Dumpster pad.
    - a. Dumpsters shall be placed on concrete pads of sufficient size and strength to support the weight of service vehicles.
    - b. Restaurants and other food service establishments shall place dumpsters on concrete pads that are designed to slope into a drain that is equipped with a grease trap.
- H. Mechanical Systems Screening. Accessory mechanical systems and features including air and heating systems shall not be visible from the public right-of-way.
- I. Alternative Buffers and Screening. In lieu of compliance with the buffers and screening requirements, the planning commission may approve an alternative buffers and screening plan upon the submission of a detailed plan and specifications for landscaping and screening which will afford a degree of buffering and screening equivalent to or exceeding that provided by the foregoing requirements
- J. Existing Vegetation. Existing vegetation shall be retained and maintained whenever possible so as to permit such vegetation to contribute to buffer and screening requirements.
- K. Maintenance of Landscaping. All landscaping and screening providing required buffering and screening shall be maintained so as to continue their effectiveness.
- L. Uses Requiring Fences in Commercial and Industrial Areas. In any district where reference is made requiring adequate screening of a specified operation, such screening shall be a wall or fence of solid appearance or tight evergreen hedge not less than six (6) feet in height for such uses as junkyards, lumberyards, sanitary landfills, manufacturing plants where outside storage is used, commercial kennels and auto service garages where auto storage is provided outside of buildings.
- M. Administration, Inspection, and Enforcement.
1. All of the provisions of this section shall be administered and enforced by the planning and zoning director, whose duties shall include developing and maintaining specific regulations to give effect to the intent of this section, rendering interpretations as to the requirements of this section, inspecting buffers and enforcement of all provisions of this section.
  2. All questions arising in connection with the administration and enforcement of this section shall be presented first to the planning and zoning director and then to the board of appeals and adjustments on appeal from decisions of the planning and zoning director, pursuant to section 16.12.180.A.

**16.40.030 Transitional Heights and Yards****A. Transitional heights.**

1. Transitional height planes. A transitional height plane is an imaginary plane having a vertical component and angular component specifically designed to restrict the maximum height of all parts of buildings or structures within CR, TCR, NM, CM, TCM, M1 and M2 zoning districts and their relationship to adjoining NR1, NR2 and NR3 districts. Transitional height planes shall comply with the following components and regulations:
  - a. A vertical component measured at the required setback adjoining the common property line by a 35-foot vertical distance above the finished grade, and;
  - b. An angular component extending inward over an adjoining CR, TCR, NM, CM, TCM, M1 and M2 district at an angle of 45 degrees, and;
  - c. Such vertical and angular component calculations shall be made on a point-by-point basis and not average grade.
  - d. No portion of any structure shall protrude through the transitional height planes specified in subsection A.2 below..
2. Where CR, TR, NM, CM, TCM, M1 or M2 districts adjoin NR1, NR2, and NR3 districts without an intervening street, height within this district shall be limited by the transitional height plane requirements.

**B. Transitional yards.**

1. Where CR, TR, NM, CM, TCM, M1 or M2 districts adjoin NR1, NR2, and NR3 districts without an intervening street, a minimum twenty (20) feet wide transitional yard, in addition to other required yards and setbacks, that is continuous along said adjoining boundary shall be required. A transitional yard is required which shall not be used for the purpose of parking, paving, loading, servicing or any other activity with the exception of private alleys or drives up to ten (10) feet in width. Such yards shall be planted as approved by the planning and zoning director and maintained as a landscaped strip.
2. Where CR, TR, NM, CM, TCM, M1 or M2 districts adjoin NR1, NR2, and NR3 districts and contain a building, structure, or use located in both zoning districts, a transitional yard is not required, provided that the portion of the building, structure, or use within twenty (20) feet of such designations shall only contain principal or accessory uses and structures permitted in such district.
3. Screening. In addition to the above transitional yard requirements, permanent opaque walls six (6) feet in height shall be provided and shall be maintained in slightly condition. In lieu of compliance with the wall requirements, the planning commission may approve an alternative screening plan upon the submission of a detailed plan and specifications for landscaping and screening which will afford a degree of buffering and screening equivalent to or exceeding that provided by the foregoing requirements.

## CHAPTER 16.44 PARKING AND LOADING

### 16.44.010 Off-Street Automobile Parking Spaces

#### A. Parking Requirements.

There shall be provided in all districts at the time of erection or enlargement of any building or structure, automobile off-street parking space with adequate access to all spaces. The number of off-street parking spaces, in conjunction with all land or building uses, shall be provided, prior to the issuance of a certificate of occupancy, as hereinafter prescribed:

1. On-street parking. The number of on-street parking spaces credited for a parcel shall not exceed the number of feet of linear frontage of the parcel along local streets (not including frontage devoted to driveways) divided by the constant twenty-four (24).

2. Proximity.

- a. Off-street parking for other than residential uses shall be either on the same lot or within the permitted distances listed in the following table:

<u>User</u>	<u>Maximum walking distance</u>
Employees	1,000 feet
Shoppers	700 feet
Guests—Hotel	500 feet

- b. A special use permit shall be required for providing automobile parking spaces on adjacent or nearby property within the same zoning district, provided a major portion lies within twelve hundred (1,200) feet of the main entrance to the principal use for which such parking is provided.
3. Off-street parking spaces shall be located within a rear or side yard, unless otherwise provided in this title. Off-street parking space shall not be permitted in any front yard or a required side yard except that uncovered parking may be located within a required side yard and limited front yard parking shall be permitted according to 16.28.070.F. Where uncovered parking is located within a required side yard, said yard shall be not less than ten (10) feet wide. Residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage, or combination thereof and shall be located on the premises they are intended to serve.
4. Each required parking space shall measure a minimum of nine (9) feet in width and eighteen (18) feet in length.
5. The storage of merchandise, motor vehicles for sale, trucks or the repair of vehicles is prohibited in areas designated as off-street parking.
6. For authorized uses not specifically mentioned, the requirements for off-street parking facilities shall be in accordance with a use which the planning and zoning director considers is similar in type.
7. When units of measurements determining the number of parking spaces result in the

requirement of a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.

8. A minimum of ten (10%) percent and a maximum of twenty-five (25%) percent of the total amount of parking spaces shall be set aside for compact cars.
9. The following are the maximum number of permitted off-street parking spaces for the uses and/or buildings specified. There shall be no minimum requirements for parking. Where the total number of spaces required is not a whole number, the next largest whole number shall be the parking requirement.
  - a. One and two family dwellings, educational services and hospitals. All other residential uses. One and one-half parking space per bedroom.
  - b. All other uses. One parking space per two hundred (200) square feet of floor area.

**B. Bicycle Parking.**

No development in a CR, TCR, NM, CM or TCM district shall have fewer than three (3) bicycle parking spaces nor be required to exceed a maximum of thirty (30) spaces.

**C. Allowance of Additional Parking Spaces.**

The planning and zoning director may authorize an increase in the total number of parking spaces permitted on a site when all of the following conditions are met:

1. The request for additional parking shall show that the increase is justified on the basis of characteristics unique to the specifically proposed use of the site in contrast to the characteristics of uses of other sites within the same category;
2. Adequate land area for meeting the basic parking requirements is located on and designed for the site, whether at grade or in parking decks; and
3. The planning and zoning director shall provide an applicant a written response to any request for an increase in parking space, stating specific reasons for the decision to grant or deny the request.

**D. Off-Street Parking Spaces, Layout, Standards, Construction and Maintenance.** Wherever the off-street parking requirements require the building of an off-street parking facility or where vehicular parking districts are provided, such off-street parking lot shall be laid out, constructed and maintained in accordance with the following standards and regulations:

1. No parking lot shall be constructed prior to the issuance by the planning and zoning director of a permit for such construction. Applications for such permits in the form prescribed by the planning and zoning director, along with two sets of the applicable construction drawings showing compliance with this section, shall be submitted to the building and safety office of the city.
2. Paving Materials for Parking Lots.
  - a. All parking areas shall be paved with asphalt, concrete or pervious materials approved by the director.
  - b. Pervious Paving. Recommended pervious paving materials include those described in Volume 2—Technical Handbook of the Georgia Stormwater Management Manual (First Edition, August 2001) as the porous concrete or modular porous paver systems under the limited application stormwater structural controls.

- c. Paving areas shall be of sufficient size and strength to support the weight of service vehicles.
- 3. Plans for the lay-out of off-street parking facilities shall be in accordance with the following minimum requirements:

Parking Angle (degrees)	Stall Width (ft.)	Aisle Width (ft.)	Parking Stall Length (ft.)	Curb to Curb (ft.)
0 to 15	9	12	23	30
16 to 37	9.5	11	19	46.6
38 to 57	9.5	13	19	53.2
58 to 74	9.5	18	19	60.4
75 to 90	9.5	24	19	62

- 4. All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
- 5. Adequate ingress and egress to the parking lot by means of clearly limited and defined drives shall be provided for all vehicles. Ingress and egress to a parking lot lying in an area zoned CR, TCR, NM, CM, TCM, M1 or M2 shall not be across land zoned NR1, NR2 or NR3.
- 6. All maneuvering lane widths shall permit one-way traffic movement, except that the ninety (90) degree pattern may permit two-way movement.
- 7. The center line of each entrance to and exit from any off-street parking lot located in an area zoned CR, TCR, NM, CM, TCM, M1 or M2 shall be at least twenty-five feet from the nearest boundary line of any adjacent property located in a NR1, NR2 or NR3 district.
- 8. Screening.
  - a. The off-street parking area shall be provided with a continuous and obscuring wall not less than four (4) feet and six (6) inches in height measured from the surface of the parking area. This wall shall be provided on all sides where the adjacent zoning district is NR1, NR2, NR3, CR or TCR district and shall be subject further to the requirement that when a front yard setback is required, all land between said wall and the front property line or street right-of-way line shall be kept free from refuse and debris and shall be landscaped with deciduous shrubs, evergreen materials and ornamental trees. The ground area shall be planted and kept in lawn. All such landscaping and planting shall be maintained in a healthy, growing condition, neat and orderly in appearance.
- 9. The entire parking area, including parking spaces and maneuvering lanes, required under this section, shall be provided with asphaltic or concrete surfacing in accordance with specifications approved by the city engineer. The parking area shall be surfaced within one year of the date the permit is issued. Off-street parking areas shall be drained so as to dispose of surface water accumulated in the parking area in such a way as to preclude

drainage of water onto adjacent property or toward buildings, and plans shall meet the approval of the city engineer.

10. Parking facilities shall have adequate lighting if the facilities are to be used at night. All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only.
  - a. Lighting shall be designed to preclude light spillover on to adjacent properties. All lighting shall be fully shielded, have recessed luminaries or be cut-off luminaire fixtures mounted in such a manner that the cone of light is directed downward and does not cross any property line of the site.
  - b. Only incandescent, florescent, metal halide, low-pressure sodium or color-corrected, high-pressure sodium may be used. The same type of lighting must be used for the same or similar types of lighting on any one site.
11. Garage doors for single family attached or detached uses shall be oriented to the side or rear yard, or shall be set back at least forty (40) feet behind the front facade of the residence. The requirements of the foregoing sentence shall not apply to residential homes within subdivisions developed in accordance with a preliminary plat approved prior to the effective date of this section.
12. In all cases where a wall extends to an alley which is a means of ingress and egress to an off-street parking area, it shall be permissible to end the wall not more than ten (10) feet from such alley line in order to permit a wider means of access to the parking area.
13. The board of appeals and adjustments, upon application by the owner of the off-street parking property, may modify the yard or wall requirements of this section where compliance would not serve the best interests of the city or the property owner.

#### **16.44.020 Off-Street Loading and Unloading**

Whenever the normal operation of any development requires that goods, merchandise or equipment be routinely delivered to or shipped from the development, a sufficient off-street loading and unloading area shall be provided as follows:

- A. All spaces shall be laid out in the dimensions of twelve (12) by fifty-five (55) feet, or six hundred sixty (660) square feet in area, with an overhead clearance of at least fourteen (14) feet. Loading dock approaches shall be paved with an asphalt or Portland cement binder so as to provide a permanent, durable and dustless surface. The planning and zoning director may reduce the minimum length of such spaces to not less than thirty-five (35) feet in cases where strict compliance with these dimension requirements would not serve the best interests of the city or the property owner.
- B. Retail Business. One space ten (10) feet by twenty-five (25) feet for each ten thousand (10,000) square feet of floor area or fraction thereof.
- C. Bus and Truck Terminals. Sufficient space to accommodate the maximum number of buses and trucks to be stored or to be loaded or unloaded at the terminal at any one time.
- D. All spaces in M1 manufacturing and wholesale shall be provided in the following ratio of spaces to floor:

**Gross Floor Area Required (in square feet)****Loading and Unloading Space Required in Terms of Square Feet of Usable Floor Area**

0—1,400: None

1,401—20,000: 1 space

20,001—100,000: 1 space plus one space for each 20,000 square feet in excess of 20,001 square feet

100,001 and over: 5 spaces

- E. Location of Off-Street Loading Spaces. All required off-street loading spaces shall be located on the same lot as the building which they are intended to serve or on an adjacent lot where such spaces are shared with the use occupying said adjacent lot.
- F. Permanent Reservation. Areas reserved for off-street loading in accordance with the requirements of this ordinance shall not be reduced in area or changed to any other use unless the permitted use which such areas served is discontinued or modified, except where equivalent loading space is provided and approved by the planning and zoning director.

**16.44.030 Parking Lot Layout and Design**

- A. For uses other than single-family.
  - 1. Automobile parking shall be prohibited from being located between any building street-frontage and the adjacent street.
  - 2. All parking areas shall be paved with asphalt, concrete or pervious materials approved by the director.
  - 3. Paving areas shall be of sufficient size and strength to support the weight of service vehicles.
  - 4. To the extent practicable, adjacent parking lots in NM, CM or TCM districts shall be interconnected and shall provide for future interconnectivity.
  - 5. Pedestrian Circulation. Parking areas shall be designed to facilitate safe and convenient use by pedestrians. Developments shall provide designated pedestrian pathways or sidewalks connecting the front entrance of the principal building to the sidewalk along the abutting street, including marked crosswalks across interior driveways.
  - 6. Wheel bumpers shall be placed at the head of all parking spaces that abut a landscape strip or sidewalk. When wheel bumpers are adjacent to a sidewalk, a two (2) foot extension of the sidewalk shall be permitted to be substituted in the place of the required wheel bumpers.
  - 7. No parking area may be used for the sale, repair, dismantling, servicing or long term storage of any vehicles or equipment.
  - 8. All surface parking provided in excess of one hundred (100%) percent of the minimum number of off-street parking spaces required by type of permitted use shall be

“Grasscrete” or “Grasspave” or other porous paving or grass paving systems and as approved by the planning and zoning director. Pervious paving materials shall include those described in Volume 2—Technical Handbook of the Georgia Stormwater Management Manual (First Edition, August 2001) as the porous concrete or modular porous paver systems under the limited application stormwater structural controls.

9. For specific Parking Area Landscaping requirements, see title 14: chapter 14.28 Tree Preservation.

**B. Parking Decks and Parking Structures.**

1. Parking deck facades shall conceal automobiles from visibility from any public right-of-way or private drive or street that are open to the general public, and shall have the appearance of a horizontal storied building.
2. Internal and external ramps associated with parking decks shall be concealed from visibility from any public right-of-way or private drive or street that are open to the general public.

**16.44.040 Driveways and Curb Cuts**

- A. All sidewalk paving materials shall be continued across any intervening driveway at the same prevailing grade and cross slope as on the adjacent sidewalk clear zone. A corresponding interior sign or painted bar on the driveway shall be provided adjacent to the sidewalk paving as it intersects the driveway which shall communicate that vehicles must stop or yield for the intervening sidewalk.
- B. Driveway curb cut widths shall be a maximum of twenty-four (24) feet for two-way entrances and twelve (12) feet for one-way entrances, unless otherwise required by the City of Covington or Georgia Department of Transportation. For the purposes of this section, two (2) curb cuts serving two one-way driveways shall only be counted as one (1) curb cut provided that each curb cut does not exceed one (1) lane in width.
- C. Driveway curb cuts shall not be permitted on any street that functions as an arterial, collector or major thoroughfare streets when access may be provided from a side or rear street located immediately adjacent to a contiguous property, with the exception of hotel patron drop-off drives.
- D. Driveways, except for a driveway to reach the side yard or rear yard or an on-site parking facility, are not permitted between the sidewalk and a building, and shall be perpendicular to any adjacent street.
- E. No more than one (1) curb cut shall be permitted for each development, provided that properties with more than one (1) street frontage may have one (1) curb cut located on each street frontage. However, developments on properties with a street frontage greater than four hundred (400) feet shall be permitted more than one (1) curb cut provided curb cuts are spaced a minimum of three hundred and seventy-five (375) apart.

- F. A common or joint driveway may be authorized by the planning and zoning director upon a finding that it will decrease traffic congestion consistent with this title.
- G. All developments shall have pedestrian walkways a minimum width of five (5) feet connecting ground level parking lots or decks to the public sidewalks and to all building entrances.

## CHAPTER 16.48 SIGNS

### 16.48.010 Purpose and Intent

It is the purpose of the mayor and council of the city of Covington in enacting this chapter to provide standards to safeguard life, public health, property and welfare by regulating the location, size, illumination, erection, maintenance and quality of materials of all signs. More specifically, signs have a powerful impact on the aesthetic environment of the community, and it is the purpose of this chapter to encourage an aesthetically attractive environment, while allowing sufficient opportunities for communications to serve business and comply with the federal and state Constitutions and laws. Signs create visual clutter and therefore should be regulated in their size, location, construction and illumination. Signs can detract from the beauty of a neighborhood and lower property values. In seeking to comply with federal and Georgia law, the mayor and council has determined the following: large billboards are, as the U.S. Supreme Court has recognized, an aesthetic harm; the Georgia Supreme Court has upheld sign regulations on the basis of aesthetics and preserving the beauty of environment; and, judicial decisions of the Eleventh Circuit have recognized that portable signs are visual clutter and a potential traffic hazard. These holdings support the constitutionality of this chapter, as intended by the city.

Many signs can also be a hazard and negatively impact traffic safety, by distracting drivers and blocking views of other vehicles and dangers, by making intersections more treacherous, and by making it difficult to see oncoming traffic when entering a roadway. Therefore, it is also the purpose of this chapter to prevent those harms by regulating signs to safe locations, safe sizes, with proper and safe illumination and construction.

### 16.48.020 Definitions

Except as specifically defined herein, all words used in this chapter have their customary dictionary definitions. Words in the present tense include the future, words in the singular include the plural number, and words in the plural include the singular. In addition to the words and terms elsewhere defined in this article or otherwise in this code, the following words and terms, as used herein, shall have the following meanings unless the context or use indicates another or different meaning or intent:

The word “shall” is mandatory and not discretionary.

The word “may” is permissive.

The phrase “used for” shall include the phrases “arranged for,” “designed for,” “intended for,” “maintained for” and “occupied for.”

The word “structure” includes the word “building.”

“Abandoned sign” means a sign which pertains to a time, event or purpose which has expired or lapsed with the passage of time.

“Animated sign” means a sign with action or motion with moving characters or flashing lights or colors which require electrical energy.

“Area of sign” (or “sign area”) means the area within a continuous perimeter enclosing the limits of written representation, emblem or any figure or similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate a sign from the background against which it is placed, excluding the necessary supports or uprights on which a sign is placed; provided, however, that an open space contained within the outer perimeter of the display face of a sign or between any component, panel, strip or figure of any kind composing the display face shall be included in the computation of the area of the sign whether or not such open space is enclosed by a frame or border.

“Banner” means a temporary sign designed to be hung either with or without a frame, with characters, letters, illustrations or ornamentation applied to paper, plastic or fabric of any kind.

“Building facade” (or “face”) means the portion of any exterior elevation of a building extending from grade to the top of the parapet wall or eaves and the entire width of the building elevation fronting a public street, excluding alleys and lanes.

“Building frontage” means the length of an outside building wall facing a street.

“Building lot” means that area of land that includes all of the land area improved and/or utilized as part of the same development. The foregoing definition expressly excludes a separate lot of land under the city’s subdivision regulations contained in this title of the code that has been developed as a separate, freestanding commercial or professional facility with separate parking facilities and is clearly independent of the adjoining developments. For example, the building lot of a shopping center would include the total area including the parking lot, drives, walks, open areas, common areas, and all connecting or adjacent buildings that are part of a common scheme of development, but would expressly exclude the “outlots” of a shopping center that were conveyed by fee simple title or long-term ground lease to third parties for the development of a freestanding commercial or professional establishment such as a bank, restaurant or similar facility having its own parking and other amenities.

“Building official” means the director of inspections of the city or his authorized representative.

“Canopy sign” means a sign imposed upon or painted on any roof-like structure either permanently or temporarily extended over a sidewalk or walkway. Such signs can be mounted flush or suspended.

“Changeable copy sign” means a sign that is designed so that characters, letters, or illustrations can be changed or rearranged without altering the face or surface of the sign.

“City” means the city of Covington, Georgia, and the geographic area included within the corporate limits of the city of Covington.

“Code” means the Covington Municipal Code as same may exist from time to time adopted and enacted by the governing authority of city.

“Copy” means the wording or graphics on a sign surface, in either permanent or removable form.

“Detached sign” means a permanent sign affixed to the ground which is wholly independent of any building and supported by one or more columns, upright braces or constructed devices.

“Directional sign” means a sign within a commercial or industrial district identifying the entrance to a premises or directions to various premises, amenities or other facilities within a planned center.

“Directory sign” means a sign containing information relative to the location, distance to, entrance to, and exit from structures or land use activities.

“Election-cycle” means the time period starting sixty (60) days before any primary or election (if there is no primary), and ending ten (10) days after the scheduled election (or run-off, if one takes place) for any federal election, Georgia statewide election, Newton County election, or municipal election for city.

“Election cycle sign” means a sign that can be erected during the election-cycle under the special provisions of section 16.48.080 of this chapter.

“Exempt sign” means any sign other than a nonconforming sign that is not required to meet any or all of the requirements of this article.

“Facia sign” means a single-face sign which is in any manner attached or fixed flat to an exterior wall of a building or structure. Individual letters in addition to the “box type” (i.e., letters and symbols on an attached backing) sign may also be installed and constitute a facia sign.

“Flag” means any fabric, banner or bunting containing distinctive colors, patterns or symbols, used as a symbol of a government, political subdivision or other entity.

“Flashing sign” means a sign, the illumination of which is not kept constant in intensity at all times when in use, and which exhibits sudden or marked changes in lighting effects.

“Fluorescent color” means a color that is intense, brilliantly colored and apparently giving off light, often described as day glow, day-glo colors.

“Governing authority” means the mayor and council of the city.

“Ground sign” means a sign that is anchored to the ground and is wholly independent of a building for support. Freestanding signs are included in this definition, as are signs on poles, frames, or other mounting structures other than buildings.

“Height,” as applied to a sign, means the vertical distance between the highest part of the sign or its supporting structure, whichever is higher, and a level plane going through the nearest point of the vehicular traffic surface of the adjacent improved public right-of-way, other than an alley. In the event a sign is equal distance from more than one improved public right-of-way, none of which are alleys, the highest point shall be used. Where the elevation of the ground at the right-of-way line nearest the sign is equal to or greater than five feet above the vehicular traffic surface, the permitted height of the sign may be established as a variance to this article, limited, however, to the least variation required to place the applicant’s signage in a similar position to other allowable signage.

“Illuminated sign” means a sign illuminated directly or indirectly by gas, electricity or other artificial light, including reflective or fluorescent light.

“Instructional sign” means a sign used to give direction or specific instruction to the public, such as, but not limited to, “Enter,” “Exit,” “No Parking,” “Drive Through,” “Rest Room” and so forth.

“Mobile sign” means a sign which is attached to, mounted on, pasted on, painted or drawn on any vehicle, whether motorized or drawn, which is placed, parked or maintained at one particular location for the express purpose and intent of promotion or conveying an advertising message.

“Official sign” means any sign posted by or at the direction of a governmental entity.

“Pennant” means any lightweight plastic, fabric or other material, suspended from a pole, rope, wire or string, often in series, designed to move in the wind.

“Permanent sign” means any sign attached securely to a building, roof, wall or canopy or the ground by means of concrete, bolts, metal braces or treated wood or cedar, and continuing in the same state or without essential change to the sign structure.

“Permit” means a certificate issued by the city allowing the erection, construction or placement of a sign.

“Planned center” means a group of stores, offices or businesses, occupying distinct and separate spaces, that are open to the public and combined into one building complex on one lot with dedicated access to each such space through a common lobby or directly from the exterior of the complex.

“Portable signs” mean signs which are attached to vehicles, trailers, movable structures or attached to sign structures which are not permanently anchored into the ground, or any sign which may be transported or is designed to be transported.

“Prohibited sign” means any sign, other than a nonconforming sign and/or exempt sign, not conforming to this article.

“Projecting sign” means a sign which is attached to the building wall and which extends more than eighteen (18) inches from the face of such wall.

“Public service sign” means any sign erected and maintained by public officials or public agencies or approved and authorized for use by state or local government business or authorities.

“Roof sign” means a sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof, the eave line of a building with a gambrel, gable or hip roof or the deck line of a building with a mansard roof.

“Rotating sign” means a sign which is designed to revolve by means of electrical power.

“Sandwich sign” means a freestanding portable sign, also referred to as an “A frame sign” that is not permanently attached to a building structure or the ground.

“Setback” means the distance from a property line to the nearest part of a building structure or sign, as measured perpendicularly to the property line.

“Sign” means any display of words, shapes or images designed to convey a message to the viewer, located on the exterior of any dwelling, building or structure or anywhere on a lot upon a dedicated supporting structure or device, including poles, banners, windows and similar devices.

“Sign, Attached. “Attached sign” means any sign attached to, applied on or supported by any part of a building (such as roof, wall, window, canopy, awning, arcade or marquee) which encloses or covers useable space.

“Sign, box/cabinet” means a sign being flat in appearance with little or no dimension. Box signs include flat signs either internally or indirectly illuminated and with or without a frame.

“Sign, channel letter” means a sign where the letters are comprised of a U-shaped aluminum channel, with plastic front faces, which are individually cut and form letters spelling out a word or words for identification of a business, product or service on a building “Sign clearance” means the vertical distance from the established finished grade of the sidewalk or ground to the lower edge of a sign.

“Sign face” means the portion of a sign on which words, shapes or images are displayed.

“Sign, light emitting diode (LED)” means an electronic device that lights up when electricity is passed through it. They are usually red but can be multi-colored. Used for displaying images because they can be relatively small.

“Sign, neon” means an illuminated sign containing a glass tube filled with neon or phosphors, which is bent to form letters, symbols or other shapes.

“Sign, wall” means a sign attached to or painted on the exterior wall of a building. The total lettering on one (1) façade of a building or structure shall constitute one (1) wall sign.

“Signable area” means that area of the facade of a building up to the roofline, free of windows and doors or major architectural detail, to which a sign may be attached or erected; provided, however, that the “signable area” for a fascia sign shall be further restricted to the horizontal area along the building facade below any upper story windows unless there is adequate space between windows and rooftop when a principal use structure is greater than one story in height.

“Street frontage” means the length of a property line along the street on which it borders.

“Temporary sign” means a display, informational sign, banner or other advertisement device with or without a structural frame, not permanently attached to a building, structure or the ground, and intended for a limited period of display.

“Temporary sign of long duration” means a temporary sign the permit for which expires in sixty (60) days from the date of its issuance by the city.

“Trailer sign” means any sign attached to a trailer except for work trailers of a business or organization or common carriers used primarily for daily transportation of employees, equipment or goods.

“Vehicular sign” means any sign attached to a vehicle except for work vehicles of a business or organization or common carriers used primarily for daily transportation of employees, equipment or goods.

“Wall sign” means any sign attached to or erected against an exterior wall which is an integral part of the building and which shall project not more than eighteen (18) inches from the exterior wall of the building. Such a sign may be constructed without constituting an encroachment into a required side or front yard setback line.

“Weekend sign” means a two sided sign the area of which is no more than four square feet per side and the height of which is no greater than three feet, allowed in any zoning district between three p.m. Friday and 11:59 p.m. Sunday.

“Window sign” means any sign painted on or attached to or placed in a window so that it is designed to be viewed primarily from the outside or exterior of a building.

“Zoning district” means the use classification of parcels of land as defined under the zoning ordinances.

“Zoning ordinance” means the official zoning ordinance of the city codified at title 16 of the Covington Municipal Code.

### **16.48.030 Permitted Signs**

If not otherwise stated, any sign not specifically permitted in a zoning district as provided under this section shall be prohibited.

A. Signs Permitted in any Zoning District.

1. Weekend signs;
2. Election cycle signs.

B. Signs Permitted in, NR1, NR2 and NR3 Zoning Districts.

1. Ground Signs. One double face sign per road frontage per lot of up to sixteen (16) square feet per face with a maximum height of eight feet and minimum setback of ten (10) feet.
2. Window Signs. One per dwelling, not to exceed twenty-five (25) percent of the area of the window.
3. Wall Signs are not permitted.

C. Signs permitted in the TCR and TCM Zoning Districts, for Individual Uses.

1. Ground Signs. One sign structure per road frontage per lot of up to one hundred twenty (120) square feet per sign face with an aggregate total of all signage not to exceed two hundred forty (240) square feet with a maximum height of five feet and a minimum setback of ten (10) feet.
2. Window Signs. Total signage not to exceed fifteen (15) percent of the area of windows facing road frontage.
3. Wall Signs. One sign per building elevation of up to ten (10) percent of the total area of the building face, but not to exceed one hundred (100) square feet. Wall signs shall not exceed twenty (20) percent of the building height or fifty (50) percent of the building width.
4. Canopy Signs. One per establishment not to exceed eight square feet.
5. Projecting Signs. One per building not to exceed eight square feet. Minimum height is seven feet above any pedestrian way.
6. Sandwich or A-type Signs. One per establishment not to exceed six square feet in area or four feet in height. Sandwich signs may be placed directly in front of the building, but not in the public right of way, and may not impede the flow of pedestrian traffic. Such signs must be removed between the hours of ten p.m. and seven a.m.

D. Signs Permitted in the CR and NM Zoning Districts, for Individual Uses.

1. Ground Signs.
  - a. One sign structure per road frontage per lot of up to one hundred twenty (120) square feet per sign face, with an aggregate total of all signage not to exceed two hundred forty (240) square feet and with a maximum height of five feet and a minimum setback of ten (10) feet;
  - b. In addition to the signs permitted in the immediately preceding subsection D.1.a, one

double face sign per lot of up to sixteen (16) square feet per face and with a maximum height of eight feet and minimum setback of ten (10) feet are permitted.

- i. Window Signs. Total signage not to exceed twenty-five (25) percent of the area of windows facing road frontage.
  - ii. Wall Signs. One sign per building elevation up to an aggregate total area of all signs not to exceed one hundred (100) square feet. If the lot contains a principal building that has over sixty-five thousand (65,000) gross square feet of building space, the aggregate total area of all signs shall not exceed two hundred (200) square feet.
- E. Signs Permitted in the CM Zoning Districts, for Individual Uses.
1. Ground Signs.
    - a. One sign structure per road frontage per lot of up to one hundred twenty (120) square feet per sign face, with an aggregate total of all signage not to exceed two hundred forty (240) square feet and with a maximum height of fifteen (15) feet and a minimum setback of ten (10) feet. If the lot contains a principal building of over sixty-five thousand (65,000) square feet, the maximum area per sign shall be two hundred (200) square feet per face, with an aggregate total area of all signage not to exceed four hundred (400) square feet.
    - b. In addition to the signs permitted in the immediately preceding paragraph a., one double face sign per lot of up to sixteen (16) square feet per face with a maximum height of eight feet and minimum setback of ten (10) feet is permitted.
  3. Window Signs. Total signage not to exceed twenty-five (25) percent of the area of windows facing road frontage.
  4. Wall Signs. One sign per building elevation of up to ten (10) percent of the total area of the building face, with an aggregate total of all signs not to exceed one hundred (100) square feet. If the lot contains a principal building that has over sixty-five thousand (65,000) gross square feet of building space, the aggregate total area of all signs shall not exceed two hundred (200) square feet.
- F. Signs permitted in the M-1 and M-2 Zoning Districts, for Individual Uses.
1. Ground Signs.
    - a. One sign structure per road frontage per lot of up to one hundred twenty (120) square feet per sign face with an aggregate total of all signage not to exceed two hundred forty (240) square feet, with a maximum height of thirty-five (35) feet and a minimum setback of ten (10) feet. If the lot contains a principal building of over sixty-five thousand (65,000) square feet, the maximum area per sign face shall be two hundred (200) square feet, with an aggregate total of all signage not to exceed four hundred (400) square feet.
    - b. In addition to the signs permitted in the immediately preceding paragraph a., one double face sign per lot of up to sixteen (16) square feet per face, with a maximum height of ten (10) feet and minimum setback of ten (10) feet is permitted

2. Window Signs. Total signage not to exceed twenty-five (25) percent of the area of windows facing road frontage.
  3. Wall Signs. One sign per building elevation, up to an aggregate total of all signs, not to exceed one hundred (100) square feet. If the lot contains a principal building that has over sixty-five thousand (65,000) gross square feet of building space, the aggregate total area of all signs shall not exceed two hundred (200) square feet.
- G. Signs Permitted in the TCM for Planned Centers.
1. Ground Signs. One sign structure per road frontage per lot, of up to one hundred twenty (120) square feet per sign face, with an aggregate total of all signage not to exceed two hundred forty (240) square feet, with a maximum height of ten (10) feet and a minimum setback of ten (10) feet. If the lot contains a principal building of over sixty-five thousand (65,000) square feet, the maximum area per sign face shall be two hundred (200) square feet with an aggregate total of all signage not to exceed four hundred (400) square feet.
  2. Window Signs. Total signage per business not to exceed twenty-five (25) percent of the area of windows facing road frontage.
  3. Wall Signs. Total area of all signs is not to exceed five percent of the gross floor area. No more than four signs per business are permitted and no sign shall exceed two hundred (200) square feet.
- H. Signs Permitted in the NM and CM Zoning Districts, for Planned Centers.
1. Ground Signs. One sign structure per road frontage per lot, of up to one hundred twenty (120) square feet per sign face, with an aggregate total of all signage not to exceed two hundred forty (240) square feet, with a maximum height of thirty-five (35) feet and a minimum setback of ten (10) feet. If the lot contains a principal building of over sixty-five thousand (65,000) square feet, the maximum area per sign face shall be two hundred (200) square feet, with an aggregate total of all signage not to exceed four hundred (400) square feet.
  2. Window Signs. Total signage per business not to exceed twenty-five (25) percent of the area of windows facing road frontage.
  3. Wall Signs. Total area of all signs is not to exceed five percent of the gross floor area. No more than four signs per business are permitted and no sign shall exceed two hundred (200) square feet.
- I. Signs Permitted in the M1 and M2 Zoning Districts, for Planned Centers.
1. Ground Signs. One sign structure per road frontage per lot, of up to one hundred twenty (120) square feet per sign face, with an aggregate total of all signage not to exceed two hundred forty (240) square feet and with a maximum height of thirty-five (35) feet and a minimum setback of ten (10) feet. If the lot contains a principal building of over sixty-five thousand (65,000) square feet, the maximum area per sign face shall be two hundred (200) square feet with an aggregate total of all signage not to exceed four hundred (400) square feet.
  2. Window Signs. Total signage per business not to exceed twenty-five (25) percent of the area of windows facing road frontage.

3. Wall Signs. Total area of all signs is not to exceed five percent of the gross floor area. No more than four signs per business are permitted and no sign shall exceed two hundred (200) square feet.
  4. Changeable Copy Signs. Changeable copy signs are permitted in all commercial zoning districts provided such signs do not flash, blink, or vary in light intensity and are not animated.
- J. Signs for the Bypass Corridor. The following standards shall be overlaid upon the zoning districts fronting the Bypass Corridor. When regulations conflict, the more stringent regulations shall apply.
1. Sign Illumination.
    - a. Internally illuminated wall signs will use channel letters mounted on a channel box known as a raceway. Box signs are allowed as incidental or ancillary or accent signs providing additional information provided they have rounded edges and are no more than 40% of the primary sign size. No fluorescent colors will be used for either the background or foreground of the wall sign. Exposed neon is prohibited as well as Light Emitting Diodes (LED) channel letter and reader board signs..
    - b. Signs may be illuminated with external lighting fixtures provided that fixtures are directed downward and away from streets and adjacent property and public streets.
  2. Signs.
    - a. Individual commercial sites or planned centers having sixty-five thousand (65,000) square feet or less are permitted one ground sign per road frontage. Individual commercial sites or planned centers having more than sixty-five thousand (65,000) square feet shall be allowed no more than two ground signs per road frontage.
    - b. Ground signs shall be attached to a permanent wall or pilasters constructed of brick, stone or textured concrete masonry units. Maximum sign height shall be eight feet above height of adjacent roadway. Maximum sign width shall be sixteen (16) feet.
    - c. Ground signs can be internally or externally illuminated. Exposed neon is prohibited as well as Light Emitting Diodes (LED) and reader boards. No fluorescent colors will be used for either the background or foreground of the sign.
    - d. Ground signs shall consist of no more than two sign faces, limited to one hundred (100) square feet per side.
    - e. Wall signs. One sign per building elevation of up to ten (10) percent of the total area of the building face, with an aggregate total of all signs not to exceed one hundred (100) square feet. If the lot contains a principal building that has over sixty-five thousand (65,000) gross square feet of building space, the aggregate total area of all signs shall not exceed two hundred (200) square feet.
    - f. Temporary signs or banners shall be set back at least ten (10) feet from any street pavement, shall not be placed on any street right-of-way and shall not exceed sixteen (16) square feet in area.
      - i. One such sign is permitted for a maximum period of seven consecutive days, after which time it shall be removed.

- ii. Temporary signs or banners for display for periods of up to thirty (30) consecutive days are permitted, subject to approval of a temporary sign permit. Maximum cumulative banner area shall be thirty-two (32) square feet per parcel.

#### **16.48.040 Additional Permitted Signs**

The following signs are also permitted, as stated.

- A. Subdivision Entrance Signs. Two monument-style signs or two double-faced signs shall be permitted at every entrance to any residential subdivision, mobile home park or subdivision, apartment complex, or other similar residential development. Such signs shall not exceed five feet in height or sixteen (16) square feet per face. All sign structures must be constructed of brick, stone, masonry or equivalent architectural material. Only external illumination is permitted;
- B. Commercial/Office/Industrial Entrance Signs. Two monument-style signs or two double-faced signs shall be permitted at every entrance to any commercial, office or industrial planned development. Such signs shall not exceed five feet in height or sixteen (16) square feet per face. All sign structures must be constructed of brick, stone, masonry or equivalent architectural material. Such signs may be internally or externally illuminated;
- C. Official signs;
- D. Any sign not visible from the outside of a structure or to passing members of the public;
- E. Signs not exceeding three square feet in area on private property;
- F. Directional signs, including exit/entrance, shipping/receiving or other directional information, not to exceed six square feet in area or four feet in height;

#### **16.48.050 Standards**

- A. Content. Any sign, display or device allowed under this chapter may contain any commercial or noncommercial message, except that such messages cannot depict obscenity, as defined by O.C.G.A. Section 16-12-80.
- B. Location. All signs must be placed on private property, except signs erected on public property by an authorized governmental unit. No sign shall be located closer than ten (10) feet from the back of the curb of a public roadway, nor be located closer than ten (10) feet from the public right-of-way, whichever is farther from the street, unless otherwise noted. No sign shall encroach on or hang over any public right-of-way.
- C. Number. For the purposes of determining the number of signs, ground signs shall be equal to the number of sign structures. All other non-ground signs shall be considered to be a single display surface or display device containing elements organized, related and composed to form a unit. Where matter is displayed in random manner without organized relationship of elements, each such element shall be considered to be a single sign.
- D. Illumination.
  - 1. Ground signs cannot be internally illuminated in the NR1, NR2 and NR3 zoning districts. Any external illumination of any sign in any district shall be positioned and shielded so

- that the light source cannot be seen directly by any passing motorist nor from any adjacent dwelling or business.
2. Flashing, blinking or otherwise varying illumination is not permitted. No external or internal illumination that causes confusion with or distraction from any traffic signal or safety device shall be permitted.
  3. Signs located within any residential district may only be externally illuminated using directional or cut-off lighting fixtures.
- E. Corner Visibility. No sign or sign structure (above a height of three feet) shall be maintained within fifteen (15) feet of the intersection of the extended right-of-way lines of two streets, or of an intersection of a street right-of-way with a railroad right-of-way.
- F. Fire Safety. No sign or sign structure may be erected or maintained which obstructs any fire escape, ventilation, or door; nor shall any sign or sign structure be attached to a fire escape.

#### **16.48.060 Prohibited Signs**

The following types of signs are prohibited, as stated:

- A. Roof signs;
- B. Sidewalk, A-type, sandwich or curb-type signs, except as permitted in section 16.48.030;
- C. Portable signs, except as permitted in section 16.48.070;
- D. Swinging or projecting signs, except as permitted in section 16.48.030;
- E. Animated signs involving motion or sound;
- F. Flashing, blinking signs or signs of varying light intensity, or signs containing exposed neon tubing;
- G. Signs which contain or are in imitation of an official traffic sign or signal, or which can be confused with an official traffic sign;
- H. Courtesy benches, trash cans, and similar devices displaying any words or images designed to convey a message to the viewer;
- I. Trailer signs;
- J. Signs attached to any street signs or markers, traffic control signs or devices, or attached to or painted on any pole, post, tree, rock, shrub, plant or other natural object or feature;
- K. Signs rotating at greater than six revolutions per minute;
- L. Signs not in good repair, specifically including any sign which is in a state of disassembly or any sign which has its internal lighting exposed to view for more than one week;
- M. Signs or advertising devices attached to any vehicle or trailer except for work vehicles of a business or organization and common carriers or other vehicles with a valid license plate used for daily transportation.

The city shall be empowered to remove or cause to be removed at the owner's expense all prohibited signs.

**16.48.070 Long-Duration Temporary Signs**

- A. The following types of long-duration temporary signs may be displayed in the CR, TCR, NM and TCM zoning districts upon the issuance of a temporary permit from the building official or his designee: Banners, including flag banners.
- B. The following types of long-duration temporary signs may be displayed in the CM, M-1 and M-2 zoning districts upon the issuance of a temporary permit from the building official or his designee:
  - 1. Inflatable advertising devices and figures less than thirty-five (35) feet in height;
  - 2. Search lights, lasers and similar devices;
  - 3. Banners, including flag banners.
- C. Only one long-duration temporary sign or advertising device may be used on one lot at the same time.
- D. A temporary permit shall be valid for no more than sixty (60) days.

**16.48.080 Short-Duration Temporary Signs**

- A. Weekend Signs. Weekend signs shall not exceed three feet in height and four square feet per side, and shall not have more than two sides. Such signs shall be made of waterproof material, and must be attached to an independent mounting device no more than forty (40) inches above ground level. The mounting must be secure to prevent the sign from blowing off the device. The mounting device shall bear the name and phone number of the party responsible for the device. No such sign can be placed within one hundred (100) feet of a public road intersection, nor shall any sign be closer than ten (10) feet to the pavement of a roadway. In no event shall such signs be placed on public rights-of-way.
- B. Election Cycle Signs. Election cycle signs shall not exceed five feet in height and sixteen (16) square feet per side, and shall not have more than two sides. Such signs shall be made of waterproof material, and must be attached to an independent mounting device no more than forty (40) inches above ground level. The mounting must be secure to prevent the sign from blowing off the device. The mounting device shall bear the name and phone number of the party responsible for the device. No such sign can be placed within one hundred (100) feet of an intersection, nor shall any sign be closer than ten (10) feet to the pavement of a roadway. In no event can such signs be placed on public rights-of-way. Anyone desiring to place such sign on the property of another must obtain permission from the owner of such property. Nothing in this section affects the regular sign ordinance provisions; these are extra signs allowed during the election cycle. Subject to the provisions of section 16.48.050.A, any message can be placed on these signs, and political messages can be placed on any sign at any time.

- C. Other Short-Duration Temporary Signs. Short duration temporary signs can be erected in any zoning district for a maximum of two weeks. No more than two such signs can be erected on any lot. Such signs shall not exceed five feet in height and sixteen (16) square feet per side, and shall not have more than two sides. Such signs shall be made of waterproof material, and must be attached to an independent mounting device no more than forty (40) inches above ground level. The mounting must be secure to prevent the sign from blowing off the device. The mounting device shall bear the name and phone number of the party responsible for the device. No such sign can be placed within fifty (50) feet of a public road intersection, nor shall any sign be closer than ten (10) feet to the pavement of a roadway. In no event can such signs be placed on public rights-of-way. Short duration signs cannot be placed on the same lot more than four times per year.

#### **16.48.090 Procedures**

##### **A. Sign Permit.**

1. A sign permit is required before a sign may be erected except for the following signs: (1) weekend signs, (2) election cycle signs, and (3) a ground sign or a window sign less than six square feet in the NR1, NR2 and NR3 zoning districts. A sign permit is required before an existing sign may be enlarged, relocated or improvements costing sixty (60) percent or more of its total replacement value are made. All signs using electrical wiring and connections shall require an electrical permit issued pursuant to the provisions of section 15.04.020(C)(1)(c) of the code.
2. A sign permit shall be issued by the building official or his designee when the plans, specifications, and intended use of the proposed sign or part thereof conform in all respects to the applicable provisions of this chapter and the City Building Code as certified by the building official or his designee. Applications for such permits shall be accompanied by all the information required under section 16.48.080.B and such other information as the building official or his designee may require in the exercise of sound discretion to determine compliance with this chapter. Standardized sign plans may be filed with the building official in fulfillment of this requirement, although site plans to determine the location of a sign shall be filed with each application.
3. Each sign application shall contain an agreement to indemnify and save the city harmless of all damages, demands or expenses which may in any manner be caused by the sign or sign structure. Each applicant shall present to the city on request a certificate of liability insurance prior to the issuance of a sign permit.
4. Every sign constructed, erected or maintained for which a permit is required shall be plainly marked with the name of the person, firm or corporation erecting and maintaining such sign, and shall have the number of the permit issued for said sign by the building official or his designee affixed on the framework of the sign in such a manner that the information contained therein shall be readily accessible, legible and durable.

- B. Application. Applications for sign permits required above shall be filed by the sign owner or owner's agent with the building official or his designee, upon forms provided by the city. The application shall describe and set forth the following and any additional information pertinent to the sign application as may be requested by the building official or his designee in order to determine compliance with this chapter.
1. The type of the sign as defined by this chapter;
  2. A site plan showing the location of the sign, and construction plan describing the material the sign is to be constructed from;
  3. Elevation drawing showing the height and dimensions of the sign face;
  4. The total construction cost of the sign;
  5. The street address or other acceptable means of location of the property upon which subject sign is to be located and the proposed location of the sign on the said property;
  6. The square foot area per sign and the aggregate square foot area of signage on the property if there will be more than one sign on the property upon which the sign is to be located.
  7. The name(s) and address(es) of the owner(s) of the real property upon which the subject sign is to be located.
  8. Written consent of the owner, or owner's agent, granting permission for the placement and maintenance of the sign.
  9. The name, address, and phone number of the sign contractor.
- C. Expiration Date. A sign permit shall become null and void if the sign for which the permit was issued has not been completed within six months after the date of issuance; provided, however, that one six-month extension of the permit shall be granted if an additional permit extension fee has been paid prior to the expiration date of the initial permit.
- D. Processing of Application. Upon receipt of a properly completed application for a sign as permitted under the provisions of this chapter, the city shall commence review of a permit application no later than ten (10) working days after the date of its submission. A copy of any application for a sign permit within the TCR and TCM zoning districts shall be transmitted by the building official to the main street manager for comment and review. The main street manager shall have ten (10) days from the receipt of the application to submit comments. Review by all city officers shall be completed and the permit shall be issued or denied no later than the thirtieth day after the date of its submission. A permit shall be denied if the applicant, landowner, or lessee violates or fails to comply with any provisions of this chapter in either the application or the physical standards governing the sign. All applications meeting the standards of this chapter shall be granted. If no response is received by the applicant from the city within forty-five (45) days from submission of a properly completed application, the permit shall be considered granted.

- E. Fees. No permit shall be issued until the appropriate application, including exact dimensions, area, and estimated construction cost of the sign, has been filed with the building official or his designee and the following fees have been paid:

<b>Type of Sign</b>	<b>Fee</b>
Electric	\$25.00 plus 1% of construction cost in excess of \$1,000.00
Non-electric	\$15.00 plus 1% of construction cost in excess of \$1,000.00
Temporary	None

#### **16.48.100 Inspection**

In accordance with section 15.04.020 (Administrative procedures for enforcement of state minimum standard codes) of the code, enforcement personnel are hereby empowered to enter into or inspect any building, structure, or premise upon which a sign subject to this chapter is located for the purpose of inspecting the sign, its structural and electrical connections, and to ensure compliance with the provisions of this chapter.

#### **16.48.110 Appeals and Variances**

- A. Procedure Upon Denial. Upon denial of the application for a sign permit the applicant shall be given written notice stating the reason(s) for the denial within fifteen (15) days of the decision to deny the permit but not later than the forty-fifth (45th) day after the date of submission of the application. The aggrieved party may appeal any decision as provided in section 16.12.250.D of this chapter.
- B. Variances.
1. Variances may be granted from the provisions of this chapter by compliance with section 16.12.250.C.
  2. Variance procedures shall apply both to signs which are non-conforming as of the effective date of this chapter and to new signs erected thereafter.

#### **16.48.120 Construction and Maintenance**

- A. All signs for which a permit is required, together with all their supports, braces, guys, and anchors shall be kept in constant repair and, unless constructed of galvanized or non-corroding metal, shall periodically be given a protective coating. The area immediately in front of all freestanding signs shall be maintained free of high weeds and debris.
- B. It shall be the duty of the building official or his designee to periodically inspect every sign for which a permit is required in order to determine that each meets the requirements set forth in this chapter.
- C. The person or entity holding the permit shall be required to remove or have removed from the premises discarded or unusable paper, sign faces, parts and debris resulting from the changing of the advertising copy or message or maintenance of any approved sign or sign structure.

- D. Any sign exceeding fifteen (15) feet in height constructed after the effective date of this chapter shall be constructed so as to withstand dead load and wind pressure of at least an eighty (80) mph wind in any direction and shall meet all wind load requirements of the International Code Council Building Code, and any other applicable building code.

#### **16.48.130 Enforcement**

- A. Building Official and/or His Authorized Representative. All of the provisions of this article shall be administered and enforced by the building official or his designee and shall include issuing permits, inspecting signs, and enforcement of all provisions of this article.
- B. Removal.
1. The building official may order the removal of any sign in violation of this chapter. Notice specifying the violation and necessary corrective action shall be given to the permit holder, then to the owner of the sign. If the sign owner cannot be found or cannot be determined, notice shall be given to the sign erector and property owner and/or any other party that procured the erection of the sign. If a permit was issued, such notice shall operate to revoke the permit. The removal order shall be issued only after the appropriate party fails to comply with the terms of this notice and this chapter within seven days after the receipt of written notice of non-compliance by the city or within ten (10) days from the mailing of such notice if no receipt indicating acceptance is returned.
  2. An aggrieved party may appeal the removal order within ten (10) days from the date that the notice was received by filing a written notice of appeal with the city clerk. Such appeal shall be as provided in section 16.12.250.D of this title. If the sign is not removed within thirty (30) days after the order of removal (or thirty (30) days after the date the decision on any appeal becomes final), the enforcement personnel are authorized to remove the sign or cause the sign to be removed and to collect the costs thereof as provided below in subsection C of this section.
- C. Removal Without Notice. The enforcement personnel or any other agent of the city having jurisdiction under the circumstances may remove or direct the removal of any sign erected or maintained in violation of this chapter, without giving notice to any party, if:
1. The sign is upon the public right-of-way or upon other public property; or
  2. The sign poses an immediate safety threat to the life or health of any members of the public.
- D. Costs of Removal.
1. Removal of signs which were lawfully erected, but which do not conform with the provisions of this chapter or which at a later date fail to comply with the provisions of this chapter due to changed conditions beyond the control of the sign owner shall be governed by the provisions of O.C.G.A. § 32-6-83.
  2. Any sign which is erected in violation of this chapter other than a sign subject to the provisions of subsection B of this section is declared to be a nuisance and the costs of removal of same shall be at the sign owner's expense as provided in section 13 of the City Charter.

3. Removal of any sign without notice, as provided in subsection B of this section shall be without liability to the city, its officers, agents, servants or employees. The permit holder shall be primarily responsible for the costs of removal. If there is no permit holder, then the sign owner shall be responsible. If the sign owner cannot be found or cannot be determined, then the costs of removal shall be the responsibility of the sign erector and/or property owner or any other party that procured erection of the sign. If payment or arrangement to make payment is not made with sixty (60) days after the receipt of such statement, the code enforcement personnel shall certify the amount thereof for collection to the city attorney. In the event that a sign that is removed as provided in this section remains unclaimed for more than one hundred twenty (120) days from the date of removal, the sign shall be disposed of in accordance with O.C.G.A. § 44-14-411.
- E. Invalid Permits. The building official or his designee may issue a removal order when it has been determined that a permit was improperly issued, that the permit was issued on the basis of misstatement of fact or fraud, that the sign has not been constructed in compliance with this chapter or with the specifications of the application or site plans, that the sign permit has expired or that the sign is otherwise not in compliance with this chapter. In the event a sign is not removed after receipt of a removal order by the owner of such sign or property, the building official or designee may institute such legal proceedings hereunder against the property owner, sign owner, lessee, sign erector or a combination of the above as may be required to effect removal of such sign.
- F. Non-Conforming Signs.
1. Signs which do not comply with this chapter and were legally placed before the effective date of this chapter shall become non-conforming with respect to the requirements set forth herein. However, signs which were illegally erected, established or maintained with respect to the applicable requirements of prior ordinances shall be removed or brought into compliance herewith as soon as practicable, but within thirty (30) days from the effective date of this chapter. Non-conforming signs made of paper, cloth or other non-durable material, all temporary signs other than those permitted herein, and any signs that are not affixed to a building or the ground or are located within a public right-of-way, shall be removed as soon as practicable but within thirty (30) days from the effective date of this chapter. Upon failure to comply with the requirements of this chapter, the building official may cause the removal of any non-conforming sign at the expense of the owner.
  2. A non-conforming sign shall not be replaced by another non-conforming sign except that the substitution or interchange of poster panels, painted boards or demountable material on non-conforming signs shall be permitted. Provided, however, that in the event a nonconforming sign is destroyed by an Act of God, the owner of the sign may repair or replace the sign. In making such repair or replacement, the owner shall make the sign conforming if physically possible. If not physically possible to make the sign conform to the requirements of this chapter, the sign may nevertheless be repaired or replaced, provided the replacement or repair does not extend the natural life of the sign as it existed before the damage or destruction occurred.

3. Minor repairs and maintenance of non-conforming signs such as repainting, electrical repairs and neon tubing shall be permitted. However, no structural repairs or changes in the size or shape of the sign shall be permitted except to make the sign comply with the requirements of this chapter.
4. Each sign which exists at the effective date of this chapter shall be registered by its owner with the building official or his designee.

G. Fines and Penalties.

1. It is unlawful to erect or place any sign which does not conform to the requirements of this chapter.
2. Citations. Without limitation, sign erectors, sign owners, and such other responsible parties may be cited for the violation of any provisions of this chapter.
3. Penalties. Any person, firm or corporation whether acting as principal, agent, employee, or in any other capacity who violates any of the provisions of this chapter shall be subject to a fine of five hundred dollars (\$500.00) or imprisoned thirty (30) days or both, for each such offense; and each day that such violation is permitted to exist shall constitute a separate offense.

## **CHAPTER 16.52 HISTORIC PRESERVATION**

### **16.52.010 Purpose of Historic Preservation**

In support and furtherance of its findings and determination that the historical, cultural and aesthetic heritage of the city is among its most valued and important assets and that the preservation of this heritage is essential to the promotion of the health, prosperity and general welfare of the people; and

In order to further stimulate revitalization of the business districts and historic neighborhoods and to protect and enhance local historical and aesthetic attractions to tourists and thereby enhance the opportunities for federal or state tax benefits under relevant statutory provisions; and

In order to provide for the designation, protection, preservation and rehabilitation of historic properties and historic districts and to participate in federal or state programs to do the same;

The city council declares it to be the purpose and intent of this chapter to establish a uniform procedure for use in providing for the protection, enhancement, perpetuation and use of places, districts, sites, buildings, structures and objects having a special historical, cultural or aesthetic interest or value, in accordance with the provisions of this chapter.

### **16.52.020 Definitions**

For the purpose of this chapter, the following terms and words are defined as follows:

“Building” means a structure created to shelter any form of human activity, such as a house, barn, church, hotel, business or similar structure, and may refer to an historically related complex or group of such structures.

“Certificate of appropriateness” means a document showing approval by the historic preservation commission of an application to make a material change in the appearance of a designated historic property or of a property located within a designated historic district.

“Commission” means the Covington historic preservation commission created pursuant to this chapter.

“Excavation” means to hollow out or dig out earth in preparation for construction of a building or structure.

“Exterior architectural features” means the architectural style, design and arrangement of the exterior of a building, structure or object, including without limitation the kind or texture of the building material and the type and style of all windows, doors, signs and other appurtenant fixtures, features, details or elements relating to such building, structure or object.

“Historic district” means an area designated by the city council as an historic district pursuant to the criteria established in section 16.52.120 of this chapter.

“Historic property or landmark” means a building, structure, site, or object, including the adjacent area necessary for the proper appreciation or use thereof, designated by the city council as an historic property or landmark pursuant to the criteria established in section 16.52.120 of this chapter.

“Material change in appearance” means a change that will affect only the exterior architectural features of a historic property or of any structure, site, or work of art within a historic district and may include any one or more of the following:

1. A reconstruction or alteration of the size, shape, or facade of a historic property, including relocation of any doors or windows or removal or alteration of any architectural features, details, or elements;
2. Demolition of a historic property;
3. Commencement of excavation;
4. A change in the location of advertising on any historic property visible from the public right-of-way; or
5. The erection, alteration, restoration, or removal of any building or other structure within a designated historic district, including walls, fences, steps, and pavements, or other appurtenant features of a building or structure, except exterior paint alterations.

“New construction” means construction of any building or structure upon any property within an historic district or designated historic property.

“Object” means a material thing of functional, aesthetic, cultural, historic or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

“Site” means the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historic or archaeological value regardless of the value of any existing structure.

“Structure” means a thing constructed of independent and interrelated parts, such as a building or bridge.

#### **16.52.030 Creation**

There is created a commission whose title shall be “Covington historic preservation commission.”

#### **16.52.040 Commission Position**

The commission shall be part of the planning functions of the city, and may be consulted by the planning commission concerning plans and actions affecting historic properties and districts.

#### **16.52.050 Commission Members – Number, Appointment, Terms and Compensation**

The commission shall consist of nine members appointed by the mayor and council. All members shall be residents of the city, a majority of whom shall be persons who have demonstrated special interest, experience, education or aptitude in history, architecture or historic resource preservation.

Members shall serve three-year terms. Members may not serve more than two consecutive terms. In order to achieve staggered terms, initial appointments shall be: three members for one year; three members for two years; and three members for three years. Members shall not receive a salary, although they may be reimbursed for expenses. Active participation and attendance at scheduled meetings, unless excused, is a requisite for continuing membership.

The mayor and city council may also appoint an advisory committee to assist the commission in research and public education.

#### **16.52.060 Commission's Powers**

The commission shall be authorized to:

- A. Prepare and maintain an inventory of all property within the city having the potential for designation as historic property;
- B. Recommend to the mayor and city council specific places, districts, sites, buildings, structures or objects to be designated by ordinance as historic properties or historic districts;
- C. Review applications for certificates of appropriateness, and consult with applicants with respect to same and grant or deny such applications in accordance with the provisions of this chapter;
- D. Recommend to the mayor and city council that the designation of specific places, districts, sites, buildings, structures or objects as an historic property or as an historic district be revoked or removed;
- E. Restore or preserve any historic properties acquired by the city;
- F. Promote the acquisition by the city of facade easements and conservation easements in accordance with the provisions of the Georgia Uniform Conservation Easement Act, O.C.G.A. Section 44-10-1, et seq.;
- G. Conduct educational programs or general activities on preservation of historic properties;
- H. Make such investigations and studies of matters relating to historic preservation, including consultation with experts, which the mayor and city council or the commission may deem necessary or appropriate for the purposes of preserving historic resources;
- I. Seek out local, state, federal or private funds for historic preservation, and make recommendations to the mayor and city council concerning the most appropriate use of any funds acquired;
- J. Submit to the Division of Historic Preservation of the Department of Natural Resources a list of designated historic properties or historic districts and submit nominations of properties to be included in the National Register of Historic Places;
- K. Employ persons to carry out the responsibilities of the commission;
- L. Receive donations, grant funds or gifts for acquiring, preserving or restoring historic properties and negotiate the sale of historic properties. The commission shall not have the power to obligate the city without prior consent from the mayor and city council;
- M. Participate in private, state and federal historic preservation programs and, with the consent of the city council, enter into agreements;
- N. Seek professional technical advice from sources other than its membership on any application for designation as an historic district or historic property or for a certificate of appropriateness; an
- O. Develop and promulgate administrative guidelines to facilitate the exercise of the commission's authority and responsibilities under the provisions of this chapter.

**16.52.070 Commission's Rules and Standards**

The commission shall develop (i) by-laws and rules and standards for the transaction of its business, (ii) design guidelines and criteria for historic districts and historic properties, including any variations applicable to each historic district, (iii) guidelines and criteria for consideration of applications for certificates of appropriateness, and (iv) rules and procedures for amendments thereto. The guidelines for consideration of application for certificates of appropriateness approved by the commission shall provide that the commission shall approve any application for certificate of appropriateness and issue such certificate if it finds that the proposed material change in appearance would not have a substantial adverse effect on the esthetic, historical, or architectural significance and value of the historic property or the historic district. The guidelines shall further provide that, in making this determination, the commission shall consider, in addition to any other pertinent factors, the historical and architectural value and significance, architectural style, general design, arrangement, texture, and material of the architectural features involved, and the relationship thereof to the exterior architectural style and pertinent features of other structures in the immediate neighborhood.

**16.52.080 Conflicts of Interest**

The commission shall be subject to all conflict of interest, open meetings and open records laws set forth in Georgia statutes applicable to local governing bodies.

**16.52.090 Authority to Receive Funding**

The commission shall have the authority to accept donations and shall insure that such funds do not displace appropriated government funds.

**16.52.100 Commission's Mandate and Recommendations**

The commission shall compile and collect information and conduct surveys of historic resources with the city.

**16.52.110 Documentation of Proposed Designation**

- A. Prior to recommendation of proposed designated historic districts or properties to the mayor and city council for designation, the commission shall prepare and submit to the mayor and city council a nomination report consisting of:
  1. A physical description;
  2. A statement of the historical, cultural, architectural and/or aesthetic significance;
  3. A map showing district boundaries and classification (i.e. contributing or non-contributing) of individual properties therein, or showing boundaries of individual historic properties;
  4. A statement justifying district or individual property boundaries; and
  5. Representative photographs.
- B. Not later than thirty (30) days prior to any recommendation of an ordinance for such

designation the Commission shall submit a copy of the nomination report to the Division of Historic Preservation of the Georgia Department of Natural Resources.

#### **16.52.120 Criteria for Selection of Historic Districts**

Properties which qualify for designation as historic districts are geographically definable areas which contain buildings, structures, sites, objects, and landscape features, or a combination thereof, which:

- A. Have special character or special historic or aesthetic value or interest; or
- B. Represent one or more periods, styles or types of architecture typical of one or more eras in the history of the city, county, state or region; and
- C. Cause such areas by reason of such factors, to constitute a visibly perceptible section of the city.

#### **16.52.130 Boundaries of Historic District**

Boundaries of historic districts shall be included in the separate ordinances designating such districts, shall be shown on the city's official zoning map as well as the tax maps of the city, and shall be specifically delineated in any notice published in connection with the designation process.

#### **16.52.140 Classification of Properties Within Historic Districts**

Individual properties within historic districts shall be classified as:

- A. Contributing. Contributes to the historic district as provided in section 16.52.150 of this chapter and is at least fifty (50) years old. Provided, however, that properties which meet the criteria set forth in National Register Bulletin No. 22, Guidelines for Evaluating and Nominating Properties That Have Achieved Significance Within the Last 50 Years (Gov. Doc. 129.76/3:22) may also qualify as contributing properties.
- B. Noncontributing. Does not contribute to the historic district as provided in section 16.52.150.

#### **16.52.150 Criteria for Selection of Historic Properties or Landmarks**

Historic properties or landmarks may be buildings, structures, sites, or objects including the adjacent area necessary for the proper appreciation or use thereof, deemed worthy of preservation by reason of value to the United States, the state of Georgia, Newton County, or the city, for one of the following reasons:

- A. It is an outstanding example of a structure representative of its era;
- B. It is one of few remaining examples of a past architectural style;
- C. It is a place or structure associated with an event or person of historic or cultural significance to the city, Newton County, the state of Georgia, or the region; or

- D. It is a site of natural or aesthetic interest that is continuing to contribute to the cultural or historical development and heritage of the city, Newton County, the state of Georgia or the region.

**16.52.160 Application for Designation of Historic Districts or Historic Properties**

Designations of historic districts or historic properties may be proposed by the mayor and city council, the commission. Property owners, neighborhood associations or historical societies may also apply to the commission to propose a designation of an historic property or historic district.

**16.52.170 Required Components of a Designation Ordinance**

An ordinance designating any historic property or district shall:

- A. List each property in a proposed historic district or describe the proposed individual historic property;
- B. Set forth the names of the owner(s) of the designated property or properties;
- C. Require that a certificate of appropriateness be obtained from the commission prior to any material change in appearance of the designated property; and
- D. Require that the property or district be shown on the official zoning map of the city and kept as a public record to provide notice of such designation.

**16.52.180 Public Hearing**

The commission shall hold a public hearing on any proposed designation of any historic district, property or landmark. Notice of the hearing shall be published in at least three consecutive weekly issues in the official publication of the city during the three calendar weeks next preceding the week in which such hearing is scheduled. Written notification of the hearing shall be mailed by United States mail to the owner and occupant of such property or landmark not less than ten (10) not more than twenty (20) days prior to the date of the public hearing. A notice sent via the United States mail to the last known owner of the property at the address shown in the Newton County tax records and a notice sent via United States mail to the address of the property to the attention of the occupant shall constitute due legal notification to the owner and occupant, respectively.

**16.52.190 Recommendations on Proposed Designations**

A recommendation to affirm, modify or withdraw the proposed ordinance for designation shall be made by the commission within fifteen (15) days following the public hearing and shall be in the form of a nomination report transmitted to the mayor and city council.

**16.52.200 City Council Action on Commission Recommendation**

Following receipt of the commission's recommendation, the city council may adopt the ordinance as proposed, may adopt the ordinance with any amendments it deems necessary, or reject the ordinance.

**16.52.210 Notification of Adoption of Ordinance**

Within thirty (30) days next following the adoption of an ordinance for designation, the owners and occupants of each designated historic property, and the owners and occupants of each structure or site located within a designated historic district, shall be given written notification of such designation, which notification shall apprise the owners and occupants of the necessity of obtaining a certificate of appropriateness prior to undertaking any material change in appearance of the designated historic property or within the designated historic district. A notice sent via United States mail to the last known owner of the property as shown on the Newton County tax digest and a notice sent via United State mail to the address of the property to the attention of the occupant shall constitute due legal notification to the owner and occupant.

**16.52.220 Notification of Other Agencies Regarding Designation**

The commission shall notify the planning and zoning department of the city of the adoption of ordinance for designation.

**16.52.230 Moratorium on Alteration or Demolition While Ordinance for Designation is Pending**

During the period an ordinance for designation as an historic district or an historic property is being considered, the commission shall have the power to declare a moratorium on alteration or demolition of such property.

**16.52.240 Approval of Alterations in Historic Properties or Districts**

After the designation by ordinance of an historic property or of an historic district no material change in the appearance of such historic property, or of a contributing or noncontributing property within such historic district, shall be made or building permit issued for same unless or until a certificate of appropriateness has been obtained from the commission. The building official may issue a certificate of appropriateness exemption for the erection, alteration, restoration, or removal of any accessory structures, fences, walls, steps and pavements or in cases where the building official finds that no material change in appearance is involved.

**16.52.250 Submission of Plans**

An application for a certificate of appropriateness shall be made on a form provided by the commission or staff and shall be accompanied by such drawings, photograph, plans and documentation as required by the commission. The application shall be filed with the planning and zoning office not less than thirty (30) days prior to the next regularly scheduled meeting.

**16.52.260 Interior Alterations**

In its review of applications for certificates of appropriateness, the commission shall not consider interior arrangements or uses having no effect on exterior architectural features.

**16.52.270 Public Hearing on Applications for Certificates of Appropriateness, Notices and Right to Be Heard**

At least fifteen (15) days prior reviewing an application for a certificate of appropriateness, the commission shall cause to be erected in a conspicuous place on the property in question, a sign which shall read substantially as follows:

**Notice to the Public**

The owner of this property has filed an application for a Certificate of Appropriateness with the City of Covington Historic Preservation Commission. A public (insert hearing or meeting) will be held at the Covington Planning and Zoning Office located at 2116 Stallings Street, Covington, Georgia, on (insert date) at (insert time). All interested parties should attend.

The applicant and interested parties shall be given an opportunity to be heard before the historic preservation commission. In cases where the commission deems it necessary, it may hold a public hearing concerning the application. In addition to posting the aforementioned sign, notices of such public hearing shall be published and mailed to the applicant and owners of property within three hundred (300) feet from any boundary of the subject property within the same time and in the same manner as provided in section 16.12.070.D.2 and 3 of this code.

**16.52.280 Commission Action on Applications for Certificate of Appropriateness**

- A. The commission may approve, reject or modify an application for issuance of a certificate of appropriateness.
- B. The commission shall issue a certificate of appropriateness for proposed changes in appearance if such changes conform in design, scale, building material, setback and site features to the United States Secretary of the Interior's Published Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings or such other guidelines as may from time to time be adopted pursuant to section 16.52.070 of this chapter.
- C. A decision by the commission approving or denying an application for a certificate of appropriateness for the relocation on of a building, structure, site or object shall be guided by:
  1. The historic character and aesthetic interest on of such property's contribution to its present setting;
  2. Whether there are definite plans for the area to be vacated and what effect of those plans will have on the character of the surrounding area;
  3. Whether the building, structure or object can be moved without significant damage to its physical integrity; and
  4. Whether the proposed relocation area is compatible with the historical and architectural character of the property.

- D. A decision by the commission approving or denying an application for a certificate of appropriateness for the demolition of a building, structure, site, object or landscape feature shall be guided by:
1. Its historic, scenic or architectural significance;
  2. Its importance to the ambiance of an historic property or district;
  3. The difficulty or the impossibility of reproducing such property because of its design, texture, material, detail or unique location;
  4. Whether the property is one of the last remaining examples of its kind in the neighborhood or city;
  5. Whether there are definite plans for use of the property if the proposed demolition is carried out, and what effect such use would have on the character of the surrounding area;
  6. Whether reasonable measures can be taken to save the property from collapse; and
  7. Whether the property is capable of earning reasonable economic return on its value.
- E. A decision by the commission approving or denying an application for a certificate of appropriateness for proposed new construction shall be guided by:
1. The relationship of the proposed construction to the existing and historic character of the public streetscape;
  2. Visual compatibility with existing buildings in the immediate neighborhood;
  3. Adherence to vernacular building traditions of Covington; and
  4. Whether the property is a site as defined in this chapter.

#### **16.52.290 Hardship**

When, by reason of unusual circumstances, the strict application of any provision of this article would result in exceptional practical difficulty or undue economic hardship upon any owner or occupant of a specific property, the commission shall have the power to:

- C. Vary or modify strict adherence to said provisions, or to interpret the meaning of said provisions, so as to relieve such difficulty or hardship; provided such variances, modifications or interpretations shall remain in harmony with the general purpose and intent of said provisions, such that the architectural or historical integrity or character of the property shall be conserved and substantial justice done; and
- D. Grant variances or impose such reasonable and additional stipulations and conditions as will, in the commission's judgment, best fulfill the purpose of this article when such hardship is not the result of such owner's or occupant's action or failure to act.

#### **16.52.300 Approval or Rejection of Application for Certificate of Appropriateness**

- A. The Commission shall have forty-five (45) days after the filing of an application to approve or deny the issuance of a certificate of appropriateness. Written notice of such issuance or denial shall be sent by first class United States mail to the applicant.
- B. Failure of the commission to act within said forty-five (45) day period shall constitute approval of the application, and no other evidence of approval shall be required.

C. Final Action. Evidence of approval shall be by certificate of appropriateness issued by the preservation commission. Notice of the issuance or denial of a certificate of appropriateness shall be sent to the applicant and all other persons who have filed a written request for such notice with the preservation commission.

In the event the preservation commission rejects an application, it shall state its reasons for doing so, and shall transmit a record of such actions and reasons, in writing, to the applicant. The preservation commission may suggest alternative courses of action if it disapproves of the application submitted. The applicant may make modifications to the plans and may resubmit the application at any time after doing so.

In cases where the application covers a material change in the appearance of a structure, which would require the issuance of a permit of any kind, the rejection of the application for a certificate of appropriateness by the preservation commission shall be binding upon the planning and zoning department and no permit shall be issued.

#### **16.52.310 Conformance With Certificate of Appropriateness**

All work performed pursuant to an issued certificate of appropriateness shall conform to the requirements of such certificate. In the event work is performed not in accordance with such certificate, the commission shall issue a cease and desist order and all work shall cease. The city shall be authorized to institute any appropriate action or proceeding in a court of competent jurisdiction to prevent any material change in appearance of a designated historic property or district, except those changes made in compliance with the provisions of this article, or to prevent any other illegal act or conduct with respect to such historic property or historic district.

#### **16.52.320 Expiration of Certificates of Appropriateness**

A certificate of appropriateness shall become void unless construction or other activity authorized thereunder is commenced within six months of the date of issuance. Certificates of appropriateness shall be valid for a period of eighteen (18) months from the date of issuance and may be renewable for good cause shown at the commission's discretion.

#### **16.52.330 Acquisition Property**

The commission may, where such action is authorized by the city council, when reasonably necessary or appropriate for the preservation of a unique historic property, negotiate for the acquisition of such property or any interest therein by the city by gift, purchase, exchange, or otherwise.

#### **16.52.340 Appeals**

Any person adversely affected by the action of the commission relative to the issuance or denial of a certificate of appropriateness may appeal such recommendations to the mayor and city council. Written notice of such appeal must be filed in the office of the city clerk within thirty (30) days next following the date such action is taken by the commission, and a hearing on such appeal shall be held not later than the second regularly scheduled meeting of the mayor and city

council next following the filing of such appeal. It shall be the responsibility of the city clerk to place said hearing on the appropriate meeting agenda and to provide the appellant with written notice of the hearing date and time by first class mail deposited with the U. S. Postal Service not later than five calendar days prior to said hearing date unless the appellant executes and delivers to the city clerk a written waiver of said notice. The city may approve, modify, or reject the decision made by the commission. Appeals from decisions of the city pursuant to this chapter may be taken to the superior court of Newton County, Georgia, in the manner provided by law for appeals from convictions for municipal ordinance violations.

**16.52.350 Ordinary Maintenance or Repair**

Ordinary maintenance or repair of any exterior architectural or environmental feature in or on an historic property to correct deterioration, decay or damage, or to sustain the existing form, which does not involve a material change in design, building material or outer appearance thereof, shall not require a certificate of appropriateness.

**16.52.360 Failure to Provide Ordinary Maintenance or Repair**

Owners of historic properties or properties within historic districts shall not allow their buildings to deteriorate by failing to provide ordinary maintenance or repair. The commission shall be charged with the following responsibilities regarding deterioration by neglect:

- A. The commission shall monitor the condition of designated historic properties to determine whether they are being provided with ordinary maintenance and repair. Such conditions as broken windows, doors and openings which allow the elements and vermin to enter, or the deterioration of a building's structural system shall constitute failure to provide ordinary maintenance or repair.
- B. If the commission determines that a failure to provide ordinary maintenance or repair has occurred, it shall provide written notice by first class United States mail to the owner of the property, setting forth the steps necessary to remedy such failure and the owner shall have one hundred-twenty (120) days from receipt of such notice in which to complete the required maintenance or repairs.
- C. If the required maintenance or repair has not been completed within the said one hundred-twenty (120) day period the matter shall be referred to the city housing inspector.

**16.52.370 Affirmation of Existing Building and Zoning Codes**

Nothing in this chapter shall be construed as exempting property owners from compliance with existing city building and zoning codes, or as preventing any property owner from making any use of his property not prohibited by other statutes, ordinances or regulations.

**16.52.380 Penalties**

Violations of any provisions of this shall be punished in the manner provided in section 1.12.010 of this code.

**16.52.390 Severability**

In the event that any section, subsection, sentence, clause or phrase of this chapter shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, sentences, clauses, or phrases of this chapter, which shall remain in full force and effect, as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not originally a part thereof.

**16.52.400 Defense Indemnification**

Subject to the limitations of O.C.G.A. Section 45-9-21(b), the city council shall undertake to defend all civil, criminal, or quasi-criminal actions brought or maintained against members of the commission arising out of the performance of their duties reasonably connected therewith, whether based upon negligence, violation of contract rights, or violation of civil, constitutional, common law, or statutory rights and shall indemnify members of the commission against personal liability for damages arising from such actions.

The city council shall reimburse reasonable costs of defense incurred by any commission member charged with any criminal offense enumerated in O.C.G.A. Section 45-9-21(c) arising out of the performance of his duties if such person is found not guilty of such crime or if the against such person are dismissed or nolle prossed.

## **CHAPTER 16.56**

### **TELECOMMUNICATIONS STRUCTURES**

#### **16.56.010 Purpose**

The purpose of this chapter is to provide requirements for the siting of all wireless, cellular, television and radio telecommunications support structures and antennas; to encourage the location of support structures in non-residential areas; to minimize the total number of support structures within the community necessary to provide adequate personal wireless services to residents of the City of Covington; to encourage the joint use of new and existing support structure sites among service providers; to locate telecommunications support structures and antennas in areas where adverse impacts on the community are minimized; to encourage the design and construction of support structures and antennas to minimize adverse visual impacts; and to enhance the ability of the providers of telecommunications services to deliver such services to the community effectively and efficiently.

#### **16.56.020 Definitions**

For the purpose of this chapter, certain terms used herein shall be defined as follows:

- A. Alternative support structure means clock support structures, bell support structures, church steeples, light/power poles, electric transmission support structures, signs, water storage tanks, and similar natural or man-made alternative-design mounting structures that camouflage or conceal the presence of antennas or support structures.
- B. Antenna means any exterior apparatus designed for wireless telecommunication, radio, or television communications through the sending and/or receiving of electromagnetic waves.
- C. Co-location means the placement of the antennas of two or more service providers upon a single support structure or alternative support structure.
- D. Department means the City of Covington planning and zoning department.
- E. FAA means the Federal Aviation Administration.
- F. FCC means the Federal Communications Commission.
- G. Geographic antenna placement area means the general vicinity within which the placement of an antenna is necessary to meet the engineering requirements of an applicant's cellular network or other broadcasting need.
- H. Governing Authority means the mayor and council of the City of Covington.
- I. Height when referring to a support structure or other structure, means the distance measured from ground level to the highest point on the support structure or appurtenance.
- J. Preexisting support structure and antennas means structures as set forth in subsection 16.56.030.E. of this chapter.
- K. Scenic Views means those geographic areas containing visually significant or unique natural features, as identified in the City of Covington Comprehensive Plan.
- L. Support structure means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice support

structures, guy support structures, or monopole support structures. The term includes radio and television transmission support structures, microwave support structures, common-carrier support structures, cellular telecommunication support structures, man-made trees (with accessory buildings/structures) and other similar structures.

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

### **16.56.030 Applicability**

- A. No support structure or antenna shall be located in the City of Covington except as set forth in this chapter. Except as set forth in subsection D herein, the provisions, requirements and limitations of this chapter shall govern the location of all wireless telecommunication, cellular telecommunication, television, microwave or radio transmission support structure or antenna installed within the jurisdiction of the governing authority. If any provisions in other chapters of the zoning ordinance conflict with this chapter, the provisions of this chapter shall apply.
- B. Height Limitations. Height limitations applicable to buildings and structures set forth elsewhere in the zoning ordinance shall not apply to support structures and antennas which comply with this chapter.
- C. Governmental Exemption. Except as otherwise specifically provided for in this chapter, the provisions of this chapter shall not apply to the governing authority's properties, facilities or structures.
- D. Amateur Radio; Receive-Only Antennas. This chapter shall not apply to any support structure, or the installation of any antenna, that is seventy five (75) feet or less in height and is owned and operated by a federally-licensed amateur radio station operator from the operator's residence, or is used exclusively as a receive-only antenna; provided, however, only one such support structure or antenna per residence shall be exempt from this chapter.
- E. Pre-Existing Support Structures and Antennas. Any support structure or antenna for which a permit has been properly issued prior to the effective date of this chapter shall not be required to meet the provisions of this chapter, other than 16.56.040 subsections E (except subsection E.6.), G, H, K, L, M and section 16.56.090. Any such support structures or antennas shall be referred to in this chapter as "pre-existing support structures" or "pre-existing antennas". Provided, however, that the placement of antennas on any nonconforming structure shall not create a vested right for the continued use of the structures should the nonconforming use cease. If an additional antenna is co-located upon a pre-existing support structure or alternative support structure after adoption of this chapter, then the requirements of 16.56.040 subsections E (except subsection E.6.), G and H shall be met as part of the permitting process.

**16.56.040 General Provisions**

- A. Principal Or Accessory Use. A support structure and/or antenna is considered a principal use if located on any lot or parcel of land as the sole or primary structure, and is considered an accessory use if located on a lot or parcel shared with a different existing primary use or existing structures. An existing use or structure on the same lot or parcel shall not preclude the installation of an antenna or support structure. For purposes of determining whether the installation of a support structure or antenna complies with zoning district requirements, including but not limited to set-back, buffer and other requirements, the dimensions of the entire lot or parcel shall control, even though the antenna or support structure may be located on a leased area within such lot or parcel. Support structures that are constructed, and antennas that are installed, in accordance with the provisions of this chapter shall not be deemed to constitute the expansion of a nonconforming use or structure.
- B. Five Year Plan and Inventory of Existing Sites. To facilitate the co-location of antennas and future land use planning, each applicant seeking to locate a new support structure, alternative support structure or antenna, or modify any such existing structure, shall provide to the planning and zoning director an inventory of its existing support structures or alternative support structures, existing support structures or alternative structures to be upgraded or replaced, and proposed support structures or alternative structures to be constructed in the next five years following the date of the application. The planning and zoning director shall provide the City of Covington Board of Tax Assessors with a copy of the inventory.
2. The inventory shall include all such structures owned or leased by the applicant that are within the jurisdiction of the governing authority; within Newton County; and, within a neighboring county which currently is capable of providing coverage or capacity within the City of Covington, and shall include specific information about the location (latitude and longitude coordinates), height, design, support structure type and general suitability for antenna co-location of each support structure or alternative structure, and other pertinent information as may be required by the planning and zoning director.
  3. If the applicant does not know specific future support structure and antenna site locations but does know of areas where telecommunications facilities will be needed within the next five years to provide service, the applicant shall list the assessor's blocks contained within the geographic service area and identify each geographic service area with a number that will correspond to the future telecommunication facility site.
  4. The planning and zoning director may share the location of existing telecommunication facility sites with other applicants seeking to locate support structures or antennas within the jurisdiction of the governing authority; provided, however that the Department is not, by sharing such information, in any way representing or warranting that such sites are available or suitable. The location of any proposed telecommunication facility sites will be protected as privileged information if the applicant so requests and it is considered as such under the applicable laws and legal authority.

- C. Co-location; Design Requirements. In addition to all applicable building and safety codes, all support structures shall be designed to accommodate the co-location of cellular telecommunication antennas according to the following:
1. For support structures up to ninety (90) feet in height, the structure and fenced compound shall be designed to accommodate the maximum number of users as determined by the most current technology;
  2. For support structures ninety (90) feet to one hundred and fifty (150) feet in height, the structure and fenced compound shall be designed to accommodate at least three providers or the maximum number of users as determined by the most current technology, whichever is greater;
  3. For support structures one hundred and fifty (150) feet to two hundred (200) feet in height, the structure and fenced compound shall be designed to accommodate at least four providers or the maximum number of users as determined by the most current technology, whichever is greater;
  4. No support structure shall exceed two hundred (200) feet in height.
- D. Co-location; Availability of Suitable Existing Structures. No new support structure shall be permitted unless the applicant demonstrates to the satisfaction of the planning and zoning director and Governing Authority that no existing support structure or existing alternative support structure can accommodate the applicant's proposed antenna. The applicant shall submit an inventory of all support structures or alternative support structures located within one-half mile of the proposed location. All evidence submitted shall be signed and sealed by appropriate licensed professionals or qualified industry experts. All required evidence must be submitted with the application. Evidence submitted to demonstrate that no existing support structure or other structure can accommodate the proposed antenna shall consist of one or more of the following:
1. No existing support structures or suitable alternative support structures are located within the geographic antenna placement area required to meet the applicant's engineering requirements;
  2. Existing support structures or structures are not of sufficient height to meet the applicant's engineering requirements;
  3. Existing support structures or structures do not have sufficient structural strength to support the applicant's antenna and related equipment;
  4. The applicant's proposed antenna would cause electromagnetic interference with the antenna(s) on the existing support structures or structures, or the antenna on the existing support structures or structures would cause interference with the applicant's proposed antenna;

5. The cost or contractual provisions required by the support structure owner to share an existing support structure or alternative support structure or to adapt an existing support structure or alternative support structure for sharing exceed the cost of new support structure development. Specific cost information must be submitted if this justification is to be relied upon.; and
  6. The applicant adequately demonstrates that there are other limiting factors that render existing support structures and structures unsuitable, other than economic reasons. If the requirement of co-location will cause additional expense to the applicant, all such costs must be specifically shown.
- E. Aesthetics. The guidelines set forth in this subsection shall govern the design and construction of all support structures, and the installation of all antennas governed by this chapter.
1. Support structures and/or antennas shall either maintain a galvanized steel or concrete finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
  2. At all support structure sites, the design of all buildings and related structures shall use materials, colors, textures, screening, and landscaping that will blend the support structure facilities to the natural setting and building environment. Any equipment or cabinet that supports telecommunication facilities must be concealed from public view and made compatible with the architecture of the surrounding structures or placed underground. Equipment shelters or cabinets shall be screened from public view by using landscaping or materials and colors consistent with the surrounding backdrop. The shelter or cabinet must be regularly maintained.
  3. For antennas installed on a structure other than a support structure, the antenna and supporting electrical and mechanical ground equipment shall be of a neutral color so as to make the antenna and related equipment visually unobtrusive.
  4. Support structures shall not be artificially lighted, unless required by the FAA or other applicable authority. If the lighting is required, the Governing Authority may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views.
  5. No signage or other identifying markings or signs shall be permitted upon any support structure or alternative support structure within the City of Covington.
  6. To the extent practical, telecommunication facilities shall not be placed in a direct line of sight with historic or scenic view corridors as designated by the governing body or by any state or federal law or agency.
  7. Access to the support structure site shall be restricted so as to minimize visibility of the access. Where possible, existing roads shall be used. Where no roads exist, access shall follow the existing contours of the land.
  8. Such other additional requirements as the planning and zoning director shall reasonably require to minimize the visual impact of the site on the surrounding area.

- F. **Setbacks and Separation.** The following setbacks and separation requirements shall apply to all support structures.
1. Support structures shall be setback a distance equal to the height of the support structure from its base to any public right-of-way or occupied structure, or property line of the lot or parcel containing the support structure.
  2. Guy-wires and accessory buildings and facilities shall meet the minimum accessory use location and setback requirements.
  3. In zoning districts other than M1 and M2, support structures shall not be located closer than two thousand (2,000) feet from any existing support structure.
  4. In the event an applicant clearly demonstrates that, given the structural failure characteristics of an alternative structure design, the required setbacks are excessive and unduly burdensome, the applicant may request the setbacks be reduced. In determining whether setbacks shall be reduced, consideration shall be given to both the danger from structure collapse and falling debris, such as ice, from a structure.
- G. **Security Fencing/Anti-Climbing Devices.** All support structures and supporting equipment shall be enclosed by fencing not less than six (6) feet in height and shall also be equipped with appropriate anti-climbing devices. Fencing shall be of chain link, wood or other approved alternative.
- H. **Landscaping.** The following requirements shall govern landscaping surrounding all support structures.
1. Where adequate vegetation is not present, support structure facilities shall be landscaped with a landscaped strip of plant materials which effectively screens the view of the support structure compound. Landscaped strips shall be a minimum of ten (10) feet in width and located outside the fenced perimeter of the compound.
  2. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. Where natural vegetation around the perimeter of the site would provide an adequate visual screen, an undisturbed buffer may be utilized. The applicant shall provide a site plan showing existing significant vegetation to be removed, and vegetation to be replanted to replace that lost.
  3. Landscaping shall be maintained by the provider and shall be subject to periodic review by the planning and zoning director to assure proper maintenance. Failure to maintain landscaping shall be deemed a violation of this chapter.
- I. **Maintenance Impacts.** Equipment at a transmission facility shall be automated to the greatest extent possible to reduce traffic and congestion. Where the site abuts or has access to a collector or local street, access for maintenance vehicles shall be exclusively by means of the collector or local street, utilizing existing access to the property on which such facility is to be located, where possible.
- J. **Review of Support Structure and Antenna Erection by the Airport Authority.** If, upon receipt of an application for the erection of any support structure or alternative support structure governed by this chapter, the Department deems that the proposed structure may interfere with or affect the operation of existing or proposed airport facilities, a copy of the

application shall be submitted by the planning and zoning director to the Airport Authority for review and recommendation.

- K. Federal Requirements. All support structures must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate support structures and antennas. If such standards and regulations are changed, the permittee or the lessee of the support structure and antenna governed by this chapter shall bring such support structure and/or antenna into compliance with such revised standards or regulations within six (6) months of the effective date of such standards and regulations unless a more or less stringent compliance schedule is mandated by the controlling federal agency. Failure to bring such support structure and/or antenna into compliance with such revised standards and regulations shall be deemed to be a declaration of abandonment of the support structure and constitute grounds for the removal of the support structure or antenna at the owner's, permittee's, or lessee's expense.
- L. Building Codes; Safety Standards. To ensure the structural integrity of support structures, the owner, permittee or subsequent lessee of a support structure or alternative support structure shall ensure that it is maintained in compliance with standards contained in applicable local building codes and the applicable standards for support structures that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Department concludes that a support structure fails to comply with all applicable codes and standards, or constitutes a danger to persons or property, then upon receipt of written notice by the owner, permittee or lessee of the support structure, said party shall have fifteen (15) days to bring the support structure into compliance with such standards. Failure to bring such support structure into compliance within fifteen (15) days shall be deemed a declaration of abandonment of the support structure and constitute grounds for removal of the support structure. Prior to the removal of any support structure, the Department may consider detailed plans submitted by the owner, permittee or subsequent lessee for repair of substandard support structures, and may grant a reasonable extension of the above referenced compliance period.
- M. Change of Ownership Notification. Upon the transfer of ownership of an interest in any support structure, alternative support structure, or lot upon which such a structure has been erected, the support structure permittee shall notify the planning and zoning director of the transaction in writing within thirty (30) days.

#### **16.56.050 Application Procedures**

- A. Pre-Application Consultation. Prior to submitting an application for a permit for any telecommunication facility, the applicant is strongly encouraged to consult with planning and zoning director and review the City of Covington's inventory of potentially available sites for co-location.

- B. General Application Requirement. Application for a permit for any telecommunication facility shall be made to the Department by the person, company or organization that will own and operate the telecommunications facility. The planning and zoning director is authorized to develop application forms to assist in providing the required information and facilitate the application process. Except for a co-location information submittal, the following information shall be submitted at the time the application is submitted. The application will not be considered complete and will not be accepted unless accompanied by all required information at the time of submittal.
1. A survey, sealed by a surveyor registered in the State of Georgia, showing the location of all lot lines, leased areas, easements, access points, structures, screening and landscaping existing on site.
  2. Site plan or plans to scale specifying the location of telecommunications facilities, transmission building and/or other accessory uses, access, parking, fences, landscaped areas, and adjacent land uses. Applicants shall submit both a paper location map and a digitized location map in a format compatible with the GIS software currently utilized by the City of Covington.
  3. Scaled elevations showing the impact of the proposed support structure or antenna.
  4. Landscaped plan to scale indicating size, spacing and type of plantings required in 16.56.040.H.
  5. A full description of the environment surrounding the proposed telecommunications facility, including any adjacent residential structures and districts, structures and sites of historic significance, streetscapes or scenic view corridors.
  6. Information and drawings showing that the proposed facility and support structure satisfy the aesthetic requirements of 16.56.040.E.
  7. A description of anticipated maintenance needs for the telecommunications facility, including frequency of service, personnel needs, equipment needs, and traffic, noise or safety impacts of such maintenance.
  8. Report from a professional qualified engineer licensed in the State of Georgia, or other appropriate qualified industry expert, documenting the following:
    - a. Support structure or antenna type, height, and design;
    - b. Engineering, economic, and other pertinent factors governing selection of the proposed design;
    - c. Total anticipated capacity of the telecommunications facility, including numbers and types of antennas which can be accommodated;
    - d. Evidence of structural integrity of the support structure or alternative support structure;
    - e. Structural failure characteristics of the telecommunications facility and demonstration that site and setbacks are of adequate size to contain debris; and
    - f. Certification that the antenna(s) and related equipment or appurtenances comply with all current regulations of the FCC, with specific reference to FCC regulations governing non-ionizing electromagnetic radiation (NIER), and that the radio

- frequency levels meet the American National Standards Institute (ANSI) guidelines for public safety.
9. The identity of a community liaison officer appointed by the applicant to resolve issues of concern to neighbors and residents relating to the construction and operation of the facility, including name, address, telephone number, facsimile number, and electronic mail address. Identification of the geographic service area for the subject installation, including a map showing the site and the nearest or associated telecommunications facility sites within the network. Describe the distance between the telecommunications facility sites. Describe how this service area fits into and is necessary for the service network, such as whether such antenna or support structure is needed for coverage or capacity.
  10. If the proposed site is in a residential zoning district, applicant must describe why an alternate non-residential site was not proposed by identifying:
    - a. What good faith efforts and measures were taken to secure such an alternate site and why such efforts were unsuccessful;
    - b. Why such an alternate site was not technologically, legally or economically feasible; and
    - c. How and why the proposed site is essential to meet service demands for the geographic service area.
  11. The planning and zoning director will review with special care justifications that appeal only to undue expense and/or to undue difficulties in entering into a lease agreement. The Department shall carefully weigh such claims, and the evidence presented in favor of them, against a project's negative impacts at the proposed site.
  12. The applicant must provide a utilities inventory showing the locations of all water, sewage, drainage and power line easements impacting the proposed support structure site.
  13. The original signature of the applicant. The applicant must provide a signed, notarized statement of all owners of the subject property authorizing the filing of the application, and where applicable, the signed and notarized affidavit of the owner(s) of the subject property authorizing an applicant or agent to act on their behalf in the filing of the application. The application also shall contain the mailing address and phone number of any applicant or agent who is authorized to represent the owner of the subject property. Where applicable, the applicant shall also provide a copy of any lease agreements with the owner of the subject property.
  14. The applicants proposed five-year plan, and other information required by section 16.56.040.B.
  15. The inventory of existing support and alternative support structures required by section 16.56.040.D.
  16. Evidence demonstrating specifically that no existing support or alternative support structure can accommodate the proposed antenna, under section 16.56.040.D.

17. If the proposed antenna height exceeds the limitations of section 16.56.080, the applicant must describe why an antenna complying with that height standard is not feasible by showing:
    - c. What good faith efforts and measures were taken to secure an alternate site and why such efforts were unsuccessful;
    - d. Why an alternate site was not technologically, legally or economically feasible;
    - e. How and why the proposed height is essential to meet service demands for the geographic service area; and
    - f. How and why the necessary service cannot be provided with more antennas at a height complying with subsection 16.56.080.
  18. The applicant must provide any other information which may be requested by the Department to fully evaluate and review the application and the potential impact of a proposed telecommunications facility.
- C. Support Structure Co-location Information Submittals. Any person or entity co-locating an antenna or antennas which will add no more than ten (10) feet to the height of the support structure and related equipment or appurtenances on or around a support structure for which a permit has already been issued shall submit the following information only. This information must be submitted at the time the application is submitted. The application will not be considered complete and will not be accepted unless accompanied by all required information at the time of submittal:
1. The name of the person or entity co-locating the antenna.
  2. The name of the owner of the support structure and a copy of any lease agreements with said owner.
  3. The support structure's permit number.
  4. The location of the support structure.
  5. The remaining structural capacity of the support structure.
  6. Certification that the antenna(s) and related equipment or appurtenances comply with all current regulations of the FCC, with specific reference to FCC regulations governing non-ionizing electromagnetic radiation (NIER), and that the radio frequency levels meet the American National Standards Institute (ANSI) guidelines for public safety.

### **16.56.060 Administrative Approvals**

#### **A. General.**

1. The planning and zoning director may administratively approve the uses set forth in subsection D of this section. All such uses shall comply with requirements set forth in this subsection and all other applicable codes and ordinances.
2. The planning and zoning director shall respond to each application within forty-five (45) days of its receipt by either approving or denying the application. One forty-five (45) day extension of this review period may be exercised by the planning and zoning director if such additional time is deemed necessary to adequately assess the request. If the

- planning and zoning director fails to respond to the applicant within a maximum of ninety (90) days, the application shall be deemed to be approved.
3. As part of any administrative approval, the planning and zoning director may administratively reduce setback requirements by up to ten percent (10%) to compensate for irregularly shaped lots or parcels.
  4. Any decision by the planning and zoning director that results in the denial of a request to place, construct, or modify wireless telecommunications facilities shall be in writing and supported by substantial evidence contained in a written record. In addition to the requirements set forth in subsection D for uses allowed by administrative approval, the planning and zoning director shall consider the applicable factors set forth in subsection 16.56.070.F. in acting upon an application for administrative approval.
- B. Application; contents; fee. All applications for Administrative Approval of a Permit shall be submitted to the planning and zoning director. Each application shall contain as a part thereof detailed plans and specifications as set forth in section 16.56.050. An application for administrative approval of a permit shall not be accepted for processing without the information required in section 16.56.050 of this chapter. An application fee shall be charged by the planning and zoning director in an amount stated in section 16.56.100 of this chapter.
- C. Co-location of Antennas Required. Applicants for the erection of a support structure or placement of an antenna shall be required to co-locate upon an existing support structure or alternative support structure. An exception to co-location shall only be made if the applicant adequately demonstrates that an existing support structure suitable for co-location does not exist in the geographic antenna placement area, and that no suitable alternative support structure is available as set forth in subsection 16.56.040.D.
- D. Uses Allowed by Administrative Approval. The following uses may be approved by the planning and zoning director after conducting an administrative review, provided all other criteria of this chapter are met.
1. If it is adequately demonstrated that antenna co-location, as required in subsection C above, is not possible for a given geographic antenna placement area, construction of a new support structure up to a height of one hundred fifty feet (150'), including the placement of additional buildings or other supporting equipment used in connection with said support structure or antenna, may be permitted in the M1 and M2 zoning districts
  2. If it is adequately demonstrated that antenna co-location, as required in subsection C above, is not possible for a given geographic antenna placement area, construction of a new support structure up to a height of fifty feet (50') (thirty-five feet (35') if only intended to accommodate one user), including the placement of additional buildings or other supporting equipment used in connection with said support structure or antenna, may be permitted in the CM zoning district.
  3. Co-location of any antenna, so long as the addition of said antenna adds no more than ten (10) feet to the height of the existing support or alternative support structure.

4. Replacing an existing support structure with a new support structure designed to accommodate three or more users so long as the new support structure does not exceed the height limitations of this chapter and setback requirements of this chapter are met. After the replacement support structure is built, only one support structure shall remain on such site.
- E. Appeal of Administrative Determination. If a permit application for a support structure as an administratively permitted use is determined by the planning and zoning director to not meet all applicable criteria of this chapter, the applicant may appeal the determination to the board of appeals and adjustments pursuant to 16.12.180.

#### **16.56.070 Special Use Permit Required**

##### **A. General.**

1. If the proposed support structure or antenna is not eligible for administrative approval, then a special use permit shall be required for the construction of a support structure, alternative support structure or the placement of an antenna in any zoning district. All such uses shall comply with requirements set forth in this chapter and all other applicable codes and ordinances.
  2. In granting a special use permit, the Governing Authority may impose conditions to the extent that it concludes such conditions are necessary to mitigate from the proposed support structure or antenna upon surrounding properties as set out in section 16.56.060.
- B. Application; contents; fee. All applications for special use permits shall be submitted to the planning and zoning director. Each application shall contain as a part thereof detailed plans and specifications as set forth in section 16.56.050. An application for a special use permit shall not be accepted for processing without all the information required in section 16.56.050. An application fee shall be charged by the planning and zoning director in the amount stated in section 16.12.130.
- C. Co-location of Antennas Required. Applicants for the erection of a support structure or antenna, except amateur radio operators, shall be required to co-locate upon an existing support structure. An exception to co-location shall only be made if the applicant adequately demonstrates that an existing support structure suitable for co-location does not exist in the geographic antenna placement area, and that no suitable alternative support structure is available as set forth in 16.56.040.D. contained herein.
- D. Independent Expert Review. The Governing Authority shall engage a licensed professional engineer as an independent expert to review any of the materials submitted by an applicant for a special use permit if the application seeks a new support structure over one hundred (100) feet in height. The Governing Authority may engage such an expert if the application seeks a new support structure under one hundred (100) feet, or seeks a co-location. The expert shall render an opinion regarding any concerns about the proposal, including but not limited to, structural integrity and the feasibility of alternative sites or co-location. Following the review of an independent expert, the Governing Authority shall convey its

concerns to the applicant in writing and shall allow the applicant a reasonable opportunity to address those concerns.

- E. Public hearing. Before taking action upon the proposed special use permit, the Governing Authority shall hold a public hearing on the matter consistent with the requirements of section 16.12.070 and section 16.12.080.
- F. Considerations in Approval or Denial of Special Use Permits. Any denial of a request to place, construct or modify a telecommunications facility shall be in writing and supported by substantial evidence contained in a written record. The mayor and council shall submit a written decision to the clerk of the mayor and council, and mail a copy to the applicant, within one week of the date of decision. The following factors shall be taken into consideration in acting upon a special use permit application under the provisions of this chapter:
1. The height and setbacks of the proposed support structure or antenna(s);
  2. The proximity of the support structure or antenna(s) to residential structures and residential district boundaries;
  3. The surrounding topography;
  4. The surrounding tree coverage and foliage;
  5. The design of the support structure or antenna(s), with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness, such as a monopole or alternative support structure;
  6. The proposed ingress and egress;
  7. The availability of suitable existing support structures or other structures for antenna co-location; and whether the applicant has demonstrated adequately, pursuant to section 16.56.040.D., that no co-location is possible;
  8. The impact of the proposed support structure or antenna(s) upon scenic views, historic districts or properties, and visual quality of the surrounding area;
  9. The needs of the applicant as balanced against the detrimental effects on surrounding properties;
  10. The impact of the proposed support structure or antenna(s) on adjacent and nearby properties;
  11. Whether the applicant has demonstrated with clear and convincing evidence that the denial of a permit in such a location will cause a significantly harmful and permanent degradation of service which cannot be overcome by any other means including planned or potential locations which would provide the same or similar coverage or capacity;
  12. Whether the applicant has complied with, and satisfactorily demonstrated compliance with, all requirements of this chapter;
  13. Whether the applicant has satisfied the aesthetic requirements of subsection 16.56.040.E; and
  14. If the applicant has previously filed a five-year plan pursuant to subsection 16.56.040.B, whether the proposed facility complies with that plan, and if not, whether the applicant has valid reasons for deviating from its plan.

- G. Requirements for Issuance of special use permit. The special use permit may be issued by the governing authority only upon satisfaction of the following requirements:
1. A proper and complete application filed in accordance with the requirements of section 16.56.050;
  2. The application is in compliance with the conditions for the proposed special use required by this section 16.56.070, and is in compliance with all requirements of section 16.56.40;
  3. The applicant complies with the conditions proposed by the governing authority for the purpose of reducing the harmful effects of the use on surrounding uses and ensuring compatibility with neighboring uses;
  4. The governing authority determines, based upon a review of the requirements and factors set forth in this chapter, that the benefits and need for the proposed special use are greater than any possible depreciating effects or damages to neighboring or nearby properties; and
  5. All fees have been paid in full.

**16.56.080 Support Structures and Antennas in Residential Areas**

- A. Placement of Support Structures and Antenna. No permit shall be granted for any site zoned as a Historic District, NR1, NR2, NR3 and CR unless the evidence establishes that it is not possible to locate said support structure or antenna in a non-residential district and close significant gaps or otherwise provide personal wireless communication service mandated by the terms of the applicant's federal telecommunication license. No support structure or antenna shall be permitted within two thousand (2,000) feet of any residentially used property unless the applicant can show that the denial of a permit in such a location will cause a significantly harmful and permanent degradation of service which cannot be overcome by any other means including planned or potential locations which would provide the same or similar coverage or capacity. For the purposes of this subsection, the phrase "residentially used property" shall mean the property on which the residence is located and not more than one acre of land, determined as if the residence was situated in the center of said tract. All other requirements of this chapter shall apply and must be satisfied prior to a permit being granted in these zoning districts.
- B. Height Standards. If the evidence establishes the necessity for placing an support structure or antenna within the residential districts listed in subsection A above, the height of such support structure or antenna shall be limited as follows:
1. NR1, NR2, NR3 and NM: The maximum height for a support structure, including antennas, shall be seventy five (75) feet.
  2. CR and TCR: The maximum height for a support structure, including antennas, shall be ninety (90) feet.

**16.56.090 Removal of Abandoned Support Structures and Antennas**

- A. Notice of Abandoned Antenna and Structures. The owner or lessee of a support structure or antenna shall promptly notify the Department of its intent to abandon or the abandonment of any support structure or antenna.
- B. Removal of Abandoned Antennas and Support Structures. Any support structure or antenna that is not operated for a continuous period exceeding twelve (12) months shall be considered abandoned, and the owner of such antenna or support structure shall remove the structure within ninety (90) days of such abandonment. If said support structure or antenna is not removed within said ninety (90) days, the governing authority may, take such action as may be deemed necessary to remove, or cause to be removed, such antenna or support structure at the owner's expense. If there are two or more users of a single support structure, then this provision shall not become effective until all users cease utilizing the support structure.

**16.56.100 Application and Permit Fees**

- A. Administrative Approvals. An application for an administrative approval shall be shall be \$500.00.
- B. Construction of New Support Structure up to one hundred (100) feet. An application for construction of a new support structure up to a height of one hundred feet (100), (including the placement of additional buildings or other supporting equipment used in connection with said support structure or antenna), shall be one thousand dollars (\$1000.00).
- C. Construction of New Support Structure Greater than 100 feet. An application for construction of a new support structure greater than one hundred (100) feet in height, (including the placement of additional buildings or other supporting equipment used in connection with said support structure or antenna), shall be three thousand dollars (\$3,000.00).
- D. Special Use Permit for Location of Antenna on Support Structure or Alternative Support Structure. An application for location of an antenna on an existing support structure or alternative support structure, (the addition of said antenna adding more than ten feet (10) to the height of the existing support structure or structure), shall be \$500.00.
- E. All Other Applications. Unless specifically provided above, the fee for any other application under this chapter shall be five hundred dollars (\$500).
- F. Building Permit Fees. In addition to the application fees set forth herein, the applicable construction and utility inspection permit fees in effect at the time of the application for the permit shall apply.